

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 5/8/2001

Reference No.: CB-10-2001

Proposer: Hendershot

Draft No.: 2

Sponsors: Hendershot

Item Title: An Ordinance establishing the M-U-I Zone (Mixed Use - Infill), providing procedures and restrictions for designation and approval of the Zone, and setting out use restrictions, development regulations, and site plan requirements for the Zone

Drafter: Steven M. Gilbert
Principal Counsel

Resource Personnel: Carol White
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 2/27/2001

Executive Action: ___/___/___

Committee Referral: 2/27/2001 PZED

Effective Date: 6/25/2001

Committee Action: 3/19/2001 FAV(A)

Date Introduced: 3/27/2001

Public Hearing: 5/8/2001 10:00 A.M.

Council Action: 5/8/2001 ENACTED

Council Votes: RVR:-, DB:A, JE:A, IG:A, TH:A, WM:N, AS:A, PS:A, MW:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 3/19/2001

Committee Vote: Favorable with amendments, 3-1 (In favor: Council Members Shapiro, Wilson and Esteppe. Opposed: Council Member Maloney).

Staff summarized the legislation and referral comments that were received. The bill establishes a new zone, the Mixed-Use Infill (M-U-I) Zone, in the Zoning Ordinance and provides procedures and restrictions for designation and approval of the Zone. CB-10-2001 also establishes use restrictions, development regulations, and site plan requirements for development in the M-U-I Zone. The new zone is intended to implement infill development proposals on properties in the Transit District Overlay (T-D-O) Zone or the Development District Overlay (D-D-O) Zone.

Council Member Hendershot, the bill's sponsor, explained that he presented this legislation to assist the City of College Park in its desire to revitalize the Route 1 Corridor by allowing residential uses in addition to the existing commercial uses. Mr. Hendershot commented that the bill was prepared by Council staff in consultation with the City staff, the M-NCPPC Planning Department staff who are responsible for preparation of the College Park US 1 Corridor Sector Plan and the Advisory Planning Group that was formed to assist in developing the Sector Plan. Mr. Hendershot suggested an amendment to the bill on page 5, line 15 of Draft-1 concerning regulations to change "40 units per acre" to "48 units per acre" for multifamily residential densities. This density is consistent with existing densities at certain locations in the Route 1 Corridor.

The Planning Board supports the legislation and has provided staff comments on the pending sector plan. One of the goals of the sector plan is to encourage multifamily development to reduce automobile use and expand the opportunity for living, working and studying within the corridor. Another goal is to provide a diverse mix of land uses in compact and vertical mixed-use development forms in appropriate locations along the corridor. The creation of the M-U-I Zone is necessary in order to accomplish these goals, because the existing zones do not permit both residential and commercial uses, either in a mix or as a single use.

The Mixed Use-Infill Zone is modeled on legislation proposed by the Maryland Office of Planning as a Smart Growth tool. The state planning office legislation is designed to support and enhance the development of land in existing communities and to promote compact new developments in Priority Funding Areas.

The City of College Park Mayor and Council reviewed CB-10-2001 and approved a motion to support the bill with one minor revision. Section 27-109(b)(1) of the bill should be changed to show the M-U-I Zone after the C-S-C zone in the order of intensity of zones. This appears to be more logical because the M-U-I Zone adds to those uses that are permitted under the C-S-C Zone. It is also reassuring to those property owners who presently have C-S-C zoning and do not want their property to be downzoned in the Sectional Map Amendment for the College Park US 1 Corridor.

The County Executive takes no position on the legislation. The Office of Law and the Legislative Officer find the bill to be in proper legislative form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-10-2001.

Joan Carol Poor provided written comments to the Committee in support of the concept of the M-U-I Zone; however, Ms. Poor expressed indicated that she does not support the requirement that a M-U-I Zone be limited to locations where either a T-D-O Zone or a D-D-O Zone would be in place. She states that the requirement for a TDOZ or a DDOZ is unnecessary in order to put in place the helpful tool of an M-U-I Zone.

Thomas Haller, representing three property owners in the US 1 Corridor, addressed the Committee seeking clarification of how the legislation would affect existing uses. The Committee discussed that the establishment of the M-U-I Zone is not intended to create nonconforming uses or to decrease the value of properties within the sector plan boundaries. Jerry Anzulovic, representing the Berwyn District Civic Association, and Sandy Dhir, K&T Properties, spoke in support of the legislation.

The Committee voted favorably on the legislation including the amendments raised by Council Member Hendershot and the City of College Park.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

The bill adds a new zone, the Mixed-Use Infill Zone, to the Zoning Ordinance. The zone is to be used to implement infill development proposals on properties in the T-D-O Zone or the D-D-O Zone, overlay categories in place in developed areas of the County.

CODE INDEX TOPICS: