

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

Meeting Date: 5/22/2001

Reference No.: CB-20-2001

Proposer: Scott

Draft No.: 3

Sponsors: Scott

Item Title: An Ordinance authorizing the Planning Director to approve minor amendments to approved Basic Plans under certain circumstances

Drafter:

Resource Betsy Burian
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 4/3/2001

Executive Action: ___/___/___

Committee Referral: 4/3/2001 PZED

Effective Date: 5/22/2001

Committee Action: 4/23/2001 FAV(A)

Date Introduced: 5/1/2001

Public Hearing: 5/22/2001 10:00 A.M.

Council Action: 5/22/2001 ENACTED

Council Votes: RVR:-, DB:A, JE:A, IG:A, TH:A, WM:A, AS:A, PS:A, MW:-

Pass/Fail: P

Remarks: _____

5/22/2001 – Rules suspended to provide for an effective date on the date of adoption; 6 votes required. Vote: 7-0 (In favor: Council Members Bailey, Estepp, Gourdine, Hendershot, Maloney, Scott and Shapiro. Absent: Council Members Russell and Wilson)

5/1/2001: CB-20-2001 (DR-2) was amended on the floor; CB-20-2001 (DR-3) introduced.

PLANNING, ZONING & ECONOMIC DEV. COMMITTEE

DATE: 4/23/2001

Committee Vote: Favorable with amendments, 3-0-1. (In favor: Council Members Shapiro, Wilson and Russell; Abstained: Council Member Estepp)

Council staff summarized the purpose of the legislation and informed the Committee of referral comments that were received. CB-20-2001 allows the Planning Director to approved minor amendments to an approved Basic Plan which:

- (A) Adds to the land covered by the Basic Plan but does not increase total land area by more than 5% or five acres, whichever is less;
- (B) Creates a more logical and orderly configuration of the land area in the approved Basic Plan; and
- (C) Does not increase the number of dwelling units or the square footage shown on the approved Basic Plan.

In addition, the legislation allows the Planning Director to approve amendments to approved Comprehensive Design Plans and Specific Design Plans to bring them into conformance with approved Basic Plan amendment.

Council Member Scott, the bill's sponsor, explained that the provisions of the legislation allow a C-O zoned parcel consisting of less than five acres to be included with a large M-A-C zoned property that is the subject of a Basic Plan approval. The M-A-C property is currently being developed with a shopping center. Since some of the parking for the shopping center will be located on the C-O parcel, it is appropriate to make the parcel zoning consistent with that of the remainder of the shopping center site.

The Office of Law and the Legislative Officer find the bill to be in proper legislative form. The County Executive takes no position on the legislation. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-20-2001.

The Planning Board supports CB-20-2001 and provides the following comments. Currently, Basic Plan amendments to change the land area or increase land use density or intensity for the overall area within the approved Basic Plan must undergo the same process as initial approval of the Basic Plan through a zoning map amendment. Therefore, the Basic Plan must undergo the entire approval process again for an amendment, and this can delay projects. The proposed legislation would alleviate the delay under certain circumstances and help make the Basic Plan amendment process more convenient and expeditious for applicants. The Planning Board suggests that alternative language be proposed to permit this authority to be delegated to the Planning Board if the District Council is reluctant to permit such administrative amendments, or if the District Council wishes to clearly establish an appeal to the Planning Board from any decision of the Planning Director.

The Committee discussed the effect of the legislation on other Basic Plan approvals and whether the bill should contain language to further limit the situations in which the minor amendments could be approved by the Planning Director. To address this concern, the Committee recommended amendments to the legislation as follows: page 2, line 16, at the beginning of the sentence add: "Until December 31, 2002," and page 2, line 18, after the word "Adds", insert "abutting property".

BACKGROUND INFORMATION/FISCAL IMPACT

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

The bill authorizes the Planning Director to approve certain minor amendments to approved Basic Plans.

CODE INDEX TOPICS: