

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

Meeting Date: 10/29/96

Reference No.: CB-93-1996

Proposer: Estep

Draft No.: 2

Sponsors: Estep

Item Title: An Ordinance to define a Post-Secondary Educational Institution to permit it in the C-M, C-O, C-S-C, I-1, and I-3 zones

Drafter:

Resource Personnel: Peter Lupo
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 9/24/96

Executive Action: __/__/__

Committee Referral:(1) 9/24/96 PZED

Effective Date: 1/13/97

Committee Action:(1) 10/16/96 FAV(A)

Date Introduced: 10/29/96

Pub. Hearing Date: (1) 11/26/96 11:00 AM

Council Action: (1) 11/26/96 Enacted

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECON. DEV. COM. REPORT

DATE: 10/16/96

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Wilson, Estep, MacKinnon, Maloney and Russell).

Private schools, of various types, are permitted in all of the commercial and industrial zones, subject to certain requirements. The Ordinance currently separately lists driving school, art school, business or trade school, tutoring establishment, and a more general private school category. This legislation creates a new use, post-secondary educational institution, and defines it in accordance with the State

of Maryland definition. This new use will be permitted by right in the C-O, C-S-C, C-M, I-1 and I-3 Zones, subject to Detailed Site Plan approval, unless the school is conducted in a preexisting office building.

The sponsor explained that this legislation will facilitate the establishment of Strayer College at a site in the vicinity of the Branch Avenue Metro Station. Paul Rodbell, representing Strayer College, spoke in support of the legislation. The Planning Board supports the legislation, but recommends that the new use be permitted by Special Exception in the zones where it is currently permitted by Special Exception under the "all others" category, and that the footnote requiring approval of a Detailed Site Plan only apply to the zones where the use is permitted by right, and not to the zones where a Special Exception is required. The Office of Law finds the bill to be in proper legislation form, but notes that the way that "post-secondary educational institution" would differ from a college, professional, or preparatory school is unclear. The Department of Environmental Resources takes no position, but recommends additional clarification for determining the difference between this new use and other private schools. The Committee recommended the bill out favorably, with the technical and clarifying amendments that had been recommended.

BACKGROUND INFORMATION/FISCAL IMPACT

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

This bill proposes to amend the Zoning Ordinance by adding to the definition section (27-197.01) and the Commercial and Industrial Table of Uses sections (27-461 and 27-473) the term School, Post-secondary Educational Institution. The purpose of the legislation is to define a School, Post-secondary Educational Institution, to have that definition conform with the State's definition, and to distinguish a School, Post-secondary Educational Institution from other private schools and institutions. The proposed legislation allows a School, Post-secondary Educational Institution as a permitted use in certain commercial and industrial zones by site plan review under general conditions and without site plan review under specific conditions.

CODE INDEX TOPICS: