

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

Meeting Date: 4/11/95

Reference No.: CB-2-1995

Proposer: Maloney

Draft No.: 1

Sponsors: Maloney

Item Title: An Ordinance concerning Theaters for the purpose of prohibiting certain theaters in the I-3 Zone

Drafter: Mary Lane, Director
PZED Committee

Resource Personnel: Andy Eppleman
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 2/7/95

Executive Action: __/__/__ __

Committee Referral:(1) 2/7/95 PZED

Effective Date: __/__/__

Committee Action:(1) 3/20/95 HELD
(2) 4/3/95 FAV

Date Introduced: 4/11/95

Pub. Hearing Date: (1) 5/23/95 1:30 PM

Council Action: (1) 5/23/95 Failed

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

Pass/Fail: F

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COMM.

DATE: 4/3/95

Committee Vote: Favorable, 3-2 (In favor: Council Members Maloney, Gourdine and Russell;
Opposed: Council Members MacKinnon and Wilson).

In response to a request made at the March 20 worksession, staff presented a listing of I-3 zoned property in the County, by Planning Area. Also provided was a summary of the area plans in effect in Council Districts, which can be used as a cross-reference with the listing in determining the amount of I-3 zoned land in each Councilmanic district.

PLANNING, ZONING & ECONOMIC DEV. COMM. DATE: 3/20/95

HELD in Committee.

Staff explained that theaters are permitted in numerous commercial, industrial and mixed use zones, including the I-3 Zone. There is currently no distinction made regarding the size of the theater. This legislation addresses theaters in the I-3 Zone only, and prohibits them if they have more than 500 seats. To the best of staff's knowledge, there are no existing theaters affected by this legislation. Most theaters are constructed in the commercial zones, specifically the C-S--C (commercial shopping center) Zone. "Theater" is not a defined term, and therefore the dictionary definition applies. Comments received prior to the worksession indicate that the Office of Law and the Legislative Officer find the bill to be in proper legislative form, the Planning Board and West Laurel Citizens' Association support it, and the Chamber of Commerce, ARC Entertainment and the Best Western Maryland Inn in Laurel oppose the legislation.

The Committee discussed the purposes of the I-3 Zone, which is intended to "provide for a mixture of industrial, research and office uses (along with compatible institutional, recreational and service uses) in a manner which will retain the dominant industrial/employment character of the area."(Section 27-471 of the Zoning Ordinance). This indicates that the industrial and office uses should be the primary uses on a site, and the institutional, recreational, and service uses should be auxiliary. The Committee requested information regarding the amount of I-3 Zoned land currently in the County. (Note: this information was provided at the 4/3/05 worksession). The size of various theaters in the County was also discussed. Staff stated that background research that had been conducted indicated that most theaters are between 1,000 and 2,000 seats, and several of the newer theaters are much larger. It was noted that the size of these theaters is computed by adding together all the small theaters that are included in one building. Council Member Russell provided additional information regarding the size of theaters. This information indicated that two multi-house theaters in the County have capacities of 1,318 and 1,930, and only one single unit theater was found to have less than 500 seats.

Jimi Jones, representing the Planning Board, stated the Board's support of this proposal. He stated that the Board believes that prohibiting larger theaters is in keeping with the original intent of the I-3 Zone. Also, the "compatible" ancillary uses permitted in this zone should serve the employees of the employment park, which is not the main purpose of a theater. The Committee Members were interested in the history of the I-3 Zone, specifically if theaters were originally permitted by right. Following a lengthy discussion, it was determined that the I-3 Zone was created in 1965, and was called a Planned Industrial Park Zone. At that time, a theater would have been permitted by Special Exception under the general category of "cultural, recreational, or educational establishment". In 1975, the zone was reexamined and the purposes expanded to include office uses. In 1977, legislation was enacted that made the I-3 Zone a "planned industrial/employment park", required Detailed Site Plan review, and included research facilities as a primary use. At that time, an indoor theater was specifically added as a permitted use.

The following parties spoke in support of the legislation: William Ferguson, representing the West Laurel Citizens' Association; and Tom Dernoga. Speaking in opposition were Cathy Barchi, representing the Washington/Suburban Maryland Chapter of the National Association of Industrial and Office Properties; Bob Zinsmeister, representing the Chamber of Commerce; Don Hallager, representing ARC Entertainment, and Richard Reed. The focus of this discussion was on a specific proposal for a 2,000 seat County Western Music Theater proposed in Council District 1 at the intersection of Old Gunpowder Road and Rt. 198. Supporters of the legislation cited the way that this particular use on the property in question is not in keeping with the intent of the Master Plan; stated that a survey of the West Laurel Citizens' Association, whose members would be affected by the proposal, indicates opposition to the project; argued that this use at the location in question would cause further traffic problems, and noted that this use is not in keeping with the purposes of the zone. Opponents of the bill noted that it applies to all I-3 Zoned property throughout the County, and therefore will have a detrimental economic impact on a number of properties; argued that its enactment will send an "anti-economic development" message to the business community and lenders; provided figures showing that the proposed Country Music Theater would generate jobs and tax revenue that would benefit the County, and discussed details regarding the operation of the proposed theater. Following the testimony, the Committee agreed to hold the vote on the legislation for two weeks.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Indoor theaters are currently permitted by right in the I-1, I-2, I-3, C-S-C, C-M, C-R-C, M-A-C, L-A-C, V-M, M-X-T, M-U-TC, and M-X-C Zones. There is currently no regulation regarding the size of the theater, although there is great variation among the seating capacities of different theaters. These variations can translate into differences in the character of the use and its impact on the area.

The I-3 Zone is intended to "provide for a mixture of industrial, research and office uses (along with compatible institutional, recreational, and service uses) in a manner which will retain the dominant industrial/employment character of the area." An extremely large theater could dominate the site, and would not serve the overall purposes of the I-3 Zone. This legislation therefore prohibits theaters with over 500 seats in the I-3 Zone. Smaller theaters would not be affected.

CODE INDEX TOPICS:

ZONING

Uses

Permitted

Industrial Zones..... 27-473