

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

Meeting Date: 7/27/99

Reference No.: CB-21-1999

Proposer: Wilson

Draft No.: 3

Sponsors: Wilson

Item Title: An Ordinance permitting planned retirement communities
in the R-H Zone under certain circumstances

Drafter:

Resource Eugene Singleton
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 4/6/99

Executive Action: __/__/__ __

Committee Referral: 4/6/99 PZED

Effective Date: 9/13/99

Committee Action (1) 6/7/99 HELD

Committee Action (2) 6/16/99 FAV (A)

Date Introduced: 7/6/99

Public Hearing: 7/27/99 1:30 P.M.

Council Action: 7/27/99 ENACTED

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

Pass/Fail: P

Remarks: _____

7/6/99: CB-21-1999 (DR-2) was amended on the floor; DR-3 was subsequently introduced.

PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

6/16/99

Committee Vote: Favorable as amended, 3-1 (In favor: Council Members Bailey,
Gourdine and Hendershot. Opposed: Council Member Maloney)

Staff explained the purpose of the legislation is to allow a planned retirement community in the R-H Zone under certain circumstances without the requirement for a Special Exception, as is currently required by the Zoning Ordinance. Referral comments concerning this bill were also presented to the Committee.

The Planning Board opposes the legislation for the following reasons. The Board has indicated that it is difficult to justify why a planned retirement community should be permitted by right in the R-H Zone simply because it adjoins an existing medical residential campus in the R-R Zone. A special exception is required for both the medical residential campus and planned retirement community in the R-R Zone.

Secondly, townhouse development, in general, is prohibited in the R-H Zone. This legislation will permit townhouses along with all other housing types, in the “multifamily high-rise residential” zone. This is not in keeping with the purposes of the R-H Zone, nor is it consistent with the other senior housing uses allowed in the zone, because they require special exception approval.

Thirdly, since there are no regulations for development (for anything other than townhouses as this bill is presently written), there are no criteria for the Planning Board to use to make a decision on the detailed site plan. Therefore, there are no grounds or justification for the Planning Board to disapprove anything that is proposed by the applicant.

A final comment by the Planning Board is a technical consideration in that the new footnote 62 and existing footnote 59 conflict. In summary, it is difficult to justify permitting, by right, planned retirement communities in the R-H Zone under the circumstances described in the proposed legislation. A planned retirement community can currently be developed in the R-H Zone through the special exception process. Therefore, there is a means to develop the use if so desired.

The Office of Law determined that the bill is in proper legal form, however, a rational basis must be shown as to why a special exception should be required in zones other than R-H. The Legislative Officer indicated that the proposed bill would delete, without substitution or reference to any other standards or criteria for evaluation, the existing regulations for structure height, lot size, lot coverage, frontage, setbacks, density and all “other requirements of the zone.” Without statutory criteria, the Planning Board will not be able to approve a site plan. There will be no way to determine whether the proposed development meets standards. Without standards, it is equally true that every application must be denied and every application must be approved. Some standards should be provided against which an application for development may be evaluated.

The County Executive takes no position on this legislation. Copies of letters in support of CB-21-1999 were submitted and provided to the Committee from Lake Arbor Civic Association, Kettering Civic Federation and Foxlake Homeowners Association.

The following individuals spoke in support of this bill: Vernell Arrington, Law Firm of O’Malley, Miles, Nylen and Gilmore, John Lally and Robert Rawles, representing Glendale

Baptist Church. Ms. Arrington explained that CB-21-1999 will facilitate the development of a planned retirement community on the property adjacent to the Collington Episcopal Life Center Medical Residential Campus on Lottsford Road. The developer is proposing to construct 80 villas designed for independent senior living that will be integrated with the existing Collington community.

Mr. Lally requested that the legislation be expanded for the purpose of facilitating the development of other senior housing by amending the bill to allow apartment housing for elderly or handicapped families in a building other than a surplus public school building in the R-T Zone by special exception. This use is currently allowed by special exception in certain multifamily zones but prohibited in the R-T Zone.

Council Member Hendershot made a motion for a favorable report including amendments as follows: 1) to allow apartment housing for elderly or handicapped families in a building other than a surplus public school building in the R-T Zone by special exception and 2) amend the third sentence of footnote 62 to read: “Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density and other requirements of the zone shall be consistent with existing development in the adjacent medical residential campus.” These amendments are contained in Draft-2.

A substitute motion was made by Council Member Maloney to hold the bill until the next Committee meeting to allow staff an opportunity to work with the Planning Department staff to provide some regulations with which the development must comply. The motion failed due to the lack of a second.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The Zoning Ordinance allows planned retirement communities by Special Exception in most Residential Zones. This legislation permits this use in the R-H Zone without a Special Exception requirement under certain circumstances.

CODE INDEX TOPICS: