

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

Meeting Date: 7/7/98

Reference No.: CB-50-1998

Proposer: Russell

Draft No.: 3

Sponsors: Russell

Item Title: An Act amending the amount of the School Facilities
Surcharge in accordance with State law

Drafter: Jackie Brown, Director
PZED Committee

Resource Personnel: Shawn Fabre Grayson
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 4/21/98

Executive Action: 7/28/98 S

Committee Referral: 4/21/98 PZED

Effective Date: 9/14/98

Committee Action: 6/4/98 FAV (A)

Date Introduced: 6/9/98

Pub. Hearing Date: 7/7/98 1:30 P.M.

Council Action: 7/7/98 ENACTED

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

Pass/Fail: P

Remarks: _____

7/7/98: Amended on the floor

PLANNING, ZONING & ECON. DEV. COMMITTEE

DATE: 6/4/98

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Bailey, Gourdine, Maloney and Russell)

Staff gave an overview of the legislation and presented a Proposed Draft-2 (DR-2) to the Committee. The following new language is included on page 2, line 6: "a townhouse and for each dwelling unit in." This language was added to the legislation to clarify that the surcharge must be paid for each unit within the types of dwellings listed in this section. Additionally, on page 2, line 8, the word "unit" is deleted at the end of the sentence.

John McDonough, Law Offices of O'Malley, Miles, Nylan and Gilmore, representing Woodview Village, addressed the Committee concerning a proposed amendment with new language to be included in Proposed DR-2 beginning on page 2, line 16 as follows: "Any fee-in-lieu for moderately priced dwelling units for property located within an infrastructure finance district approved prior to December 18, 1997 shall be offset against any school facility surcharge upon the same property." Mr. McDonough explained that this credit is authorized by the State enabling legislation (HB 749) and is requested for Woodview Village since a fee-in-lieu for moderately priced dwelling units has already been paid for this development.

Joel Rozner, representing Sterling Communities, developer within the Villages of Marlborough, requested that the Committee consider an amendment to the legislation that would relieve this development from the provisions contained in the bill. Mr. Rozner indicated that the Villages of Marlborough is the only development in the County that contains a condition requiring that all road improvements be completed before building permits are issued. The following language was suggested by Mr. Rozner: "Any approved multi-family development within a CDZ with more than 150 units for which the District Council has placed a condition precluding the granting of building permits until all required road improvements have been completed shall be exempted..."

Thomas Haller, representing the Chamber of Commerce, and Hamer Campbell, representing the Suburban Maryland Building Industry Association (SMBIA), spoke in support of the bill. Mr. Campbell indicated that the SMBIA prefers a transition period and recommends that the legislation be passed with a realistic effective date that would not be retroactive to allow applicants with projects previously covered by the grandfathering provision to determine whether they should move forward or not with their project(s). Additionally, Mr. Campbell requested that the Committee consider reducing the fee for multifamily units. As indicated in a letter from SMBIA to Council Member Bailey, Chair, Planning, Zoning and Economic Development Committee, "We would strongly urge the Council to consider maintaining a lower fee for the multifamily type product since most of these units being built in the county are upscale homes that do not in fact generate school age children, but are in fact for empty nesters."

The following individuals spoke in support of the legislation: Dave Nearing, representing the City of Bowie, Carmen Anderson, representing the Prince George's County Civic Federation, Aurelio Nepa, Jr. and Steve McAllister, Cherrywood Development, LLC.

The Planning Board and the Executive Branch support CB-50-1998. The Office of Audits and Investigations has determined that the enactment of this legislation should result in a positive fiscal impact. It is the Office of Management and Budget's position that CB-50-1998 should increase revenue for school construction from the School Surcharge to approximately \$6.4 million in FY99.

The Office of Law and the Legislative Officer find the bill to be in proper legislative form. The Office of Law also recommended that Section 2. of the bill be amended to reflect that the effective date will be forty-five (45) days after it becomes law.

Council Member Russell moved a favorable recommendation on DR-2 including the amendment requested by John McDonough for Woodview Village and the amendment recommended by the Office of Law regarding Section 2. to reflect an effective date of forty-five (45) days after the bill becomes law. The motion was seconded by Council Member Maloney. A substitute motion was made by Council Member Bailey to also include the amendment requested by Joel Rozner for the Villages of Marlborough; this motion failed for lack of a second. The original motion made by Mr. Russell passed (4-0).

BACKGROUND INFORMATION/FISCAL IMPACT

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

The proposed legislation would increase the amount of the school facility surcharge for attached dwellings from \$1,200 to \$2,500 and for multifamily dwellings from \$700 to \$2,500 in accordance with the amendments to the State law authorizing the school facility surcharge, codified at Section 10-192.01 of the County Code. The exception for permits issued pursuant to a preliminary plat of subdivision approved prior to October 1, 1995 is also deleted as permitted by such amendments

CODE INDEX TOPICS: