

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

Meeting Date: 7/14/98

Reference No.: CB-40-1998

Proposer: Hendershot, Maloney

Draft No.: 2

Sponsors: Hendershot, Maloney

Item Title: An Ordinance for the purpose of requiring
Special Exceptions for gasoline filling stations
in the I-1 and I-2 Zones

Drafter: Joyce B. Nichols
Principal Counsel to the
District Council

Resource Personnel: Carol White
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 3/31/98

Executive Action: __/__/__

Committee Referral: 3/31/98 PZED

Effective Date: 8/31/98

Committee Action: 4/30/98 UNFAV

Date Introduced: 5/5/98

Pub. Hearing Date: 6/9/98 2:15 P.M.

Council Action:(1) 6/9/98 ENACTED

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

Pass/Fail: P

Council Action:(2) 7/14/98 RECONSIDER

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

Pass/Fail: P

Council Action:(3) 7/14/98 REENACTED

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

Pass/Fail: P

Remarks: _____

7/14/98: CB-40-1998 was amended on the floor Vote: 9-0; DR-2 was reenacted

PLANNING, ZONING & ECON. DEV. COMMITTEE

Date: 4/30/98

Committee Vote: Unfavorable, 4-1 (In favor: Council Members Bailey, Del Giudice, Gourdine and Russell. Opposed: Council Member Maloney)

Staff gave an overview of the legislation and informed the Committee of referral comments which were received. The Legislative Officer and the Office of Law find the bill to be in proper legislative form. The Planning Board supports the legislation and recommended an amendment which would require that a Special Exception for gasoline filling stations also be required for this use in the C-M Zone. The Executive Branch takes no position on the bill. The Office of Audits and Investigations has determined there should be no negative fiscal impact on the County as a result of enacting CB-40-1998.

Council Member Hendershot, the bill's sponsor, indicated that this bill was presented as a result of a situation in which a property which is zoned both I-2 and C-S-C is proposed to be developed with a gasoline filling station. In the C-S-C Zone, this use is allowed by Special Exception and in the I-2 Zone, it is permitted by right. Mr. Hendershot informed the Committee that the property owner has revised the initial plans to locate the use on the C-S-C Zone, for which a Special Exception application had been submitted, to locate the use in the I-2 Zone. He indicated that the adoption of this bill will require a Special Exception for a gasoline filling station in the I-2 Zone and allow the public to participate in the hearings on such an application.

Paul Rodbell, Law Offices of Meyers, Billingsley, Rodbell and Rosenbaum, P.A., representing several independent dealers, spoke in support of CB-40-1998. Harry Murphy, WMDA Service Association and Kirk McCauley, owner of a retail service station located across the street from the I-2/C-S-C zoned site proposed to be developed with a gasoline filling station, also spoke in support of the legislation. Mr. Murphy distributed photographs to the Committee showing a Costco gasoline filling station in Virginia as well as a Exxon station located in close proximity to the Costco station.

Bob Zinsmeister, representing the Chamber of Commerce, spoke in opposition to the legislation. Thomas Haller, Law Offices of Gibbs and Haller, representing Costco, spoke in opposition to the bill explaining that it will prevent an existing business owner who has been in business for ten years from expanding its service to its customers.

Kap Kapastin, representing Quantum Management Association (owners of Beltway Plaza and adjacent I-1 Zone property) spoke in opposition to the legislation since it would not allow the adjacent I-1 Zone site which was originally the site of a gasoline filling station to be utilized for another filling station without a Special Exception. Mr. Kapastin suggested amendments to the bill which would only require a Special Exception for a gasoline filling station for a retailer occupying 100,000 square feet and an additional uncoded section of the bill which would allow a permitted use legally in operation on a site within two years prior to the requirement for a Special Exception to relocate on that site without this requirement.

On a motion by Council Member Gourdine, the Committee voted an unfavorable recommendation on this legislation.

BACKGROUND INFORMATION/FISCAL IMPACT

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

This legislation would require a Special Exception for gas stations in the I-1 and I-2 Zones, which concept is more in keeping with the purposes of the industrial zones. Existing gas stations would continue as permitted uses.

CODE INDEX TOPICS: