

Prince George's County Council

Agenda Item Summary

Meeting Date: 10/26/2004
Reference No.: CB-070-2004
Draft No.: 2
Proposer(s): Dean
Sponsor(s): Knotts, Exum, Peters
Item Title: An Ordinance to define the Moving and Storage Operation use, and permitting the use in the I-1 Zone if Detailed Site Plan is approved, and permitting the use in the I-2 Zone

Drafter: Ralph E. Grutzmacher, Legislative Officer
Resource Personnel: Nell W. Johnson, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 7/13/2004	Executive Action:
Committee Referral: 7/13/2004 - PZED	Effective Date: 10/26/2004
Committee Action: 9/8/2004 - FAV	
Date Introduced: 9/21/2004	
Public Hearing: 10/26/2004 - 10:00 AM	
Council Action (1) 10/26/2004 - ENACTED	
Council Votes: MB:A, SHD:A, TD:A, CE:-, DCH:A, TH:A, TK:A, DP:A	
Pass/Fail: P	
Remarks:	

AFFECTED CODE SECTIONS:

27-107.01, 27-473

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 9/8/2004

Committee Vote: Favorable, 4-0-1 (In favor: Council Members Dernoga, Bland, Dean, and Harrington. Abstain: Council Member Exum)

Staff summarized the purpose of the bill and the referral comments that were received. The legislation defines a new use, moving and storage, not currently identified in the Zoning Ordinance, and permits it in the I-2 Zone and in the I-1 Zone if a detailed site plan is approved. At present, the industrial use table in Section 27-473(b) of the Zoning Ordinance treats moving and storage, as that activity is generally understood, as a type of "trucking operation." Trucking operations are permitted in the I-2 Zone but not in I-1, with an exception for moving and storage: if the trucking concern is for moving and storage and meets certain requirements as to size and age of building and hours of operation, then it is permitted in I-1.

The bill's sponsor informed the committee that he was advised that the proposed use is not currently permitted in the Code and that the proposed legislation is intended to clarify the use.

The Principal Counsel and the Office of Law found the bill to be in proper legislative form. Maurene Epps-Webb, Chief Zoning Hearing Examiner, provided written comments and was present at the committee meeting for questions. Ms. Epps-Webb indicated that the Zoning Ordinance includes definitions for consolidated storage, trucking operation, and warehouse unit. Moreover, Section 27-473 already permits the use “moving and storage operations”, although said use is undefined. She expressed concern that adding the new definition for “moving and storage operations” may negatively affect uses currently approved under the administrative interpretation of the use. If an administrative interpretation prevents a particular application from moving forward, the interpretation can be revised.

Edward Gibbs, representing Security Moving and Storage, addressed the committee in support of the legislation that would facilitate the development of a state of the art, computerized storage facility in the County. Mr. Gibbs stated that despite existing language in the Code concerning the use, he is unable to obtain a permit for a “new” moving and storage operation. He commented that even though the use looks like a warehouse and has the trucking component, it does not meet the specific criteria currently provided for these uses.

The Planning Board had not had an opportunity to comment on the bill prior to the committee meeting; however, Planning Department staff was present to respond to questions and comments. Faroll Hamer, Development Review Division Chief, informed the committee that the Zoning Ordinance should be clear concerning the moving and storage operations use and that it has been the opinion of the Planning Department staff that certain existing uses, such as trucking operation, would not include the intended business proposed by Security Moving and Storage. Ms. Hamer indicated that CB-70-2004 will clearly identify the use as separate from a trucking operation use where storage is not a primary component of the operation and from consolidated storage where moving is not a primary component of the operation.

Council Member Bland inquired as to where existing storage facilities are currently permitted and what effect, if any, CB-70 has on current regulations. Staff noted that permitting moving and storage operations in the I-1 Zone with detailed site plan and in the I-2 Zone is consistent with the purposes of these zones.

A suggestion was made to delete existing footnote 26 in the industrial use table in an effort to address the concerns raised by the Zoning Hearing Examiner. The footnote is for a trucking operation use, but makes reference to moving and storage operations of a certain size, in an existing building of a certain age, and with restricted hours of operation. It was determined that deletion of this footnote could result in unintended consequences, such as non-conformance status, for existing uses that meet these criteria.

There should be no negative fiscal impact on the County as a result of enacting CB-70-2004. The Maryland-National Capital Building Industry Association submitted a letter to the Committee Chairman recommending a favorable report on this bill.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

The Zoning Ordinance currently does not include “Moving and Storage Operation” as a use. This legislation defines “Moving and Storage Operation” as a use and permits it in the I-1 and I-2 (Industrial) zones under certain circumstances.

CODE INDEX TOPICS:

INCLUSION FILES:
