

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

Meeting Date: 6/18/2002

Reference No.: CB-45-2002

Proposer: Russell

Draft No: 2

Sponsors: Russell

Item Title: An Ordinance defining a Golf Course Conference/Hotel Complex, permitting this use in the R-R, R-L and R-S Zones, in accordance with certain requirements and providing procedures for amendment of approved Basic Plans for this use

Drafter:

Resource Nell Johnson
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: __/__/__

Executive Action: __/__/__

Committee Referral: 5/7/2002 PZED

Effective Date: 8/5/2002

Committee Action: 5/14/2002 FAV(A)

Date Introduced: 5/21/2002

Public Hearing: 6/18/2002 10:00 A.M.

Council Action: 6/18/2002 ENACTED

Council Votes: PS:A, DB:A, TD:N, JE:A, TH:A, TK:A; RVR:A, AS:A, MW:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COMM. REPORT

DATE: 5/14/2002

Committee Vote: Favorable with amendments, 5-0 (In favor: Council Members Russell, Bailey, Hendershot, Shapiro and Wilson)

This legislation defines a new use, Golf Course Conference/Hotel Complex, and permits the use in the R-S Zone under certain circumstances. CB-45 also allows a Basic Plan amendment, to incorporate the Golf Course Conference/Hotel Complex, to be approved administratively by the Planning Director as a minor amendment until December 31, 2003.

The bill's sponsor informed the Committee that the intent of the legislation is to allow the new

use at a proposed residential/golf course development, known as Beechtree, in his district. At the sponsor's request, Norman Rivera, of Rifkin, Livingston, Levitan & Silver, LLC, provided an overview of the project and responded to Committee members' questions.

The Planning Board voted to support CB-45 if the bill is amended to require a public hearing. The Planning Board does not oppose a conference and hotel complex in the proposed Beechtree subdivision, but does oppose the process of delegating the authority to add a new use to the Planning Director. While the Board acknowledges that the process for amending a Basic Plan requires time and that a golf course hotel/conference center may be an appropriate use for the Beechtree project, it also recognizes that such an amendment is not minor and requires opportunity for due process, such as a hearing before the Planning Board.

The Planning Board also has a concern with the language in the bill that addresses level of service. The level of service would be addressed in a preliminary plan, not a Specific Design Plan. Also, a Specific Design Plan would not be completed for this project prior to the Basic Plan. Therefore, if the bill is passed, the language should be amended to replace "Specific Design Plan" with "preliminary plan."

Andre Gingles, of O'Malley, Miles, Nylen & Gilmore, P.A., spoke in support of CB-45 and requested that the Committee consider amendments to allow the new use in the R-L and R-R Zones subject to approval of a Special Exception. Mr. Gingles discussed three properties in other areas of the County that would also be suitable for this type of use. Mr. Gingles also submitted a letter dated May 13, 2002 to the Committee Chairman containing proposed amendments; the letter stated that "these types of venues are good economic development projects also because they promote the County and encompass uses and activities that have little or no impact on our school infrastructure."

The County Executive takes no position on the legislation. The Legislative Officer and the Office of Law found the bill to be in proper legislative form. The Office of Audits and Investigations determined there should not be any negative fiscal impact on the County as a result of enacting CB-45.

The Committee reviewed amendments submitted by Mr. Rivera to address the concerns raised by the Planning Board concerning the opportunity for public input into any proposed Basic Plan amendment and level of service. The amendments are as follows:

- (1) Footnote 33
 - (a) Delete the reference to Section 27-197(a)(4) and (5) and substitute in its place the reference to a new Section 27-197(a)(6); and
 - (b) Delete the reference to the approved Specific Design Plan in subpart (c) and Substitute in its place the approved Preliminary Plan or other approved Traffic Staging Plan; and
- (2) Add a new subsection to Section 27-197(a)
 - (7) An amendment to a Basic Plan for a Golf Course Conference/Hotel Complex may be approved by the Planning Board, in accordance with Sections 27-525, 27-526, 27-527.01, and the site shall be posted with a sign or signs at least fifteen (15) days

prior to the hearing. A final action by the Planning Board may be appealed within thirty (30) days after the action is taken by any party of record who is aggrieved by the action to the Circuit Court pursuant to the Maryland Rules of Procedure governing appeals of administrative decisions. A minor revision to the approved Comprehensive Design Plan to bring it into conformance with the approved Basic Plan amendment may be approved concurrently.

The Committee accepted the above amendments as well as those necessary to allow a Golf Course Conference/Hotel Complex in the R-L and R-R Zones subject to Special Exception approval. In addition to amendments to the Comprehensive Design and Residential Zones Use Tables necessary to accomplish this, an amendment was also proposed to modify the 1,000-acre requirement to 200 acres in the definition for the use. Also, the roadway frontage requirement contained in the definition was moved from the definition to Footnote 33 where it would only apply to the R-S property. Changes to the bill title and purpose clause were also made to reflect the above amendments.

BACKGROUND INFORMATION/FISCAL IMPACT

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

This legislation defines a Golf Course Conference/Hotel Complex and permits this use in the R-S Zone in accordance with certain requirements.

CODE INDEX TOPICS: