

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

**Meeting Date:** 4/9/96

**Reference No.:** CB-1-1996

**Proposer:** Maloney

**Draft No.:** 2

**Sponsors:** Maloney

**Item Title:** An Ordinance amending the procedures for the rezoning  
of land conveyed from the Federal and State governments

**Drafter:** Mary Lane  
PZ&ED Committee Dir.

**Resource Personnel:** Andrew Eppelmann  
Legislative Aide

**LEGISLATIVE HISTORY:**

**Date Presented:** 1/2/96

**Executive Action:** \_\_/\_\_/\_\_

**Committee Referral:**(1) 1/2/96 PZED

**Effective Date:** 5/28/96

**Committee Action:**(1) 2/21/96 FAV(A)  
(2) 3/4/96 FAV(A)

**Date Introduced:** 3/19/96

**Pub. Hearing Date:** (1) 4/9/96 1:00 PM

**Council Action:** (1) 4/9/96 ENACTED

**Council Votes:** SD:A, DB:AB, JE:A, IG:A, AMc:A, WM:A, RVR:A, AS:A, MW:A

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

**PLANNING, ZONING & ECONOMIC DEV. COM. REPORT**

DATE: 3/4/96

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Maloney, MacKinnon, Russell and Wilson).

Staff reported to the Committee that as requested, Ms. Nichols had reviewed the amendments that had been agreed to by the Committee on February 21 for legal sufficiency. Ms. Nichols did have legal concerns with the amendments, and on February 29 transmitted a memorandum to the Chairman of the PZ&ED Committee regarding this issue. The memorandum stated that there would not be any legal impediments to the adoption of CB-1-1996 if it were amended to result in an application being

processed and acted upon in accordance with the existing rules and regulations governing all other piecemeal zoning map amendments. The Committee agreed to this amendment.

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 2/21/96

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Estepp, MacKinnon, Maloney, Russell and Wilson).

Staff explained that this legislation amends the way in which land is rezoned when it is conveyed by the State and Federal Governments. Currently, the land is placed in the Reserved Open Space (R-O-S) Zone upon conveyance, and within six months, the Planning Board makes a recommendation to the Council regarding the zoning of the property. This is considered a legislative matter before the Council, with introduction of a resolution, Committee worksession, public hearing, and adoption of the resolution. It does not include notice to adjacent property owners, posting of the property, a Technical Staff Report, an evidentiary hearing before the Zoning Hearing Examiner, and findings for the rezoning. The proposed legislation amends the process to mirror the piecemeal rezoning process, although without the requirement for an application, fees, and without a finding of change in the character of the neighborhood or mistake in the original zoning. The sponsor stated that the problems with the current process came to his attention because of the State Government's closing of the Great Oaks Center in Beltsville. The 100 acres in Prince George's County are currently for sale, and the neighborhood needs and deserves an opportunity for a more fair and regular process to determine the future use of this property.

The Legislative Officer and the Office of Law found the bill to be in proper legislative form. The Planning Board supports the legislation, but recommended several amendments. The Board recommended that an application procedure should be incorporated into the legislation, and a finding of "consistency with the Master Plan" should be required of the District Council in the approval of a new zone. The sponsor agreed to these amendments. There was concern that this Section could be applied to land conveyed by the M-NCPPC. Staff reported that this section has never been interpreted to apply to the M-NCPPC, but only to land for which the State of Maryland holds title. However, the Committee requested that language be incorporated into Section 27-113 that specifically excludes land conveyed by the M-NCPPC.

Leslie Romine spoke in opposition to the legislation, arguing that a lengthy process is unnecessary if a zone was considered for the land through the Master Plan and SMA process. However, there was concern by Committee Members that when land is in public ownership, it does not receive much scrutiny during the Master Plan and SMA process, and little consideration is given to its future use. Ms. Romine also recommended that the current law be changed to eliminate the requirement that the land be immediately placed in the R-O-S Zone, pending consideration of a new zone. She also questioned the legality of imposing a euclidean zone through this new process.

Joyce Nichols requested additional time to research the legal concerns raised by Ms. Romine. The Committee agreed to report the legislation out favorably, with the amendments proposed by the Planning Board and regarding the applicability of the Section to M-NCPPC land. Ms. Nichols was requested to report back to the Committee prior to introduction with her conclusions.

### **BACKGROUND INFORMATION/FISCAL IMPACT**

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

Currently, the Zoning Ordinance requires that land conveyed by the Federal or State governments be placed in the R-O-S Zone upon conveyance. Within six months, the Planning Board is required to make a recommendation to the Council regarding the zoning of the property. The Council then adopts, by resolution, a zoning map for the land. There are no procedures set forth in the Ordinance regarding public hearings, notice, or a Technical Staff report, and the resolution is considered as more of a legislative matter. This legislation establishes a process for the rezoning which mirrors the procedures for piecemeal rezonings.

### **CODE INDEX TOPICS:**

(Zoning)

Land conveyed by the United States of America or by the State of Maryland ..... 27-113