

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

Meeting Date: 10/1/96

Reference No.: CB-78-1996

Proposer: Russell

Draft No.: 2

Sponsors: Russell

Item Title: An Ordinance for the purpose of defining mixed retirement development, and permitting this use in certain Comprehensive Design Zones subject to certain requirements

Drafter: Mary Lane
PZ&ED Committee Director

Resource Personnel: Debra Boxley
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 7/2/96

Executive Action: __/__/__

Committee Referral:(1) 7/2/96 PZED

Effective Date: 12/13/96

Committee Action:(1) 7/24/96 HELD

Committee Action:(2) 9/18/96 FAV(A)

Date Introduced: 10/1/96

Pub. Hearing Date: (1) 10/29/96 1:30 P.M.

Council Action: (1) 10/29/96 Enacted

Council Votes: SD:A, DB:A, JE:A, IG:-, AMc:A, WM:A, RVR:A, AS:A, MW:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECON. DEV. COMM. REPORT

DATE: 9/18/96

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Wilson, Estepp, Maloney and Russell).

Robert Manzi, representing the Evangel Temple, presented amendments to the legislation that had previously been considered by the Committee. This proposal had been discussed with and revised pursuant to recommendations made by the Council, Planning, and City of Bowie staffs. Specifically, the new proposal: defined assisted living facility; amended the definition of mixed retirement development and the use table to include assisted living facilities; established a maximum density of

8 dwelling units per acre, with the minimum density set by the Council; included public benefit features that are almost identical to the other public benefit features in the CDZs in order to achieve the maximum density; clarified that the portion of the Zone used for the mixed retirement development shall not be used in calculating the density for the remainder of the property in the zone, and specified that each living unit in the nursing and care homes and assisted living facilities shall be included in the density calculation. The Office of Law and the Legislative Officer recommended that the covenants run to the benefit of the County, rather than the M-NCPPC. The Committee reported the draft 2 out with a favorable report.

PLANNING, ZONING & ECON. DEV. COMM. REPORT

DATE: 7/24/96

HELD in Committee.

As originally proposed, CB-78-1996 creates a new use, "mixed retirement development", and permits it by right in all of the Comprehensive Design Zones except the village zones. A mixed retirement development is defined on page 2 of the legislation as "a residential community developed under a uniform scheme of development, containing a mix of attached, detached, multifamily dwelling units, and nursing or care homes. Each community shall be developed with at least 2 types of dwelling units". There are no recreational or social amenities related to the needs of the elderly required for this type of development. Covenants must be recorded establishing that the dwellings shall be solely occupied by elderly persons, in accordance with State and Federal Fair Housing laws, for not less than 60 years. This use is proposed to be excluded from the maximum density regulations for the specific zone in which it is located, and the density of a mixed retirement development is 8 units per acre. The density of a mixed retirement development is not proposed to be dependent on the provision of public benefit features. It was noted by staff that the definition should be amended to reference that this type of development is for retirement-aged persons.

The Legislative Officer finds the bill to be in proper legislative form, and the Planning Board opposes the legislation. The Board noted that elderly housing of all types is currently permitted in the Comprehensive Design Zones, and this legislation bypasses the specific density ranges of the zones and the list of public benefit features used to increase the density from the base to the maximum. The City of Bowie recommends that the bill be held for further study, and concerns were noted regarding the definitions of "elderly", "senior", and "dwelling unit", the types of units permitted, and the methods of density calculations.

Robert Manzi, representing the Evangel Church, spoke in support of the legislation. He stated that the church currently owns 500 acres in the R-L Zone, and is interested in developing 160 acres as a mixed retirement development. It was noted that in order to accomplish this, an amended Basic Plan would have to be approved by the District Council. The church is currently in the process of soliciting input from the Largo, Kettering, and Lake Arbor Citizens' Associations.

The Committee agreed to hold the bill for further study.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The Comprehensive Design Zones currently permit a variety of housing types. This legislation creates a new use, "mixed retirement development", which must include at least two housing types occupied solely by senior citizens. This use will be permitted by right in most of the CDZs, with a maximum density of eight dwelling units per acre.

CODE INDEX TOPICS: