

Prince George's County Council

Agenda Item Summary

Meeting Date: 9/23/2014
Reference No.: CB-056-2014
Draft No.: 1
Proposer(s): Turner
Sponsor(s): Turner, Harrison, Lehman
Item Title: An Ordinance concerning Assisted Living Facilities for the purpose of permitting Assisted Living Facilities in the Mixed Use – Transportation Oriented (M-X-T) Zone under certain circumstances.

Drafter: Jackie Brown, PZED Committee Director
Resource Personnel: Tomeka C. Bumbry, Chief of Staff District 4

LEGISLATIVE HISTORY:

Date Presented:	6/30/2014	Executive Action:	
Committee Referral:	6/30/2014 - PZED	Effective Date:	11/10/2014

Committee Action: 7/15/2014 - FAV

Date Introduced: 7/23/2014
Public Hearing: 9/9/2014 - 1:30 PM

Council Action (1) 9/23/2014 - ENACTED
Council Votes: WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

27-547

COMMITTEE REPORTS:

Planning, Zoning and Economic Development

Date 7/15/2014

Committee Vote: Favorable, 4-0 (In favor: Council Members Turner, Campos, Franklin, and Olson)

This legislation amends the mixed use zone use table to allow assisted living facilities in the M-X-T (Mixed Use Transportation) Zone under certain circumstances. This use is permitted subject to a new footnote 14 which requires the property to have been rezoned from the E-I-A (Employment and Institutional Area) Zone to the M-X-T Zone through a Sectional Map Amendment approved between January 1, 2006 and July 1, 2012. The footnote also requires the use to comply with certain guidelines for development in Section 27-464.04 of the Zoning Ordinance. An assisted living facility developed pursuant to this footnote is limited to six stories in height and may be placed above podium parking.

The Planning Board supports CB-56-2014 with an amendment and provided the following comments in a July 15, 2014 letter from Chairman Hewlett to Council Chairman Franklin. The M-X-T Zone currently allows office and retail uses along with a variety of other traffic intensive uses. The assisted living facility use is not particularly a traffic-intensive use. It should be noted that the assisted living facility use should be located where interior and

exterior noise levels can be mitigated if needed, as the facilities act as homes to the residents. Green area requirements should be similar to the requirements of a residential zone with windows looking into naturalized areas. Some outdoor recreational areas for passive activities should be provided. Lastly, the District Council may want to clarify the levels of parking permitted in “podium parking”. The Office of Law reviewed CB-56-2014 and determined that it is in proper legislative form with no legal impediments to its enactment.

Joe Meinert, City of Bowie Planning Director, testified in support of the legislation. A copy of the Bowie City Council’s letter dated July 7, 2014 to PZED Committee Chair Turner was also provided. The letter requested the PZED Committee’s favorable vote on CB-56-2014 because of the unique circumstances of Melford Village and the desire of the City Council to attract Assisted Living Facilities to the project. Robert Antonetti, representing St. John Properties, also testified in support of the legislation. In response to the amendment suggested by the Planning Board, Mr. Antonetti commented that the podium parking is planned as 1 or 2 stories but his preference is to have the determination of the exact number of levels made at the time of Detailed Site Plan.

PZED Committee Chair Turner, the bill’s sponsor, requested that Rana Hightower who was present for the Committee discussion and representing the Planning Board notify her prior to introduction of the legislation if the podium parking levels cannot be addressed at the time of Detailed Site Plan as requested by Mr. Antonetti. If necessary, an amendment to address this issue may be included prior to introduction.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This Ordinance proposes the inclusion of Assisted Living Facilities as a permitted use in the Mixed Use - Transportation Oriented (M-X-T) Zone, provided the property meets certain criteria.

9/23/2014: Motion was made by Council Member Turner; seconded by Council Member Davis for Amendment #1 to CB-56-2014 as follows; motion carried 9-0.

1. On Page 2, add a new proposed Footnote 15 and Footnote 16 in Section 27-547(b)(3)(B), Table of Uses.
2. On Page 2, add text for a new proposed Footnote 15 and Footnote 16 as follows:
 - 15 Subject to Detailed Site Plan approval pursuant to Part 3, Division 9 of this Code. Notwithstanding any other provision of this Code, a Conceptual Site Plan shall not be required and any previously approved Conceptual Site Plan shall not be of any force or effect where the subject property on which the use is located was rezoned from the E-I-A Zone to the M-X-T Zone through a Sectional Map Amendment approved between January 1, 2006 and July 1, 2012.
 - 16 An assisted living facility located on property rezoned from the E-I-A Zone to the M-X-T Zone through a Sectional Map Amendment approved between January 1, 2006 and July 1, 2012 may also include semi-independent living units which may include permanent provisions for living, sleeping, eating, cooking and sanitation.

CB-56-2014 (DR-2) was enacted.

CODE INDEX TOPICS:

INCLUSION FILES:
