

**PRINCE GEORGE'S COUNTY COUNCIL  
AGENDA ITEM SUMMARY**

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**Meeting Date:** 11/14/2000

**Reference No.:** CB-88-2000

**Proposer:** Maloney

**Draft No.:** 2

**Sponsors:** Maloney

**Item Title:** An Ordinance concerning minor changes to special exception site plans to modify the appeal procedures for gas stations and drive-in or fast-food restaurants

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**Drafter:** Steven M. Gilbert  
Principal Counsel

**Resource** Andrew D. Eppelmann  
**Personnel:** Legislative Aide

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**LEGISLATIVE HISTORY:**

**Date Presented:** 9/26/2000

**Executive Action:** \_\_/\_\_/\_\_\_\_

**Committee Referral:** 9/26/2000 PZED

**Effective Date:** 1/2/2001

**Committee Action:** 10/11/2000 FAV(A)

**Date Introduced:** 10/17/2000

**Public Hearing:** 11/14/2000 1:45 P.M.

**Council Action:** 11/14/2000 ENACTED

**Council Votes:** DB:A, JE:A, IG:A, TH:A, WM:A, RVR:A, AS:A, PS:A, MW:A

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

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**PLANNING, ZONING & ECONOMIC DEV. COM. REPORT**

**DATE:** 10/11/2000

**Committee Vote:** Favorable with amendments, 4-0 (In favor: Council Members Russell, Scott, Maloney and Wilson).

Staff summarized the purpose of the bill explaining that it amends appeal procedures for gas station and fast-food restaurant special exceptions making minor changes to the site plans for these uses appealable to or subject to call-up review by the District Council. During the drafting of CB-69-2000 (an Ordinance clarifying that the Planning Board must mail notices of its decisions to persons of record and that the mailing commences the time when Board decisions may be appealed to or called up for review by the District Council), staff became aware that there were inconsistencies in the Ordinance regarding Planning Board to District Council appeal and call-up procedures for certain types of applications. CB-88-2000 was drafted to correct these inconsistencies for minor

changes to gas station and fast-food restaurant special exceptions.

The Planning Board supported the following Planning staff background discussion and recommendation. The Planning Board is currently authorized to grant minor changes to approved special exception uses. Appeals from Planning Board decisions on minor changes for more than 100 special exception uses are filed directly with the District Court. However, appeals from Planning Board decisions on minor changes to gas stations and fast-food restaurants are currently filed with the District Council and/or the Circuit Court, depending upon the extent of the proposed revisions.

The proposed legislation continues to treat appeals on these two special exception uses differently from all others. It adds the unnecessary step of an entire appeals review by the District Council, prior to a final determination by the Circuit Court. The Planning staff recommends that the legislation be revised to establish one consistent appeals process for all minor change applications. All of these appeals, including those for gas stations and fast-food restaurants should be filed directly with the Circuit Court.

Staff notes that this recommendation was not discussed during the Committee meeting and that it is a policy decision that must be made by the Council. Staff indicated that the amendment to the appeal/call-up procedures proposed by CB-88-2000 would allow an appeal for something as minor as the addition of a single parking space on the site plan.

The Legislative Officer and the Office of Law find the bill to be in proper legislative form. The County Executive takes no position on the legislation. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-88-2000.

Staff indicated amendments necessary on page 3, line 24 and page 5, line 3. In both places, Section 27-234 should be changed to Section 27-324. The Committee voted favorably including these amendments as reflected in Draft-2.

## **BACKGROUND INFORMATION/FISCAL IMPACT**

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

The bill changes certain appeal procedures for gas station and drive-in or fast-food restaurant special exception site plans. The bill makes all minor changes approved by the Planning Board to special exception site plans for gas stations or drive-in or fast-food restaurants appealable to or subject to call-up review by the District Council.

## **CODE INDEX TOPICS:**