

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

Meeting Date: 11/25/2003

Reference No.: CB-76-2003

Proposer: Hendershot

Draft No.: 1

Sponsors: Hendershot

Item Title: An Ordinance concerning R-55 Zone for the purpose of permitting an animal hospital, veterinary office in the R-55 Zone under certain circumstances

Drafter: Jackie Brown, Director
PZED Committee

Resource Carol B. White
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 9/30/2003

Executive Action: __/__/____

Committee Referral: 9/30/2003 PZED

Effective Date: 1/12/2004

Committee Action: 10/21/2003 FAV

Date Introduced: 10/21/2003

Public Hearing: 11/25/2003 10:00 A.M.

Council Action: 11/25/2003 ENACTED

Council Votes: PS:-, MB:A, SHD:A, TD:A, CE:A, DCH:A; TH:A, TK:A, DP:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT

10/14/03

Committee Vote: Favorable, 4-0 (In favor: Council Members Harrington, Dean, Exum and Knotts)

This bill amends the use table for residential zones, in Section 27-441(b) of the Zoning Ordinance, to permit expansion of an existing animal hospital or veterinary office in the R-55 Zone, subject to requirements in a new footnote (71) in the bill. The footnote provides that the animal hospital is permitted only as an expansion of an existing nonconforming animal hospital and veterinary office with a valid use and occupancy permit issued by July 1, 1998. The expansion is also limited in size and is subject to detailed site plan review, in accordance with Part 3, Division 9, of the Zoning Ordinance.

Council Member Hendershot, the bill's sponsor, indicated to the committee that this legislation is intended to facilitate a needed expansion for a small business owner in his district without the costly process of a special exception that is normally required for expansion of a nonconforming business. Mr. Hendershot commented that the animal hospital has been in its current location for nearly 30 years and that letters have been submitted from adjoining property/business owners, as well as the principal of the neighboring elementary school, in support of the expansion.

The Planning Board opposed the bill and provided the following Planning Department staff comments. It is understood that CB-76-2003 is intended for the New Carrollton Veterinary Hospital at 7601 Good Luck Road in New Carrollton. According to State Department of Assessments and Taxation (SDAT) records, this business operates on a 27,921 square foot parcel in the R-55 Zone and is improved with a one and one-half story structure of 2,798 square feet. According to SDAT data, the property is used for residential purposes. The property is mostly surrounded by the following public and institutional uses:

- West-Robert Frost Elementary School.
- South and southeast-Undeveloped M-NCPPC properties.
- Northeast-Adjoining the northeast side of the veterinary hospital site is a two-story, 2,219 square-foot single-family residential structure on a 16,814 square-foot lot. According to SDAT records, this property is used for residential purposes.
- North-Good Luck Road is on the north side of the property; the New Carrollton Municipal Ball Field and a church are located across the street.

A veterinary office is not now allowed in the R-55 Zone as either a permitted use or a special exception. According to the nonconforming use file, this veterinary hospital was established in 1975 as a permitted use in the R-R Zone, given the property had at least 20,000 square feet. In October 1978, the ordinance was amended to require a special exception for veterinary hospitals in the R-R Zone, thus creating the nonconforming use. On July 22, 1982, the Sectional Map Amendment (SMA) for Bladensburg (p/o SMA Change NC6-9), rezoned the property from the R-R Zone to the R-55 Zone, which prohibits a veterinary hospital altogether.

The proposed legislation would allow an expansion to the existing facility of up to 4,000 square feet, or apparently up to a total of 6,798 square feet of building floor area on the subject site. It is unknown whether there are other nonconforming veterinary clinics in the R-55 Zone elsewhere in the county that might be subject to this proposal. The intent of nonconforming uses is that at the end of their useful life they should be redeveloped in accordance with the applicable zoning regulations. If this use is considered appropriate at this location, it should be classified in a zone that allows that use through a rezoning application. Alternatively, there is a special exception procedure (Section 27-384) that allows for expansion of a nonconforming use, such as proposed by CB-76-2003. Although the physical circumstances regarding this veterinary clinic suggest that an expansion might be compatible with the surrounding community, depending on the relationship with the adjoining small lot, and single-family residential use, the most appropriate means to evaluate an expansion within the zoning ordinance is a special exception.

The special exception regulations mandate the public notification, participation and appeal process that is necessary to ensure a fair, equitable and legally defensible procedure.

The Principal Counsel determined that the bill is in proper form and does not appear to violate State, County, or District Council law or rules. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-76-2003. It should be noted however, that changes or amendments to the Zoning Ordinance, have an unpredictable future affect on the County that may cause fiscal impact in later years. There are a number of variables which may be affected by Zoning Ordinance changes that cannot be determined at this time.

Norman Rivera, representing New Carrollton Veterinary Hospital, spoke in support of the legislation. Council Member Knotts inquired about the total capacity planned for the veterinary hospital. Drs. Salmon and Boyce were present to respond to Mr. Knotts' question and also provided a copy of a floor plan showing existing and proposed capacity.

BACKGROUND INFORMATION/FISCAL IMPACT

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

An animal hospital or veterinary office is permitted by Special Exception in the R-O-S, O-S, R-A, R-E and R-R Zones and prohibited in all other residential zones. This legislation permits the use in the R-55 Zone if it is an expansion of an existing nonconforming animal hospital. The expansion is limited to 4,000 square feet of gross floor area.

CODE INDEX TOPICS: