

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

Meeting Date: 6/11/2002**Reference No.:** CB-28-2002**Proposer:** Estep**Draft No.:** 2**Sponsors:** Estep

Item Title: A Subdivision Bill allowing an exemption from the school facilities test when a proposed preliminary plat reduces by 50% or more the residential density shown on an approved preliminary plat of subdivision in a Comprehensive Design Zone, under certain circumstances

Drafter: Steven M. Gilbert
Principal Counsel**Resource** John Timms
Personnel: Legislative Aide

LEGISLATIVE HISTORY:**Date Presented:** 4/16/2002**Executive Action:** __/__/__ __**Committee Referral:** 4/16/2002 PZED**Effective Date:** __/__/__**Committee Action:** 4/24/2002 FAV(A)**Date Introduced:** 4/30/2002**Public Hearing:** 6/11/2002 10:15 A.M.**Council Action:** 6/11/2002 POSTPONE INDEFINITELY**Council Votes:** PS:A, DB:A, TD:A, JE:A, TH:A, TK:A; RVR:A, AS:A, MW:A**Pass/Fail:** P**Remarks:** _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 4/24/02

Committee Vote: No recommendation, 4-0 (In favor: Council Members Russell, Hendershot, Shapiro and Wilson).

This legislation is intended to allow an exemption from the school facilities test for a project proposed in Accokeek and known as St. James Village. The property was the subject of a preliminary plat of subdivision approval in 1996 for approximately 800 residential units in the V-M Zone. A new preliminary plat of subdivision for 181 estate lots utilizing the original R-A Zone has been submitted for review to M-NCPPC. The previous preliminary plat was approved prior to the Council's adoption of legislation requiring a school facilities test. CB-28-2002 provides an exemption to the school facilities test currently in effect.

Staff presented a Proposed Draft-2 of CB-28 containing amendments intended to narrow the scope and application of the bill's exemption. The changes are as follows: on page 2, line 26, change "an approved preliminary plat" to "a prior approved preliminary plat"; and on page 2, line 28, add "and are both still valid" at the end of the sentence. These changes are intended to clarify that the exemption applies only where there is a prior approved subdivision in a Comprehensive Design Zone, a subdivision with a preliminary plat which is still valid when the new (expanded) plan is approved. Additional language in the uncodified section of the Proposed Draft-2 states: "Section 2. BE IT FURTHER ENACTED that this legislation shall apply to any preliminary plat of subdivision accepted for filing after January 1, 2002." Since it is unlikely that this legislation, if enacted, will be effective prior to the Planning Board's action on the pending preliminary plat, this clause allows the applicant to obtain permits without the payment of a school facilities fee that would be imposed as a condition of approval of the plat.

Planning Department staff informed the Committee that without the exemption proposed in CB-28 the preliminary plat currently under review would be subject to either a three-year wait prior to obtaining building permits or the payment of \$1950 per dwelling unit due to the inadequacy of the affected high school.

The Planning Board opposes the legislation and the County Executive takes no position. Sevag Balian, of Haverford Homes, spoke in support of the bill.

The Committee accepted the amendments in Proposed Draft-2 and voted no recommendation on the legislation.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The legislation amends the Subdivision Regulations to exempt from the school facilities test a proposed preliminary plat which reduces by 50% or more the residential density shown on an approved preliminary plat of subdivision in a Comprehensive Design Zone, if the proposed preliminary plat is filed under Section 27-477(c) of the Zoning Ordinance, and if both the Comprehensive Design Zone and the prior preliminary plat were approved before January 1, 1997.

CODE INDEX TOPICS: