

Prince George's County Council

Agenda Item Summary

Meeting Date: 4/15/2014
Reference No.: CB-006-2014
Draft No.: 4
Proposer(s): Franklin, Campos, Davis, Harrison, Toles, Turner
Sponsor(s): Franklin, Campos, Davis, Harrison, Toles, Turner
Item Title: An Ordinance Video Lottery Facilities for the purpose of defining video lottery facility and terms related thereto, and authorizing a video lottery facility use as a permitted use in the Mixed Use – Transportation Oriented (M-X-T) Zone, subject to certain requirements.

Drafter: Brendon L. Laster, Chief of Staff
Resource Personnel: Brendon L. Laster, Chief of Staff

LEGISLATIVE HISTORY:

Date Presented:	3/11/2014	Executive Action:	
Committee Referral:	3/11/2014 - PZED	Effective Date:	4/15/2014

Committee Action: 3/18/2014 - FAV(A)

Date Introduced: 3/25/2014
Public Hearing: 4/15/2014 - 6:00 PM

Council Action (1) 4/15/2014 - ENACTED
Council Votes: WC:A, DLD:A, MRF:A, AH:A, ML:-, EO:A, OP:N, IT:A, KT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

27-107.01, 27-547, 27-548.01.04

COMMITTEE REPORTS:

Planning, Zoning and Economic Development **Date 3/18/2014**

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Turner, Campos, Franklin, Harrison and Olson)

Staff provided a brief summary of the bill and informed the committee that the Planning Board reviewed CB-6-2014 at their March 13 meeting and voted to support the legislation with amendments detailed in a letter of the same date to Council Chairman Franklin. The Legislative Officer presented a Proposed Draft-2 (DR-2) prepared at the bill sponsor's direction to address comments received during the March 12 committee meeting as well as the Planning Board's comments.

Aside from technical amendments to the proposed definitions to reference additional State law sections, the legislation was amended as follows:

- Page 2, a definition of "Table Games" was added

- Page 4, Table of Uses was amended to remove “Video Lottery Facility” as a separate use and add an (A) In accordance with Section 27-548.01.04 (Video Lottery Facility) and (B) All Others under the “Recreational or Entertainment Establishment (commercial or noncommercial) category. The new footnotes 14 and 15 provided in Draft-1 were removed.

- Pages 5 and 6, in Section 27-548.01.04, in addition to renumbering where necessary, the following amendments were proposed:

- o the term “Recreational or Entertainment Establishment of Commercial Nature with a Video Lottery Facility (“Facility”)” replaced the term “Video Lottery Facility” to be consistent with changes made in the Table of Uses change on page 4.

- o At the beginning of subsection (a)(1), the words “The Facility shall comply with” was changed to “Submission demonstrating that”; the words “Submission demonstrating that” were also added at the beginning of subsections (a)(2) and (3).

- o Subsection (2)(B) and (3) were amended as follows:

- (B) the transportation improvements [committed by the applicant] regarding the Facility submitted to the Maryland Video Lottery Facility Location Commission (“Location Commission”).
 - (i) [On and] Any required on or off-site transportation improvements [facilities prescribed in accordance with the Guidelines and as committed to the Location Commission] contained in this submission shall be made prior to, or concurrent with, the construction of the Facility, and shall be completed prior to the issuance of any use and occupancy permits for the Facility.

[(4) As a condition of the Facility’s Detailed Site Plan approval, the Operator Applicant shall:]

- (3) Submission demonstrating a [provide] lighting plan that illuminates all parking areas and walkways on site. [; and]

- o The words “Submission of a statement acknowledging obligations pursuant “ were added at the beginning of Subsection (a)(6)

- o In Subsection (b), after “Full compliance with this Section”, the following provision was added: “by the Video Lottery Operator, including compliance with any plans, commitments, or other information contained in any submissions required in this Section” and at the end of the subsection, the following language was removed: “or the Detailed Site Plan approval for the Facility shall be void as a matter of law”.

