

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 4/27/2010  
**Reference No.:** CB-005-2010  
**Draft No.:** 1  
**Proposer(s):** Dean  
**Sponsor(s):** Dean  
**Item Title:** An Ordinance concerning the M-X-T Zone for the purpose of extending the time for abrogation of certain provisions of Section 27-547(b) of the Zoning Ordinance

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**Drafter:** Karen T. Zavakos, Legislative Officer  
**Resource Personnel:** Nell Johnson, Legislative Aide

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	2/2/2010	<b>Executive Action:</b>	
<b>Committee Referral:</b>	2/2/2010 - PZED	<b>Effective Date:</b>	6/11/2010
<b>Committee Action:</b>	2/17/2010 - HELD 3/3/2010 - FAV		
<b>Date Introduced:</b>	3/16/2010		
<b>Public Hearing:</b>	4/27/2010 - 1:30 PM		
<b>Council Action (1)</b>	4/27/2010 - ENACTED		
<b>Council Votes:</b>	MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:A, EO:A, IT:-		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

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### AFFECTED CODE SECTIONS:

27-547(b)

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### COMMITTEE REPORTS:

#### Planning Zoning & Economic Development

**Date 3/3/2010**

Committee Vote: Favorable, 5-0 (In favor: Council Members Dean, Knotts, Olson, Bland, and Dernoga)

Staff informed the committee that since the time of the February 17th committee meeting, the Planning Board considered CB-5-2010 at one of its regular meetings and provided a letter expressing opposition to the legislation. Planning Board Chairman Parker's February 23, 2010 letter to Council Chair Dernoga details the Planning Board's concerns with this legislation.

The committee voted favorably on CB-5-2010 with two technical amendments recommended by the Legislative Officer. These technical amendments are on page 2, line 4 and page 3, line 6 to change "June" to "July" to accurately reflect that the provisions of CB-6-2007 will terminate and no longer be in effect on July 9, 2010 and that CB-5-2010 will extend the time for abrogation to July 9, 2012.

Held in committee. 2/17/2010

Staff summarized the purpose of the legislation and informed the committee of referral comments that were received. The legislation extends the time for abrogation of certain provisions in Section 27-547 of the Zoning

Ordinance. These provisions, which permit limited industrial uses in the M-X-T Zone under certain circumstances, were the result of the enactment of CB-6-2007. That legislation provided a sunset of three years from the effective date of the ordinance (July 9, 2010) for these limited uses. CB-5-2010 extends the sunset provision an additional two years.

Thomas Haller, Law Offices of Gibbs and Haller, addressed the committee indicating that his client is working with the Washington Metropolitan Area Transit Authority (WMATA) to locate a use which is industrial in nature on his property and that CB-5-2010 will facilitate the continuation of negotiations with WMATA. Mr. Haller added that an existing building located on his client's property has been utilized for industrial purposes.

The Office of Law reviewed CB-5-2010 and determined that it is in proper legislative form with no legal impediments to its enactment.

CB-5-2010 was held in committee to allow staff additional time to address an issue raised by M-NCPPC staff concerning applicability of the legislation to certain properties.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

CB-6-2007 provided for limited industrial uses in the M-X-T Zone under certain circumstances, and provided a sunset of three years from the effective date of the ordinance (July 9, 2010) for these limited uses. This bill extends the sunset provision to July 9, 2012.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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