

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2021 Legislative Session

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**Reference No.:** CB-044-2021

**Draft No.:** 2

**Committee:** COMMITTEE OF THE WHOLE

**Date:** 07/01/2021

**Action:** FAV(A)

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### REPORT:

Committee Vote: Favorable as amended, 8-0 (In favor: Council Members Hawkins, Anderson-Walker, Davis, Glaros, Harrison, Ivey, Streeter, and Taveras)

The Committee of the Whole convened on July 1, 2021 to consider CB-44-2021. The Planning, Housing and Economic Development (PHED) Committee Director summarized the purpose of the legislation and informed the Committee of written comments received on referral. CB-44-2021 Draft-1 amends the Zoning Ordinance Industrial Zone Table of Uses to clarify that a Department or Variety Store not exceeding 13,000 square feet is a permitted use in the I-3 Zone subject to certain criteria in a new footnote 77 to the table.

Council Member Ivey, the bill's sponsor, informed the Committee that the legislation was drafted to facilitate the location of a thrift store within a church located in her district in furtherance of the social services that the church provides to the surrounding community.

The Planning Board supports the legislation with amendments and provided the following analysis by letter dated June 24, 2021 to Council Chair Hawkins:

CB-44-2021 permits a new "Thrift store" use under the "Department or variety store" use. The legislation also exempts the "Thrift store" use from the requirement of a Detailed Site Plan (DSP).

This legislation will impact a property located at 403 Brightseat Road. The property is in the June 1, 2010, *Approved Subregion 4 Master Plan and Sectional Map Amendment*. The property was classified in the Industrial/Employment Park (I-3) Zone, under a Sectional Map Amendment approved before July 1, 2010, and is proposed for employment uses in the most recently approved master plan.

Neither the "Thrift store" nor "Department or variety store" are defined in the current Zoning Ordinance. The "Department or variety store" use has been used to approve large multipurpose retailers such as a Walmart, Target, and Macy's. Thrift stores have been approved as antique, clothing, or furniture stores. The Planning Board recommends that a definition for "Thrift store" be added to the bill. Next, permit the use under the Industrial Table of Uses in the I-3 Zone,

subject to proposed Footnote 77, letters (A), (B), and (C) only.

The language exempting the “Thrift store” from the I-3 Zone requirement of DSP approval should be deleted. The property located at 403 Brightseat Road has an existing 51,000-square-foot building, which is the subject of an approved Conceptual Site Plan (CSP-85017) and an approved Detailed Site Plan (DSP-85069-01). Exempting the use from the DSP requirement will not remove the DSP that already governs development on the property. An amendment to the approved DSP would be required for any exterior improvements since it has an existing approved plan for the development of the property. After the use is defined within the Zoning Ordinance and permitted in the I-3 Zone, the applicant can amend the DSP as necessary, which may be allowed at a Director level review under Section 27-289(c).

There should be parking and loading space regulations added to the bill. The I-3 Zone generally permits industrial uses, so there is limited parking provided in the zone. The parking for a “Department or variety store”, under normal parking generation is one space for every 150 square feet of gross floor area for up to 3,000 square feet of gross floor area, plus one space for every 200 square feet of gross floor area thereafter. The Planning Board recommends parking and loading regulations be added to the bill.

The Planning Board recommends that the bill be amended to define the “thrift store” use and permit the use in the I-3 Zone, subject to proposed Footnote 77, letters (A), (B), and (C) only. The applicant can subsequently amend the existing governing DSP to add the use on the property and address any parking and loading regulations applicable to the thrift store use.

The Zoning Hearing Examiner (ZHE) reviewed CB-44-2021 and offered the following recommended revisions in a June 25, 2021 memorandum to the PHED Committee Director:

1. On p.1, line 2, change the phrase to” I-3 (Planned Industrial/Employment Park)” because that is the way zones are cited in Section 27-109 of the Zoning Ordinance.
2. On p. 2 of the bill the use will be allowed under limited circumstances, if it does not exceed 13,000 square feet. The language on p.1, line 4 should be revised to mirror this language.
3. “Thrift store” is an undefined term, as is “Department or Variety Store”. It may be helpful to use the following language (found in research of other jurisdictions) on p. 2 in paragraph (C)- “thrift store or other second hand point of sale in which donated items are sold for a nominal price” to avoid interpretive differences in the future as to the type of store permitted under this bill.

The Committee reviewed a Proposed Draft-2 (DR-2) containing amendments requested by the bill sponsor to address Planning Board and ZHE comments. Proposed DR-2 included amendments to add Section 27-107.01 to the bill for the purpose of defining “Thrift Store”, to the bill’s purpose clause to reflect this addition to the bill, and to footnote 77 as follows:

Permitted use, provided:

- (A) The property is classified in the I-3 Zone pursuant to a Sectional Map Amendment approved before July 1, 2010;
- (B) The property is proposed for employment uses in the most recently approved applicable

Master Plan; AND

(C) The DEPARTMENT OR VARIETY STORE use is a thrift store conducted within a wholly enclosed building on property owned by a non-profit organization, including a Church or similar place of Worship; and

(D) A Detailed Site Plan approval process, in accordance with Part 3 Division 9 of this Subtitle, shall not be required.

The Office of Law reviewed CB-44-2021 as it was presented on June 15, 2021 along with Proposed DR-2, that was presented to the Committee of the Whole on July 1, 2021 and finds Proposed DR-2 to be in proper legislative form with no legal impediments to its enactment.

Arthur Horne, representing First Baptist Church of Glenarden, testified in support of the legislation. Mr. Horne noted his disagreement with the Planning Board recommendation for a Detailed Site Plan (DSP) and parking and loading regulations indicating that the existing DSP shows that there are plenty of parking spaces on the site and there have been no issues with shortage of spaces.

The Committee voted favorable, 8-0, on CB-44-2021 as amended in Proposed DR-2 and additional clarification in the purpose clause on page 1, line 4 as recommended by the ZHE.