

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2015 Legislative Session

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**Reference No.:** CB- 83-2015

**Draft No.:** 2

**Committee:** PLANNING, ZONING AND ECONOMIC DEVELOPMENT

**Date:** October 7, 2015

**Action:** FAV (A)

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### REPORT:

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Harrison, Davis, Glaros, Taveras, and Toles)

Council staff summarized the purpose of the legislation and informed the committee of written referral comments that were received. An agency referral was distributed for Draft-1 as well as a Proposed Draft-2A (DR-2A) of the legislation, and a Proposed Draft-2B (DR-2B) was provided at the October 7 meeting for the Committee's discussion.

Council Chairman Franklin, the bill's sponsor, gave an overview of his memorandum dated October 7, 2015 to PZED Committee Colleagues detailing the changes contained in Proposed DR-2B. Chairman Franklin's memorandum explained that CB-83-2015, legislation designed to streamline and create certainty in our development plan review process for site plans, was revised to provide new flexibility in the process to accommodate concerns raised by the Planning Board during their review of prior drafts. As stated in Chairman Franklin's memorandum:

- Due to informal preliminary feedback from Planning Board staff that Draft 1's 60-day time limit on the Planning Board's initial site plan (CSPs, DSPs, CDPs, and SDPs) review was too aggressive, Draft 2 maintains the existing 70 day time limit on the Planning Board's review of DSPs and CSPs and adds the same 70-day time limit for CDPs and SDPs. In current law, CDPs and SDPs only have time limits on the District Council's review, but not the Planning Board's review (unlike for CSPs and DSPs, where current law does impose a time limit on the Planning Board's review as well). In the formal position of the Planning Board received this morning, the Planning Board states a position of opposition to the proposed time limits on their reviews and questions the prudence of the existing time limits on their review in current law. Draft 2 also lengthens the District Council's review period for action from 45 days in Draft 1 to 60 days in Draft 2. This nonetheless still represents a significant reduction in the District Council's site plan review period.

- Due to informal feedback from Planning Board staff that Draft 1's 30-day limitation on extending the Planning Board review time for site plans (CDPs, DSPs, CDPs, and SDPs) was too aggressive, Draft 2 lengthens this potential extension to 45 days. In current law, there is no time limit on extensions of the initial 70 day period for site plan review and applicants often complain that this is a significant source of uncertainty in the process since they are often asked to waive the initial 70 day time period by Planning Board staff leading to an open-ended review. In the formal position of the Planning Board received this morning, the Planning Board states a position of opposition to the proposed time limits on their reviews, especially CB-83's limitation on the open-ended review created by the unlimited waiver in current law, and questions the prudence of the existing time limits on their review in current law.
- To accommodate any potential need of rehearing or re-referral on remand, Draft 2 increases to 60 days the period that the Planning Board must decide site plans referred on remand. This is an increase from Draft 1's stricter 30 day limit on remand. CB-83 Draft 1 and Draft 2 propose the important limitation of remand only one-time by the District Council, eliminating the uncertainty of multiple remands.
- Draft 2 codifies the understanding that a site plan application is "submitted" when it is determined to be "complete" by the Planning Director.
- Due to preliminary informal feedback from Planning Board staff, Draft 1's provision that an applicant can satisfy requirements for a CSP and a DSP in a combined application has been removed.

Alan Hirsch, M-NCPPC Development Review Division, was present to discuss the Planning Board's concerns and respond to questions. James Estep, representing the Prince George's Business Roundtable, and Marcus Jackson, representing the Maryland Business Industry Association, testified in support of CB-83-2015. Celia Craze, City of Greenbelt Director of Planning and Community Development, testified regarding concerns with the shortened review periods. Ms. Craze commented on the importance of municipal involvement during the review process speaking to the current process which allows time for stakeholder meetings to discuss shared issues. Matthew Tedesco testified in support of the legislation and suggested additional amendments concerning the provisions for extensions granted by the applicant.

The committee voted favorable on the legislation, Proposed DR-2B including additional amendments as follows:

- Page 2, at the end of line 25, insert "or such other additional time period as determined by the applicant"
- Page 2, line 4, after "Within seven (7) days after the", insert "Planning Board adopts its resolution"

- Page 4, line 16, after “seventy (70) day requirement”, strike “one time”
- Page 4, at the end of line 17, insert “or such other additional time period as determined by the applicant”
- Page 4, line 21, after “Within seven (7) days after the”, insert “Planning Board adopts its resolution”
- Page 6, at the end of line 13, insert “or such other additional time period as determined by the applicant”
- Page 6, line 20, after “Planning Board’s”, change “decision” to “adoption”
- Page 8, line 26, after “seventy (70) day requirement”, strike “one time”
- Page 8, at the end of line 27, insert or such other additional time period as determined by the applicant”
- Page 9, line 10, after “Planning Board’s”, change “decision” to “adoption”