

PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY

Meeting Date: 9/30/97

Reference No.: CB-28-1997

Proposer: Del Giudice

Draft No.: 3

Sponsors: Del Giudice

Item Title: An Ordinance to define pawnshops, permitting pawnshops in certain commercial zones by Special Exception, and prohibiting pawnshops in all other commercial and industrial zones

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource Personnel: Therese Yewell
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 3/4/97

Executive Action: __/__/__ __

Committee Referral: 3/4/97 PZED

Effective Date: 12/15/97

Committee Action: 4/22/97 HELD

Committee Action: 6/4/97 HELD

Committee Action: 7/3/97 HELD

Committee Action: 9/15/97 FAV(A)

Date Introduced: 9/30/97

Pub. Hearing Date: 10/28/97 1:30 P.M.

Council Action: 10/28/97 ENACTED

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

Pass/Fail: P

Remarks: _____

10/28/97: Amended on the Floor

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 9/15/97

Council Member Del Giudice summarized the differences between the two Draft-2's, 2 and 2A. Draft 2 makes all existing pawnshops nonconforming, allows pawnshops by Special Exception in C-M and C-S-C Zones and allows existing pawnshops to relocate in either of these zones without the necessity of obtaining a Special Exception if location requirements of the proposed location are met and the nonconforming use at the former location is discontinued. Draft 2A makes all existing pawnshops nonconforming, allows nonconforming pawnshops to relocate as permitted uses in the C-O, C-A, C-S-C, C-W, C-M and C-R-C Zones if locational requirements of the proposed location are met and the nonconforming use at the former location is discontinued.

Mr. Del Giudice informed the Committee that Park and Planning staff prepared maps depicting the locations of all of the existing pawnshops in the County as well as the schools, libraries, parks, recreational facilities and historic sites, resources or districts contained in the locational requirements. Staff indicated that three of the existing pawnshops do not meet the 300-foot distance requirement from a historic site, resource or district and that 12 pawnshops do not meet the 2640 feet (1/2) mile distance between another pawnshop requirement.

The Committee discussed the impact of the two drafts on existing businesses which may want to relocate and how the bill will control new businesses and proliferation. Ralph Grutzmacher, the Legislative Officer, indicated that Dr-2 makes all existing pawnshops nonconforming uses since they do not have Special Exceptions. The Committee discussed the possibility of allowing existing pawnshops that want to relocate to do so without obtaining a Special Exception.

Council Member Maloney moved a favorable recommendation on Dr-2 with an amendment to Footnote 37 on page 5. After the word "pawnshop", insert the following language "that cannot obtain a Special Exception in its current location." The remainder of the Footnote does not change. Mr. Grutzmacher offered an additional clarifying amendment as follows: "that does not meet the location requirements of Section 27-394.01" to substitute for the language proposed above by Mr. Maloney.

The Committee agreed with Mr. Grutzmacher's clarification and voted favorably (3-0) on Draft 2 as amended.

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 7/23/97

CB-28-1997 was scheduled for this PZED Committee date, however, the meeting was cancelled.

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 7/2/97

Staff presented an overview of Drafts-2 and 2A of the bill. Draft-2 makes all pawnshops nonconforming uses and requires a Special Exception to relocate if the previous location goes out of business. Dr-2A provides that a pawnshop may relocate as a permitted use in accordance with certain locational requirements.

The Committee members expressed concern that an abandoned Special Exception may be obtained for use by another pawnshop. Council Member Maloney requested language be added to the bill that if a new Special Exception is obtained and a Special Exception is abandoned for the relocation, the old Special Exception for the previous location should no longer be valid. Mr. Maloney commented that this would control proliferation.

Jim Herl, representing the Pawnbrokers' Association, spoke in support of Dr-2A indicating that it addresses the Association's concerns associated with nonconforming pawnshops having to obtain a Special Exception in order to relocate. He commented that the Special Exception process is too onerous for an existing business attempting to relocate.

Richard Castaldi commented that the legislation should deem pawnshops nonconforming as opposed to requiring a process to obtain nonconforming use status.

The bill was held in Committee with a direction to staff from Council Member Del Giudice to meet with the pawnbrokers association to discuss issues associated with the two Draft 2's of the bill.

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 6/4/97

The Committee members discussed the different aspects of the bills. From a zoning point of view, CB-16-1997 provides that once an existing pawnshop goes out of business, it cannot reopen or relocate. CB-28-1997 contains a provision for a five-year amortization period.

Council Member Del Giudice questioned the Committee's desire to limit the number of pawnshops to the number currently existing in the County, to reduce this number or not to limit the number at all. Council Member Russell expressed concern associated with possible relocation of pawnshops indicating that he is more concerned with location than the number of pawnshops. Council Member Wilson expressed concern regarding the proximity between pawnshops and that too many are located in some areas. Council Member Maloney indicated that CB-16-1997 would freeze the number of pawnshops at the current number existing in the County by location and that the zoning/land use bill approach may be more appropriate. Council Member Del Giudice indicated that regulation by land use has the downside of creating nonconforming uses. He questioned the possibility of creating a permitted use in the Zoning Ordinance and limiting licenses by locational requirements (proximity to

historic sites, parks, schools).

The Pawnbrokers' Association distributed a positions paper (dated June 4, 1997) that provided a summary of the aspects of the bill that they support.

The bill was held in Committee.

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 4/22/97

Staff gave an overview of the legislation, explaining that this bill is similar to CB-16-1997, legislation also being considered by the Committee, since both bills define pawnshops and prohibit the use in most commercial and industrial zones.

Council Member Del Giudice, the bill's sponsor, identified the goals associated with proposing the legislation as being able to have better regulation of pawnshop locations and to limit the number of pawnshops. He explained that CB-28-1997 allows pawnshops in the C-S-C Zone by Special Exception and makes almost all pawnshops nonconforming uses.

Jim Herl, Michael Arrington and Henderson Brown, representatives of the Prince George's Pawnbrokers' Association, spoke in opposition to the bill. The representatives expressed their preference to regulating pawnshops in a licensing bill (CB-29-1997) as opposed to the zoning bill (CB-28-1997) since it may not be as difficult to amend a licensing provision if the regulations are not proving effective. In addition, the licensing bill would not create nonconforming uses and grandfathering of businesses. The Pawnbrokers' Association also disagreed with the regulation prohibiting the transfer of a business.

Alan Barron, Chief Operations Officer, First Cash (owner of Famous Pawnbrokers) and Joanna Davis, President of the Prince George's Pawnbrokers' Association and founder of Suitland Pawnbrokers, presented information concerning the operations of pawnshops to the Committee. Richard Castaldi, representing Mr. and Mrs. Randy Shaban, spoke in opposition to the bill.

Jimi Jones, representing the Planning Board, and Chris Pouler, representing the Prince George's Municipal Association spoke in support of the legislation.

The bill was held in Committee.

BACKGROUND INFORMATION/FISCAL IMPACT

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

There are an increasing number of pawnshops being established in older communities inside the Beltway. The concentration of pawnshops negatively impacts the economic redevelopment of

established residential and commercial areas and detracts from the preservation of historic areas. Pawnshops are a unique type of retail commercial use and warrant individualized consideration when locating in established commercial areas.

Pawnshops are not currently defined in the Zoning Ordinance as a particular use, but are considered as a retail use. The proposed legislation would provide a definition for pawnshops, permit pawnshops in the C-S-C Zone by special exception, require the elimination of nonconforming pawnshops, prohibit pawnshops in all other commercial and industrial zones, and allow nonconforming pawnshops to remain at existing locations for 5 years.

CODE INDEX TOPICS: (Zoning)

Additional Requirements for Specific Nonconforming Uses

Model studios	27-251.01
<u>Pawnshops</u>	<u>27-250.01</u>
Trailer camps	27-250

Special Exceptions

Parking of commercial vehicles	27-394
<u>Pawnshop</u>	<u>27-394.01</u>
Planned retirement community	27-395