

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

---

**Meeting Date:** 11/19/2001

**Reference No.:** CB-93-2001

**Proposer:** Scott

**Draft No.:** 3

**Sponsors:** Scott

**Item Title:** An Ordinance to permit eating or drinking establishments and food or beverage stores in the I-1 Zone, under certain circumstances

---

**Drafter:**

**Resource** Betsy Burian  
**Personnel:** Legislative Aide

---

**LEGISLATIVE HISTORY:**

**Date Presented:** 9/25/2001

**Executive Action:** \_\_/\_\_/\_\_\_\_

**Committee Referral:** 9/25/2001 PZED

**Effective Date:** 11/19/2001

**Committee Action:** 10/15/2001 FAV(A)

**Date Introduced:** 10/23/2001

**Public Hearing:** 11/19/2001 10:00 A.M.

**Council Action:** 11/19/2001 ENACTED

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

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

---

**10/23/2001:** Amended on the floor; DR-3 introduced

**PLANNING, ZONING & ECONOMIC DEV. COM. REPORT**

**DATE:** 10/15/2001

**Committee Vote:** Favorable with amendments, 4-0 (In favor: Council Members Shapiro, Wilson, Estepp and Maloney).

This legislation amends the Industrial Use Tables to permit eating or drinking establishments and food or beverage stores in the I-1 Zone if certain criteria are met. These uses are allowed if they will be located within a retail center that is built and has one or more approved occupancy permits prior to October 1, 2001; provided further that the retail center lies on property that adjoins land in the R-18 Zone and has frontage on a road classified as an arterial on the applicable Master Plan; and provided further that no food or beverage store may occupy more than 10,000 square feet or one-third (1/3) of the property's net leasable building space, whichever is less.



Council Member Scott, the bill's sponsor, explained that the purpose of CB-93 is to allow an eating or drinking establishment and food or beverage store in a small, recently constructed retail center on Greenbelt Road. Mrs. Scott informed the Committee that the center is partially occupied and when the property owner prepared to enter into a lease with a tenant for additional uses, it was determined that the occupancy permits could not be obtained because the food or beverage store and eating or drinking establishment uses are not allowed.

William Knight, of Knight, Manzi, Nussbaum & LaPlaca, representing the retail center owner, spoke in support of the legislation indicating that permits previously obtained for construction of the site were issued for a shopping center and the owner has only been able to occupy approximately one-third of the center due to the use limitations for the zone. As an alternative, the site could be occupied with all I-1 uses, however, there are employment and residential uses in the vicinity of the center as well as the uses within the center that could benefit from the food or beverage store and eating or drinking establishment.

Mr. Gene Pitrof, representing Aerospace Food and Beverage, also spoke in support of CB-93.

The Planning Board supports CB-93 and recommends minor changes in the footnote to conform with the legislative style of the Zoning Ordinance. The County Executive takes no position on the legislation. The Legislative Officer and the Office of Law determined that the bill is in proper legislative form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-93.

The Committee made the following amendments to the bill. On pages 2 and 3, the new language being added to the Use Table was changed to read: “Within an existing retail center with net leasable building space of less than 26,000 square feet”. Also, on page 3, the last phrase of Footnote 41 was amended to change “5,000” to “10,000” and to change “25%” to “one-third (1/3)” so that this phrase reads: “and provided further that no food or beverage store may occupy more than 10,000 square feet or one-third (1/3) of the property’s net leasable building space, whichever is less.”

As recommended by the Planning Board, the legislative style of the footnote, not the substance, is amended in Draft-2 to conform to existing footnotes in the Zoning Ordinance.

## **BACKGROUND INFORMATION/FISCAL IMPACT**

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

The bill permits eating or drinking establishments and food or beverage stores in the I-1 Zone, under certain circumstances.

## **CODE INDEX TOPICS:**