

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

Meeting Date: 5/19/98

Reference No.: CB-35-1998

Proposer: Hendershot

Draft No.: 7

Sponsors: Hendershot

Item Title: An Ordinance defining a Metro Planned Community and permitting this use in the I-2 and M-X-T Zones, in accordance with certain requirements

Drafter:

Resource Personnel: Carol B. White
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 3/10/98

Executive Action: __/__/__ __

Committee Referral: 3/10/98 PZED

Effective Date: 7/27/98

Committee Action: 3/31/98 FAV (A)

Date Introduced: 4/7/98

Pub. Hearing Date: 5/19/98 1:30 P.M.

Council Action: (1) 5/19/98 ENACTED

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

Pass/Fail: P

Council Action: (2) 6/9/98 RECONSIDER

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

Pass/Fail: P

Council Action: (3) 6/9/98 REENACTED

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

Pass/Fail: P

Remarks: _____

DR-7 replaces DR-6 which was prepared incorrectly. DR-7 accurately reflects the Council's adoption of CB-35-1998.

6/9/98: Motion made to reconsider CB-35-1998 (DR-5); motion carried; DR-5 amended; reenacted

5/19/98: Amended on the floor

PLANNING, ZONING & ECON. DEV. COMMITTEE

DATE: 3/31/98

Committee Vote: Favorable as amended, 3-1 (In favor: Council Members Bailey, Estepp and Gourdine; Opposed: Council Member Maloney)

Staff gave an overview of the legislation and informed the Committee of comments and recommendations which were received concerning CB-35-1998. The Planning Board supports the bill with six proposed amendments. The Executive Branch supports the legislation with the amendments recommended by the Planning Board. The Office of Law finds the bill to be in proper legislative form with certain technical amendments. The Legislative Officer also finds the bill to be in proper legislative form and recommends that the definition of "Metro Planned Community" be more precisely stated, i.e. "abutting an existing mass transit rail station operated by the Washington Metropolitan Area Transit Authority."

Council Member Hendershot, the bill's sponsor, indicated that prior to presentation of CB-35-1998, he worked with staff on amendments to the bill, which were incorporated into a Draft-2 that was substituted for Draft-1 the day of presentation (March 10, 1998). Mr. Hendershot commented that this legislation is intended to send a signal to upscale retailers that they are welcome in the County without requirements for a long, arduous review process. He also indicated that the bill provides for a written commitment from a certain type of retailer.

Council Member Scott addressed the Committee regarding her concerns with certain provisions of the legislation which allows a waiver of requirements such as preservation/landscaping and adequate public facilities.

Bill Henaghan, M-NCPPC, explained the six amendments recommended by the Planning Board as follows. **Page 3:** The use should also be permitted in the M-X-T Zone. The Planning Board determined that the property is now more suited to be zoned M-X-T versus I-1 and I-2 with the construction of the Metro Station and the discontinuation of the industrial uses that existed on the property. In addition, the proposed uses described in CB-35-1998 are more applicable to the M-X-T Zone than the I-1 and I-2 Zones. Also, there is a strong possibility that the Greenbelt Metro Area Plan and SMA will change the property's zoning to M-X-T. Permitting "Metro Planned Communities" in the M-X-T Zone will help the developer avoid any complications later in the development process if and when the property is rezoned. **Page 4, Lines 3-15:** By amending Section 27-558(a), CB-35-1998 is inadvertently changing all parking requirements in the County, not just for "Metro Planned Communities" in the I-1 and I-2 Zones. It reduces the width of parking spaces by one foot for standard car spaces. This will make spaces too small, thus, Section 27-558(a) should not

be amended. **Page 4, Lines 16-25 and Page 5:** New Section 27-572(d) and the corresponding schedule (shown on Page 5) should be deleted. The parking schedule provided for the use attempts to address the concept of shared parking by assuming that various types of uses within the use category would utilize a certain percentage of their parking during various hours of the day. The Planning Board agrees with staff's determination that certain uses can successfully share a given amount of parking due to complementary utilization patterns. However, the utilization trends which underlie the percentages should be substantiated and based on actual technical studies. Existing procedures in Subtitle 27 including a specific methodology in the M-X-T Zone which allows a reduction in parking requirements can already address both comments above regarding parking.

Page 6, Line 13 through Page 8, Line 19: These sections describe possible performance standards to assure "luxurious" and "upscale" development. The described standards are not binding as they only provide examples of the types of amenities that are typical in "upscale" and "luxurious" and are extremely subjective and difficult to qualify or quantify as are the performance standards identified on Pages 6 through 8. **Page 9, After Line 2:** The following new section (Section 27-475.06.03 (a)(8) should be added: (8) To promote the application of and to be in conformance with the planning recommendations, strategies and/or guidelines for Metro Station areas included in existing community or area master plans and sectional map amendments. **Page 9, Lines 19-26:** These lines should be deleted. They state that the provisions of the Zoning Ordinance regarding setbacks, tree conservation, landscaping and screening, green space, lot coverage and parking and loading shall not apply if the conceptual site plan contains: (1) an economic analysis that qualifies that a regional shopping center can be supported and (2) evidence of an executed letter of intent from at least one anchor store such as Bloomingdale's, Lord and Taylor, Macy's, etc. The Planning Board believes that an economic analysis and a letter of intent from an anchor store have no relationship whatsoever to setbacks, tree conservation, landscaping, parking and loading, etc. In addition, the language to waive these requirements directly conflicts with language on Page 8, Lines 28-30 which requires conceptual and detailed site plans to be approved in conformance with the Ordinance.

Celia Craze, Planning Director, City of Greenbelt, addressed the Committee referencing a March 30, 1998 letter to Council Member Bailey, Chair, PZED Committee, from Judith F. Davis, Mayor, City of Greenbelt. Ms. Craze indicated that the City does not support the bill in its current form; she stated that even though the bill contains provisions similar to those in the M-X-T Zone, it does not have the rules associated with this Zone, waiving many of the requirements of the Zoning Ordinance.

As expressed in Mayor Davis' letter, "should CB-35 be viewed favorably by this body, we strongly recommend that it be amended to include the minimum standards, requirements, and findings reflected in the MXT zoning category. Imposing such minimum requirements will not impede a true 'quality'

development." The City also supports the amendments recommended by the Planning Board.

Robert Manzi, City Attorney, City of Greenbelt, also spoke regarding the City's position that there must be criteria, guidelines and standards for review in this legislation. Mr. Manzi indicated that a mixed use zone is appropriate for the property, however, there are "loopholes" in the bill as drafted; the legislation does not contain provisions such as those contained in the Zoning Ordinance for

information that must be shown on Conceptual and Detailed Site Plans in the M-X-T Zone. These requirements are necessary to set a framework and to ensure safeguards for review and development of the property. Mr. Manzi commented that it would be no different than what would occur if the property is rezoned to M-X-T through a Sector Plan.

Eliza Hill, Supervisor, Property Planning and Development, Washington Metropolitan Area Transit Authority (WMATA), informed the Committee that WMATA has taken no position on the bill. Ms. Hill indicated that WMATA has no concrete plans for the Greenbelt Metro Station, however, with 9 stations currently operating in Prince George's County and 3 additional stations scheduled for operation in 2001, the Authority continues its efforts to achieve the goals of its Joint Development Program such as increased ridership.

Kap Kapastin, representing Beltway Plaza, spoke concerning his reservations about CB-35-1998. Mr. Kapastin indicated that he was a participant in the Work Group on the Pre-planning Greenbelt Study. He supports the Sector Plan and Sectional Map Amendment process set forth in CR-17-1998 and desires the process and eventual development to proceed. Bob Zinsmeister, representing the Chamber of Commerce, spoke in support of the bill.

Richard Reed, Wilkes, Artis, Hedrick and Lane, representing the property owner seeking to develop a Metro Planned Community use, spoke in support of the legislation. Council Member Estep inquired as to what additional amendments may be necessary aside from those recommended by the Planning Board to ensure that the safeguards referred to by the City are included in the bill. Mr. Reed responded that amendments should be incorporated to include the purposes of the Optional Method of Development as provided in the M-X-T Zone concerning greater densities and the City's request to ensure compatibility between existing and proposed development in the vicinity.

Council Member Scott questioned whether the legislation could be amended to incorporate all of the requirements of the M-X-T Zone. Mr. Reed responded that his only concern in this area is the existing requirement in the M-X-T Zone which provides that a development must be retested for Adequate Public Facilities if six years have elapsed since the time of rezoning.

A motion by Council Member Maloney to postpone CB-35-1998 indefinitely failed for lack of a second. Upon a motion by Council Member Bailey, the Committee voted a favorable recommendation on the legislation with amendments. These amendments include (1) the six amendments recommended by the Planning Board, (2) the revision to the definition of "Metro Planned Community" to eliminate "future Metro platform or station site" and replacing this language with "mass transit rail station site operated by the Washington Metropolitan Area Transit Authority" (as recommended by the Legislative Officer) and to change the minimum acreage from seventy-five (75) to one hundred seventy-five (175) acres, (3) the provision of an industry standard definition for upscale retail tenant (to address the comments made by the Planning Board relating to subjectivity of "upscale" and "luxurious"), provisions for (4) compatibility between existing and proposed development and (5) Adequate Public Facilities testing and (6) adding the Optional Method of Development criteria provided in the M-X-T Zone. Draft-3 of CB-35-1998 contains the amendments

as recommended by the Committee.

BACKGROUND INFORMATION/FISCAL IMPACT

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

This legislation defines a Metro Planned Community and permits this use in the I-1, I-2 and M-X-T Zones in accordance with certain requirements.