

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 11/17/2015  
**Reference No.:** CB-062-2015  
**Draft No.:** 2  
**Proposer(s):** Toles  
**Sponsor(s):** Toles  
**Item Title:** An Ordinance concerning Business Advancement and Food Access Infill for the purpose of defining Business Advancement and Food Access Infill in the Zoning Ordinance, providing

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**Drafter:** Karen T. Zavakos, Zoning and Legislative Counsel  
**Resource Personnel:** Dwayne B. Mingo, Chief of Staff / Legislative Aide

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### LEGISLATIVE HISTORY:

**Date Presented:** 7/21/2015  
**Committee Referral:** 7/21/2015 - PZED  
**Executive Action:**  
**Effective Date:** 1/4/2016

**Committee Action:** 10/13/2015 - FAV(A)

**Date Introduced:** 10/20/2015  
**Public Hearing:** 11/17/2015 - 10:00 AM

**Council Action (1)** 11/17/2015 - ENACTED  
**Council Votes:** DLD:A, MRF:A, DG:A, AH:A, ML:A, OP:A, DT:A, KT:A, TT:A  
**Pass/Fail:** P  
**Remarks:**

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### AFFECTED CODE SECTIONS:

27-107.01, 27-441, 27-445.15

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### COMMITTEE REPORTS:

#### Planning, Zoning and Economic Development

**Date 10/13/2015**

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Harrison, Davis, Glaros, Taveras, and Toles)

Council staff summarized the purpose of CB-62-2015 and informed the committee of written referral comments that were received. The legislation amends the Zoning Ordinance to add a new use, "Business Advancement and Food Access Infill", and permits the use in the R-10 Zone in accordance with specific requirements provided in a new Section 27-445.15.

Council Member Toles, the bill's sponsor, requested the committee's support of the bill to assist in allowing a grocery store retail use in an infill, dense residential area of her district where this type of retail is needed.

The Planning Board opposed CB-62-2015 and submitted an analysis regarding their position. The Office of Law reviewed CB-62-2015 and determined that it is in proper legislative form with no legal impediments to its enactment. The Committee reviewed a Proposed Draft-2 (DR-2) prepared at the bill sponsor's request with amendments to clarify in the definition of "Business Advancement and Food Access Infill" that the food or beverage store shall not

exceed “40,000” square feet instead of “20,000” square feet of gross floor area and this use can be combined with a “consolidated storage facility” and any other use permitted “by right” in the C-S-C (Commercial Shopping Center) Zone, but “shall not include a Department or Variety Store or Gas Station uses.” Proposed DR-2 also contained an amendment on page 5, line 17, to change “freeway” to “expressway.”

Michele LaRocca and Kevin Kennedy, both representing NAI Michael, testified in support of the legislation.

The Committee voted favorable including the amendments in Proposed DR-2 and other additional clarifying technical amendments to the definition as discussed during the meeting.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

This bill will define a new use in the Zoning Ordinance, Business Advancement and Food Access Infill, provide consolidated review procedures for the development of the use, and permit the use in the R-10 (Multifamily High Density Residential) Zone under certain circumstances.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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