

Prince George's County Council

Agenda Item Summary

Meeting Date: 10/26/2010
Reference No.: CR-066-2010
Draft No.: 3
Proposer(s): Dean
Sponsor(s): Dean
Item Title: A RESOLUTION concerning Public Facilities Financing and Implementation Program District at Westphalia Center for the purpose of designating a contiguous area within Prince George's County, Maryland (the "County") as a "PFFIP District," such development district to be located in an unincorporated area of the County known as Westphalia, Maryland and to be known as the "Westphalia PFFIP District;" providing for, and determining, various matters in connection with the establishment of a PFFIP District, creating provisions for financing strategies including, but not limited to, pro-rata contributions, sale leasebacks, funding "clubs," the Surplus Capacity Reimbursement Procedure provided in Section 24-124 of the County Code, and other methods to ensure equity in the PFFIP District; making certain findings and determinations with respect to the uses of such financing strategies; and generally relating to the Westphalia PFFIP District.

Drafter: Karen T. Zavakos, Legislative Officer

Resource Personnel:

LEGISLATIVE HISTORY:

Date Presented:		Executive Action:	11/15/2010 S
Committee Referral:	7/13/2010 - PZED	Effective Date:	11/15/2010

Committee Action: 10/20/2010 - FAV(A)

Date Introduced: 7/13/2010

Public Hearing: 9/7/2010 - 10:00 AM

Council Action (1) 10/26/2010 - ADOPTED

Council Votes: MB:A, WC:A, SHD:A, TD:A, CE:-, AH:A, TK:A, EO:A, IT:A

Pass/Fail: P

Remarks:

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

PZED Committee Report

Date 10/20/2010

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Dean, Bland, Knotts, and Olson)

This resolution establishes a Public Facilities Financing and Implementation Program for the Westphalia Sector, sets forth boundaries for the Program District Area, as well as a financing mechanism for construction of a MD 4/Westphalia Road interchange and associated improvements. A public hearing was held on September 7, 2010. Additionally, the Planning, Zoning, and Economic Development Committee met on three occasions, September 20, October 6, and October 20, to consider CR-66-2010.

During the September 20 and October 6 committee meetings, the committee received testimony from individuals representing various interests and developments within the Westphalia Sector in support of CR-66 and the process outlined in the resolution to provide a funding mechanism for necessary transportation improvements as well as from individuals who were generally in support, but requested more specificity or clarifying language in the resolution. Marva Jo Camp, representing Smith Home Farm, provided proposed revisions at each committee meeting to address concerns raised during the public hearing and prior committee meetings. As a result of legal issues raised by outside counsel concerning equity between proposed payments for commercial versus residential developments and the derivation of the formula for the proposed \$4,750 cost per dwelling unit contained in Draft-1, the language was revised in Section 5. The revision provides that the fee shall be based on Average Daily Trip (ADT) assigned to each property as a proportionate share of the final cost to build the MD 4 at Westphalia Road interchange.

At the October 6 committee meeting, Council Member Dean requested that the M-NCPPC Transportation Planning staff provide Level-of-Service (LOS) comparisons for MD 4. During the October 20 committee meeting, Eric Foster, Transportation Planning Supervisor, summarized existing conditions for the following intersections: MD 4 and Westphalia Road/Old Marlboro Pike, MD 4 and Suitland Parkway, and MD 4 and Dower House Road. Mr. Foster also provided a LOS analysis (AM and PM) for total conditions with and without interchanges.

The committee reviewed additional revisions to CR-66-2010 prepared by Ms. Camp as follows:

- Additional WHEREAS language that will bind development projects outside of the sector if they receive a Planning Board condition for improvements at the MD 4 at Westphalia Road interchange
- Additional WHEREAS clause that authorizes the Planning Board to make a finding of adequacy
- Reference timing for the Planning Board to establish a “Fee Schedule”
- Additional language in Exhibit B clarifying requirement to commence Milestones
- Clarification of ADT methodology in Memorandum of Understanding with the agreed upon cap

The following revisions were included based upon the sponsor’s direction and the committee’s discussion:

- Additional WHEREAS language that exempts properties from participation in the Public Facilities Financing and Implementation Program (PFFIP) if they are not required to construct the MD 4 at Westphalia Road interchange
- Addition of language in a new SECTION 4. authorizing development projects within the PFFIP District, and subject to the provisions of CR-66-2010, to proceed prior to the completion of the National Environmental Policy Act (NEPA) and the Interstate Access Permit Approval (IAPA) processes and providing that projects that proceed shall pay the fee based upon the current cost estimate
- Clarifying revision of language in SECTION 9. concerning stakeholders pursuit of State and federal approvals for the MD 4 at Westphalia Road interchange and “interim improvements”
- Clarifying revision of language in SECTION 10. concerning the establishment of a Tax Increment Financing District (“Westphalia TIF District”) for the Westphalia Town Center and utilization of the TIF funds to offset costs related to the MD 4 at Westphalia Road interchange and interim improvements associated with “commercial development”.

The Office of Law reviewed CR-66-2010 and found it to be in proper legislative form with no legal impediments to its adoption.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

CB-78-2006 provided broad authority for the County to establish Public Facilities Financing and Implementation Programs (“PFFIP”) as a tool to provide for the timely provision of adequate public facilities. This Resolution establishes a PFFIP for the Westphalia Sector, articulates boundaries for the Program District Area and sets forth a financing mechanism for construction of a MD 4 at Westphalia Interchange and associated improvements.

10/26/2010 - CR-66-2010 (DR-2) was technically amended on the floor; CR-66-2010 (DR-3) adopted.

CODE INDEX TOPICS:

INCLUSION FILES:

I-CR-66-2010 DR-3 Exhibits.pdf