The committee discussed further amendments to Proposed DR-2 as follows:

- Page 5, amend the section title to include “Recreational or Entertainment Establishment of Commercial Nature” before the words “Video lottery facility”
- Page 5, at the end of subsection 27-548.01.04(a), after “a Video Lottery Facility (“Facility”) shall be permitted subject to”, add “Detailed Site Plan review and approval in accordance with”, and after “the following”, add “additional”.
- Page 5, at the beginning of subsection (a)(4), add “a receipt confirming” prior to “submission of a written security plan to the Chief of Police”.
- Page 5, amend Section (a) (4) of Section 27-548.01.04 to be (A) and (B) as follows:

(A) The security plan submission may be conditioned as a confidential submittal, and submittal can be conditioned to occur anytime upon completion.

(B) Submittal shall be reviewed and approved Review and approval by the Chief of Police or the Chief's designee is required prior to the issuance of any use and occupancy permit for the Facility.

Mark Coles, representing the Washington D.C. Building Trades Council, testified in support of the legislation. Arthur Horne, representing MGM, addressed the committee noting his agreement with the proposed amendments.

Council Members reiterated concerns discussed during the March 12 meeting about transportation and the need for dialogue with the State about the commitments to and plans for improvements.

3/12/2014

PZED Committee Chair Turner announced that the purpose of the committee meeting was for discussion of the legislation, but no action would be taken on the bill. An additional committee meeting for this item would be scheduled for March 18 at 10:00 a.m.

Staff gave an overview of the legislation and informed the committee of written referral comments that were received. Council Chairman Franklin, the bill's sponsor, explained that CB-6-2014 is an amendment to the Zoning Ordinance to allow a video lottery facility in the County in furtherance of the provisions of Senate Bill 1-2012. Mr. Franklin noted the results of the Maryland Question 7 Gaming Expansion Referendum in 2012 as well as the site selection by the Video Lottery Facility Location Commission in December 2013.

The Chief Zoning Hearing Examiner (ZHE) submitted a memorandum dated March 12, 2014 noting technical concerns with the legislation. Debra Borden, Associate General Counsel representing the Planning Board, informed the committee that the Planning Board had not had an opportunity to review and provide formal comment on the bill; however, the staff concurred with many of the ZHE comments.

Arthur Horne, representing MGM, testified in support of the legislation and suggested revisions including the addition of a definition for table games in accordance with State law. Mr. Horne also commented on his concerns with the proposed security plan provisions and determination of how and when the transportation improvement commitments by the applicant have been made as these requirements relate to conditions of Detailed Site Plan approval.

Council Member Lehman suggested a need to distinguish between internal and external security. The Council Members expressed significant concerns with current traffic conditions in the area of the proposed video lottery facility development including congestion, motor vehicle accidents and deaths as well as the need to have a better understanding of the commitments made to and by the State for transportation improvements.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This bill defines video lottery facility and related terms, as set forth in Subtitle 1A of Title 9, State Government Article, Annotated Code of Maryland, and permits the use in the M-X-T Zone subject to certain requirements.

3/25/2014 - CB-6-2014 (DR-2) was amended on the floor prior to introduction as follows:
On page 6, after line 5, add the following text as a new subsection (a)(7):

"(7) Submission of a statement detailing any equity investment opportunities in relation to the Facility to be made available to Prince George's County residents via direct monetary investment, ownership of independent in-line businesses, ownership of retail pad sites, ownership of business franchises, ownership of service businesses, and/or ownership of any other for-profit businesses."

CB-6-2014 (DR-3) was introduced.

4/15/2014: CB-6-2014 (DR-3) was amended on the floor prior as follows:

1. On page 5, in line 19, renumber Subsection (B) as (C), and insert the following text as a new subsection (B) as follows:

"(B) compliance with a comprehensive transportation plan in accordance with Section 9-1A-32, State Government Article, Annotated Code of Maryland; and"

2. On page 6 in lines 6 through 10, strike the text of subsection (7) and substitute the following text in lieu thereof:

"(7) Submission of a statement detailing any opportunities in relation to the video lottery facility to be made available to Prince George's County residents or businesses via direct monetary or other equity investment, ownership of independent in-line businesses, ownership of retail pad sites, ownership of business franchises, ownership of service businesses, and/or ownership of any other for-profit businesses."

CB-6-2014 (DR-4) was enacted.

CODE INDEX TOPICS:

INCLUSION FILES:
