

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

**Meeting Date:** 4/28/98

**Reference No.:** CB-32-1998

**Proposer:** Planning Board

**Draft No.:** 3

**Sponsors:** Maloney, Del Giudice

**Item Title:** An Ordinance establishing a procedure for Detailed Site  
Plans, Specific Design Plans and permits for Infrastructure

**Drafter:** Faroll Hamer,  
M-NCPPC

**Resource Personnel:** Joyce Nichols,  
Principal Counsel

**LEGISLATIVE HISTORY:**

**Date Presented:** 2/17/98

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

**Committee Referral:** 2/17/98 PZED

**Effective Date:** 7/27/98

**Committee Action:(1)** 3/16/98 HELD

**Committee Action:(2)** 4/15/98 FAV (A)

**Date Introduced:** 4/28/98

**Pub. Hearing Date:** 6/9/98 1:30 P.M.

**Council Action:** 6/9/98 ENACTED

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

**Pass/Fail:** P

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

**9/8/98:** Amended on the floor.

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

DATE: 4/15/98

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Bailey, Del Giudice, Estepp, Gourdine and Maloney)

Staff presented a Proposed Draft-2 (DR-2) of CB-32-1998 to the Committee indicating the amendments primarily modified language in Draft 1 (DR-1) to specify that this bill will establish a procedure for Specific Design Plans for "Infrastructure." The term "infrastructure" replaces the term "Grading" contained in DR-1. Additionally, the following language beginning on line 21, page 2, is

deleted from DR-1: "such as, but not limited to, sediment control devices, storm water management facilities and pipes, streets, utility installation, grading, clearing, stabilization, landscaping, and tree conservation and preservation." A new sentence is added in DR-2 in place of this language as follows: "These improvements must include infrastructure which is essential to the future development of the site, such as streets, utilities, or stormwater management facilities." The Proposed DR-2 also includes an additional sentence at the end of Section 27-527(c) which reads: "Prior to approval, the Planning Board shall find that the Specific Design Plan is in conformance with an approved Tree Conservation Plan and must also approve a Type II Tree Conservation Plan in conjunction with approval of the Specific Design Plan for Infrastructure."

Faroll Hamer, M-NCPPC, explained that the revisions contained in the Proposed DR-2 ensure a commitment by the applicant since a significant financial investment is necessary to provide said infrastructure discussed in the legislation. Ms. Hamer informed the Committee that development sites that do not have a Detailed Site Plan or Specific Design Plan requirement can obtain grading permits from the Department of Environmental Resources with a requirement for a grading bond to ensure stabilization of the land. She also commented that if CB-32-1998 is not enacted, an applicant can still grade a site with submission of a Specific Design Plan containing speculative landscaping and architecture.

Council Member Del Giudice commented that the modified language in DR-2 encourages a developer to provide infrastructure when grading is performed on a site. Mr. Del Giudice commented that the Committee may want to consider amendments to the applicable sections of the Zoning Ordinance pertaining to Detailed Site Plans, as addressed by CB-59-1997, to include similar language regarding infrastructure as proposed in DR-2.

Council Member Estepp inquired as to what amendments to the bill would be necessary in order to require the infrastructure improvements for grading permits applied for in all Euclidean Zones. Additionally, Mr. Estepp commented that an amendment may be appropriate to require an affidavit or similar instrument which would require construction within a certain period of time.

Michelle La Rocca and Paul Rodbell, Law Offices of Meyers, Billingsley, Rodbell & Rosenbaum, P.A., spoke in support of DR-2 indicating that the bill provides that an applicant cannot obtain a grading permit without infrastructure. Joseph James, President and Chief Executive Officer of the Prince George's County Economic Development Corporation (EDC), spoke in support of the legislation. Mr. James indicated that EDC supports all efforts by the Council to expedite the development review process in the County which is in competition with other jurisdictions for "ready-to-go" sites. Joe Meinert, representing the City of Bowie, and Carmen Anderson, representing the Prince George's County Civic Federation, spoke in opposition to CB-32-1998.

Council Member Del Giudice moved a favorable recommendation on CB-32-1998 (Proposed DR-2) with additional amendments to include the same requirements proposed for Specific Design Plans in DR-2 in the applicable sections of the Code for Detailed Site Plans. A second to the motion was made by Council Member Bailey.

Council Member Maloney moved that in addition to the above amendments the bill also be revised to include language requiring that an application for a permit for infrastructure improvements must be made within three years of approval of the Detailed Site Plan or Specific Design Plan or the Plan is no longer valid. In this motion, Mr. Maloney also included an amendment to require that a permit for infrastructure improvements be required prior to the issuance of a grading permit in all zones. A second to Mr. Maloney's motion was made by Council Member Gourdine. The Committee voted favorably on these additional amendments.

Sections 27-252 (i), Building and grading permits, and Sections 27-285 and 27-286, Requirements for Detailed Site Plans, are sections of the Zoning Ordinance that were not originally included in CB-32-1998; these sections have been included to incorporate the amendments recommended by the Committee for Draft-2.

### **PLANNING, ZONING & ECON. DEV. COM. REPORT**

DATE: 3/16/98

Staff gave an overview of the legislation, which was proposed by the Planning Board, and informed the Committee of comments which were received. The Executive Branch supports the bill. The Office of Law finds the bill to be in proper legislative form and recommends technical amendments. The Office of Audits and Investigations has determined there should be no negative fiscal impact on the County as a result of enacting CB-32-1998. The Chamber of Commerce supports the legislation.

Dale Hutchison, M-NCPPC, informed the Committee that CB-32-1998 is similar to CB-59-1997 concerning Detailed Site Plans for Grading in that it establishes such a procedure for Specific Design Plans.

Michelle LaRocca and Paul Rodbell spoke in support of the legislation. Ms. La Rocca indicated to the Committee that this legislation allows a Specific Design Plan to be filed without the requirement for architecture. She commented that at the time this type of plan is submitted, an applicant knows that homes will be constructed on the site and the lot sizes on which they will be located, however, it is early in the process to know the type(s) of homes that will be located in the development.

Joe Meinert, representing the City of Bowie, spoke in opposition to the bill. Mr. Meinert commented that there are sites in the City which have been graded prematurely and the enactment of CB-32-1998 can increase this practice.

Council Member Estep expressed concern about properties which have been "clear cut" and left undeveloped and how CB-32-1998 may contribute to an increase in these sites. Mr. Estep commented that it may be necessary to re-examine the practice allowed by CB-59-1997 to determine if it is appropriate to continue such a practice in other zones as proposed by CB-32-1998.

The Committee voted (3-0) to hold this bill in Committee for further review of these issues.

**BACKGROUND INFORMATION/FISCAL IMPACT**

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

The Zoning Ordinance does not currently provide for a Specific Design Plan for grading only. However, this type of approval is often necessary to expedite the development review process and enhance the marketability of a site. This legislation establishes such a procedure. It is similar to CB-59-1997 which established a procedure for Detailed Site Plans for Grading.

**CODE INDEX TOPICS:**