

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

Meeting Date: 7/30/96

Reference No.: CB-66-1996

Proposer: County Executive

Draft No.: 2

Sponsors: Council Members MacKinnon and Del Giudice

Item Title: An Ordinance concerning I-1 and I-2 Zones for the purpose of requiring a Special Exception for certain uses on I-1 and I-2 Zoned land within the subject area of a pending Transit District Overlay Zone

Drafter: Maurene Epps Webb
Office of Law

Resource Personnel: Stephen Paul, County
Executive's Office

LEGISLATIVE HISTORY:

Date Presented: 6/11/96

Executive Action: __/__/__

Committee Referral:(1) 6/11/96 PZED

Effective Date: 10/28/96

Committee Action:(1) 7/24/96 FAV (A)

Date Introduced: 7/30/96

Pub. Hearing Date: (1) 9/10/96 1:30 PM

Council Action: (1) 9/10/96 ENACTED

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COMM. REPORT

DATE: 7/24/96

Committee Vote: Favorable with amendments, 3-1-1 (In favor: Council Members Wilson, MacKinnon, and Maloney; Opposed: Councilmember Estep; Abstained: Council Member Russell).

Staff presented a proposed Draft 2. This proposal grandfathers existing buildings, as well as uses; limits the area in which a Special Exception is required to the boundaries of a pending Transit District Overlay Zoning Map Amendment that has been initiated by the District Council; and exempts public uses from the requirement for a Special Exception. It also clarifies that a Special

Exception is required if any portion of a lot on which a use is proposed is in a proposed TDOZ area, and includes the new requirement in Section 27-213.02, which is the "General Procedures" section for the preparation of a TDOZ Map Amendment.

Maurene Epps-Webb, Acting Deputy County Attorney, proposed an additional amendment. This amendment would apply to certain uses, and exempt these uses from the requirement for a Special Exception if they were beyond 2,000 feet from the Metro Station. Andre Gingles, representing a property owner affected by the provisions of this legislation, stated that the amendments proposed are an improvement, since they provide greater flexibility for property owners. He requested that an additional use, incidental retail sales of products, be included in the list of exemptions for properties beyond 2,000 feet of a Metro Station. This use is currently prohibited in the I-1 and I-2 Zones. For this reason, the amendment was not accepted by the Committee. The legislation was reported out with the amendments to the proposed Draft 2 proposed by the County Attorney's office.

PLANNING, ZONING & ECONOMIC DEV. COMM. REPORT

Date: 7/1/96

HELD in Committee.

Staff provided an overview of a proposed Draft 2, which was transmitted by the County Executive's Office. This legislation will require that all uses in the I-1 and I-2 Zones, except offices and restaurants located in offices, that are on property within 1 mile of a proposed or existing Metrorail station, have an approved Special Exception. Staff recommended that the legislation be further amended to exempt public uses from the requirement for a Special Exception. This legislation does not apply to uses in existence as of July 1, 1996, or uses located in a Transit District Overlay Zone. The Planning Board recommends that this legislation be held for further study, given the possible impact of the bill. It was noted that there is significant industrial property around the Cheverly, Landover, and New Carrollton stations that could be adversely impacted. The Department of Public Works and Transportation supports the legislation. Michael Errico, representing the County Executive, provided an overview of the purpose of the legislation, which is to provide greater scrutiny to uses locating around Metro stations, particularly those areas that are currently under study. He also pointed out the need to process the bill expeditiously. Tom Haller, representing Riggs Bank and American Management Resource Group, spoke in opposition to the legislation, and recommended several amendments. It was suggested that the distance of one mile from a Metro station is too broad, and the requirement for a Special Exception should only apply to the area under consideration for a Transit District Overlay Zone. Also, the grandfathering provision should include existing buildings as well as uses, since a use may change within the same building, which would require a Special Exception under the proposed language in CB-66. Bob Zinsmeister, representing the Chamber of Commerce, spoke in opposition to the legislation. Andre Gingles, of, Mark Gregg, representing Riverside Metro Assoc., and John Porcari, of Loiderman and Assoc., also spoke in opposition to the bill, and recommended further study. They stated that there should be no urgency in proceeding with this bill, since any use that will be located in the Riverside development will be subject to Detailed Site Plan approval.

The Committee held a general discussion regarding this proposal. They discussed the type of development that is generally considered appropriate around transit stations, which is high density and intensity uses that encourage pedestrian access. Information was presented that showed the amount of industrially zoned land around the existing and proposed Metro stations in the County. These data indicated that there are 160 acres of I-1 Zoned land within a mile of the College Park Metro station, 90% of which is developed, and 107 acres of I-2 Zoned land, 50% of which is developed. There was general agreement regarding the need to proceed slowly and more carefully scrutinize proposed development in this area, since a TDOZ Map Amendment is currently being prepared for the area around the station. The Committee also discussed the criteria for approval of a Special Exception. Following the discussion, it was requested that staff prepare the amendments that had been discussed, and report back to the Committee at the July 24 worksession.

BACKGROUND INFORMATION/FISCAL IMPACT

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

This legislation will require a special exception for all uses on industrially zoned land within one mile of a proposed or existing Metrorail station under certain circumstances.

CODE INDEX TOPICS: