

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/23/2004
Reference No.: CB-043-2004
Draft No.: 2
Proposer(s): Peters
Sponsor(s): Exum, Harrington, Dernoga, Dean, Knotts
Item Title: An Ordinance providing that property conveyed to the Maryland-National Capital Park and Planning Commission shall be placed in the R-O-S Zone

Drafter: Jackie Brown, Director, PZED Committee
Resource Personnel: Richard J. Santos, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	6/22/2004	Executive Action:	
Committee Referral:	6/22/2004 - PZED	Effective Date:	1/10/2005
Committee Action:	7/7/2004 - HELD 10/26/2004 - FAV(A)		
Date Introduced:	11/1/2004		
Public Hearing:	11/23/2004 - 10:00 AM		
Council Action (1)	11/23/2004 - ENACTED		
Council Votes:	MB:A, SHD:A, TD:A, CE:A, DCH:A, TH:-, TK:A, DP:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-113.03

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

Date 10/26/2004

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Dernoga, Bland, Exum, and Harrington)

Staff summarized the purpose of the legislation and informed the committee that no additional information was received based on comments at the July 7 meeting.

The committee accepted the amendment recommended by the Office of Law to replace "unless otherwise directed by resolution of the District Council" with "until a Zoning Map Amendment for the land has been approved by the District Council."

PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

Date 7/7/2004

Held in committee.

Staff gave an overview of CB-43-2004 and summarized referral comments that were received. The bill provides that any property of more than 75 acres conveyed to the Maryland-National Capital Park and Planning Commission after July 1, 2002 “shall be placed immediately” in the R-O-S Zone.

The Principal Counsel reviewed the legislation and provided the following analysis. In general, zoning is concerned with land use, not ownership. But ownership by the Planning Commission, a permanent, bi-county (and therefore State) agency created by law, may be the basis for a zoning reclassification. This bill will be given public notice and public hearing in the normal course, the present and future properties the bill concerns are well-defined, and the properties will all be validly reclassified, in the same manner, generally speaking, as properties in a comprehensive rezoning. The “resolution of the District Council” procedure at the end of the bill would require a public hearing, with reasonable public notice. Otherwise these properties might be reclassified by Council at any time, without opportunity for public input.

The Office of Law reviewed CB-43-2004 and noted that the new language requires placing newly conveyed property in the R-O-S Zone “unless otherwise directed by resolution of the District Council.” That sounds as if a rezoning would be conducted via resolution instead of the appropriate due process, which would include public notice and a hearing before a rezoning decision is made. The Office of Law recommended that the language “until a Zoning Map Amendment for the land has been approved by the District Council” replace “unless otherwise directed by resolution of the District Council.”

The Planning Board supported CB-43-2004 as it might apply to the Nash Property at Routes 301 and 50, but requested that, if the Council wishes to have the legislation apply to other properties, the Council hold the bill until it can be studied further with additional input from staff to determine the implications that the bill may have on other properties in excess of 75 acres acquired after July 1, 2002 through the Commission’s land acquisition program.

The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-43-2004.

Fern Piret, Planning Director, addressed the committee explaining the concern of the Commission’s General Counsel regarding the impact of the bill on the value of Commission land and the limitation that it imposes on the Commission’s disposition of its properties.

The committee noted that the bill provides for a resolution that can change the zoning of the property and increase its value.

The bill was held in committee to allow additional review of the Planning Board’s concerns

BACKGROUND INFORMATION/FISCAL IMPACT:

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

The Zoning Ordinance currently requires that any land which is conveyed in fee simple by the United States of America or by the State of Maryland shall be placed in the Reserved Open Space (R-O-S) Zone until a Zoning Map Amendment for the land has been approved by the District Council.

This legislation requires that any land conveyed to the Maryland-National Capital Park and Planning Commission be placed in the R-O-S Zone.

CODE INDEX TOPICS:

INCLUSION FILES:
