

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2017 Legislative Session

Reference No.: CB-095-2017

Draft No.: 2

Committee: PLANNING, ZONING AND ECONOMIC DEVELOPMENT

Date: 9/27/2017

Action: FAV (A)

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Harrison, Franklin, Glaros, Patterson, and Toles)

The Committee Director provided an overview of the legislation and informed the Committee of written referral comments that were received. Council Chairman Davis, the bill's sponsor, explained that CB-95-2017 is clean up legislation to allow an existing business to continue operating in his district.

The Planning Board opposed the legislation with an explanation provided in a September 21, 2017 letter to Council Chairman Davis. The Office of Law reviewed CB-95-2017 and offered the following comments: Page 2, under Footnote 20 (b), either an "and" or an "or" should be added after "District of Columbia;"; also the bill may be subject to legal challenge as it appears to be drafted for a specific parcel.

Thomas Haller, representing Capitol Heights Central LLC, testified in support of the legislation. Mr. Haller suggested an amendment to the footnote to address the Planning Department's interpretation of an "existing" use.

The Committee voted favorable including the amendments to Footnote 20 recommended by the Office of Law and Mr. Haller as follows: in (a) strike "is existing prior to October 1, 2017 and" and capitalize the "i" in "is", at the end of (a), strike "or", and at the end of (b), insert "and".