

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

Meeting Date: 4/27/99

Reference No.: CB-4-1999

Proposer: Bailey

Draft No.: 2

Sponsors: Bailey

Item Title: An Ordinance concerning department or variety stores for the purpose of allowing department or variety stores in the C-M Zone under certain circumstances

Drafter:

Resource Personnel: Jacqueline Woody
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 2/9/99

Executive Action: __/__/__ __

Committee Referral: 2/9/99 PZED

Effective Date: 6/14/99

Committee Action: 3/3/99 FAV (A)

Date Introduced: 3/9/99

Pub. Hearing Date: 4/27/99 1:30 P.M.

Council Action: 4/27/99 ENACTED

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

3/3/99

Committee Vote: Favorable as amended (In favor: Council Members Bailey, Gourdine, Hendershot, Maloney and Russell)

Staff gave an overview of the legislation and informed the Committee of referral comments that were received. The Office of Law and the Legislative Officer determined that the bill is in proper legislative form. The County Executive supports the legislation.

The Planning Board supports CB-4-1999 and recommended that the bill be amended to insert "department or variety stores" in place of drug stores because the current draft does not permit a

CVS since CVS', Rite Aids, etc. are actually categorized as "department or variety stores," not drug stores. Section 107.01(a)(71) defines a drug store as "a retail store where the primary 'use' is the filling of medical prescriptions and the sale of medical supplies and non-prescription medicines. Non-medical products such as cards, candy, and cosmetics may be sold as an "Accessory Use." For years, the interpretation has been that the term "drug stores" only applies to the old fashioned pharmacies. This is because the sale of non-medical products has evolved and is not accessory to the sale of medicines and medical supplies. The more modern drug stores such as a Rite Aid or CVS are now categorized as "Department or Variety Stores." It was also recommended that the proposed footnotes pertaining to "drug stores" should be amended to pertain to "Department or Variety Stores."

Council Member Bailey, the bill's sponsor, informed the Committee that she proposed the legislation to facilitate the redevelopment of a site located on Branch Avenue that is currently occupied by an abandoned motel. The development of a CVS and an additional retail store is proposed for the site.

Council Member Maloney suggested that consideration be given to eliminating either the C-S-C or C-M Zones and only having one of these zones since they both allow many of the same uses. Mr. Maloney also commented that it may be appropriate to allow a drug store and department or variety store in the C-M Zone in all instances, not just under certain circumstances. The Committee suggested that staff may look into these revisions to the Zoning Ordinance at a later date rather than amending this particular legislation.

Delores Booker, Hillcrest Towne Homeowners Association, spoke in support of the legislation.

The Committee accepted the recommendation made by the Planning Board as well as the technical amendments to footnote 31, page 2, to include semicolons and the term "and." Draft-2 of the bill reflects these amendments.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The Zoning Ordinance allows drug stores in some commercial zones under certain circumstances. This legislation expands the circumstances under which drug stores are permitted in the C-M Zone.

CODE INDEX TOPICS: