

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

Meeting Date: 11/19/2001

Reference No.: CB-63-2001

Proposer: Hendershot

Draft No.: 3

Sponsors: Hendershot

Item Title: An Ordinance to amend the commercial use tables
pertaining to food or beverage stores and department
or variety stores as permitted and special exception uses

Drafter: Ralph Grutzmacher
Legislative Officer

Resource Carol White
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 9/11/2001

Executive Action: __/__/__

Committee Referral: 9/11/2001 PZED

Effective Date: __/__/__

Committee Action: 10/10/2001 FAV(A)

Date Introduced: 10/23/2001

Public Hearing: 11/19/2001 10:00 A.M.

Council Action: 11/19/2001 MOTION TO ENACT FAILED

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

Pass/Fail: P

Remarks: _____

11/19/2001: Amended on the floor; motion to enact DR-3 failed

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 10/10/2001

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Shapiro, Wilson, Estep and Russell).

This legislation amends the Commercial Use Tables in the Zoning Ordinance concerning department or variety stores and food or beverage stores. CB-63 limits the gross floor area of these uses, prohibits the uses in certain zones and requires Special Exception approval in other zones.

Council Member Hendershot, the bill's sponsor, explained that the purpose of CB-63 is to limit the

location of “superstores” in areas of the County that are not appropriate for these uses. Mr. Hendershot indicated that the provisions of the legislation allowing the larger department or variety stores within the developed tier or a designated Revitalization Tax Credit Area is consistent with the County’s growth policy. The requirement for a Special Exception for the “superstores” in other locations is intended to curb sprawl in the County. Additionally, Mr. Hendershot commented that the “superstores” undermine existing grocery businesses in the County.

The Planning Board supports the legislation and provides the following comments. The Special Exception process as proposed in CB-63 is appropriate because “superstores” by their size and nature can stifle existing neighborhood businesses and, therefore, be detrimental to neighborhood stability. In some locations, such stores may be very appropriate, and the Special Exception process permits that determination to be made. Also, through the Special Exception process, existing businesses have an opportunity to comment on the impact of large variety stores, thus permitting this additional information to be available to decision makers. The Planning Board also recommends that the bill be amended to include criteria for the Special Exception such as setbacks, size, traffic considerations, compatibility, access and buffering.

The County Executive takes no position on CB-63. The City of Bowie submitted a letter in support of the legislation stating: “The City finds the bill will help limit the encroachment of big box uses into the community and thus minimize their deleterious effect on adjacent residents and local businesses.”

The Legislative Officer and the Office of Law find the bill to be in proper legislative form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-63.

The following individuals spoke in support of the legislation: Christopher Bedford, representing the Maryland Chapter of the Sierra Club; Samantha Burke, representing the United Food and Commercial Workers (UFCW) and Food Employers Labor Relations Association Joint Labor Management Fund; and Toni Harold-Foster, representing UFCW Local 400.

On a motion by Council Member Estep, seconded by Council Member Russell, the Committee voted favorably on CB-63 with amendments to include Special Exception criteria as recommended by the Planning Board.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The construction and expansion of certain large retail and grocery stores (“super stores”) exacerbates sprawl in the developing and rural tiers of the County. The proposed amendments would limit the size of such stores as a matter of right and permit such stores under certain conditions imposed under the Special Exception process.

CODE INDEX TOPICS: