

Prince George's County Council

Agenda Item Summary

Meeting Date: 7/13/2010
Reference No.: CB-007-2010
Draft No.: 1
Proposer(s): Park & Planning
Sponsor(s): Dean, Turner
Item Title: A Subdivision bill concerning validity periods for Preliminary Plans of Subdivision for the purpose of temporarily suspending or tolling the validity period of all approved applications for Preliminary Plans of Subdivision with a valid status as of January 1, 2010.

Drafter: Karen T. Zavakos, Legislative Officer
Resource Personnel: Alan Hirsch, M-NCPPC

LEGISLATIVE HISTORY:

Date Presented:	2/2/2010	Executive Action:	7/27/2010 S
Committee Referral:	2/2/2010 - PZED	Effective Date:	7/27/2010

Committee Action: 2/17/2010 - HELD
3/3/2010 - HELD
3/31/2010 - FAV

Date Introduced: 6/8/2010
Public Hearing: 7/13/2010 - 10:00 AM

Council Action (1) 7/13/2010 - ENACTED
Council Votes: MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:A, EO:A, IT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

24-119

COMMITTEE REPORTS:

PZED Committee Report

Date 3/31/2010

Favorable, 5-0 (In favor: Council Members Dean, Bland, Dernoga, Knotts, and Olson)

Council Member Dean informed the committee that Alan Hirsch had provided the additional analyses and applicability data requested by the committee at the February 17th committee meeting to address the suggestions provided in Mr. Bradley Heard's electronic mail.

The committee voted favorably on the legislation with no amendments.

Held in committee. 2/17/2010

Staff gave an overview of the legislation and informed the committee of written referral comments and correspondence that were received. This legislation, which proposes to extend the validity period for all approved applications for Preliminary Plans of Subdivision with a valid status as of January 1, 2010, was transmitted by the

Planning Board for consideration by the County Council. CB-7-2010 temporarily suspends the validity period until December 31, 2011. CB-7-2010 will not apply to any Preliminary Plans of Subdivision where the validity period has expired prior to adoption of the legislation or where any application's validity period begins after the date of adoption of this legislation. The Planning Board's transmittal letter dated January 11, 2010 indicates that it is impossible to renew applications for preliminary plans of subdivision and very difficult to re-obtain approval status if the plans have expired or lapsed. Therefore, the Planning Board recommends that the County Council vote to enact legislation extending the validity period for approved applications.

The Office of Law reviewed CB-7-2010 and determined that it is in proper legislative form with no legal impediments to its enactment.

Mr. Bradley Heard submitted comments and recommended modifications to the legislation via electronic mail dated February 12, 2010. Mr. Heard noted that his recommendations are intended in order to protect the health, safety and welfare of the general public and to ensure that older approved plans that have not commenced development will conform to current land use plans. Mr. Heard suggested that while some extension of validity periods for Detailed Site Plans, Specific Design Plans, and Preliminary Plans may still be necessary, it should be slightly more limited in scope, in light of the improved economic circumstances as well as the significant number of new area and countywide master plans that have been recently adopted.

Alan Hirsch, M-NCPPC Subdivision Section Supervisor, addressed the committee regarding Mr. Heard's suggestion to change the date on page 1, line 5, from "were in a valid status as of January 1, 2010" to "were initially approved by the Planning Board on or after January 1, 2008." Mr. Hirsch indicated that which language is utilized in the legislation depends on the committee's decision to include plans that are older in nature versus those that are newer in nature in the tolling. The committee requested that Mr. Hirsch provide data regarding the plans which would be included in the tolling based on Mr. Heard's suggested amendment.

The following individuals spoke in support of CB-7-2010: Marty Mitchell, representing the Maryland-National Capital Building Industry Association; Tom Farasy, President of Maryland State Builders Association, and Bill Shipp of O'Malley, Miles, Nylan & Gilmore, P.A. Mr. Shipp suggested that the committee consider modifying the legislation to be consistent with the proposed State legislation, HB 1344 concerning extension of development plans that were in effect on January 1, 2008. Mr. Mitchell and Mr. Farasy also submitted written testimony urging the committee's support of this legislation.

The Prince George's County Association of Realtors submitted a letter dated February 10, 2010 to PZED Committee Chair Samuel H. Dean in support of CB-7-2010.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This uncodified bill will temporarily extend the validity period for all approved Preliminary Plans of Subdivision that are currently in a valid status until December 31, 2011, and it is not intended to affect any other provisions contained in Section 24-119 relating to the extension of preliminary plans.

CODE INDEX TOPICS:

INCLUSION FILES:
