

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2018 Legislative Session

Reference No.: CB-084-2018

Draft No.: 2

Committee: PLANNING, ZONING, AND ECONOMIC DEVELOPMENT

Date: 09/19/2018

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 5–0 (In favor: Council Members Harrison, Franklin, Glaros, Patterson, and Toles)

The Planning, Zoning, and Economic Development Committee Director summarized the purpose of the legislation and informed the committee as to comments received on referral. This legislation amends the Commercial Table of Uses in the Zoning Ordinance to permit “Food or beverage store uses in combination with a gas station, subject to Detailed site plan review in accordance with Part 3, Division 9”, subject to specified circumstances set forth in a new proposed footnote 71 to the use table.

The Zoning and Legislative Counsel explained that this bill is intended to build upon legislation the Council recently enacted on September 18, 2018, CB-025-2018. Specifically, this legislation adds an alternative locational requirement for property that abuts land in the I-1 (Light Industrial) Zone.

Rana Hightower provided a summary of comments offered by the Planning Board regarding the legislation, specifically, that in Line 4 on Page 1, substitute “or” for “and” to reflect the correct name for the use, “Food or beverage store” in the Zoning Ordinance. The Zoning and Legislative Counsel concurred with the suggested change.

The Planning Board also recommended that the order of the uses be reversed, so as to permit “Gas station uses in combination with a Food or beverage store” uses, instead of Food or beverage store uses in combination with Gas station uses”, as currently reflected in the Commercial Use Tables of the Zoning Ordinance. The Zoning and Legislative Counsel responded that, in light of the current, longstanding ordering of the use, coupled with the recent final action of the District Council to enact similar legislation, the name of the combination of this use should remain as is in the current Ordinance.

Council Member Harrison commented that, should the Planning Board remain interested in pursuing the semantical change, as discussed above, it may be prudent for the Board to offer such revisions via legislative proposal for Council consideration as legislation during the 2019 legislative year.

Council Member Glaros inquired as to whether the provisions of CB-084-2018 are intended to align with the prescriptions of the prior bill on this subject, CB-025-2018. The Zoning and Legislative Counsel responded that CB-084-2018 is indeed intended to align with the provisions enacted by way of CB-025-2018. Council Member Glaros also pointed out to the committee that, like the similar legislation on this use, CB-025-2018, this proposed legislation aligns with the prescriptions set forth in the text of the proposed new Zoning Ordinance.

Thomas Haller, of Gibbs and Haller, testified in support of the bill, and stated that he concurred with Counsel's response to Council Member Glaros's inquiry regarding the intended alignment of the subject legislation with CB-025. Mr. Haller further noted that, given the timing associated with the Council's ongoing consideration of enactment of a proposed new Zoning Ordinance, coupled with the procedural safeguards incorporated therein, the sunset provision set forth in the uncodified Section 2 of the bill should be stricken as redundant; Council Member Toles, the bill's sponsor, agreed.

Council Member Toles made a motion for favorable recommendation on the legislation as amended, seconded by Council Member Glaros.

The committee unanimously voted for a favorable recommendation as to CB-084-2018, as amended.