

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

Meeting Date: 6/3/97

Reference No.: CB-59-1997

Proposer: MacKinnon

Draft No.: 3

Sponsors: MacKinnon, Del Giudice

Item Title: An Ordinance establishing a procedure for Detailed Site
Plans for Grading

Drafter: Jackie Brown
PZ&ED Committee Director

Resource Personnel: Joyce Nichols
Principal Counsel

LEGISLATIVE HISTORY:

Date Presented: 5/6/97

Executive Action: __/__/__

Committee Referral:(1) 5/6/97 PZED

Effective Date: 8/18/97

Committee Action:(1) 5/28/97 FAV (A)

Date Introduced: 6/3/97

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

Council Action: (1) 7/1/97 ENACTED

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING, & ECON. DEV. COMMITTEE REPORT

DATE: 5/28/97

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

This legislation establishes a procedure for Detailed Site Plans for grading, and, therefore, enhances the property and streamlines the development review process.

The Committee considered a proposed Draft 2 which added new language to Section 27-285(b)(3) which states that the Planning Board may approve a Detailed Site Plan for Grading if it finds that the plan satisfies the site design guidelines as contained in *Section 27-274*, and prevents *offsite* property damage.

The Legislative Officer reports CB-59-1997 to be in proper legislative form, and the Office of Audits and Investigations states there will be no negative fiscal impact.

The Planning Board supports the legislation. Dale Hutchison, M-NCPPC, advised the Committee what the minimum standards for tree conservation were and what standards were required during grading. The Office of Law finds the legislation to be in proper form, and states that since grading plans are generally reviewed by the Department of Environmental Resources (DER), the legislation is arguably not needed. If, however, the Council wishes to proceed with the bill, it should be amended to reflect the need for DER's approval.

Terry Schum, representing the City of College Park, submitted a letter to Council Member Del Giudice from Mayor Joseph E. Page. The City, upon review of the legislation, believes the legislation addresses the legal authority to approve Detailed Site Plans for grading only, but does not adequately address the circumstances under which these plans should be approved. The City's position is that piecemeal review of the Detailed Site Plans is generally inappropriate and should not be permitted without limitations, and feels this legislation would facilitate the clearing of a site without taking the overall development plan into consideration, which defeats the purpose of the Detailed Site Plan requirement. Therefore, the City of College Park, in its letter proposed several amendments which would limit the negative consequences of piecemeal review.

Mr. Aurelio Nepa, Jr., representing the Crestview Area Citizens Association, opposed the legislation. The Association feels the legislation is too flexible and that grading would allow the property to be cut clear of trees.

Mr. Maloney stated for the record that both the Sierra Club and the Anacostia Watershed Society were opposed to the legislation.

Leo Bruso, Land & Commercial Inc., spoke in support of the legislation. Mr. Bruso believes the legislation will enhance property and allow it to be developed quicker. Paul Rodbell, Meyers, Billingsley, Rodbell & Rosenbaum, also spoke in support of CB-59, stating the legislation adds flexibility with stricter regulations. Ed Gibbs, spoke on behalf of the Prince George's Chamber of Commerce, in support of the legislation. The Chamber feels the legislation would streamline the process and allow the development community to take advantage of time. Hamer Campbell, representing the SMBIA, and Andre Gingles, O'Malley, Miles, Nylan and Gilmore, both spoke in support of the legislation.

Joyce Nichols, Principal Counsel, proposed an amendment under Section 27-286(b) of the legislation, which adds language that the Planning Board shall also consider any recommendations of the Department of Environmental Resources. The Committee accepted this amendment, and voted out CB-59 favorably, as amended.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The Zoning Ordinance does not currently provide for a Detailed Site Plan for grading only. However, this type of approval is often necessary to expedite the development review process and enhance the marketability of a site. This legislation establishes such a procedure.

CODE INDEX TOPICS: