

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

Meeting Date: 7/26/95

Reference No.: CB-47-1995

Proposer: Maloney

Draft No.: 2

Sponsors: Maloney, Del Giudice, and Wilson

Item Title: An Ordinance permitting certain private recreational facilities on land owned by a public agency, in certain residential and comprehensive design zones

Drafter: Joyce Nichols
Principal Counsel

Resource Personnel: Andrew Eppelmann
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 6/6/95

Executive Action: ___/___/___ ___

Committee Referral:(1) 6/6/95 PZED

Effective Date: 9/11/95

Committee Action:(1) 6/15/95 FAV(A)

Date Introduced: 6/27/95

Pub. Hearing Date: (1) 7/26/95 2:15 PM

Council Action: (1) 7/26/95 Enacted

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEVELOPMENT COM. REPORT

Date: 6/15/95

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Maloney, Gourdine, Russell & Wilson).

This legislation permits certain private recreational facilities, specifically courts, golf courses, miniature golf courses, golf driving ranges, skating facilities, and swimming pools, on public land, subject to Detailed Site Plan approval. This is only applicable in the R-O-S, O-S, R-A and R-E Zones, which are the largest lot single-family residential zones.

The Committee considered a Proposed Draft 2 that was presented by staff. This draft included a

number of minor and technical amendments, and eliminated the requirement for a Detailed Site Plan in cases where the use is proposed to be located in a Regional Park owned by the M-NCPPC. It was explained that in order to allow a private recreational use in a Regional Park, the Planning Board would be required to review and approve the site plan, which would essentially duplicate the Detailed Site Plan process. Also, the Council would be required to approve any long-term lease of land, and would be able to approve the site plan at that time.

The Office of Law found the bill to be in proper legislative form. The Planning Board supports the legislation, noting that the Parks Department worked with the sponsor of the legislation in its formulation. The Board was also in favor of the amendment regarding eliminating the requirement for Detailed Site Plan approval, since the Department of Parks and Recreation and the Planning Board will approval all site plans prior to leasing M-NCPPC land for private use. Jimi Jones, representing the Planning Board, stated that the proposed Draft 2 addressed the technical concerns of the Planning staff. Robert Arciprete, from the Department of Parks and Recreation, discussed the benefits of leasing Commission land for these types of facilities, both in recreational services provided and in revenue generation. He also requested that the R-R Zone be included, since the Commission owns a great deal of R-R zoned land. The Committee agreed to this amendment.

Ed Gibbs, representing Top Shelf Development, discussed a specific proposal for a private skating facility at Fairland Regional Park in Councilmanic District 1. The lease has not yet been negotiated, but the M-NCPPC issued an RFP earlier this year, and Top Shelf Development was selected. The facility will be completely owned and operated by Top Shelf, who will also be responsible for all maintenance and repair of the facility. The Commission will charge a flat rental rate for the land, and may also retain a percentage of the gross receipts in excess of a predetermined amount. The County will also benefit from the real estate taxes from the building. The lease, which will be for more than 20 years, requires Council approval. At that time, the site plan will also be reviewed by the Council.

A final amendment was agreed to by the Committee Members. Since a large tract of land known as the Wilson Farm was recently purchased by the Commission on which this type of arrangement may be suitable, the R-M and L-A-C Zones were included. Note: Subsequent to the Committee meeting, staff discovered that golf courses and swimming pools are already expressly permitted by right in the R-M and L-A-C Zones. Miniature golf courses, outdoor courts and golf driving ranges are also permitted by right, under the general category "Park, playground, or other outdoor recreational area". Therefore, the only amendments to the use table (Section 27-515(b)) that are necessary are regarding indoor courts and skating facilities. The requirement regarding Detailed Site Plan approval is not necessary, since the L-A-C and R-M Zones are CDZs, and are subject to Specific Design Plan approval.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Recreational uses that are located on publicly owned land, but are privately owned and operated, are not considered "public uses", and are therefore subject to the requirements applicable to private uses.

Often, a special exception is required for uses of this type such as skating facilities, swimming pools, and golf courses. This legislation will make such uses permitted by right, subject to Detailed Site Plan approval, in the R-O-S, O-S, R-A and R-E Zones.

CODE INDEX TOPICS: