

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2016 Legislative Session

Reference No.: CB-026-2016
Draft No.: 2
Committee: PLANNING, ZONING AND ECONOMIC DEVELOPMENT
Date: 06/01/2016
Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Harrison, Franklin, Taveras, and Toles)

Upon presentation on May 3, 2016, CB-26-2016 was referred to the Committee of the Whole (COW). After discussion and testimony during a worksession held on May 3, 2016, the COW voted No Recommendation on the legislation. Following the COW action on May 3, the County Council recommitted CB-26-2016 to the Planning, Zoning, and Economic Development Committee.

Council staff summarized the purpose of the legislation and informed the Committee of written referral comments that were received. Council Member Toles, the bill's sponsor, informed the Committee that she sponsored CB-26-2016 to provide regulations to address the proliferation of consolidated storage uses in the County. Ms. Toles informed the Committee of a Proposed Draft-2 (DR-2) of the legislation prepared at her request by the Zoning and Legislative Counsel to address proposed and pending approved storage uses and to incorporate comments from Council Members received during the May 3 COW worksession.

The Zoning and Legislative Counsel summarized the following changes in Proposed DR-2 as provided in shading, capitalization and strikethrough:

Sec. 27-475.04. Consolidated Storage.

(D) NOTWITHSTANDING ANY OTHER REQUIREMENT OF THIS SECTION, THE EXPANSION OF AN EXISTING consolidated storage USE WITHIN A building in the I-1 Zone AFTER OCTOBER 1, 2016, ~~may be divided into~~ SHALL BE LIMITED TO a maximum of fifty (50) ADDITIONAL individual units and may not be less than ~~1,000 feet~~ ONE-HALF MILE from another consolidated storage use in the I-1 Zone ; HOWEVER, THIS SECTION SHALL NOT APPLY TO A CONSOLIDATED STORAGE USE EXPANSION CONSTRUCTED PURSUANT TO AN APPROVED PRELIMINARY PLAN WHERE THE

CONSOLIDATED STORAGE USE IS SCREENED FROM VIEW FROM ANY EXTERIOR ROADWAY.

(b) In order for a consolidated storage for which a grading permit had been issued prior to June 23, 1988, or for which application for a building permit was filed on September 22, 1987, and which is actively pending as of October 25, 1988, to be exempted from the Detailed Site Plan requirement of Subsection (a), the permit application or the attendant site plan must identify the consolidated storage as the proposed use, and the warehouse must comply with paragraph 1 of Subsection (a), OR IS A CONSOLIDATED STORAGE USE WITHIN A BUSINESS PARK DEVELOPMENT PROJECT WITH EXISTING AND PROPOSED USES, WITHIN A DETAILED SITE PLAN APPLICATION, FILED AND ACCEPTED BY THE PLANNING BOARD, AND WHICH IS ACTIVELY PENDING, PURSUANT TO AN APPROVED PRELIMINARY PLAN OF SUBDIVISION IN A VALID STATUS AS OF OCTOBER 1, 2016.

(C) UNLESS OTHERWISE EXEMPTED FROM THE PRESCRIPTIONS OF THIS SECTION, CONSOLIDATED STORAGE SHALL BE A PERMITTED USE IN THE I-1 ZONE, SUBJECT TO THE FOLLOWING ADDITIONAL REQUIREMENTS:

(i) A DETAILED SITE PLAN IS APPROVED THE PROPOSED DEVELOPMENT OF THE USE, IN ACCORDANCE WITH PART 3, DIVISION 9 OF THIS SUBTITLE;

(ii) THE REQUIRED TECHNICAL STAFF REPORT PREPARED AND SUBMITTED TO THE ADMINISTRATIVE RECORD FOR THE DETAILED SITE PLAN APPLICATION SHALL INCLUDE A CURRENT, COUNTYWIDE INVENTORY OF THE LOCATIONS, DATES OF APPROVAL, AND ANY CONDITIONS OF APPROVAL FOR CONSOLIDATED STORAGE USES LOCATED ON PROPERTY WITHIN ONE-HALF MILE OF THE BOUNDARIES OF THE PROPERTY ON WHICH THE PROPOSED CONSOLIDATED STORAGE USE WILL BE LOCATED; AND

(iii) THE PLANNING BOARD AND/OR THE DISTRICT COUNCIL SHALL CONSIDER, IN ITS REVIEW OF A DETAILED SITE PLAN APPLICATION PURSUANT TO THIS SECTION, THE INVENTORY SUBMITTED TO THE ADMINISTRATIVE RECORD IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, ABOVE, FOR PURPOSES OF FINDING CONFORMANCE WITH THE REQUIRED FINDINGS OF APPROVAL SET FORTH IN PART 3, DIVISION 9 OF THIS SUBTITLE.

~~SECTION 2. BE IT FURTHER ENACTED that the provisions of Section 27-473 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby repealed without amendments, for illustrative purposes:~~

Also, in Proposed DR-2, Section 27-473(b) Table of Uses for the Industrial Zones, listing the consolidated storage use in accordance with Section 27-475.04 for context of the bill, was removed from the legislation.

The Planning Board took no position on the legislation. The Office of Law reviewed CB-26-2016 and recommended on page 2, lines 28 through 30 of Draft-1, that language be provided as to how the 1,000 feet will be measured.

Edward Gibbs, representing Ft. Knox Self Storage, and Norman Rivera testified regarding their concerns with certain provisions of the legislation and the effect on pending applications for consolidated storage uses.

The Committee voted favorable including additional amendments to the Proposed DR-2 as follows: on page 2, in Section 27-475.04, insert a new subsection (a)(1) (D) to read: (D) Notwithstanding any other requirement of this Section, the expansion of an existing consolidated storage use within a building in the I-1 Zone after October 1, 2016, shall be limited to a maximum of fifty (50) additional individual units and may not be less than one-half mile from another consolidated storage use in the I-1 Zone. However, this Section shall not apply to a consolidated storage use expansion constructed pursuant to an approved preliminary plan, final plat, and detailed site plan, where the consolidated storage use is adequately buffered from view from any public right-of-way.

Also, in Section 27-475.04, subsection (b) , the following changes were made to Proposed DR-2: insert a period after “Subsection (a)”, strike “or is a consolidated storage use” and insert “In addition, a proposed consolidated storage use” and at the end of subsection (b), after “in a valid status as of October 1, 2016”, insert “shall be exempt from the prescriptions of Subsection (a) of this Section.”