

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

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**Meeting Date:** 5/23/2000

**Reference No.:** CB-35-2000

**Proposer:** County Executive

**Draft No.:** 2

**Sponsors:** Bailey, Wilson, Shapiro, Hendershot, Russell

**Item Title:** An Ordinance concerning Commercial Recreational  
Development on land leased from a public agency

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**Drafter:** Margaret M. Addis  
Office of Law

**Resource** Barbara L. Holtz  
**Personnel:** Deputy Chief Adm. Officer

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**LEGISLATIVE HISTORY:**

**Date Presented:** 4/25/2000

**Executive Action:** \_\_/\_\_/\_\_\_\_ \_\_

**Committee Referral:** 4/25/2000 C.O.W.

**Effective Date:** 7/10/2000

**Committee Action:** 4/26/2000 FAV(A)

**Date Introduced:** 5/2/2000

**Public Hearing:** 5/23/2000 1:30 P.M.

**Council Action:** 5/23/2000 ENACTED

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

**Pass/Fail:** P

**Remarks:** See also CB-36-200 & CR-19-2000

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**COMMITTEE OF THE WHOLE REPORT**

Date: 4/26/00

Committee Vote: Favorable with amendments, 8-1 (In favor: Council Members Bailey, Estepp, Gourdine, Hendershot, Russell, Scott, Shapiro and Wilson. Opposed: Council Member Maloney).

John McDonough of O'Malley, Miles, Nylan & Gilmore, P.A., representing the Cordish Company, presented an overview of the legislation highlighting the definition of Commercial Recreational Development for inclusion in the Zoning Ordinance. Mr. McDonough explained that the use is permitted in accordance with a lease and the intent of providing the definition is to clarify what is proposed in conjunction with such a development. He also noted his concurrence with amendments to the bill recommended by the Planning Board.

Fern Piret, Planning Director, addressed the Committee summarizing the Planning Board's suggested amendments as follows: expand the definition on page 2 of the bill to include the following after the word commercial "including parking lots for commercial purposes, residential," to allow a part of the site to be used to accommodate and charge a fee for overflow parking from other uses on surrounding sites and also to specifically indicate that residential uses are permitted; clarify the residential and commercial use table footnotes to provide that parking and loading facilities shall be in accordance with Part 11 (Parking and Loading Requirements); landscaping, buffering and screening shall be provided in accordance with the Landscape Manual; and development regulations for building setbacks shall be provided in accordance with Part 6 (Commercial Zone Regulations); and revise footnote 35 on page 4 to delete the reference to zero lot line development and indicate that no building setbacks are required between the internal R-R and C-O zoned portions of the site. The Planning Board also provided a list of commercial uses that should be prohibited supplementing the use restrictions in the Lease Agreement.

The Principal Counsel to the District Counsel provided a memorandum indicating that the bill does not have standards for evaluating a proposed development and that it seems advisable to add the standards recommended by the Planning Board to the legislation. The Office of Law determined that CB-35-2000 is in proper legislative form and finds no legal impediments to its adoption. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting the legislation.

Considerable discussion was held concerning the types of uses that are permitted in a Commercial Recreational Development in relation to the broad definition provided in the legislation. Mr. McDonough restated that certain types of undesirable uses are restricted by the Lease Agreement and that the restrictions may be expanded as recommended by the Planning Board.

The Committee recommended that the legislation be amended to include all of the recommendations provided by the Planning Board and as advised by the Principal Counsel. The definition of Commercial Recreational Development and footnotes 35 and 66 have been amended accordingly in Draft-2 of the bill.

## **BACKGROUND INFORMATION/FISCAL IMPACT**

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

This legislation will provide a definition of commercial recreational development generally; permit this use in the R-R Zone and the C-O Zone, where the R-R land abuts the C-O land, the land in both zones is to be part of an integrated development, and the R-R Zoned land is leased from a public agency; and provide for zero lot line development of the R-R and C-O Zoned land in such development.