

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

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**Meeting Date:** 9/6/2000**Reference No.:** CB-8-2000**Proposer:** Planning Board**Draft No.:** 3**Sponsors:** Bailey, Shapiro

**Item Title:** An Ordinance establishing a Development District  
Overlay Zone category and regulations for development  
therein, to be superimposed by a SMA over other zones  
in Development Districts designated by a Master Plan

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**Drafter:** Bill Wilkerson  
M-NCPPC**Resource** Jackie Brown  
**Personnel:** PZED Committee Director

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**LEGISLATIVE HISTORY:****Date Presented:** 2/1/2000**Executive Action:** \_\_/\_\_/\_\_\_\_ \_\_**Committee Referral:** 2/1/2000 PZED**Effective Date:** 10/23/2000**Committee Action: 1** 2/16/2000 HELD**Committee Action: 2** 3/16/2000 HELD**Committee Action: 3** 6/19/2000 HELD**Committee Action: 4** 7/11/2000 FAV(A)**Date Introduced:** 7/25/2000**Public Hearing:** 9/6/2000 11:00 A.M.**Council Action:** 9/6/2000 ENACTED**Council Votes:** DB:A, JE:-, IG:A, TH:A, WM:N, RVR:A, AS:A, PS:A, MW:A**Pass/Fail:** P**Remarks:** \_\_\_\_\_

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**9/6/2000: Amended on the floor; DR-3 enacted**

**PLANNING, ZONING AND ECON. DEV. COM. REPORT****DATE:** 7/11/2000

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

Staff presented a Proposed Draft-2C of the legislation summarizing additional amendments made as a result of discussion at the June 19<sup>th</sup> meeting. Copies of a July 6, 2000 letter to Council Member Russell from Lawrence Taub were distributed to the Committee. The letter states: “A subsequent meeting with the Council and Planning Staffs has resulted in certain suggested amendments to this legislation, reflected in Draft 2C, as well as certain clarifications of intent, as set forth in a Memorandum from Faroll Hamer, Chief of the Development Review Division of the M-NCPPC to Jackie Brown, Staff Director of your Committee, dated June 28, 2000, a copy of which is attached hereto. My client, Quantum Management Company, is now satisfied that the concerns it has previously expressed have been sufficiently addressed, and that when applied at appropriate locations, this legislation will help to encourage Smart Growth development.”

The Chief Zoning Hearing Examiner (ZHE) provided written comments and testimony concerning Section 27-548.25, Site Plan Approval, indicating that the language should not refer to the special exception process if it does not actually exist as part of the Development District Overlay Zone review. The Committee instructed Council staff to revise this section in consultation with the ZHE to address her concern.

A motion for a favorable report on Proposed Draft-2C including additional amendments to address the concern raised by the ZHE was made by Council Member Wilson and seconded by Council Member Scott. Council Member Maloney proposed an amendment to the definition of sector plan on page 2 of the bill to require a minimum of 500 acres for sector plans initiated after July 1, 2000. The motion failed due to lack of a second.

#### **PLANNING, ZONING AND ECON. DEV. COM. REPORT**

DATE: 6/19/2000

Held.

Staff informed the Committee that since the time of the March 16<sup>th</sup> meeting, M-NCPPC and Council staff had met several times with representatives of the Chamber and Building Industry to discuss issues raised at the prior meetings and to discuss amendments to the legislation that would address these issues. A Proposed Draft-2B incorporating these amendments was presented and discussed.

The Chamber forwarded a letter dated March 27, 2000 to Council Member Russell indicating that the Legislative Committee voted to support CB-8-2000. The letter states: “We appreciate your cooperation in allowing the Chamber and BIA to work through our problems and come up with legislation which we believe will foster the type of quality growth and development we all are seeking.”

Staff distributed a letter dated June 15, 2000 to Council Member Russell from Lawrence Taub that represents additional issues of concern based on Proposed Draft-2B. Mr. Taub, representing Quantum Management Company, owner and operator of Beltway Plaza, addressed the Committee expressing concern that the legislation discusses development standards but does not define what they are and that it should be examined more carefully in order to provide consistency in language throughout the bill. He indicated that the legislation could put his client at a significant competitive disadvantage in trying to attract certain retailers because of the proposed overlay zone and its effect on potential development.

Faroll Hamer, Chief, M-NCPPC Development Review Division, responded to concerns raised by Mr. Taub indicating that it is not possible to remove the development standards and maintain the Development District Overlay Zone (DDOZ) concept. Ms. Hamer also commented on other provisions of the legislation that assist the Council in obtaining the quality development that they

desire in a particular location along with the upzoning that is allowed through a Detailed Site Plan process pursuant to the DDOZ.

## **PLANNING, ZONING AND ECON. DEV. COM. REPORT**

DATE: 3/16/2000

Held.

A Proposed Draft-2A containing amendments to address issues raised at the February 16<sup>th</sup> meeting was presented to the Committee. Staff also distributed letters (all dated March 15, 2000) addressed to Council Member Russell, Chair, PZED Committee from the Chamber of Commerce, Maryland-National Capital Building Industry Association (M-NCBIA) and Lawrence Taub, representing Quantum Management Company. The Chamber's letter from Robert Zinsmeister, Assistant Vice President, states: "While we support the concept contained in the legislation, we have several concerns which need to be addressed prior to this bill moving forward. I have attached a list of issues which need to be resolved in order to make this an effective piece of legislation. Our track record with the Transit District Overlay Zone process encourages us to be very cautious and meticulous to the creation of another overlay zone." The Building Industry's letter from Leslie Moore Romine indicates opposition to the legislation stating: "In particular, we associate our comments with those of the Prince George's Chamber of Commerce Legislative Committee, which has analyzed the bill in depth from a planning perspective. From a policy perspective, the creation of another overlay zone is counterproductive to the County's economic development efforts. Overlay zones in general, and this proposed zone in specific, have been problematic for the development of properties."

Mr. Taub's letter refers to the Proposed Draft-2A and raises concerns about specific language in the draft and states: "In conclusion, the proposal to establish a Development District Overlay Zone, as set forth in CB-8-2000, involves a number of issues that require a more careful review, to assure that the implementation of this Zone does not prove to be counter-productive to the policy goals of this County. I strongly urge you and the other members of the PZED Committee to hold this legislation, allowing Staff and representatives of the private sector to address these issues together, so that this can become a positive force for economic development and good planning in Prince George's County."

Faroll Hamer, Chief, M-NCPPC Development Review Division, addressed the Committee explaining that the Development District Overlay Zone (DDOZ) provides a tool to implement a Master or Sector Plan to ensure that the plans are implemented the way the Council intended. The legislation provides flexibility in that it removes certain layers of review, only requiring a Detailed Site Plan application and not a variance or special exception if an application would normally be required for the proposed use. Ms. Hamer also responded to the issues raised in the Chamber's letter regarding the following: all developments within the DDOZ being subject to Detailed Site Plan, the Sectional Map Amendment restricting the use of property from those allowed in the underlying zone

to a specific set or type of uses, modification of density, size, height, lot coverage, parking, open space and landscaping regulations in relation to these requirements for the underlying zones, findings for approval of projects within the DDOZ, alternative development standards, District Council initiation of changes to the DDOZ and the process for property owner request for changes to the boundary, underlying zones or list of allowed uses.

**PLANNING, ZONING AND ECON. DEV. COM. REPORT**

DATE: 2/16/2000

Held for further study.

Staff informed the Committee of amendments prepared by M-NCPPC and Council staff as contained in a Proposed Draft-2 of the legislation. The amendments include a requirement that “Development District Standards” be approved separately for each Development District Overlay Zone and make various minor style changes to the bill. Committee staff introduced Bill Wilkerson of the M-NCPPC Community Planning Division who gave a presentation on the background of the zoning bill. Mr. Wilkerson explained that this legislation was initiated in conjunction with the preparation of the Addison Road Metro Town Center Sector Plan. A detailed presentation on the purposes, implementation and regulations of a Development District Overlay Zone (DDOZ) was given.

A DDOZ is an overlay zone that can be superimposed over other zones in a district designated by a master plan. The purpose of the DDOZ is to ensure that development within a special “Development District” meets the goals established in the master plan and to take advantage of unique opportunities presented by a district. A DDOZ may be utilized in many areas including town centers, metro areas, commercial corridors, employment centers, revitalization areas, historic areas or other areas of public investment. New development within a Development District is generally subject to the approval of a Detailed Site Plan by the Planning Board, which can be called up by or appealed to the District Council.

Committee members raised several questions and concerns relating to the implementation of a DDOZ as follows: the Council’s review rights for development, areas where this zone may be applied, comparison to a Transit District Overlay Zone (TDOZ), amendment of a property’s zoning in a Development District versus the zoning map amendment process and minimum size for a sector plan.

Lawrence Taub, O’Malley, Miles, Nylen & Gilmore, P.A., addressed the Committee indicating that the legislation may be too onerous in requiring site plan review for all properties and that the TDOZ may be appropriate to accomplish the goals for the Addison Road Metro Town Center Sector Plan. Joe Meinert, representing the City of Bowie, spoke in support of the legislation and requested clarification in the bill that municipalities will receive notification of proposed minor plan amendments.

The Chief Zoning Hearing Examiner (ZHE) provided written comments concerning the legislation providing a new procedure to be followed in the implementation of a DDOZ. The ZHE indicated that for the first time the Master Plan will be more than a recommendation to be followed when zoning decisions are made and the Council must follow the zoning regulations which will be set forth in the Master Plan, Master Plan amendment or sector plan. This is a policy decision that the Council is free to make. A concern was also raised by the ZHE that the definition for “sector plan”

in the bill does not address how large the geographic area for said plan must be. A final comment is that the bill allows the Planning Board, and not the ZHE, to approve special exception applications for properties within a DDOZ. Again, this is a policy decision for the Council to make.

The County Executive takes no position on the legislation. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-8-2000.

#### **BACKGROUND INFORMATION/FISCAL IMPACT**

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

Section 27-109(a) of the Zoning Ordinance identifies four existing overlay zone classifications. This legislation establishes an additional overlay zone, a Development District Overlay (D-D-O) Zone and provides regulations for development within a D-D-O Zone. This overlay zone classification may only be considered where such zone is recommended in an approved Master Plan, Master Plan Amendment, or Sector Plan.

#### **CODE INDEX TOPICS:**