

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/20/2012
Reference No.: CB-003-2012
Draft No.: 5
Proposer(s): Harrison, Davis
Sponsor(s): Harrison, Davis, Franklin
Item Title: An Ordinance 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 zoning requirements for development of properties in the vicinity of Joint Base Andrews for an established limited period of time. This Ordinance creates requirements for granting permits for development, provides for definitions, and establishes a limited validity period for building permits, creating interim requirements for development in all zones.

Drafter: Raymond Dubicki, M-NCPPC
Resource Personnel: Raymond Dubicki, M-NCPPC

LEGISLATIVE HISTORY:

Date Presented:	3/13/2012	Executive Action:	
Committee Referral:	3/13/2012 - PZED	Effective Date:	12/6/2012
Committee Action:	4/18/2012 - HELD 10/3/2012 - FAV(A)		
Date Introduced:	10/9/2012		
Public Hearing:	11/20/2012 - 10:00 AM		
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		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-1801, 27-1802, 27-1803, 27-1804, 27-1805, 27-1806, 27-1807, 27-1808, 27-1809, 27-1810, 27-229

COMMITTEE REPORTS:

PZED Committee Report

Date 10/3/2012

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

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.

A September 27, 2012 letter from Mr. Stone to Planning, Zoning, and Economic Development Chair Franklin

provided a summary of the revisions to CB-3-2012 (DR-2) which include additions to the original list of proposed exemptions and one deletion pertaining to prohibiting a change of use when more than four additional parking spaces would be needed. Mr. Stone's letter indicates that the JLUS Committee has reviewed and approved the most recent revisions and has received favorable input directly from key stakeholders and affected property owners on these revisions. The additional exemptions, as provided in Proposed DR-2A, are as follows:

1. Exempting permits for any property subject to a Development District Overlay Zone (DDOZ).
2. Exempting permits for properties with approved development applications that were evaluated for and are in conformance with Air Installation Compatibility Use Zone (AICUZ) Study recommendations.
3. Exempting permits to complete residential construction in accordance with an approved plan where infrastructure improvements are partially installed and some residential units have been constructed.
4. Exempting permits to complete the development and construction of industrially zoned lots in accordance with approvals where road and stormwater management facilities are partially constructed.

The Department of Environmental Resources submitted written agency referral response indicating no position on CB-3-2012. The Chief Zoning Hearing Examiner (ZHE) reviewed CB-3-2012 (Proposed DR-2A) and provided suggested amendments generally of a technical nature and for clarification purposes. Mr. Dubicki provided a detailed listing of the changes which were made to address the ZHE suggestions.

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.

Mr. Tedesco also submitted a letter dated October 3, 2012 to Committee Chair Franklin expressing concerns with CB-3-2012 placing restrictions on existing commercial developments and churches. Norman Rivera submitted an October 2, 2012 letter to County Council Chair Harrison and Committee 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.

The Committee voted favorable on Proposed DR-2A including additional amendments as recommended by the ZHE.

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 following revisions were made to CB-3-2012 for presentation as a Draft-2 (DR-2):

- Addition of a specific exemption for single family dwellings. This clarifies that the alteration, expansion, or extension of existing single family dwellings is permitted anywhere in the ILUC area.
- Reorganization of the Requirements section to clarify the boundaries within which specific interim regulations apply.
- Clarification of changes that would be prohibited. The old wording provided guidelines on types of prohibited intensification. The new wording references parking standards, to identify increases in density.
- Addition of specific prohibited uses.

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-3-2012 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.

Mr. Tedesco also submitted a letter dated April 18, 2012 to Committee Chairman Franklin requesting that the committee consider certain amendments to CB-3-2012.

CB-3-2012 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 establishes Interim Land Use Controls for Military Installation Conformance as development standards, procedures, and zoning regulations for development of properties in all zones for a designated period of time in the vicinity of Joint Base Andrews.

10/9/2012 - CB-3-2012 (DR-3) was amended on the floor prior to introduction as follows:

On Page 11, after Line 16, insert a new uncodified section as follows:

SECTION 6. BE IT FURTHER ENACTED that the District 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-3-2012 (DR-4) was subsequently introduced.

11/20/2012 - CB-3-2012 (DR-4) was amended on the floor; CB-3-2012 (DR-5) was enacted.

CODE INDEX TOPICS:

INCLUSION FILES:

I-CB-3 2012 DR-5 Attachments.pdf
