

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

Meeting Date: 11/14/95

Reference No.: CB-46-1995

Proposer: MacKinnon

Draft No.: 2

Sponsors: MacKinnon

Item Title: An Ordinance permitting contractors' offices with outdoor storage in the C-A Zone by Special Exception under certain circumstances

Drafter: Mary Lane, Director
PZED Committee

Resource Personnel: JoAnne Brown
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 6/6/95

Executive Action: __/__/__ __

Committee Referral:(1) 6/6/95 PZED

Effective Date: 1/2/96

Committee Action:(1) 6/15/95 HELD
10/11/95 FAV(A)

Date Introduced: 10/17/95

Pub. Hearing Date: (1) 11/14/95 1:30 PM

Council Action: (1) 11/14/95 ENACTED

Council Votes: AMc: A, DB: A, SDG: A, JE: A, IG: N, WM: N, RVR: A, AS: A, MW: A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING AND ECONOMIC DEV. COM. REPORT

DATE: 10/11/95

Committee Vote: Favorable as amended, 3-1 (In favor: Council Members MacKinnon, Russell, and Wilson; in opposition: Council Member Maloney).

Larry Taub, representing Frank Vitale, presented an amendment that had been discussed with the Planning staff to address some of the Planning Board's concerns regarding the legislation. This amendment would require the subject property to be abutting property in a commercial zone, a residential zone in common ownership with the subject property, or a transportation facility right-of-way. Jimi Jones, representing the Planning Board, stated that this amendment addresses some of the Board's concerns by limiting the application of the provision, but it does not address the fundamental

concern that was expressed regarding the inconsistency of this use with purposes of the C-A Zone. The amendment was accepted by a majority of the Committee members. The minimum height requirement for fences was also amended to six feet, as had previously been recommended by staff.

PLANNING, ZONING & ECON. DEV. COM. REPORT

DATE: 6/15/95

Held in Committee.

Staff explained that CB-46 permits contractors' offices in the C-A Zone, as a permanent use, with outdoor storage, by Special Exception. This use is currently permitted by right in the C-A Zone without outdoor storage. The requirements of the use table state that the materials may only be located in the side or rear yards, enclosed by a slightly, opaque wall or fence at least 8 feet high, with no storage of materials higher than the fence, and excluding the use or storage of earthmoving or other heavy equipment, or outdoor storage of machinery. Staff noted that in 1989, with the adoption of the Landscape Manual, most fencing and screening requirements throughout the Ordinance were standardized to 6 feet. It was recommended that the fence height requirement be reduced to 6 feet as well, and it was pointed out that materials may not be stored above the fence, regardless of its height. Staff also distributed Section 27-452 of the Zoning Ordinance, the purposes of the C-A Zone, for the Committee's information. There was some discussion regarding the first purpose, which is to "provide locations for retail and service commercial uses which are strictly related and subordinate to the convenience of the immediately surrounding area".

The Office of Law found the bill to be in proper legislative form. The Planning Board opposes the legislation. Jimi Jones, representing the Planning Board, pointed out that the Board had opposed the 1994 legislation that allowed this use without outdoor storage in the C-A Zone, primarily because it is inconsistent with the purposes of the C-A Zone. He noted that properties in the C-A Zone generally are located in proximity to residential land, and are usually too small to be effectively buffered from residential areas. Larry Taub, representing Frank Vitale, spoke in support of the legislation, and suggested that any concerns could be addressed in the context of the Special Exception application. Mr. Vitale, who operates a contractor's office in the C-A Zone, also spoke in support of the legislation. He described his particular property, which is not the typical C-A Zoned land, since it is adjacent to C-M Zoned land and the MARC tracks.

The Committee was concerned about further expanding this use in light of the Planning Board's concerns. The members agreed to hold the bill in committee until Mr. Taub and Mr. Vitale have an opportunity to meet with representatives of the Planning Department to discuss their concerns.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Contractors' offices, as a permanent use, without outdoor storage, are currently permitted in the C-A Zone. This legislation will permit this use, with outdoor storage, by Special Exception in this zone.

CODE INDEX TOPICS: