

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/20/2007
Reference No.: CB-045-2007
Draft No.: 2
Proposer(s): Dernoga
Sponsor(s): Dernoga
Item Title: A Subdivision Bill permitting the Planning Board to approve private roads, easements, and alleys in MARC Planned Communities developed in the I-1, I-2 or I-3 Zones in accordance with Section 27-475.06.05 under certain circumstances

Drafter: Ralph E. Grutzmacher, Legislative Officer
Resource Personnel: Judith Thacher, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:		Executive Action:	12/7/2007 S
Committee Referral:	10/9/2007 - PZED	Effective Date:	1/7/2008
Committee Action:	11/7/2007 - FAV		
Date Introduced:	10/9/2007		
Public Hearing:	11/20/2007 - 10:00 AM		
Council Action (1)	11/20/2007 - ENACTED		
Council Votes:	MB:A, WC:A, SHD:A, TD:A, CE:A, DCH:A, TK:A, EO:A, IT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

24-128

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 11/7/2007

Committee Vote: Favorable, 4-0 (In favor: Council Members Dean, Bland, Dernoga, and Exum)

Staff gave an overview of the legislation and informed the committee of written referral comments that were received. CB-45-2007 amends the Subdivision Regulations to permit private roads, rights-of-way, easements and alleys within a MARC Planned Community developed in accordance with Section 27-475.06.05 of the Zoning Ordinance. Staff also informed the committee that this legislation bypassed presentation and was introduced on October 9, 2007. Any non-substantive amendments recommended by the committee would have to be in the form of an amendment sheet for consideration by the Council at the public hearing advertised for November 20, 2007.

The Legislative Officer and the Office of Law reviewed CB-45-2007 and determined that it is in proper legislative form. The Planning Board supports the legislation with amendments and offers the following comments in support of this position:

- On page 8, line 1; remove the words “the I-1, I-2, or

I-3 Zones in.” This language is not necessary because the Industrial Table of Uses shows where a MARC Planned Community is permitted and prohibited.

- On page 8, line 3; remove the word “roads.” This word is mentioned at the beginning of line 3 and it is redundant to mention the word twice. Also, move the word “or” in front of the word alleys.”
- There are other subsections under Section 24-128(b) that restrict the use of private roads in some way by specifying minimum private road widths or requiring review and comment by other agencies. Therefore, Section 24-128(b)(16) should be amended to include the following subsections:

- (A) The pavement width of private roads may be reduced to not less than a minimum of twenty-two (22) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, hierarchical street system for a development.
- (B) The pavement width of private alleys shall be not less than eighteen (18) feet when it is determined that the provision of the minimum width is consistent with a safe, efficient, vehicular access to individual lots. Since alleys only provide vehicular access to lots with frontage on a public street, alleys shall not be required to be improved with street trees or curb and gutter, unless a drainage problem has been identified by the Department of Environmental Resources or the Department of Public Works and Transportation.
- (C) The Department of Public Works and Transportation shall review and comment on all proposed private roads, and the Planning Board shall find that the proposed access by private roads or rights-of-way will be adequate to serve the lots in the subdivision and that they are consistent with a safe, efficient, hierarchical street system for the development.

The proposed subsections will be compatible with private road, easement and alley requirements in other subsections of Section 24-128(b)(9) of the Subdivision Regulations. In addition, the subsections will make private road requirements more clear and concise.

Thomas Haller, representing Jackson-Shaw, spoke in support of CB-45-2007 indicating that this is a “housekeeping” bill to follow up on the adoption of CB-21-2006 which permitted a MARC Planned Community as a use in the I-1, I-2, and I-3 Zones. Mr. Haller explained that the 2006 legislation amending the Zoning Ordinance provided that the use could be served by public or private roads, however, the Planning Department staff determined that provision of the language allowing private roads to serve the use is also necessary in the Subdivision Regulations.

Mr. Haller offered the following language in lieu of the language proposed by the Planning Board in subsection (A) to address the minimum standard for one way roads, and clarify that parallel parking is also permitted adjacent to the travel way of the road:

- (A) The pavement widths of private roads may be reduced

to not less than a minimum of twenty-two feet (22') in the case of two-way traffic, and eleven feet (11') in the case of one-way traffic, when it is determined that the provision of the minimum width is consistent with a safe, efficient, hierarchical street system for a development. In either case, parallel parking, a minimum of eight feet (8') wide, may be added to one or both sides of the drive lanes.

Upon request of Council Member Dernoga, the bill's sponsor, to comment on the language offered by Mr. Haller, Alan Hirsch of the Planning Department's Subdivision Section, indicated that the revised language provides an opportunity for review of the street system at which time staff can ensure that an unsafe situation is precluded. Mr. Dernoga agreed to the amended language.

The committee voted favorably on CB-45-2007 with the amendments suggested by the Planning Board, and as modified by Mr. Haller, to be included on an amendment sheet for the public hearing on this bill.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

11/20/2007: CB-45-2007 was amended on the floor; motion to enact CB-45-2007 (DR-2) carried 9-0.

CODE INDEX TOPICS:

INCLUSION FILES:
