

Prince George's County Council

Agenda Item Summary

Meeting Date: 4/24/2012
Reference No.: CB-002-2012
Draft No.: 2
Proposer(s): Olson, Franklin
Sponsor(s): Olson, Franklin, Lehman, Davis, Patterson
Item Title: An Act concerning Adequate Public Pedestrian and Bikeway Facilities in Centers and Corridors for the purpose of requiring the Planning Board to make a finding of adequacy of public Pedestrian and Bikeway Facilities for development proposals within County Centers and Corridors, to include standards for ensuring the adequacy of non-motorized multimodal transportation facilities including sidewalks, bikeways, and pathways, clarifying requirements for adequate access roads available to serve traffic that would be generated by development projects within proposed subdivisions, and implementing "complete streets" principles and policies in the 2009 Approved Countywide Master Plan of Transportation, and providing that these provisions shall be prospectively applied.

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

LEGISLATIVE HISTORY:

Date Presented:	1/31/2012	Executive Action:	5/3/2012 S
Committee Referral:	1/31/2012 - PZED	Effective Date:	6/1/2013

Committee Action: 2/15/2012 - HELD
3/21/2012 - FAV(A)

Date Introduced: 4/3/2012
Public Hearing: 4/24/2012 - 1:30 PM

Council Action (1) 4/24/2012 - ENACTED
Council Votes: WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

24-124.01

COMMITTEE REPORTS:

PZED Committee Report

Date 3/21/2012

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Franklin, Harrison, Olson, and Patterson)

Council staff presented a Proposed Draft-2 (DR-2) which was prepared at the sponsors' request in consultation with the Planning Department staff in an effort to address concerns discussed during the February 15, 2012 committee meeting.

In addition to minor clarifications, Proposed DR-2 includes the following changes:

- Clarifies that the provisions of CB-2-2012 apply prospectively
- Exempts new development projects with 5 or fewer units or 5,000 or fewer square feet of gross floor area
- Clarifies that there must be a nexus for off-site pedestrian and bikeway facilities
- Caps the cost of additional facilities at 35 cents per gross square foot of retail/commercial or \$300 per residential unit

Mr. Andre Gingles, Gingles LLC, addressed the committee commenting that the Guidelines should be in place prior to application of the provisions of CB-2-2012 to new development projects. Mr. Gingles also expressed concern that Article 28 does not currently provide authority for this new adequacy test. The Council's Legislative Officer informed the committee that Article 28, Section 7-116, provides the authority for a transportation adequacy test, and the provisions of CB-2-2012 for pedestrian and bicycle connectivity are within the scope of a transportation adequacy test.

The Chief Zoning Hearing Examiner addressed the committee regarding the reference to transportation engineering and planning standards and practices found in New Jersey and Pennsylvania Department of Transportation manuals and expressed concern with amending the County Code to reference standards used in other jurisdictions. Council Chair Harrison expressed concern that the Guidelines have not been approved by the Planning Board or Council and the ability of an applicant to follow a plan if the plan has not been established. Ms. Harrison commented that the business community needs certainty in the development process.

Cheryl Cort, Policy Director for the Coalition for Smarter Growth, spoke in support of Proposed DR-2. Letters in support of CB-2012 were submitted by Bike Maryland, Coalition for Smarter Growth, the City of College Park, and Progressive Cheverly. The Maryland National Capital Building Industry Association submitted a letter indicating that "the industry remains very concerned about the impact of the legislation, even though it only applies to Corridors and Centers" and requested that the Committee "either kill, hold or go back to the drawing board on CB-2-2012."

The committee voted favorable on Proposed DR-2 with additional amendments as follows:

- Page 3, line 22, insert the word "demonstrated" before the word "nexus"
- Page 5, lines 8 and 9, after the "pedestrian and bikeway facilities", strike "like the roadways to which they relate"; after the word "shall", strike the word "not"; and before the word "limitations", insert the word "cost". The new sentence reads: "Any such pedestrian and bikeway facilities shall be subject to the cost limitations set forth in Subsection (c) of this Section."
- Page 5, at the end of subsection (i), strike the following sentence: "Until such time as the Planning Board adopts amendments to its Guidelines, the Q/LOS and LOC standards set forth in NCHRP Report 616: Multimodal Level of Service Analysis for Urban Streets (Transportation Research Board, 2008) shall apply."
- Page 6, subsection (j)(3), strike the reference to the New Jersey and Pennsylvania manuals
- Page 7, change the effective date clause from "thirty (30) calendar days after it becomes law" to "June 1, 2013"

2/15/2012

Held in committee.

Council staff provided an overview of the legislation and summarized written referral comments that were received. CB-2-2012 amends the Subdivision Regulations to require the Planning Board to make findings of adequate pedestrian and bikeway facilities for preliminary plans of subdivision within County Corridors and Centers.

Council Vice-Chair Olson, the bill's sponsor, informed the committee that he proposed this legislation for the evaluation of adequate public facilities to be extended to bikeways and sidewalks to encourage multi-modal ways in the County. Mr. Olson explained that CB-2-2012 will encourage on and off site sidewalk connections for improved community health as well as a pleasant, safer pedestrian and biker experience. He expressed the need for this measure since the County leads the State in biker/pedestrian deaths. Council Member Franklin, the bill's co-sponsor, added that connectivity will not happen if pedestrian adequate public facilities review is not required.

The Office of Law reviewed CB-2-2012 and determined that it is in proper legislative form with no legal

impediments to its adoption. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County if CB-2-2012 is enacted.

Al Dobbins, Eric Foster, Fred Shaffer, and Rana Hightower (M-NCPPC Planning Department staff) addressed the committee indicating that the Planning Department is supportive of the concept and intent of the legislation. The staff noted technical concerns that they would like to work with the sponsors to address and make the legislation effective and implementable. Mr. Foster and Mr. Shaffer informed the committee that they will work with local groups and County agencies such as the Department of Public Works and Transportation looking at best practices in preparation of the manual (“Guidelines”) for approval by the Planning Board.

The following individuals spoke in support of CB-2-2012: Mr. Greg Billing (Washington Area Bicyclists Association), Ms. Cheryl Cort (Coalition for Smarter Growth), and Mr. Jim Hudnall (Oxon Hill Bicycle and Trail Club). Mr. Tom Aylward (Jackson Shaw) addressed the committee indicating that the building industry is interested in making development predictable and the legislation could be amended to address this concern.

The legislation was held in committee to allow staff time to prepare appropriate revisions to address concerns raised during the meeting.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This bill will require the Planning Board to make findings of adequate pedestrian and bikeway facilities within County Corridors and Centers

CODE INDEX TOPICS:

INCLUSION FILES:
