

Prince George's County Council Agenda Item Summary

Meeting Date: 11/17/2009
Reference No.: CB-057-2009
Draft No.: 2
Proposer(s): Bland
Sponsor(s): Bland
Item Title: An Ordinance modifying the regulations applicable to development of open space in the R-L Zone.

Drafter:
Resource Personnel: Dr. David Billings, Chief of Staff

LEGISLATIVE HISTORY:

Date Presented:		Executive Action:	
Committee Referral:	10/20/2009 - PZED	Effective Date:	1/4/2010
Committee Action:	11/13/2009 - FAV(A)		
Date Introduced:	10/20/2009		
Public Hearing:	11/17/2009 - 10:00 AM		
Council Action (1)	11/17/2009 - ENACTED		
Council Votes:	MB:A, WC:A, SHD:A, TD:-, CE:A, AH:A, TK:-, EO:A, IT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-514.10

COMMITTEE REPORTS:

PZED Committee Report

Date 11/13/2009

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Dean, Olson, Bland and Dernoga)

Dr. Fern Piret, Planning Director and Ms. Susan Lareuse, Principal Planner in the Urban Design Section, addressed the committee regarding suggested amendments to CB-57-2009 as discussed at the November 4th committee meeting. Dr. Piret informed the committee that the suggested language had been prepared by staff; however, the Planning Board had not had an opportunity to review and comment on the language prior to this committee meeting. Ms. Lareuse informed the committee that 410 dwelling units have been constructed and 535 units will constitute 50% of the total number of units approved for development.

Chairperson Bland, the bill's sponsor, commented that she realizes that the golf course is no longer feasible, but given that it was part of the initial planned development, she would like assurances that the residents are aware of this change and are comfortable with what will be proposed in place of the golf course. Committee members expressed similar concerns regarding future use of the land if it is not developed as a golf course. Council Member Dernoga commented that he does not have a problem with elimination of the golf course, but believes that the community should have an opportunity to renegotiate the amenities package.

Andre Gingles, of Gingles, LLC, representing the developer of the Preserve at Piscataway, was present to respond to committee members' questions. Mr. Gingles noted that the residents of the community are aware of the change in the recreational facilities originally proposed for their development. He also noted that the requested change is associated with the refinancing which must be finalized by the end of the year and which is necessary to meet the deadline for opening of the other recreational facilities planned for the development.

After further discussion on the language initially suggested by the Planning Department staff, additional modifications were made, and the committee voted favorable on Draft-1 of the legislation with the following amendments:

1. On page 2; strike lines 21 through 25 after "initially approved prior to 1996."
2. On page 2; in line 21 after "initially approved prior to 1996", insert the following: "A Specific Design Plan hearing is required prior to issuance of 50% of the permits for the development, demonstrating to the satisfaction of the Planning Board or the District Council that (1) any required tennis court, teen court, swimming center or other recreational facilities will be completed and open prior to the issuance of any residential permit exceeding 50% of the density approved on the Comprehensive Design Plan; (2) that proper and final preservation, design and access to the former golf course land as permanent open space is approved as part of the Specific Design review; and (3) it is determined whether or not other recreation facilities in lieu of the golf course are necessary to provide the homeowners with a well-balanced program of recreational facilities."

Staff explained that the legislation bypassed presentation and was already introduced in which case the amendments will be presented in the form of an amendment sheet on the day of the public hearing for this legislation.

Held in committee. 11/4/2009

Staff gave an overview of the legislation and informed the committee of written referral comments that were received. CB-57-2009 modifies the Residential Low (R-L) Zone development regulations to eliminate certain recreational facilities, if the development consists of an 18-hole golf course within an open space public benefit feature and if the development is not needed to sustain the density approved under a Comprehensive Design Plan (CDP) initially approved prior to 1996. The legislation also requires any tennis court, teen court, or swimming center to be completed and open prior to the issuance of any residential permit exceeding 50 percent of the density approved on the CDP. CB-57-2009 also requires a revised CDP to be administratively approved by the Planning Director.

The Office of Law reviewed CB-57-2009 and determined that it is in proper legislative form with no legal impediments to its adoption. The Planning Board opposes CB-57-2009 and transmitted a letter dated October 27, 2009 to Council Chairperson Marilynn Bland detailing their position.

Rana Hightower and Steve Adams, representing the Planning Board, addressed the committee responding to inquiries from Chairperson Bland regarding potential amendments to the legislation which would address the Planning Board's concerns with the current draft.

Chairperson Bland requested that the committee hold CB-57-2009 until the next scheduled meeting to allow time for the Planning Board staff to work with her staff in formulating appropriate language to address Planning Board concerns as detailed in their position letter.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This legislation amends the R-L Zone regulations concerning requirements for certain recreational open space development.

11/17/2009 - CB-57-2009 was amended on the floor; CB-57-2009 (DR-2) enacted.

CODE INDEX TOPICS:

INCLUSION FILES:
