

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2020 Legislative Session

---

<b>Reference No.:</b>	CR-126-2020
<b>Draft No.:</b>	1
<b>Committee:</b>	COMMITTEE OF THE WHOLE
<b>Date:</b>	11/17/2020
<b>Action:</b>	FAV

---

### REPORT:

Committee Vote: Favorable, 8-3 (In favor: Council Members Turner, Davis, Franklin, Glaros, Harrison, Hawkins, Streeter and Taveras. Oppose: Council Members Anderson-Walker, Dernoga and Ivey)

The Committee of the Whole convened on November 17, 2020 to discuss CR-126-2020, a Resolution for the purpose of approving a waiver of the police response time mitigation fee for all residential units of the mixed-use Calm Retreat Project. This resolution was transmitted by the County Executive with the following background information for the County Council's consideration.

This Resolution seeks the Council's approval to fully exempt the police response time mitigation fee for all residential units of the mixed-use Calm Retreat Project (hereinafter "The Project"). The Project, as provided for in Preliminary Plan of Subdivision 4-19024, includes approximately 71.94 acres of land in the M-X-T Zone and is located on the west side on MD 5/US 301, approximately 2,100 feet north of its intersection with Chadds Ford Drive. The Project proposes approximately 488 lots and 58 parcels for single-family attached dwellings and 20,000 square feet of commercial development, as part of a mixed-use development and represents high quality mixed-use development in the General Plan Local Community Center for Brandywine. The proposed legislation is based on the passage of CB-20-2020, and Section 24-122.01(f) of the Prince George's County Code, which authorizes the governing body of Prince George's County by resolution, to waive any public safety facilities mitigation requirement imposed. The police response time mitigation fee should be waived because the actual vicinity of the subject property is, and will, for the foreseeable future, be more than adequately served by police facilities; and this Resolution, subject to the County Council approval, will complete the process required for the waiver of police response time mitigation fee for The Project. Furthermore, the police response time mitigation fee required under Section 24-122.01(e) and CR-78-2005 should be waived, and grading permits may be issued without the imposition of the mitigation fee because The Project will have many positive effects on the residential and commercial environment in the Brandywine area, including, but not limited to the construction of A-55 (a master planned arterial roadway to serve the Brandywine area), and the actual vicinity of the subject property is, and will, for the foreseeable future, be more than adequately served by police facilities.

Deputy Chief Administrative Officer (DCAO) for Public Safety Mark Magaw and Interim Police Chief Hector Velez addressed the Committee providing information concerning the methodology used to calculate police staffing and average response times for priority and non-priority calls based on the requirements for adequacy in the Subdivision Regulations. DCAO Magaw commented that the required response time is an arbitrary number given that it is based on 2005 standards.

The following individuals testified in opposition to the resolution: Ms. Tamara Davis Brown, Ms. Angela Simmons, Ms. Jamila Balamani and Ms. Tashara Burgess. All cited the need for an additional police station facility in the Brandywine/South County Area.

The Office of Law reviewed CR-126-2020 and found it to be in proper legislative form with no legal impediments to its adoption.

Council Members encouraged the Executive Administration to take a further look at the response times and adequacy issue given the 15-year old calculation concern, the recommendation of consultants for the County Zoning Ordinance Rewrite project that the County should not have adequate public facilities review for development projects, as well as a Maryland-National Capital Park and Planning Commission June 2020 report that reflects surrounding areas adequate public facilities requirements.

Following discussion and responses to Council Members' questions, the Committee of the Whole voted favorable, 8-3, on CR-126-2020 Draft-1.