

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 11/20/2012  
**Reference No.:** CB-099-2012  
**Draft No.:** 2  
**Proposer(s):** Patterson  
**Sponsor(s):** Patterson  
**Item Title:** An Ordinance amending the regulations for certain food or beverage stores in the C-M Zone.

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**Drafter:** Jackie Brown, Director PZED Committee  
**Resource Personnel:** Ellis Watson, Chief of Staff District 8

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>		<b>Executive Action:</b>	
<b>Committee Referral:</b>	10/23/2012 - PZED	<b>Effective Date:</b>	1/7/2013
<b>Committee Action:</b>	11/7/2012 - FAV		
<b>Date Introduced:</b>	10/23/2012		
<b>Public Hearing:</b>	11/20/2012 - 10:00 AM		
<b>Council Action (1)</b>	11/20/2012 - ENACTED		
<b>Council Votes:</b>	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:-		
<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

**Date 11/7/2012**

Committee Vote: Favorable with recommended amendments, 5-0 (In favor: Council Members Franklin, Harrison, Olson, Patterson and Toles)

Council staff summarized the purpose of the legislation and informed the committee of written referral comments that were received. CB-99-2012 adds a footnote to the commercial zone use table to permit a food or beverage store in combination with a gas station in the C-M Zone without Special Exception approval.

Council Member Patterson, the bill's sponsor, informed the committee that the proposed change to the Zoning Ordinance for food or beverage stores in conjunction with a gas station is consistent with the existing provisions for a gas station in the C-M Zone which does not require Special Exception approval. Mr. Patterson requested the committee's support to allow consistent review of food or beverage stores if they are developed in conjunction with a gas station.

The Office of Law reviewed CB-99-2012 and found it to be in proper legislative form with no legal impediments to its enactment. The Planning Board supports the legislation with amendments as provided in a letter dated November 6, 2012 from Chair Hewlett to Council Chair Harrison. The Board recommends an amendment to the bill to create

another line in the use column of the table of uses to add “food or beverage store in combination with a gas station in accordance with Part 3, Division 9 of the Zoning Ordinance” as a separate use rather than add a footnote to the use table. Next, permit the use in the zone column in the C-M Zone. This recommended amendment would clarify that the intent of the bill is to permit a food or beverage store in combination with a gas station by right subject to Detailed Site Plan approval. The footnote 59 would no longer be needed and all other food or beverage stores exceeding 125, 000 square feet of gross floor area would still require Special Exception approval.

Dan Lynch, representing Wills Group, and Matthew Tedesco, representing Curtis Investment, testified in support of the legislation.

The committee voted favorably including the amendment recommended 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 allows gas stations in the C-S-C and C-W Zones by special exception, and by right in the C-M Zone subject to Detailed Site plan approval. Current regulations also require approval of a special exception for food or beverage stores in the C-M Zone. This legislation amends the C-M Zone to allow a food or beverage store without the requirement for a special exception if the food or beverage store is located in conjunction with a gas station. A Detailed Site Plan is required for the food or beverage store consistent with that requirement for a gas station in the C-M Zone.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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