

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

Meeting Date: 11/6/2001

Reference No.: CB-61-2001

Proposer: Estep

Draft No.: 3

Sponsors: Estep

Item Title: An Ordinance authorizing the Planning Director to approve minor amendments to approved Basic Plans under certain circumstances.

Drafter:

Resource John Timms
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 7/31/2001

Executive Action: __/__/____

Committee Referral: 7/31/2001 PZED

Effective Date: 12/24/2001

Committee Action: 9/26/2001 FAV(A)

Date Introduced: 10/2/2001

Public Hearing: 11/6/2001 1:30 P.M.

Council Action: 11/6/2001 ENACTED

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

Pass/Fail: P

Remarks: _____

11/6/2001: Amended on the floor (DR-3) enacted

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 9/26/2001

Committee Vote: Favorable with amendments, 3-1 (In favor: Council Members Shapiro, Wilson, and Estep. Opposed: Council Member Maloney).

This legislation is similar to CB-20-2001 that was enacted by the Council in May 2001 and authorized the Planning Director to approve minor amendments to an approved Basic Plan for property zoned M-A-C. Committee staff explained that CB-61-2001 also gives the Planning Director the same authorization, however, the property must be zoned R-L or R-S. Additionally, CB-61-2001 allows a minor amendment if it is for the purpose of deleting property from the land covered by the Basic Plan, by condemnation or threat of condemnation, but does not decrease total

land area by more than 25% or sixty acres, whichever is greater. Similar to CB-20, the legislation also allows the Planning Director to approve amendments to approved Comprehensive Design Plans and Specific Design Plans so they will conform with the amended Basic Plan.

Council Member Estepp, the bill's sponsor, explained that this legislation facilitates the Basic Plan amendment process for a property that is already the subject of a Basic Plan approval, which now requires an amendment due to State Highway Administration acquisition of a portion of the property for right-of-way purposes. Mr. Estepp indicated that CB-61-2001 allows the property owner to move forward in the development process in a more timely manner instead of having to submit a new Basic Plan for an amendment that is a result of State condemnation.

The Office of Law and the Legislative Officer find the bill to be in proper legislative form. The Legislative Officer also indicated that the effective date on page 3, lines 9 and 10 is in conflict with the Council's Rule of Procedure and should be amended to conform to the Rules. The provisions of the Rules may only be suspended by a two-thirds vote of the full Council.

The Planning Board opposes CB-61-2001 and provides the following background. This legislation would apply to a specific project where initially, the landowner was required to construct a public park on part of his parcel as a condition of the Basic Plan. Subsequently, a portion of the parcel on which the park would sit has been taken by the State, and the landowner has been fully compensated for the property. The landowner cannot proceed with his project without satisfying the condition or having the Basic Plan amended. Basic Plan amendments require undergoing the entire approval process again, which is time-consuming. CB-61 would help the landowner avoid a time-consuming process, but it also would permit him to avoid a condition under which the Basic Plan for his property was approved.

The Board indicated that an alternative to this legislation would be for the landowner to utilize Section 27-477(c) of the Zoning Ordinance (enacted through CB-11-2000). That ordinance allows property zoned R-A (the original zone of the landowner's property) through a Sectional Map Amendment and then rezoned to a Comprehensive Design Zone (in this case the R-L zone) to still be developed and used under the regulations of the original zone.

Dennis Whitley, Law Firm of Shipley & Horne, spoke in support of the legislation indicating that the property has been in the development process for ten years and the bill will allow the landowner to move forward without an additional time-consuming process.

The Committee voted favorably on the legislation with an amendment on page 3, lines 9 and 10 to delete "on the date of" and insert "45 days after" so that the effective date is in accordance with the Council's Rules of Procedures.

BACKGROUND INFORMATION/FISCAL IMPACT

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

In May 2001 the Council enacted CB-20-2001 which authorized the Planning Director to approve minor amendments to approved Basic Plans for property zoned M-A-C under certain circumstances. This legislation expands the circumstances allowing the Planning Director to approve minor amendments to approved Basic Plans. This bill will allow the Planning Director to approve minor

amendments to an approved Basic Plan for property zoned R-L or R-S under certain circumstances.

CODE INDEX TOPICS: