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**A G E N D A   I T E M   S U M M A R Y****Reference No:** CB-39-1990**Draft No:** 3**P r i n c e   G e o r g e ' s****Meeting Date:** 6/12/90**C o u n t y   C o u n c i l****Requestor:** MNCPPC

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**Item Title:** Subdivision Amendment to allow MNCPPC Plan.  
Bd. to approve certain vehicular access  
easements; to reinstate provisions re  
permitting landlocked property

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**Sponsors** M    WI

<b>Date Presented</b>	4/24/90	<b>Executive Action</b>	8/2/90	S
<b>Committee Referral</b>	(1) 4/24/90	F&P	<b>Effective Date</b>	8/2/90
<b>Committee Action</b>	(1) 5/23/90	FAV(A)		
<b>Date Introduced</b>	6/12/90			
<b>Pub. Hearing Date</b>	(1) 7/24/90	1:30 PM		

**Council Action** (1) 7/24/90 Enacted  
**Council Votes** B\_: A\_, CA: A\_, C\_: A\_, CI: \_\_, MC: A\_, M\_: \_\_,  
P\_: A\_, W\_: A\_, WI: A\_, \_\_: \_\_, \_\_: \_\_, \_\_: \_\_

**Pass/Fail** P**Remarks**

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**Drafter:** Alan Hirsch, MNCPPC  
Wendy Irminger, MNCPPC

**Resource**  
**Personnel:** Teri Bond, MNCPPC

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**LEGISLATIVE HISTORY****FISCAL AND PLANNING COMMITTEE REPORT**

DATE: 5/23/90

Committee Vote: Favorable as amended, 4-0-1 (In favor: Council Members Wineland, Mills, Casula, Wilson; abstaining: Council Member Castaldi)

CB-38-1990 and CB-39-1990 were discussed as one item, since they are companion bills.

Council staff reviewed the background of this issue for the Committee. It was explained that CB-30-1989, which was enacted last year, eliminated the provisions that allowed the Council to approve private right-of-ways for commercial and industrial properties. This has led to problems for owners of these properties when they are landlocked, and have no other means of accessing their properties. Also, properties that have frontage on a public street, but are denied access for

reasons of traffic safety are currently not permitted to use a private easement as a shared point of access.

Staff recommended that the language added regarding "accessory structures" on page 2, line 19 and page 3, lines 14 and 15 be changed to "detached garage". It was noted that "accessory structures" is too broad and may allow some commercial uses that are accessory to a one-family detached dwelling. It was also noted that there are a number of technical amendments to each bill.

The Association of Realtors supports the legislation, with the exception of the provision that prohibits a private easement across land in a residential zone to serve anything other than a single-family detached dwelling (item 3 on page 3 of CB-39-1990). James Berard, representing the Driggs Corporation and the Prince George's Chamber of Commerce, made the same comment, and asked the Committee to remove this provision from the legislation. The Committee rejected this proposal. Mr. Berard also objected to the requirement for standard paving sections on page 3, lines 7 and 8 of CB-39, and asked that the Director of the Department of Public Works and Transportation be permitted to waive this requirement. It was noted that the entire "Road Code" is already subject to waiver by the Director. The Committee asked Alan Hirsch of the M-NCPPC to work with Mr. Berard in trying to resolve the problems he has with one particular property.

The Office of Law found the legislation to be in proper legislative form.

Council Member Castaldi requested Council staff to find out the Prince George's Municipal Association's position on the bills. He stated that he would abstain from supporting this legislation until the information is available.

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

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

Along major roadways it is often in the public interest to discourage multiple points of access into new development. However, consolidating access points to separate lots where each lot has frontage is not possible under existing regulations. Under limited circumstances (i.e., "due to a potentially hazardous or dangerous situation"), the proposed amendment would permit the number of access points to be reduced through approval of a private easement for a shared point of access. In addition, the bill provides that a private easement serving land-locked commercial or industrial parcels would be prohibited across land in a Residential Zone.