

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/20/2012
Reference No.: CB-004-2012
Draft No.: 4
Proposer(s): Harrison, Davis
Sponsor(s): Harrison, Davis, Franklin, Patterson
Item Title: A Subdivision Bill concerning Interim Land Use Controls for Military Installation Conformance for the purpose of developing new development standards and procedures, including the establishment and imposition of temporary subdivision requirements for development of properties in the vicinity of Joint Base Andrews for an established limited period of time. This Ordinance amends the Subdivision Regulations to permit the Planning Board to attach conditions to preliminary plans and final plats filed in the ILUC Area and establishes restrictions on preliminary plans in portions of the ILUC Area.

Drafter: Raymond Dubicki, M-NCPPC
Resource Personnel:

LEGISLATIVE HISTORY:

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|----------------------------|--|--------------------------|-------------|
| Date Presented: | 3/13/2012 | Executive Action: | 12/6/2012 S |
| Committee Referral: | 3/13/2012 - PZED | Effective Date: | 12/6/2012 |
| Committee Action: | 10/3/2012 - FAV(A) | | |
| Date Introduced: | 10/9/2012 | | |
| Public Hearing: | | | |
| Council Action (1) | 11/20/2012 - ENACTED | | |
| Council Votes: | WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:- | | |
| Pass/Fail: | P | | |
| Remarks: | | | |

AFFECTED CODE SECTIONS:

24-120.03

COMMITTEE REPORTS:

PZED Committee Report

Date 10/3/2012

Favorable with amendments, 5-0 (In favor: Council Members Franklin, Harrison, Olson, Patterson and Toles)

Staff informed the committee that a Proposed Draft-2A (DR-2A) was prepared to address comments and concerns that were raised since the initial presentation of the legislation in March 2012. The revisions to CB-4-2012 include:

- Reorganization of the legislative language to clarify when subdivision rules apply.
- Prohibition on applications for preliminary plans of subdivision where the resulting development would not be permitted in the Interim Land Use Control ILUC).
- Addition of provisions for parcels partially located in the ILUC area.

Howard Stone, Chairman of the Joint Base Andrews Joint Land Use Study (JLUS) Implementation Committee, introduced other JLUS Committee members who were present for the discussion. In attendance were Fred Harley,

Julie Woepke, and Nell Johnson. Ray Dubicki, M-NCPPC Project Leader, provided a PowerPoint presentation concerning review of ILUC, amended concepts, removed language, added exemptions, and current ILUC effects.

The Department of Environmental Resources submitted written agency referral response indicating no position on CB-4-2012.

Testimony was received from the following individuals who reiterated concerns expressed during the April 18, 2012 committee meeting: Denise Douglas, Leigh Williams, and Matthew Tedesco.

Norman Rivera submitted an October 2, 2012 letter to County Council Chair Harrison and Planning, Zoning, and Economic Development Chair Franklin concerning Jemal's Post Property/DSP-07043/Preliminary Plan 4-06145, which is property located within what is known as Accident Potential Zone APZ-1.

Held in committee. 4/18/2012

Staff summarized the purpose of the legislation and informed the committee that the bill was amended after initial drafting and presented as a Draft-2 on March 13, 2012. The committee discussed CB-3-2012 in conjunction with CB-4-2012. These bills propose interim regulations to manage development in the height, noise, and safety impact areas near Joint Base Andrews while a Military Installation Overlay Zone (MIOZ) is being developed. A March 9, 2012 letter from Howard Stone to County Council Chair Harrison, provided a summary of the revisions to CB-3-2012 and CB-4-2012 that were made to ensure that the regulations were as narrowly focused as possible and to avoid potential unintended consequences. The letter states: "For instance, the original subdivision bill (CB-4-2012 Draft-1) would have permitted the subdivision of land within the Accident Potential Zones (APZs), which might be problematic in the future under the MIOZ. Additionally, the zoning bill (CB-3-2012 Draft-1) would have prohibited all permits in the APZs, the revisions are minor but were necessary for clarity and consistency between the two bills."

Mr. Stone provided an overview of the discussions underway by the JLUS Committee and introduced Raymond Dubicki to provide a synopsis of the proposed Interim Land Use Controls (ILUC) included in CB-3-2012 (DR-2) and CB-4-2012 (DR-2). Mr. Dubicki provided a PowerPoint presentation concerning the relevance of the ILUC, public outreach efforts, legislation outline and options for revision.

The Office of Law reviewed CB-4-2012 and determined that the bill is in proper legislative form with no legal impediments to its enactment. The Office of Audits and Investigations reviewed the legislation and determined there should be no negative fiscal impact on the County if it is enacted.

The following individuals testified regarding their concerns with the impact that the ILUC will have on certain properties: Thomas Haller, representing Mirant property; Matthew Tedesco, representing the Huggins property; Denise Douglas, of Exit Advance Realty representing Clear Zone properties; Pastor Lawrence Garrison, representing Church of the Rapture (Pepco property); Stephen A. Masciola, representing Westphalia Development Partners (Pepco property), and Leigh Williams, representing a Clear Zone property owner.

CB-4-2012 was held in committee to allow time for the JLUS Committee and staff to address issues and concerns associated with the proposed ILUC.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This bill authorizes the Planning Board to approve or conditionally approve preliminary plans and final plats filed for development proposals in the ILUC Area for a certain period of time as part of a comprehensive approach to development in the vicinity of Joint Base Andrews.

CB-4-2012 (DR-3) was amended on the floor prior to introduction as follows:

On Page 6, after Line 9, insert a new uncodified section as follows:

SECTION 4. BE IT FURTHER ENACTED that the County Council hereby directs the Joint Land Use Implementation Committee to explore economic development resources, tools, and devise strategies to mitigate any potential negative effects on property owners within the Clear Zone.

CB-4-2012 (DR-4) was subsequently introduced.

CODE INDEX TOPICS:

INCLUSION FILES:
