

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

**Meeting Date:** 7/29/97

**Reference No.:** CB-48-1997

**Proposer:** Russell

**Draft No.:** 3

**Sponsors:** Russell

**Item Title:** An Ordinance for the purpose of establishing an adequate public facilities test for schools at the time of approval of a Final Development Plan

**Drafter:** Mary Lane  
PZ&ED Committee Director

**Resource Personnel:** Debra Boxley  
Legislative Aide

**LEGISLATIVE HISTORY:**

**Date Presented:** 4/15/97

**Executive Action:** \_\_/\_\_/\_\_ \_\_

**Committee Referral:**(1) 4/15/97 PZED

**Effective Date:** \_\_/\_\_/\_\_

**Committee Action:**(1) 5/2/97 HELD

**Committee Action:**(2) 5/7/97 HELD

**Committee Action:**(3) 5/28/97 FAV (A)

**Committee Referral:**(2) 7/1/97 C.O.W.

**Committee Action:**(1) 7/22/97 FAV (A)

**Committee Referral:**(3) 9/2/97 C.O.W.

**Committee Action:**(1) \_\_/\_\_/\_\_ \_\_\_\_\_

**Date Introduced:** 6/3/97

**Pub. Hearing Date:** (1) 7/1/97 1:30 PM

**Pub. Hearing Date:** (2) 9/2/97 1:30 PM

**Council Action:** (1) 7/1/97 RECOMMIT

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

**Pass/Fail:** P

**Council Action:** (2) 9/2/97 RECOMMIT

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

**Pass/Fail:** P

**Council Action:** (3)     \_\_\_/\_\_\_/\_\_\_ \_\_\_\_\_

**Council Votes:** DB:\_\_\_, SD:\_\_\_, JE:\_\_\_, IG:\_\_\_, WM:\_\_\_, RVR:\_\_\_, AS:\_\_\_, MW:\_\_\_

**Pass/Fail:**    \_

**Remarks:** \_\_\_\_\_

**7/29/97:** Draft 3 of CB-48-1997 was substituted for Draft 2; the amendments are considered to be substantive and, therefore, requires an additional public hearing.

**COMMITTEE-OF-THE-WHOLE REPORT**

DATE: 7/22/97

Committee Vote: Favorable as amended, 5-1-2 (In favor: Council Members Bailey, Del Giudice, Estepp, Scott & Wilson; Opposed: Council Members Gourdine; & Abstained: Council Members Maloney & Russell).

Staff gave an overview of the history of this legislation indicating that CB-48 (DR-2) was favorably reported out of PZED on May 28, 1997; a public hearing was held on July 1, 1997 and the Council voted to recommit the bill to the Committee of the Whole (COW).

Council Member DelGiudice proposed a Draft 3 (DR-3) of the bill. DR-3 proposes an amendment on line 11, page 2 which substitutes the wording "one hundred five percent (105%)" for the wording "one hundred percent (100%)" as provided in DR-2. DR-3 also eliminates the one hundred twenty percent (120%) cap and amends Section (d)(2)(D)(III), beginning at line 2, page 3 to include the following: "one hundred five percent (105%) of the rated capacity of any affected school(s) and a capital project is programmed for new construction or additions in years two through six of the adopted County Capital Improvement Program which would bring the affected school within one hundred five percent (105%) of the rated capacity, the applicant may pay an adequate public facilities fee..." On lines 7 and 9, page 3 of DR-3, the words "one hundred five percent (105%)" replaced the words "one hundred percent (100%)" on lines 5 and 7, page 3 of DR-2.

An amendment to Section 2. of CB-3 proposed a sunset provision as follows: "BE IT FURTHER ENACTED that the provisions of this Act shall expire, and the Act will be of no further force and effect, on January 1, 2002." A new Section 4. was also proposed to DR-3 which reads, "BE IT FURTHER ENACTED that the Superintendent of the Board of Education is requested to submit with the Board's Annual Capital Improvement Program ("CIP") a Neighborhood School Analysis based on a cluster plan which analyzes the projected enrollment and capacity assuming all CIP projects are constructed. The Neighborhood School Analysis should be submitted no later than December 1 of each year."

The committee determined that the amendments to CB-3-1997 (DR-3) should also be incorporated in CB-48-1997 (DR-3) as follows: substitute the word "any" for the word "each" on line 2, page 3 and

add a "(s)" at the end of the word "school" on the same line. Additional amendments to DR-3 were also made on line 3, page 3 to substitute the word "programmed" for the word "proposed" and to add the word "adopted" before "County" at the end of the line.

Council Member Scott moved a favorable recommendation with the above amendments as well as the elimination of the sunset provision contained in Section 2. The COW voted favorably (5-1-2) on CB-48-1997, DR-3 with amendments.

**7/1/97:** CB-48-1997 (DR-2) was recommitted to C.O.W.

### **PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT**

DATE: 5/28/97

Committee Vote: Favorable as amended, 3-1 (In favor: Council Members Del Giudice, Maloney and Russell; Opposed: Council Member MacKinnon).

This legislation establishes an adequate public facilities test for schools at the time of approval of a Final Development Plan in the M-X-C Zone. The Committee considered a proposed Draft 2 of the legislation which deleted language from Section 27-546.06(d)(2)(D)(iii) regarding the *cumulative yield from all approved preliminary and record plats* for each affected school, and added language to Section 27-546.06(d)(2)(D)(III) *where the number of students measured under Subsection (1)(A) exceeds 100% but is less than 120% of the rated capacity of each affected school and the applicant pays an adequate public facilities fee equal to the cost of a permanent seat for each student generated by the subdivision above the 100% rated capacity.* Additional language was also added that the adequate public facilities fee shall be determined by multiplying the number of students generated by the proposed subdivision above the 100% rated capacity at \$9,000 per elementary school student, \$12,000 per middle school student, and \$10,000 per high school student. Additional amendments to this section would *reduce the amount required by an APF test for schools by the amount of the school facilities surcharge*, and makes it *paid prior to the issuance of a building permit*. Also, *if the number of units in the proposed subdivision has decreased at the time of Final Plat, the APF fee shall be adjusted accordingly upon building permit application.*

The Committee agreed on the amendments as proposed in Draft 2, and reported it out favorably. The Committee also stated that both CB-3-1997 and CB-48-1997 should be consistent with each other.

Ed Gibbs, representing Rouse Company, was directed at the previous Committee worksession on May 7, 1997 to determine if Bowie High School would be over capacity as a result of future mixed M-X-C development in this area. Mr. Gibbs met with Council Member Russell, Bill Chappell, Board of Education, and John Funk, M-NCPPC, and it was determined that Bowie High School would be at 126% capacity as a result of the proposed development, but because a new school, Ardmore High School, is funded by the State in an adopted State of Maryland annual budget bill, the projected enrollment at Bowie High School would not exceed 100% of its capacity, which would

enable the Final Development Plan to be approved based on the adequacy of school facilities.

Olga Norris, representing the County Executive's Office, stated that the County Executive had previously recommended that both CB-3 and CB-48-1997 be held for further review, and that proposed amendments would be forthcoming.

### **PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT**

DATE: 5/7/97

This legislation was held in Committee pending further information from Ed Gibbs, representing Rouse Company, to determine if Bowie High School would be over capacity as a result of proposed M-X-C development.

The Office of Law has reviewed this legislation and finds it to be in proper legislative form. The Department of Environmental Resources has no comments and takes no position on CB-48. The Office of Audits and Investigations reviewed this legislation and there is no negative fiscal impact.

The Planning Board takes no position on this legislation as a result of District Council discussions regarding adequate public facilities tests which are currently being debated.

Mark Woodard, Prince George's County Public Schools, spoke in support of the legislation, and stated the Board feels this legislation is a necessary additional tool, along with the School Facilities Surcharge, to combat school overcrowding, and supports its application to the proposed M-X-C development.

Joe Meinert, representing the City of Bowie, submitted a letter to Council Member Del Giudice from Mayor Gary Allen, in support of the legislation.

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

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

The Mixed Use-Community (M-X-C) Zone requires a four step approval process. The third stage is the Final Development Plan, which requires an adequate public facilities test for transportation, but not for schools. This legislation incorporates an APF test for schools into approval of the Final Development Plan.

### **CODE INDEX TOPICS:**