

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 11/15/2011  
**Reference No.:** CB-053-2011  
**Draft No.:** 2  
**Proposer(s):** Olson  
**Sponsor(s):** Olson, Turner, Lehman  
**Item Title:** An Ordinance concerning the Transit District Overlay Zone for the purpose of amending the regulations for the Transit District Overlay Zone to include adequate public facilities review under certain circumstances

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**Drafter:** Karen T. Zavakos, Legislative Officer  
**Resource Personnel:** Dannielle M. Glaros, Legislative Aide

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	9/27/2011	<b>Executive Action:</b>	
<b>Committee Referral:</b>	9/27/2011 - PZED	<b>Effective Date:</b>	1/3/2012

**Committee Action:** 10/11/2011 - FAV(A)

**Date Introduced:** 10/18/2011  
**Public Hearing:** 11/15/2011 - 10:00 AM

**Council Action (1)** 11/15/2011 - ENACTED  
**Council Votes:** WC:A, DLD:A, MRF:-, AH:-, LJ:-, ML:A, EO:A, OP:-, IT:A, KT:-  
**Pass/Fail:** P  
**Remarks:**

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### AFFECTED CODE SECTIONS:

27-548.09.01

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### COMMITTEE REPORTS:

#### PZED Committee Report

**Date 10/11/2011**

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Patterson, Campos, Harrison and Olson)

Council staff provided an overview of CB-53-2011 and informed the committee of written referral comments that were received. This legislation amends the Zoning Ordinance to add language which states that when an amendment application proposes enlargement of the Transit District Overlay Zone (TDOZ) by five or more acres, technical staff shall provide an Adequate Public Facilities (APF) report as part of the development review process for the proposed development project.

Council Member Olson, the bill's sponsor, informed the committee that CB-53-2011 is intended to ensure that impact on public facilities will be evaluated upon the addition of large areas to a TDOZ.

The Office of Law reviewed CB-53-2011 and determined that it is in proper legislative form with no legal impediments to its enactment. The Planning Board opposes the legislation and provided written comments outlining their concerns. The Planning Board staff recommends that the objective of the bill be better clarified and understood

before substantive changes are made to the TDOZ process. Rana Hightower and Tom Masog, representing the Planning Board, addressed the committee expressing concerns that the legislation does not provide what type of test or standards are required in evaluating the APF report. The Planning Department staff also indicated that CB-53-2011 should require that the APF report be provided by the applicant as is the case for other development proposals.

Brad Frome, representing the County Executive’s Office, informed the committee that the County Executive is opposed to CB-53-2011. Mr. Frome expressed concern that the required APF report could be a determining factor in a decision on a proposed TDOZ development application.

Mayor John Tabori of the Town of University Park spoke in support of CB-53-2011 and provided a copy of the Town’s letter expressing support for the bill. The City of College Park also submitted a letter in support of the bill.

The Legislative Officer suggested clarifying language to address Planning Board comments regarding which public facilities must be evaluated in the proposed APF report. The additional language is inserted at page 2, lines 24-25. After “Adequate Public Facilities report”, insert “as defined in Subtitle 24 of the County Code”.

The committee voted favorable including the additional language provided by the Legislative Officer.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

This bill will require technical staff to provide an adequate public facilities analysis for applications for amendment to the boundaries of a TDOZ of five or more acres.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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