

## Prince George's County Council Agenda Item Summary

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**Meeting Date:** 5/18/2004  
**Reference No.:** CB-005-2004  
**Draft No.:** 2  
**Proposer(s):** Hendershot  
**Sponsor(s):** Hendershot  
**Item Title:** An Ordinance permitting wholesaling, distribution and related storage in the C-S-C Zone under certain circumstances.

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**Drafter:** Jackie Brown, Director, PZED Committee  
**Resource Personnel:** Carol B. White, Legislative Aide

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	1/20/2004	<b>Executive Action:</b>	
<b>Committee Referral:</b>	1/20/2004 - PZED	<b>Effective Date:</b>	7/6/2004
<b>Committee Action:</b>	2/4/2004 - HELD 3/31/2004 - FAV(A)		
<b>Date Introduced:</b>	4/13/2004		
<b>Public Hearing:</b>	5/18/2004 - 10:00 AM		
<b>Council Action (1)</b>	5/18/2004 - ENACTED		
<b>Council Votes:</b>	MB:A, SHD:A, TD:A, CE:A, DCH:A, TH:A, TK:A, DP:A, PS:A		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

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### AFFECTED CODE SECTIONS:

27-461

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### COMMITTEE REPORTS:

#### PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

**Date 3/31/2004**

Committee Vote: Favorable with amendments, 5-0 (In favor: Council Members Dernoga, Harrington, Bland, Dean and Exum)

Staff presented a Proposed Draft-2 (DR-2) of the bill that was prepared at the direction of the committee during the February 5 worksession on this legislation. On page 2, the following amendments were made in Footnote 46: in subsection (A), language was added to require that the furniture warehouse store have a valid use and occupancy permit prior to January 1, 2004, and the "11" acres was changed to "10" acres. Also, a new subsection (C) was added to read: "A Detailed Site Plan must be approved in accordance with Part 3, Division 9, of this subtitle. The site plan should address, but not be limited to, ingress and egress, truck traffic and parking on the site, and screening for any on-site truck storage.

Bill Knight, Knight, Manzi, Nussbaum & LaPlaca, P.A., submitted a letter requesting the following amendments be considered:

1. Footnote 46(A) indicates that the furniture warehouse “has” a valid use and Occupancy permit prior to January 1, 2004. In that this use was abandoned some time ago, it is requested that the language be amended to state that the furniture warehouse “has or had” a valid use and occupancy permit prior to January 1, 2004.

2. Footnote 46(A) further indicates that the parcel contain not less than 5 or more than 10 acres. The Marlo parcel contains 10.5786 acres; accordingly, it is requested that the acreage requirement be increased to no more than 11, as originally stated.

Council Member Bland expressed concern that as drafted, Proposed DR-2, would still allow the wholesaling, distribution and related storage use at the Andrews Manor Shopping Center. She commented that this location should not be included if the original intent of the legislation was solely for the US 1 and Contee Road site.

Council Member Bland proposed an amendment, seconded by Council Member Exum, to amend Footnote 46 (B) to change “prior to 1990” to “after 1980.” The amendment ensures that the Andrews Manor Shopping Center is excluded since this building was constructed prior to 1980.

The committee voted favorably on Proposed DR-2 including this amendment as well as those requested by Mr. Knight.

## **PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE**

**Date 2/4/2004**

Held in committee.

Staff explained the purpose of the bill and the specific amendments to the commercial zones use table proposed in CB-5-2004. The legislation amends the table to permit wholesale distribution of products manufactured or produced at other locations if the use is located in an existing vacant warehouse of a stated minimal size (more than 65,000 square feet), of a certain age (constructed before 1990), with a minimum ceiling height (16 feet).

The bill’s sponsor explained that the proposed language in CB-5 provides an opportunity for a use, wholesaling and distribution, to be located in vacant furniture warehouses in two locations in the County. The sponsor commented that this could not be accomplished through rezoning because the warehouses are located within integrated shopping centers and it is not possible to rezone a portion of the center. He also commented that the proposed use would result in less truck traffic than a general retail use.

The Planning Board opposes CB-5 and offers the following comments. Under existing zoning regulations, wholesaling, distribution and related storage uses are not permitted. CB-5 would permit such uses when all of the conditions in the footnote are met. These conditions are so restrictive that this change would initially apply to a very small number of locations in the County. There are two known existing or former furniture warehouse stores that may meet the size criteria in the county in the C-S-C Zone:

1. The Marlo furniture store at US 1 and Contee Road in Laurel. The General Plan designates Route 1, in the Developing Tier, as a Corridor for more intensive mixed-use, transit-oriented and pedestrian-oriented development.
2. The former Levitz furniture store on the north side of Allentown Road in the Andrews Manor Shopping Center. The Great Eastern Flea Market currently occupies this building. Allentown Road is a major arterial highway in the Developed Tier that, in the 2002 General Plan, is designated as a Corridor Node at MD 5. This site is in a local shopping center east of the Corridor Node.

The C-S-C Zone is the primary retail zone in Prince George’s County. Wholesaling, distribution and storage (warehouse) type uses in the C-S-C Zone are contrary to the Zoning Ordinance’s stated purposes of this zone.

In Centers and Corridors, more compact, higher-intensity, mixed-use development with transit and pedestrian

orientations are sought. The 2002 General Plan talks about improving distressed shopping centers, bringing in a better mix of uses or redeveloping our commercial centers as community focal points. Wholesaling, distribution and storage (warehouse) type uses are not consistent with General Plan policies because they are not compact, intensive, mixed-use, or transit or pedestrian-oriented. The large truck traffic typically generated by wholesale and distribution users tends to discourage shoppers and makes the shopping center function more like an industrial use.

Industrial zones exist in the vicinity of both of these locations that permit the proposed warehouse uses. Even with the proposed limitations, there may be sites in other shopping centers that could qualify for this proposed adaptive reuse.

The Board indicated that if CB-5 is approved, another footnote should be added in the legislation. As written, CB-5 could potentially allow the number of adaptive reuse warehouse locations to increase if property owners temporarily convert eligible buildings to “furniture warehouse stores” for the purpose of gaining the right to later convert the furniture store to a wholesale, distribution and related storage use. To remove this incentive and cap the number of adaptive reuse warehouse locations, this provision should be limited to furniture warehouse stores in existence on or before January 1, 2004. The recommended additional footnote is “The furniture warehouse store was in existence on or before January 1, 2004. Also, there are issues that should be evaluated before the new use is approved at each location. These include whether there is sufficient parking for trucks on the site, whether industrial truck traffic on the site can be safely separated from the retail automobile traffic, whether trucks will be stored on site, and the need for screening of possible truck storage from view. Approval of a detailed site plan should be required to address these and other similar issues.

The Legislative Officer, Principal Counsel, and the Office of Law found the bill to be in proper form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-5.

Aisha Braveboy, County Executive’s Liaison to the County Council, indicated that the County Executive takes no position on CB-5. Bill Knight and David Fink spoke in support of the bill.

The committee chairman suggested that the bill be held in committee and a Draft-2 be prepared incorporating the amendments suggested by the Planning Board.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

The Zoning Ordinance permits wholesaling, distribution, and related storage in the C-M (Commercial Miscellaneous) Zone in limited circumstances. This bill permits the use in the C-S-C (Commercial Shopping Center) Zone under certain circumstances.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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