

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2019 Legislative Session

Reference No.: CB-013-2019

Draft No.: 1

Committee: PLANNING, HOUSING, AND ECONOMIC DEVELOPMENT

Date: 06/06/2019

Action: FAV

REPORT:

Committee Vote: Favorable, 3-0-1 (In favor: Council Members Glaros, Davis, and Ivey. Abstain: Council Member Dernoga)

The Planning, Housing, and Economic Development Committee Director summarized the purpose of the legislation and informed the committee as to comments received on referral. This legislation amends the County Zoning Ordinance to permit an eating or drinking establishment with drive-through service by right in the C-O (Commercial Office) Zone under certain circumstances provided in a new footnote to the commercial zone table of uses.

Council Chair Turner, the bill sponsor, informed the Committee that CB-13-2019 is intended to facilitate the adaptive reuse of a vacant bank building in his district into an eating or drinking establishment. This establishment is proposing to move from its existing location across the street to expand its business. Mr. Turner commented on this use being permitted, subject to standards, in the CGO (Commercial General and Office) Zone that will be the equivalent of the C-O Zone as part of the Zoning Ordinance Rewrite also noting that the standards are incorporated in the new footnote 76 to the use table.

The Planning Board supports CB-13-2019 with the inclusion of two technical amendments described in a staff analysis provided in the Board's May 2, 2019 letter to the Council Chairman. The Planning Board believes the bill was drafted for a specific property. There are approximately seven properties that could be impacted by this bill. There are three properties in Council District 4, one property located in Council Districts 3, 5, 7 and 8. The Planning Board would like to add the following technical amendments. On page 2, under footnote 76, add the word "a" in front of the words "functional transportation classification" where this wording appears in two places in the footnote.

The new Zoning Ordinance will consolidate the C-O Zone into the Commercial General and Office (CGO) Zone. "Eating or Drinking Establishment uses – restaurant, quick service" will be permitted by right subject to specific use standards.

The Office of Law reviewed CB-13-2019 and commented that the bill may be subject to challenge as it appears to be drafted for a specific parcel. The Chief Zoning Hearing Examiner

also reviewed the legislation and recommended that the sponsor require Detailed Site Plan approval for the use, similar to that shown in existing footnote 24 on page 3.

The City of Bowie submitted a letter dated June 4, 2019 recommending the PHED Committee's favorable vote on CB-13-2019. Matthew C. Tedesco, of McNamee Hosea Attorneys and Advisors, submitted a May 30, 2019 letter in support of the legislation.

Joe Meinert, representing the City of Bowie, and Dan Lynch, of McNamee Hosea, testified in support of the legislation. Sydney Daigle, of the Food Equity Council, testified regarding concerns with high density of fast food restaurants in the County and the need for additional healthy prepared retailers in the County.

The Committee had considerable discussion on the history of “fast food”, “eating or drinking establishment” uses and “restaurant, quick-service”, as is proposed in the Zoning Rewrite, as well as the history and reasoning for these uses with drive-through being prohibited in the C-O Zone.

The Committee voted favorably on CB-13-2019 including the minor amendments recommended by the Planning Board. The Zoning and Legislative Counsel advised that these amendments are technical and do not require a Draft-2 of the legislation.