

## Prince George's County Council Agenda Item Summary

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**Meeting Date:** 6/19/2007  
**Reference No.:** CB-018-2007  
**Draft No.:** 4  
**Proposer(s):** Bland  
**Sponsor(s):** Bland, Dean, Exum  
**Item Title:** An Ordinance to define and list "Rural Entertainment Park" as a permitted use in the O-S Zone, subject to approval of a Special Exception, and make related amendments to the Zoning Ordinance.

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**Drafter:** Jackie Brown Director, PZED Committee  
**Resource Personnel:** Dr. David J. Billings, Chief of Staff District 9

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	6/12/2007	<b>Executive Action:</b>	
<b>Committee Referral:</b>	6/12/2007 - PZED	<b>Effective Date:</b>	9/10/2007
<b>Committee Action:</b>	6/13/2007 - FAV(A)		
<b>Date Introduced:</b>	6/19/2007		
<b>Public Hearing:</b>	7/24/2007 - 10:00 AM		
<b>Council Action (1)</b>	7/24/2007 - ENACTED		
<b>Council Votes:</b>	MB:A, WC:A, SHD:A, TD:A, CE:A, DCH:A, TK:A, EO:N, IT:A		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

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### AFFECTED CODE SECTIONS:

27-107.01, 27-404.01, 27-441

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### COMMITTEE REPORTS:

#### PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

**Date 6/13/2007**

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Dean, Bland, Dernoga, and Exum)

Staff summarized the purpose of the legislation and informed the committee of referral comments that were received. This bill defines and lists a new use, Rural Entertainment Park, and permits the use in the Open Space (O-S) Zone, subject to Special Exception approval.

The Planning Board supports CB-18-2007 and recommends that the District Council require all uses within a rural entertainment park be subject to Detailed Site Plan approval and that there be limitations for on-site water or sewer treatment plant facilities.

The Principal Counsel reviewed the legislation and determined that it is in proper form. The following technical comments were provided by the Principal Counsel by memorandum dated June 12, 2007:

1. The committee might want to consider whether the definition on page 2 should refer to the Rural Tier or to the

O-S zone in the Rural Tier.

2. In the “requirements” subsection of the new Section 27-404.01, the committee might consider adding a part (D), to read: “In approving a special exception for all or part of a Rural Entertainment Park property, the District Council must find that the proposed use or uses promote one or more of the purposes in subsection (1).”

3. To facilitate approval of separate uses in the rural entertainment park, it might be helpful to require detailed site plan approval, after approval of a special exception. If for example a restaurant or studio or private club is approved for a part of the site, with compatibility findings under Section 27-317, to limit the size and location of the use, then parking, architecture, and other design issues could be reviewed later, in a detailed site plan process.

The Zoning Hearing Examiner reviewed CB-18-2007 and provided the following comments and recommendations:

1. On page 5, line 12 notes that one of its purposes is to encourage "rurally-oriented entertainment and recreational uses". If no one can readily explain what such a use is, I would suggest that the term "rurally-oriented" be deleted since legislation should be readily understood by all.

2. On page 5, lines 15-17 suggest that one purpose is to provide an opportunity to revive a significant historic connection to Black History. I believe the bill would be more legally defensible if the language was broadened to note it would “provide a unique opportunity to revive a use or form of entertainment of substantial historical or cultural significance.” The uses listed could then be relocated to Lines 23-24 which should then read as follows: (F) To promote a wide variety of entertainment and recreational facilities at a single place in the Rural Tier (such as history museums, amphitheatres, restaurants), which will serve as a focal point.” As noted above, I would delete reference to the "wider rural community" since such language is subject to varying interpretations.

3. Senior Citizen Housing should not be lumped with the entertainment and recreational uses listed in paragraph (C), but could be added to (D). Perhaps that paragraph could read as follows:

"(D) To promote and encourage in the Rural Tier mixed-use development where entertainment facilities (to include restaurants, recording and film studios, dance facilities, and similar uses) that promote an important cultural or historical theme may be coupled with housing for senior citizens."

Council Member Dernoga suggested amendments that would: (1) provide an upper limit on the size of a property that could seek a special exception for a rural entertainment park, (2) require Detailed Site Plan approval for proposed uses, and (3) guidelines/standards for the “senior housing” component of the development.

Roberta Jenkins was present to address the committee regarding her concerns surrounding CB-18-2007 and the lack of opportunity for citizen input in the process. The following individuals addressed the committee in support of the legislation: Leigh Williams, representing WPK, Michael Troupe and Charles Chandler of the Brandywine North Keys Civic Association, and Reverend Paul Robinson. These individuals indicated that the proposed rural entertainment park would be an asset to the community and Reverend Robinson further clarified his support with the exception of nightclubs and liquor stores.

Kelly Canavan, President, Accokeek, Mattawoman, Piscataway Creeks Council submitted a letter dated June 10, 2007 requesting that CB-18-2007 be held until such time as the sponsor meets with the communities that will be impacted by it. Tim McChesney submitted email correspondence dated June 12, 2007 requesting that CB-18-2007 be withdrawn from consideration at the June 13 PZED Committee meeting.

The committee voted favorably on the legislation with amendments as follows:

1. Incorporate technical comments (1 and 3) provided in the Principal Counsel’s memorandum with the understanding that Detailed Site Plan is not required for all uses, and staff will propose a list of uses in Draft-2 for which site plan review is appropriate.

2. Incorporate all of the suggested comments provided by the Zoning Hearing Examiner.
3. Page 5, line 30, incorporate an upper limit on the size of a property that could seek a special exception for a rural entertainment park.
4. Page 6, line 6, change “Open-air amphitheaters (under 10,000 seats), with supporting concession areas and food courts” to “Open-air amphitheaters up to 10,000 seats or closed arenas up to 6,000 seats, with supporting concession areas and food courts.”
5. Page 6, line 17, change “Cultural or arts centers” to “Cultural or Heritage Center”
6. Page 6, line 22, change “Clubs (under 10,000 square feet GFA) for music entertainment” to “Clubs (under 15,000 square feet GFA) for music and dancing entertainment with a restaurant serving food and alcoholic beverages with hours of operation that extend beyond 11:00 p.m.”
7. Page 6, line 25, change “Senior housing” to “Age-restrictive housing.”
8. Page 6, line 27, add “Commercial shopping area” with direction to staff to provide additional limiting language which ensures that the center is intended to serve the residents of the immediate area.
9. Page 6, under “Uses”, add “Residents’ Recreational Area” with a provision that the area is for the exclusive use of the residents of the proposed development.
10. Incorporate guidelines/standards for the age-restrictive housing.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

The bill proposes a new use, “Rural Entertainment Park,” to be permitted in the O-S Zone (Open Space) subject to approval of a Special Exception.

7/24/2007: CB-18-2007 (DR-3) was amended on the floor;  
(DR-4) subsequently enacted

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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