

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

Meeting Date: 7/27/99

Reference No.: CB-25-1999

Proposer: Scott, Russell, Shapiro, Maloney

Draft No.: 2

Sponsors: Scott, Russell, Shapiro, Maloney

Item Title: An Ordinance concerning bulk retailing for the purpose
of amending the requirements for bulk retailing in the
C-S-C Zone

Drafter: Jackie Brown
PZED Committee Director

Resource Personnel: James F. Burton
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 4/20/99

Executive Action: __/__/__ __

Committee Referral: 4/20/99 PZED

Effective Date: 9/13/99

Committee Action: 6/16/99 FAV (A)

Date Introduced: 6/22/99

Pub. Hearing Date: 7/27/99 1:30 P.M.

Council Action: 7/27/99 ENACTED

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 6/16/99

Committee Report: Favorable as amended, 4-0 (In favor: Council Members, Maloney, Bailey, Gourdine and Hendershot).

Staff presented a Proposed Draft-2 to the Committee and summarized the differences between Draft-1 and the new draft. The Draft-2 substitutes "bulk retailing" for "department or variety stores" throughout the text and provides further clarification of what is deemed to be a "commercial center" for purposes of this legislation. Staff prepared Draft-2 based on Planning Board recommendations and in consultation with Planning Department staff. The Planning Board supports CB-25-1999 with an amendment to prohibit bulk retailing under the circumstances described in the legislation, not

department or variety stores. In written comments provided by the Board, it is indicated that the intent of the legislation is not to prohibit department or variety stores, but to prohibit "bulk retailing" in the circumstances outlined in the proposed footnote provided in the bill.

The Planning Board has indicated that there are distinct differences between department or variety stores and bulk retailing. This legislation is concerned with having uses in smaller, localized shopping centers that are larger and more regionally-oriented than perhaps the character of the smaller shopping center. Large, bulk retailing operations will compromise the integrity of localized shopping centers while department or variety stores may not. Bulk retail stores are regional in nature and are located farther distances from each other than department or variety stores. The market area and customers of bulk retailing are regional in nature as well. This contradicts the purpose of the smaller, localized shopping centers which are categorized in County master plans as community activity centers. In addition, the sales activities of bulk retailing are different than those found in localized shopping centers as customers are buying and packing large quantities of goods. These activities are contrary to what one traditionally perceives in a localized center and detracts from the overall sense of place or neighborhood feeling of the smaller centers.

Department or variety stores, on the other hand, keep more in line with a typical retail activity of the smaller centers, even if the stores are larger than 50,000 square feet. The County master plans actually recommend that department or variety stores be located in community activity centers (10-25 acres) to serve a four mile radius and 50,000 people. The Planning Board commented that CB-25-1999, as originally drafted, affects the ability to attract large department or variety stores into many existing vacant spaces and undeveloped parcels that could house such a use. This will limit the County's ability to get vacant space back on the tax role and re-use defunct, vacant property as well as limit the County's ability to attract future upscale retail development.

Council Member Scott, one of the bill's sponsors, agreed with the Planning Board's recommendations and indicated to the Committee that the amendments as provided in Proposed Draft-2 are in accord with her intentions for proposing this legislation. Mrs. Scott commented that, as amended, the bill will restrict regional "big box" uses in smaller localized shopping centers where they are not appropriate. An additional amendment to Draft-2 was suggested by Mrs. Scott to change "less than twenty-five (25) acres" to "less than thirty (30) acres" in the footnote to ensure that this regulation will apply to as many of the smaller, localized centers as possible. Staff indicated that the restrictions for bulk retailing will not apply to property located in a Revitalization Tax Credit Area; a map showing the locations of these areas was distributed to the Committee.

The County Executive opposes Draft-1 and takes no position on the Proposed Draft-2 presented during the Committee worksession. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-25-1999. The Legislative Officer and the Office of Law found the bill to be in proper legal form.

Bob Zinsmeister, representing the Chamber of Commerce, spoke in opposition to CB-25-1999, Draft-1 due to the impact it will have on attracting certain retailers to the County. Mr. Zinsmeister

commented that the Chamber still expresses mild opposition to the new draft of the bill. Joe Meinert, representing the City of Bowie, spoke in support of the legislation.

A motion was made by Council Member Hendershot and seconded by Council Member Maloney for a favorable report on Proposed Draft-2 of the bill including the amendment recommended by Council Member Scott for 30 acres instead of 25 acres.

BACKGROUND INFORMATION/FISCAL IMPACT

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

A department or variety store is a permitted use in the C-S-C (Commercial Shopping Center) Zone. Even though the C-S-C Zone is an appropriate zoning category for a retail use such as department or variety stores, all commercial centers may not be appropriate for large "regional" retail stores. This legislation is intended to restrict regional scale retail stores to regional commercial centers. It amends the commercial use tables to provide certain criteria for the location of department or variety stores in the C-S-C Zone.

CODE INDEX TOPICS: