

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/15/2011
Reference No.: CB-056-2011
Draft No.: 3
Proposer(s): Olson
Sponsor(s): Olson, Turner, Toles, Lehman, Campos, Patterson, Franklin
Item Title: An Ordinance amending the definitions, and amending the requirements, for certain commercial or industrial uses in Commercial and Industrial Zones.

Drafter: M-NCPPC Staff
Resource Personnel: Dannielle Glaros, Chief of Staff District 3

LEGISLATIVE HISTORY:

Date Presented:	9/27/2011	Executive Action:	
Committee Referral:	9/27/2011 - PZED	Effective Date:	1/3/2012
Committee Action:	10/5/2011 - FAV(A)		
Date Introduced:	10/18/2011		
Public Hearing:	11/15/2011 - 10:00 AM		
Council Action (1)	11/15/2011 - ENACTED		
Council Votes:	WC:A, DLD:-, MRF:-, AH:A, LJ:-, ML:A, EO:A, OP:-, IT:A, KT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-107.01, 27-461, 27-473, 27-475.06.06, 27-568

COMMITTEE REPORTS:

PZED Committee Report

Date 10/5/2011

Committee Vote: Favorable with amendments, 5-0 (In favor: Council Members Patterson, Toles, Campos, Harrison, and Olson)

Staff summarized the purpose of the legislation and informed the committee of referral comments that were received. CB-56-2011 amends the Zoning Ordinance concerning definitions and requirements for certain commercial or industrial uses in the Commercial and Industrial Zones.

Council Member Olson, the bill's sponsor, informed the committee that he presented CB-56-2011 as a follow up to 2010 legislation (CB-46-2010) which addressed future adult entertainment uses, but did not address existing businesses operating without an adult entertainment use and occupancy (U&O) permit. CB-56-2011 establishes a process for those businesses, the submission of a special exception application, and provides an opportunity for the community to comment during that process. Mr. Olson explained that he did not want to delay the 2010 legislation by incorporating the process language, but since that time, Council and M-NCPPC staff developed the necessary language to address existing businesses.

Prince George’s County State’s Attorney Angela Alsobrooks addressed the committee in support of CB-56-2011 indicating that the sponsor is taking a proactive step to address a challenging problem of businesses operating contrary to their approved U&O permits. Ms. Alsobrooks commented that CB-56-2011 ensures a public review process for these establishments.

Brad Frome, representing the County Executive’s Office, indicated that the County Executive appreciates the intent of the legislation and requested to work with the sponsor on possible clarifying, minor changes. Mr. Frome noted that with the clarifications, the County Executive’s Office would be supportive of CB-56-2011. Assistant Police Chief Kevin Davis and Captain Jason Johnson, representing the County Police Department, spoke in support of the legislation. They commented that the legislation will assist in identifying the unknowns, those establishments which generally result in problems for the Department, and at the same time, will allow the owner(s) to apply for a special exception.

Dennis Whitley, III addressed the committee on behalf of adult entertainment establishments. Mr. Whitley requested that the committee consider adding other businesses, such as banquet halls and catering establishments, to the legislation to allow those establishments the ability to also apply for a special exception. He also wanted to ensure that the legislation allows affected businesses to continue operation until the special exception application is approved. Eric Roozen, a business owner, spoke in support of the proposed process to allow businesses to apply for a special exception and requested that catering establishments also be included in those that are eligible to apply.

Thomas Haller, representing McDonald’s, spoke in support of CB-56-2011 specifically noting Footnote 24 which is a “clean up” provision applicable to eating or drinking establishments.

The Office of Law reviewed CB-56-2011 and determined that it is in proper legislative form with no legal impediments to its enactment. The Planning Board supports the legislation with an amendment. The recommended amendment is on page 2, line 32, to strike the word “and” after “patron dancing” and insert the word “or”.

The committee voted favorable including the amendment recommended by the Planning Board.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

The County Council enacted CB-46-2010 amending the Zoning Ordinance to add, eliminate, and clarify certain commercial uses, generally entertainment-oriented, for the purpose of assisting code enforcement efforts by County agencies.

During the review of CB-46-2010, discussions were held by the Planning, Zoning, and Economic Development Committee regarding existing adult entertainment businesses which are operating under a different use and occupancy permit and the need to establish a process for these businesses to obtain certification as a nonconforming use. This legislation establishes that process and requires a Special Exception application for adult entertainment uses to be filed and accepted by June 1, 2012. The bill also amends parking requirements for certain commercial uses.

10/18/2011: Prior to introduction, CB-56-2011 (DR-2) was amended as follows:

1. On page 2 after line 32 add the following:

* * * * *

(192) Recreational or Entertainment Establishment of a Commercial Nature: An establishment which provides entertainment, recreation, or amusement for profit. This term shall not include an "Amusement Arcade," "Reducing/Exercise Salon or Health Club," or a "Massage Establishment" but shall include any form of a “Rental Hall” or “Dance Hall” or “banquet hall” not sanctioned by another special exception or private club.

CB-56-2011 (DR-3) was introduced.

CODE INDEX TOPICS:

INCLUSION FILES:
