

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/20/2007
Reference No.: CB-038-2007
Draft No.: 2
Proposer(s): Turner
Sponsor(s): Turner, Dean
Item Title: An Ordinance permitting Apartment Housing for the Elderly in the R-18 Zone, subject to Detailed Site Plan but not Special Exception review under certain circumstances.

Drafter: Jackie Brown, Director PZED Committee
Resource Personnel: Tomeka Bumbry, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	10/2/2007	Executive Action:
Committee Referral:	10/2/2007 - PZED	Effective Date:
Committee Action:	10/17/2007 - FAV(A)	
Date Introduced:	10/23/2007	
Public Hearing:	11/20/2007 - 10:00 AM	

Council Action:
Council Votes:
Pass/Fail:
Remarks:

AFFECTED CODE SECTIONS:

27-441

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 10/17/2007

Committee Vote: Favorable with amendments, 5-0 (In favor: Council Members Dean, Bland, Dernoga, Exum and Harrington)

Staff gave an overview of the legislation and summarized written referral comments that were received. CB-38-2007 amends the Residential Zone Use Table to allow apartment housing for elderly or handicapped families in a building other than a surplus public school building in the R-18 Zone without a special exception under certain circumstances. The criteria which must be met for this use to proceed without special exception review are located in a new footnote 85 on page 2 of the legislation.

Council Member Turner, the bill's sponsor, informed the committee that she presented CB-38-2007 due to the shortage of senior housing in a particular area of her district and to respond to requests she has received from the community for additional senior housing in this area. Ms. Turner further explained that the proposed addition of senior housing in an existing multifamily development which has recently been renovated is a good location due to its proximity to medical offices, as well as shopping and transportation facilities.

The Planning Board opposed CB-38-2007 and provided written comments with their position. The comments noted a number of concerns with Draft 1 of the bill. Under the Residential Table of Uses, the “P” should be removed and the “SE” should remain because if an applicant does not meet the requirements listed under footnote 81 and 85, the use is a Special Exception. Next, the bill under footnote 85 states, “(G) that age restrictions shall be set forth in covenants submitted with the application and filed in the Land Records at the time the final subdivision plat is recorded.” It should be noted that the Prince George’s County Planning Department will accept covenants submitted with applications; however, the Planning Board will not hold or be a party to covenants after the final subdivision plat is recorded.

The Legislative Officer and the Office of Law reviewed CB-38-2007 and determined that the bill is in proper legislative form.

Lawrence Taub, representing Federal Capital Partners, spoke in support of the legislation explaining that the addition of a senior housing component to an existing multifamily development should not require a special exception review. Dorothy Troutman spoke in opposition to the legislation.

The committee voted favorably on CB-38-2007 with the amendment to the Residential Table of Uses to remove the “P” while the “SE” will remain as recommended by the Planning Board. This amendment is reflected in Draft-2.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

The Zoning Ordinance requires approval of a special exception for Apartment Housing for the Elderly in residential zones. The enactment of CB-66-2005 allowed this use subject to Detailed Site Plan, but not Special Exception, under certain circumstances which included specific size and locational criteria. This legislation amends the Zoning Ordinance to allow this use in the R-18 Zone without a Special Exception, and subject to Detailed Site Plan, provided alternative criteria is met.

11/20/2007; Public hearing held; no final action taken.

11/20/2007: Public hearing held; no final action taken.

THIS BILL WAS NOT ENACTED.

CODE INDEX TOPICS:

INCLUSION FILES:
