

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

Meeting Date: 4/29/97

Reference No.: CB-27-1997

Proposer: Estepp

Draft No.: 2

Sponsors: Estepp

Item Title: An Ordinance to require a special exception for the development of any property in the C-1/R-P-C Zone which abuts a public utility right-of-way

Drafter: Joyce B. Nichols
Principal Counsel to the
District Council

Resource Personnel: Mark Lehman
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 2/25/97

Executive Action: __/__/__ __

Committee Referral:(1) 2/25/97 PZED

Effective Date: __/__/__

Committee Action:(1) 4/15/97 NR (A)

Date Introduced: 4/29/97

Pub. Hearing Date: (1) 6/10/97 1:30 P.M.

Council Action: (1) 6/10/97 DEFERRED

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT

DATE: 4/15/97

Committee Vote: No recommendation with amendments, 5-0 (In favor: Council Members Del Giudice, MacKinnon, Maloney, Russell and Wilson).

Staff commented that a technical change is required in the bill. The zoning category referenced in the bill should be C-1/R-P-C, not C-M/R-P-C. Council Member Estepp explained that this legislation would require that a special exception be obtained prior to the development of any property in the C-1/R-P-C Zone which abuts a public utility right-of-way.

The Office of Law finds the bill to be in proper legislative form. The Planning Board and the Suburban Maryland Building Industry Association oppose the bill. Jimi Jones, representing the Planning Board, stated the Board's opposition to the bill. He commented that the requirement for a Special Exception in this case is inappropriate.

Robert Bozzo, representing the Citizen's Association of Marlton, spoke in support of the bill because it provides an opportunity for citizen participation in the development of the property. Charles Shilling, representing Brandywine Country Homeowner's Association, spoke in support, and provided copies of a "Sequence of Events" surrounding the erection, maintenance and control of the community entrance at the US 301/Fairhaven Avenue intersection. Paul Rodbell, representing Fairhaven Partnership, the property owner, spoke in opposition to the bill.

BACKGROUND INFORMATION/FISCAL IMPACT

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

This bill would require that a special exception be obtained prior to the development of any property in the C-M/R-P-C Zone which abuts a public utility right-of-way.

CODE INDEX TOPICS: (Zoning)

Special Exceptions

Administrative Procedures

General

<u>C-1/R-P-C Zoned Property</u>	<u>27-328.03</u>
Landscaping, buffering, and screening	27-328.02