

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

Meeting Date: 11/23/99**Reference No.:** CB-89-1999**Proposer:** Hendershot**Draft No.:** 1**Sponsors:** Hendershot**Item Title:** An Ordinance permitting planned retirement communities
in the I-3 Zone under certain circumstances

Drafter:**Resource** Carol B. White
Personnel: Legislative Aide

LEGISLATIVE HISTORY:**Date Presented:** __/__/__**Executive Action:** __/__/__**Committee Referral:** 10/26/99 PZED**Effective Date:** 1/10/2000**Committee Action:** 11/3/99 FAV**Date Introduced:** 10/26/99**Public Hearing:** 11/23/99 1:45 P.M.**Council Action:** 11/23/99 ENACTED**Council Votes:** JE:A, DB:A, IG:N, TH:A, WM:N, RVR:A, AS:N, PS:A, MW:A**Pass/Fail:** P**Remarks:** _____

PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT**DATE:** 11/3/99

Committee Vote: Favorable, 3-2 (In favor: Council Members Russell, Bailey and
Hendershot. Opposed: Council Members Gourdine and Maloney)

Committee staff explained that this legislation had previously been discussed in Committee as CB-49-1999 on October 20, 1999. During that Committee meeting, the bill's sponsor requested that the bill be removed from the agenda and that the Committee not provide a recommendation. Subsequently, CB-89-1999 bypassed presentation and was introduced on October 26, 1999; staff indicated that a public hearing was scheduled for November 23, 1999.

This bill amends the Zoning Ordinance to permit, by Special Exception, planned retirement communities in the I-3 Zone under certain circumstances. The I-3 property must contain a minimum of ninety (90) acres with at least 25% of its boundary adjoining residentially zoned

land or land used for residential purposes, have at least one hundred fifty (150) feet of frontage on and direct vehicular access to a public street, and be located within two (2) miles of mass transit, regional shopping and a hospital.

During the review of the original bill, CB-49-1999, the Planning Board opposed the legislation for several reasons as follows. 1) The use is contrary to the purpose of the I-3 Zone; 2) There are ample opportunities in all residential zones (except the O-S and R-O-S Zones) to develop planned retirement communities by special exception; and 3) The bill as written in Draft #1 needed improvements to: a) assure that a significant portion of the development abutted residential land; b) assure that there was ample buffering and setbacks from other uses on the I-3 property; c) assure that the planned retirement community is conveniently located near mass transit, regional shopping and medical facilities; and, d) assure that primary access to the community is through its own entrance, not through the I-3 property.

A Proposed Draft-2 of CB-49-1999, containing amendments to address the Planning Board's concerns, was presented at the Committee meeting held on October 20, 1999. A Council Member displayed a map depicting all I-3 properties containing 90 or more acres and adjoining residentially zoned land. During discussion of the proposed Draft-2, a question was raised by a Council Member regarding how many properties would be affected by the amendments in the second draft. This information was not available at that time. The bill's sponsor requested that the bill be removed from the agenda indicating his intent to have a new bill drafted containing the amendments in the Proposed Draft-2 for introduction during the next Council legislative session.

Committee staff was directed to obtain another map of I-3 properties that meet the locational criteria contained in the second draft, specifically, those properties containing a minimum of ninety (90) acres with at least 25% of its boundary adjoining residentially zoned land or land used for residential purposes, and located within two (2) miles of mass transit, regional shopping and a hospital. The Planning Board supported the Proposed Draft-2.

CB-89-1999 was introduced on October 26, 1999 and referred to the Planning, Zoning and Economic Development Committee. At the November 3rd Committee meeting, staff displayed and explained the map that was requested during the October 20th Committee meeting for CB-49-1999. The map reflected that two I-3 properties, both in the northern portion of the County, meet the criteria provided in the legislation, one of which is developed and the other is undeveloped.

The County Executive takes no position on CB-89-1999. The Office of Law has determined that the bill is in proper legislative form and noted a technical amendment to delete the word "and" on page 29, line 2. The Office of Audits and Investigations has determined there should be no negative fiscal impact on the County as a result of enacting this legislation.

Letters in opposition to CB-89-1999 were received from Senator Arthur Dorman as well as the Gunpowder Citizens' Association, Inc.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Planned retirement communities are permitted by Special Exception in most Residential Zones.

This legislation amends the Industrial Use Tables in the Zoning Ordinance to permit, by Special Exception, planned retirement communities in the I-3 Zone under certain circumstances.

CODE INDEX TOPICS: