

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 11/23/99

Reference No.: CB-69-1999

Proposer: Shapiro

Draft No.: 2

Sponsors: Shapiro

Item Title: An Ordinance permitting retail uses in the C-O Zone
under certain circumstances

Drafter:

Resource Karen Ashby
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 9/28/99

Executive Action: __/__/__

Committee Referral: 9/28/99 PZED

Effective Date: 1/10/2000

Committee Action: 10/13/99 FAV (A)

Date Introduced: 10/19/99

Public Hearing: 11/23/99 1:30 P.M.

Council Action: 11/23/99 ENACTED

Council Votes: JE:A, DB:A, IG:A, TH:A, WM:N, RVR:A, AS:A, PS:A, MW:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT

DATE: 10/13/99

Committee Vote: Favorable as amended, 4-1 (In favor: Council Members Russell, Bailey, Gourdine and Hendershot. Opposed: Council Member Maloney)

Staff gave an overview of this legislation indicating that the amendment to the Zoning Ordinance proposed by CB-69-1999 will permit any use allowed in the C-S-C Zone, either by right or by Special Exception, in the C-O Zone under specific circumstances.

The Office of Law has determined that the bill is in proper legislative form and recommends minor technical amendments. To save space, the Principal Counsel to the District Council recommends a rewording of the new language on pages 2 and 3. The Office of Audits and Investigations has determined there should be no negative fiscal impact on the County as a result of enacting CB-69-1999. The County Executive takes no position on this legislation.

Bill Henaghan, representing the Planning Board, informed the Committee that the Board supports CB-69-1999 with amendments. Mr. Henaghan explained that to permit some retail in the C-O Zone is appropriate, however, the bill should be amended to only allow the use on the first floor of the office building. This will limit the size and activity of retail uses in this zone. The Planning Board provided comments regarding the vacancy rate in the C-S-C Zone. In Prince George's County, this rate is 14% while a 10% vacancy rate is more the national norm. Allowing more retail uses in other zones will further dilute the tenant base for retail uses in the C-S-C Zone. Therefore, the Board believes that the potential should be limited for the space to go into other areas.

Additional concerns raised by the Planning Board relate to parking requirements. In the C-S-C Zone, the requirements are one (1) parking space for every 150 square feet of retail space for the first 3,000 square feet, then one (1) space for every additional 200 square feet. Parking requirements in the C-O Zone are one (1) parking space for every 250 square feet of office space for the first 2,000 square feet, then one (1) space for every additional 400 square feet of space. Therefore, retail space in the C-O Zone can create parking and traffic problems if the amount of retail is not limited. A final comment provided by the Planning Board is that C-O zoned land tends to be transitional space between residential land and shopping centers. Therefore, an abundance of retail space should not be encouraged due to the higher traffic and pedestrian activity levels that it generates in the C-O Zone.

Lawrence Taub, Krauser and Taub, P.A., spoke in support of CB-69-1999. Mr. Taub explained that this bill was proposed to allow an existing office building on property zoned C-O in the Langley Park area, which currently has retail uses located on the ground floor, to include additional retail uses on other floors. He commented that the surrounding property is zoned C-S-C, however, his client could not submit an application for rezoning to C-S-C based on mistake at the time of the Sectional Map Amendment (SMA) due to Zoning Ordinance provisions restricting rezonings if the SMA is more than six years old. The property in question is within the boundaries of the Langley Park-College Park-Greenbelt and Vicinity Master Plan and SMA which were adopted in May 1990.

Mr. Taub offered amendments contained in a Proposed Draft-2 of the bill to address the concerns raised by the Planning Board. The amendments include making the following changes to the new language on pages 2 and 3: remove the word "office", change four (4) stories to three (3) stories, include additional language to read "including a maximum of 65,000 square feet of gross floor leasable area", as well as other changes related to the location of associated parking for the building and clarification of the property's proximity to streets shown on the Master Plan as arterial or higher classification. Mr. Taub explained that modifying the description of the building and providing a maximum square footage requirement limits the applicability of this new provision to larger office buildings located in the C-O Zone.

Kap Kapastin, representing Quantum Management, responded to questions by Committee members and indicated that the use being considered for the subject office building is showroom type retail use.

Council Member Hendershot made a motion, seconded by Council Member Bailey, for a

favorable recommendation on the bill including the amendments contained in Proposed Draft-2 offered by Mr. Taub. Council Member Maloney made a motion to amend the motion to include an additional amendment to the legislation eliminating the provision allowing C-S-C Zone Special Exception uses also by Special Exception in the C-O Zone. The motion, seconded by Council Member Gourdine, failed 2-3. The original motion carried 4-1 and the amendments are reflected in Draft-2.

BACKGROUND INFORMATION/FISCAL IMPACT

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

This legislation amends the Commercial Use Tables in the Zoning Ordinance to allow any use permitted in the C-S-C Zone, either by right or by Special Exception, in the C-O Zone under certain circumstances.

CODE INDEX TOPICS: