

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 7/25/2000

Reference No.: CB-58-2000

Proposer: Estepp

Draft No.: 2

Sponsors: Estepp

Item Title: An Ordinance allowing a private airstrip in a residential zone to continue as a permitted use, if it was located on 90 or more acres when first permitted and the acreage was reduced by a public entity's land acquisition

Drafter: Steven M. Gilbert
Principal Counsel

Resource John Timms
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 5/23/2000

Executive Action: __/__/____ __

Committee Referral: 5/23/2000 PZED

Effective Date: 9/11/2000

Committee Action: 6/19/2000 FAV(A)

Date Introduced: 6/27/2000

Public Hearing: 7/25/2000 11:00 A.M.

Council Action: 7/25/2000 ENACTED

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

Date: 6/19/2000

Committee Vote: Favorable with amendments, 3-0 (In favor: Council Members Scott, Maloney and Wilson).

Staff summarized the purpose of the legislation explaining that the amendments to Section 27-445.07 of the Zoning Ordinance will allow M-NCPPC to acquire a portion of a private airstrip without resulting in the property becoming a nonconforming use. Ray Palfrey of the Department of Parks and Recreation informed the Committee that M-NCPPC is interested in acquiring approximately 26 acres of an airstrip in Croom owned and used solely by Thomas Duley. Mr. Palfrey indicated that

approximately 23 of the 26 acres are located in the floodplain and the land acquisition will be for an addition to the Charles Branch Stream Valley Park for conservation purposes.

The Planning Board supports CB-58-2000 and indicates that the legislation is limited and applies to only one of the two private airports in the County, the one in Croom. The other private airport, in Fort Washington, existed before zoning applied and it operates as a non-conforming use. A third private airport that operated in the Brandywine area along US 301 is understood to have let its airport license lapse. Since the legislation is limited, there does not appear to be any problem. However, it should be pointed out that it would be advisable for the property owner, if he or she has not already done so, to obtain a recorded aviation or air rights easement for the transferred property located under the airport approach zone so that if the public entity ever wishes to sell or develop the land in question, such an action would not endanger the airport's viability.

The Legislative Officer and the Office of Law determined that the bill is in proper legislative form. The County Executive takes no position on the legislation. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-58-2000.

Council Member Maloney expressed concern about reducing the acreage of the private airstrip indicating that the Committee should consider the appropriate minimum size for such a use. Mr. Maloney suggested an amendment to impose a minimum 64-acre requirement for a private airstrip. Margaret Addis, Office of Law, suggested that the bill could be amended on page 3, line 6 to include the following language after the word "acquisition": "to no less than sixty-four (64) acres." Beginning on line 5, the sentence would then read: "(2) The acreage was then reduced below ninety (90) by a public entity's land acquisition to no less than sixty-four (64) acres; and.."

The Committee voted favorably on this legislation including the amendment discussed above as contained in Draft-2.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The bill amends the acreage requirements for private airstrips in residential zones. It permits an airstrip to continue operations even where the property has less than 90 acres, as normally required, if the reduction in acreage occurs because of land acquisition by a public entity.

CODE INDEX TOPICS: