

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2016 Legislative Session

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**Reference No.:** CB-83-2016

**Draft No.:** 1

**Committee:** PLANNING, ZONING, AND ECONOMIC DEVELOPMENT COMMITTEE

**Date:** October 5<sup>th</sup>, 2016

**Action:** FAV

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### REPORT:

Committee Vote: Favorable, 3-1 (In favor: Council Members Harrison, Franklin, and Taveras. Opposed: Council Member Glaros. Absent: Council Member Toles)

Council staff summarized the purpose of CB-83-2016 and informed the committee of written referral comments that were received. The legislation amends the residential zone use table in the Zoning Ordinance to permit general business and professional offices in the R-80 Zone under certain circumstances in a new footnote 113 to the table.

Council Member Franklin, the bill's sponsor, informed the Committee that the provisions of CB-83-2016 address a unique situation for a site in his district where the zoning classification does not allow a use that is compatible with the surrounding uses.

The Planning Board supports the legislation with amendments to remove the "P" and footnote 113 criteria and permit the use subject to special exception approval. The Chief Zoning Hearing Examiner (ZHE) reviewed the legislation and suggested an amendment in footnote 113 to strike the acreage restriction in (A) given that by definition, R-90 zoned lots are less than ½ acres in size, and if someone has a larger R-80 zoned lot but also meets the criteria in (B) and (C) the use would arguably have less of an impact than it would on a smaller lot. The Town of Upper Marlboro submitted a letter dated October 3, 2016 to the Clerk of the Council in opposition to CB-83-2016.

Shane Warren and Mr. Warren's legal counsel, Larry Taub, testified in support of the legislation. The following individuals testified in opposition to the legislation: Jim Storey, Town of Upper Marlboro President, Stephen Sonnett, Frank Clagett, and Nancy Clagett.

The Committee voted favorable on the legislation.