

Prince George's County Council Agenda Item Summary

Meeting Date: 10/26/2010
Reference No.: CB-059-2010
Draft No.: 2
Proposer(s): Knotts
Sponsor(s): Knotts
Item Title: An Ordinance concerning defining Private Automobile and Other Motor Vehicle Auctions; permitting the use in the I-1 and I-2 Zones; requiring certain improvements where the use is lawfully nonconforming; and making related amendments to the Zoning Ordinance.

Drafter: Karen T. Zavakos, Legislative Officer
Resource Personnel: Betty Horton-Hodge, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	6/22/2010	Executive Action:	
Committee Referral:	6/22/2010 - PZED	Effective Date:	12/13/2010

Committee Action: 9/16/2010 - FAV(A)

Date Introduced: 9/28/2010
Public Hearing: 10/26/2010 - 10:00 AM

Council Action (1) 10/26/2010 - ENACTED
Council Votes: MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:A, EO:A, IT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

27-107.01, 27-461, 27-464.06, 27-473, 27-475.06.07, 27-515, 27-547, 27-568, 27-630.02

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 9/16/2010

Committee Vote: Favorable with amendments, 3-2 (In favor: Council Members Dean, Knotts and Bland. Opposed: Council Members Dernoga and Olson)

Staff presented a Proposed Draft-2A (DR-2A) with revisions based on the discussion held during the July 7, 2010 committee meeting. The Legislative Officer summarized the revisions in Proposed DR-2A. In addition, the committee further amended the legislation to allow new auto auctions in the I-1 and I-2 Zones, to remove the minimum 10-acre lot area requirement for new auto auctions in the I-2 Zone with this requirement still applicable in the I-1 and C-M Zones, and to require existing auctions in the M-X-T Zone to cease operations in two years.

Robert Antonetti, representing CAA Auction and Lab Inc., spoke in support of Proposed DR-2A .
Held in committee. 7/7/2010

Staff gave an overview of the legislation noting the new use definition for Private Automobile and Other Motor Vehicle Auctions. In the proposed definition, the intent is to differentiate between private auto auctions and vehicle

sales; to include businesses that regularly conduct on-site and/or online auctions; and to include auctions licensed as dealers by the state and those run by auctioneers operating with a state Trader's License.

Craig Rovelstad and Angela Ruppe of the M-NCPPC Planning Department provided a summary of CB-59-2010 including a PowerPoint presentation concerning the St. Barnabas-Beech Road Industrial Area Study (dated June 2010). The study goals include improving the appearance and operations of businesses along St. Barnabas Road and within the Beech Road industrial area. The study's findings indicate that vehicle-related uses throughout the study area tended to have higher numbers of violations and a key issue throughout the study area is that older properties are not subject to current regulations that control appearance and operations. Mr. Rovelstad informed the committee of the locations of nine private auto auctions in the County.

Staff provided a Proposed Draft-2 (DR-2) of CB-59-2010. Whereas, Draft-1 relied heavily on the nonconforming use process for existing businesses to comply with the new regulations proposed in CB-59, Proposed DR-2 allows the permitting process as a streamline means to achieve compliance.

The Office of Law reviewed CB-59-2010 and determined that it is in proper legislative form with no legal impediments to its adoption.

Thomas Haller, representing INS Auto Auction, addressed the committee regarding his client's concern with being able to comply with the new regulations, especially certain screening requirements, and if he is unable to comply, he must go out of business. Mr. Haller requested additional time to work with the staff to address his client's concerns with the legislation.

Council Member Knotts, the bills' sponsor, informed the committee that he did not intend to rush the legislation nor is his intent to put auto auctions out of business. Mr. Knotts suggested next steps of reviewing comments and concerns received and to discuss the bill further during a September committee meeting.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This bill will amend the Zoning Ordinance to distinguish Private Automobile from other Motor Vehicle Auctions, permitting the use in the I-1 and I-2 Zones, and requiring certain improvements where the use is lawfully nonconforming.

CODE INDEX TOPICS:

INCLUSION FILES:
