

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/7/2012
Reference No.: CB-064-2012
Draft No.: 5
Proposer(s): Davis, Franklin, Olson
Sponsor(s): Davis, Franklin, Olson, Lehman, Harrison
Item Title: An Ordinance concerning Department or Variety Stores for the purpose of amending the provisions of the Zoning Ordinance concerning Department or Variety Stores in the Industrial Zones and making clarifying amendments to the Zoning Ordinance.

Drafter: Legislative Officers
Resource Personnel: Nellvenia W. Johnson, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	7/24/2012	Executive Action:	
Committee Referral:	7/24/2012 - PZED	Effective Date:	11/7/2012

Committee Action: 9/13/2012 - FAV(A)

Date Introduced: 9/25/2012
Public Hearing: 11/7/2012 - 10:00 AM

Council Action (1) 11/7/2012 - ENACTED
Council Votes: WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

27-348.02, 27-461, 27-473

COMMITTEE REPORTS:

PZED Committee Report

Date 9/13/2012

PZED Committee Report Date 9/13/12

Committee Vote: Favorable with Amendments, 4-0-1 (In favor: Council Members Franklin, Harrison, Olson and Toles. Abstained: Council Member Patterson).

Staff summarized the purpose of the legislation and explained the history associated with prior legislation (CB-13-2012) on this matter. CB-64-2012 extends the prescriptions of the Zoning Ordinance for Department and Variety Store in the C-S-C and C-M Zones to the I-3 Zone by setting a limitation on gross floor area for Department of Variety Stores with a certain percent grocery component permitted without a Special Exception.

The Office of Law and Chief Zoning Hearing Examiner submitted comments and made suggestions for technical amendments to the legislation. The Planning Board also submitted comments with certain technical amendments.

Council Member Franklin directed that the provisions of DR-2 be reworded to clarify the following: (a) that

Department or Variety Stores under 85,000 square feet of gross floor area be permitted by right without regard to percentage of food or beverage component; (b) that Department or Variety Stores exceeding 85,000 square feet be permitted by right when the food or beverage component is less than 10% of the total square feet of gross floor area; (c) that Department or Variety Stores at or below 125,000 square feet of gross floor area be permitted by right so long as there is no food or beverage component; and (d) all other Department or Variety Stores be permitted by Special Exception.

Staff recommended the following amendments to CB-64-2012 DR-2:

- (1) On page 1, the title was enlarged to contemplate technical amendments needed to the Ordinance in the Commercial Zones;
- (2) On page 1, references to Section 27-348.02 of the Zoning Ordinance were included to enlarge the section's applicability to the I-3 Zone;
- (3) On page 2, the Commercial Use Table language in Section 27-461(b)(1)(E) (i), (iii), and (iv) was revised as follows: (i) Not exceeding 125,000 square feet of gross floor area (as long as the department or variety store does not contain any food or beverage component) (iii) Not exceeding 85,000 square feet of gross floor area without regard to percentage of gross floor area for food and beverage component; (iv) Exceeding 85,000 square feet of gross floor area and less than 10% of that gross floor area for food and beverage component.
- (4) On page 3, proposed Footnote 59 was eliminated;
- (5) On page 4, the Industrial Use Table language in Section 27-473(b)(1)(E) for Department or Variety Stores was revised to eliminate subsection (ii) and the reference to Footnote 57.

The committee heard testimony from Leigh Williams in support of the legislation as revised during the committee work session. Matthew Tedesco also testified in support of CB-64-2012 as revised during committee.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This bill revises the provisions of the Zoning Ordinance concerning Department or Variety stores in the I-3 Zone, providing certain exemptions, and making related clarifying amendments to the Zoning Ordinance.

7/24/2012: Amended on the floor prior to presentation as follows:

On page 2, in Section 27-461(b)(1)(E)(ii), strike Footnote 59 in the C-S-C and C-M Zones and add footnote 59 in Section 27-461(b)(1)(E)(iii) in the C-S-C and C-M Zones.

CB-64-2012 (DR-2) was presented.

11/7/2012: CB-64-2012 (DR-4) was amended on the floor prior to final action; CB-64-2012 (DR-5) was subsequently enacted.

CODE INDEX TOPICS:

INCLUSION FILES:
