

PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: 9/2/97

Reference No.: CB-6-1997

Proposer: Maloney, Gourdine, Russell, Scott

Draft No.: 4

Sponsors: Maloney, Gourdine, Russell, Scott

Item Title: An Ordinance for the purpose of allowing all Specific Design Plans to be appealed to or reviewed by the District Council

Drafter: Mary Lane
PZ&ED Committee Director

Resource Personnel:

LEGISLATIVE HISTORY:

Date Presented: 1/21/97

Executive Action: __/__/__

Committee Referral:(1) 1/21/97 PZED

Effective Date: 10/20/97

Committee Action:(1) 2/12/97 HELD

Committee Action:(2) 2/26/97 HELD

Committee Action:(3) 3/12/97 FAV(A)

Committee Referral:(2) 3/25/97 PZED

Committee Action:(1) 3/27/97 FAV(A)

Date Introduced: 4/8/97

Pub. Hearing Date: (1) 5/13/97 1:30 P.M.

Council Action: (1) 3/25/97 RECOMMITTED

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

Pass/Fail: P

Council Action: (2) 5/13/97 DEFERRED

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

Pass/Fail: P

Council Action: (3) 7/1/97 DEFERRED

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

Pass/Fail: P

Council Action: (4) 9/2/97 ENACTED

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

Pass/Fail: P

Council Action: (5) 9/2/97 RECONSIDERED AND REENACTED

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

Pass/Fail: P

Remarks: _____

9/2/97 - During the a.m. session on this date, Council Bill 6, Draft 3 was amended and subsequently enacted. CB-6-1997 (DR-4) was placed on the p.m. agenda for reconsideration. Motion to enact CB-6-1997 (DR-4) carried by vote of 8-0.

7/1/97 - Council voted to defer action for another 60 days to review

5/13/97 - Council voted to defer action for 45 days to allow for review by the Growth Policy Committee

PLANNING, ZONING & ECON. DEVELOPMENT COMM. REPORT

DATE: 3/27/97

Committee Vote: Favorable as amended, 3-1-1 (In favor: Council Members Del Giudice, Maloney and Russell; in opposition: Council Member MacKinnon; abstaining: Council Member Wilson).

The Committee considered CB-6-1997 as an addition to the agenda followings its referral back to Committee on March 25. An amendment had been proposed to Draft 2 prior to introduction to allow the Council to review SDPs upon their own motion. The discussion by the full Council on March 25 was regarding imposing a time limitation for Council action if the amendment is made.

The Committee considered a Draft 3 proposed by Council Member Maloney that requires the Council to establish a hearing date not more than thirty days from the time it decides to review a Planning Board decision, and to render a decision within thirty days from the close of the hearing. It was noted by staff that these requirements do not necessarily mean that a case will be decided within sixty days, since the hearing may be continued. If the Council fails to act within the specified time, the Planning Board's decision is automatically affirmed.

It was also noted that there is an error in the existing language in Section 27-528.01 that could be corrected through this legislation. Subsection (b) refers to the findings in Section 27-523, although

findings are actually found in Section 27-528. The Committee agreed to this technical amendment.

PLANNING, ZONING & ECON. DEVELOPMENT COMM. REPORT

DATE: 3/12/97

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

The Committee questioned the Council's legal ability to review SDPs on its own motion, since the preceding discussion regarding CB-5-1996 indicated that this authority is not explicitly provided for in Article 28. Legal staff assured the Council that the authority exists for this type of zoning matter. A motion to report the bill out without amendment failed by a 3-2 vote. It was then amended to allow appeals of SDPs, but not to allow the Council to review SDPs upon their own motion.

PLANNING, ZONING & ECON. DEVELOPMENT COMM. REPORT

DATE: 2/26/97

HELD in Committee.

Staff explained that this legislation makes all Specific Design Plans (SDP) appealable to the Council. Currently, SDPs are appealable to the Council only if this condition is placed on the property at zoning, or if the property is in the V-L or V-M (Village) Zones. SDPs are the third stage of the CDZ process, and are detailed site, landscaping and architectural plans. They are comparable to Detailed Site Plans in euclidean zones.

A co-sponsor of the legislation, Council Member Scott, explained that this legislation is necessary because as the elected body, the Council has the right and responsibility to review SDPs, and is ultimately held responsible for the development. She noted that there have been cases where the Planning Board has downgraded what has previously been approved by the Council, and the Council is currently unable to review these decisions. Council Member Maloney requested that this legislation not be held while the growth management effort is underway, as has been suggested by certain organizations.

The Legislative Officer and the Office of Law find the bill to be in proper legislative form; the Suburban Maryland Building Industry Association opposes the bill, and requests that it be considered in the context of the larger growth management initiative; the Chamber of Commerce also requests that this bill be taken under advisement until the growth management strategy is in draft form; the City of Bowie supports the legislation, and the Planning Board opposes the bill. Dale Hutchison, representing the Planning Board, noted the distinction between SDPs and Detailed Site Plans (DSP), primarily that while DSPs may be the only step in the development review process that the Council has an opportunity to review; SDPs are the third step in a long process for which the Council has already had significant influence. He characterized the SDP as the implementation of the Comprehensive Design Plan, which the Council has the authority to review.

Celia Wilson, Director of Planning and Community Development for the City of Greenbelt, Carmen

Anderson, and Janet Pelle spoke in support of the bill; David Murray, Bob Zinsmeister, (representing the Chamber of Commerce), Paul Rodbell, and Hamer Campbell, (representing the SMBIA), spoke in opposition. Olga Norris stated the County Executive's opposition to the legislation, and requested that the bill be held pending study of the growth management initiative.

A motion for a favorable report failed 2-3; a motion to amend the bill to allow appeal, but not Council review upon its own motion failed 2-3, and a motion for a report of "no recommendation failed 2-3. The bill was held until the next scheduled Committee meeting.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Most actions of the Planning Board are appealable to the District Council. Specific Design Plans, however, are only able to be reviewed by the Council if this authority is established as a condition of an earlier approval. This legislation will allow all Specific Design Plans to be appealed to, or called up by, the District Council.

CODE INDEX TOPICS: