

Prince George's County Council

Agenda Item Summary

Meeting Date: 5/22/2007
Reference No.: CB-006-2007
Draft No.: 2
Proposer(s): Dean
Sponsor(s): Dean, Harrington, Exum
Item Title: An Ordinance permitting limited industrial uses in the M-X-T Zone under certain circumstances.

Drafter: Jackie Brown, Director PZED Committee
Resource Personnel: Nellvenia W. Johnson, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 3/13/2007
Committee Referral: 3/13/2007 - PZED
Committee Action: 4/4/2007 - FAV(A)
Date Introduced: 4/17/2007
Public Hearing: 5/22/2007 - 10:00 AM
Council Action (1): 5/22/2007 - ENACTED
Council Votes: MB:A, WC:A, SHD:A, TD:A, CE:A, DCH:A, TK:A, EO:A, IT:A
Pass/Fail: P
Remarks:

Executive Action:
Effective Date: 7/9/2007

AFFECTED CODE SECTIONS:

27-547

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

Date 4/4/2007

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Dean, Bland, Dernoga, and Harrington)

Staff summarized the purpose of the legislation and informed the committee of referral comments that were received. This bill amends the mixed use zones use table in the Zoning Ordinance to allow I-1 Zone (limited light industrial) uses in the M-X-T Zone under certain circumstances as provided in a new footnote 10 to the industrial zone use table.

Council Member Dean, the bill's sponsor, explained that CB-6-2007 addresses a situation that resulted from the rezoning of property to M-X-T through the Westphalia Sector Plan and Sectional Map Amendment. Mr. Dean informed the committee that the property has been used for warehouse, but was not occupied at the time of Sector Plan approval. CB-6-2007 allows the warehouse use to continue for three years and then be deemed nonconforming.

Thomas Haller spoke in support of the legislation, indicating that this legislation is a "clean up" matter from the Westphalia Sector Plan. Mr. Haller explained that since there was no user within the structure at the time of Plan

approval, the use cannot be deemed nonconforming. CB-6-2007 provides time for a new user to occupy the property and to continue with a non-conforming status.

Council Member Dernoga suggested including a sunset clause in the legislation given the fact that the use will become nonconforming and there would no longer be a need for the footnote in the Zoning Ordinance.

Kelly Canavan was present to address the committee and indicated her support of the sunset provision.

The committee voted to include a sunset provision in CB-6-2007 and further clarified that this amendment is not intended to change the purpose of the legislation which is to permit any use(s) which located in the property during the three year period to become nonconforming. The language providing that the use(s) would be deemed nonconforming after three years, originally in subparagraph (C) of footnote 10 in Draft-1 of the bill, was also moved to the new Section 2 with the sunset provision.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

The County Council adopted CR-2-2007 on February 6, 2007, for the purpose of approving with amendments, the Westphalia Sector Plan and Sectional Map Amendment, thereby defining long-range land use and development policies, detailed zoning policies, and community improvement proposals within the area generally defined by Ritchie-Marlboro Road to the northeast, the Capital Beltway (I-495) to the west, and Pennsylvania Avenue (MD 4) to the south, consisting of a portion of Planning Area 78, the boundaries of which are described in the Zoning Ordinance.

CR-2-2007 contains a finding that the Mirant Mid-Atlantic property, located on Westphalia Road, which is currently developed with a large industrial building, should be redeveloped with mixed residential and commercial land uses under a mixed-use zoning category. This finding also provides that in the short term, the Council should consider legislation to allow limited industrial use of the existing industrial buildings on the site.

This legislation amends the Zoning Ordinance to permit limited industrial uses in the M-X-T Zone under certain circumstances.

CODE INDEX TOPICS:

INCLUSION FILES:
