

Prince George's County Council Agenda Item Summary

Meeting Date: 11/15/2011
Reference No.: CB-062-2011
Draft No.: 1
Proposer(s): Patterson, Franklin, Lehman, Olson
Sponsor(s): Patterson, Franklin, Lehman, Olson
Item Title: An Ordinance amending the maximum permitted gross floor area for Department or Variety Stores

Drafter: Karen T. Zavakos, Legislative Officer
Resource Personnel: Ellis F. Watson, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 9/27/2011 **Executive Action:**
Committee Referral: 9/27/2011 - PZED **Effective Date:**

Committee Action: 10/11/2011 - FAV

Date Introduced: 10/18/2011
Public Hearing: 11/15/2011 - 10:00 AM

Council Action (1) 11/15/2011 - TABLED
Council Votes: WC:A, DLD:A, MRF:A, AH:A, LJ:-, ML:A, EO:A, OP:A, IT:A, KT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

27-461(b)

COMMITTEE REPORTS:

PZED Committee Report

Date 10/11/2011

Committee Vote: Favorable, 3-1-1 (In favor: Council Members Patterson, Harrison and Olson; Oppose: Council Member Campos; Abstain: Council Member Toles)

On October 11, 2011, the Planning Zoning and Economic Development Committee met to discuss CB-62-2011. This bill proposes amendments to the Zoning Ordinance Commercial Use Tables to lower the maximum gross floor area permitted for Department or Variety Stores without a Special Exception.

The Planning Board submitted comments opposing the legislation, and the Office of Law reported that the bill was in proper legislative form with no legal impediments.

The County Executive's Office stated that the Executive Branch was opposed to the bill as it may be construed to limit redevelopment opportunities in the County.

Andre Gingles testified before the committee in opposition to the bill stating that only three applications for big box stores have been considered in the past five years.

Larry Taub also testified in opposition to the bill, stating that the enlargement of applications required to obtain a special exception will result in fewer corporations locating within the County.

Arthur Horne testified in opposition to the bill as attorney for the Ritchie Station development, stating that his client would be subject to the limitation and that the property had recently been rezoned to utilize the current requirements to the incentivize the project.

Leigh Williams testified in support of the bill, stating that the revision would not serve to prevent corporations from locating in the County, but rather to allow the County to take a measured approach to integrating these large-scale businesses with the existing surrounding communities.

Maurene Epps Webb, Chief Zoning Hearing Examiner, testified that there may be unintended consequences of the bill, such as the enlargement of an accessory Food or Beverage use in an effort to circumvent the floor area restrictions.

Council Member Harrison expressed concern over unintended consequences, such as a retail store that generally includes a café portion to its store. Ms. Harrison requested that staff explore the possibility of an amendment to CB-62-2011 that retains the current size prescriptions for Department or Variety stores that do not include a certain percentage Food or Beverage component.

The Legislative Officer advised that the amendment suggested by Ms. Harrison would not amount to an amendment of substance triggering an additional notice and public hearing, and that such amendment may be considered at any time prior to final action on CB-62-2011.

The Committee voted Favorable on CB-62-2011.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

THIS BILL WAS NOT ENACTED.

CODE INDEX TOPICS:

INCLUSION FILES:
