

Prince George's County Council

Agenda Item Summary

Meeting Date: 10/28/2014
Reference No.: CB-071-2014
Draft No.: 2
Proposer(s): Campos
Sponsor(s): Campos
Item Title: An Ordinance concerning Waterless Automobile Detailing for the purpose of defining Waterless Automobile Detailing and providing for Waterless Automobile Detailing as a permitted use in the Commercial Shopping Center (C-S-C) Zone.

Drafter: Karen T. Zavakos, Legislative Officer`
Resource Personnel: Penny Mendoza, Chief of Staff District 1

LEGISLATIVE HISTORY:

Date Presented:	9/2/2014	Executive Action:	
Committee Referral:	9/2/2014 - PZED	Effective Date:	12/15/2014
Committee Action:	9/17/2014 - FAV(A)		
Date Introduced:	9/30/2014		
Public Hearing:	10/28/2014 - 10:30 AM		
Council Action (1)	10/28/2014 - ENACTED		
Council Votes:	WC:A, DLD:A, MRF:A, AH:-, ML:-, EO:A, OP:A, IT:A, KT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-107.01, 27-461

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 9/17/2014

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

Council staff summarized the purpose of the legislation and informed the committee of written referral comments that were received. CB-71-2014 amends the Zoning Ordinance to define waterless automobile detailing and to permit the use in the C-S-C Zone.

Council Vice-Chair Campos, the bill's sponsor, informed the committee that he proposed CB-71-2014 to facilitate the location of a business in his district which is not currently defined in the Zoning Ordinance and is not classified within the scope of the current definition of car wash since the business involves waterless detailing.

The Office of Law reviewed CB-71-2014 and found it to be in proper legislative form with no legal impediments to its enactment. The Planning Board opposed the legislation as drafted and offered the following comments. "Currently, 'automobile detailing, waterless' is interpreted as permitted under the 'car wash' use in the

Zoning Ordinance. This bill, if enacted, could create a proliferation of automobile waterless detailing businesses in shopping centers throughout the county. It is not clear whether the intent is to permit stationary or mobile automobile detailing waterless businesses in the C-S-C Zone. The development impacts for a stationary business located within a building are very different from the development impacts of a mobile business that may frequent a shopping center. The bill does not clearly state whether the automobile detailing waterless services will provide service behind a building, inside a wholly enclosed building, in passenger parking spaces or in loading and docking areas. A permitted 'use' is generally defined as a stationary activity on a property. The use and occupancy permit is issued to the property where the use operates, where the equipment is stored, and where the automobiles are dispatched after service. It should be noted that the Zoning Ordinance requires all legally operating businesses to provide parking spaces for a use. In addition, the use must take place in a building unless deemed to be a mobile business. If located within a stationary building, automobile detailing waterless businesses may use large equipment to service the vehicle including high powered vacuum cleaners, buffing machinery, and strong smelling chemicals. It is not clear if the District Council intends to permit vehicles to be dropped off and picked up after servicing. If the intent is to permit a drop off and pick up operation, consideration should be given to where vehicles would be stored until the customer picks up the vehicle. There should also be restrictions added to the bill to ensure that the use is designed to be visually and functionally compatible with an existing shopping center or adjacent uses if not located in an existing shopping center.

The Planning Board is not clear on how a use and occupancy permit can be issued if the intent is to permit a mobile activity similar to window replacement or food truck service that moves from site to site. The mobile automobile detailing waterless detailer may provide detailing services in parking lots and/or parking garages. The activity may not be 'domiciled' within the shopping center where the services are rendered. Staff is not sure that the Zoning Ordinance is the appropriate place to regulate a mobile activity. A license with requirements would be more appropriate to regulate a mobile unit activity."

Obed Ferruffino, a waterless automobile detailing business owner, spoke in support of the legislation and responded to Council Members' questions regarding his business.

The Committee discussed the comments raised by the Planning Board and agreed that clarifying language should be included in CB-71-2014 regarding the stationary versus mobile businesses. The Legislative Officer commented that the inclusion of the word "stationary" in the Table of Uses on page 4 where the new use is listed could potentially address the concerns, but further review and additional clarifying language may be included in the Draft-2 as necessary prior to introduction.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This bill defines Waterless Automobile Detailing and permits the use in the Commercial Shopping Center (C-S-C) Zone.

CODE INDEX TOPICS:

INCLUSION FILES:
