



Office of the Chairman  
Prince George's County Planning Board

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June 24, 2021

The Honorable Calvin S. Hawkins, II  
Chairman  
Prince George's County Council  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: CB-16-2021(Proposed DR-2), CB-44-2021,  
CB-47-2021, and CB-48-2021

Dear Chairman Hawkins:

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the June 24, 2021 Planning Board meeting, the following positions were adopted in accordance with the planning staff's recommendations on the proposed legislation. **A Planning Board Analysis of each bill is attached for your consideration and a brief excerpt from each report is provided below:**

**CB-16-2021(Proposed DR-2)** *A bill to amend the criteria for granting zoning appeals involving variances.*

**Planning Board Recommendation: Support.**  
**(See Attachment 1 for full analysis)**

**The Planning Board previously voted to oppose CB-16-2021 (DR-1). As previously drafted, the legislation significantly limited the conditions under which a variance could be granted. The proposed legislation was much stricter than current law and not equivalent to surrounding jurisdictions.**

**The revised version of the bill addresses many of the concerns raised by the Planning Board. CB-16-2021 (Proposed DR-2) revises the conditions under which a variance can be granted to better conform with existing law. The additional language allows a variance to also be granted when there are other extraordinary conditions peculiar to the specific parcel and further requires conformance with sector and transit district development plans.**

**The revised language provides additional protection to neighboring property owners from the impact of the variance and clarifies that the owner's actions cannot be the reason a variance is being requested. The provisions reflect current case law and substantially mirror similar requirements in neighboring counties.**

**The Planning Board believes clarification of the meaning and intent behind the terms “use and enjoyment” would assist with future interpretations since the words have a broad meaning.**

**The Planning Board believes the revised version of the bill is an improvement.**

***CB-44-2021** A bill to amend the Industrial Table to clarify that “Department or Variety Store” uses under 13,000 square feet are permitted in the Planned Industrial/Employment Park (I-3) Zone under certain circumstances.*

**Planning Board Recommendation: Support with amendments.**  
(See Attachment 2 for full analysis)

**This legislation will only impact a property located at 403 Brightseat Road. The tax account number is 1513415. The property is in the June 1, 2010, *Approved Subregion 4 Master Plan and Sectional Map Amendment*. The property was classified in the Industrial/Employment Park (I-3) Zone, under a Sectional Map Amendment approved before July 1, 2010, and is proposed for employment uses in the most recently approved master plan.**

**Neither the “Thrift store” nor “Department or variety store” are defined in the current Zoning Ordinance. The “Department or variety store” use has been used to approve large multipurpose retailers such as a Walmart, Target, and Macy’s. Thrift stores have been approved as antique, clothing, or furniture stores. The Planning Board recommends that a definition for “Thrift store” be added to the bill. Next, permit the use under the Industrial Table of Uses in the I-3 Zone, subject to proposed Footnote 77, letters (A), (B), and (C) only.**

**The language exempting the “Thrift store” from the I-3 Zone requirement of DSP approval should be deleted. The property located at 403 Brightseat Road has an existing 51,000-square-foot building, which is the subject of an approved Conceptual Site Plan (CSP-85017), and an approved Detailed Site Plan (DSP-85069-01). Exempting the use from the DSP requirement will not remove the DSP that already governs development on the property. An amendment to the approved DSP would be required for any exterior improvements since it has an existing approved plan for the development of the property. After the use is defined within the Zoning Ordinance and permitted in the I-3 Zone, the applicant can amend the DSP as necessary, which may be allowed at a Director level review under Section 27-289(c).**

**There should be parking and loading space regulations added to the bill. The I-3 Zone generally permits industrial uses, so there is limited parking provided in the zone. The parking for a “Department or variety store”, under normal parking generation is one space for every 150 square feet of gross floor area for up to 3,000 square feet of gross floor area, plus one space for every 200 square feet of gross floor area thereafter. The Planning Board recommends parking and loading regulations be added to the bill.**

**The Planning Board recommends that the bill be amended to define the “thrift store” use and permit the use in the I-3 Zone, subject to proposed Footnote 77, letters (A), (B), and (C) only. The applicant can subsequently amend the existing governing DSP to add the use on the property and address any parking and loading regulations applicable to the thrift store use.**

**The adopted Zoning Ordinance consolidates and renames the I-3 Zone to Industrial/Employment (IE) Zone. Neither “thrift store” nor “department or variety store” are separately listed in the new ordinance. Both uses would be part of the “consumer goods establishment” use in the new ordinance. Consumer goods establishments are prohibited in the IE Zone.**

***CB-47-2021** A bill to add “conservation landscaping” as a low-impact development technique for a Planned Environmental Preservation Community.*

**Planning Board Recommendation: Oppose the bill is unnecessary.**  
**(See Attachment 3 for full analysis)**

**This bill amends the stormwater management regulations within a Planned Environmental Preservation Community to add “conservation landscaping” as a low-impact development technique. The Planning Board does not believe the bill is necessary. The current Zoning Ordinance, under Section 27-532.04(d)(3), can already be interpreted to permit “conservation landscaping” as a low-impact development technique. The language uses the term “such as” and then provides examples of stormwater management solutions that can be used to implement low-impact development techniques. Conservation landscaping is not specifically listed but neither is it precluded, and the Planning Board finds it would qualify.**

**This legislation will affect every future Planned Environmental Preservation Community by including “conservation landscaping” as a low-impact development technique. The Planning Department does not maintain a list of Planned Environmental Communities. Despite diligent research we have been unable to determine if this provision of the Zoning Ordinance has been used previously.**

**The adopted Zoning Ordinance consolidates all nine current Comprehensive Design Zones, including the E-I-A Zone, into the Legacy Comprehensive Design (LCD) Zone. The regulations for the LCD Zone are the same as the current regulations for any given Comprehensive Design Zone. Therefore, should the District Council enact CB-47-2021, the revisions will still be in effect for any development in the LCD Zone for property formerly zoned E-I-A and no changes are necessary to the adopted Zoning Ordinance.**

***CB-48-2021** A bill to amend the definition of a “Gas Station” to include the installation of electric vehicle charging stations. When a Special Exception is required the gas station setback requirements must include a minimum distance from residential uses and require the installation of at least two electric vehicle charging stations.*

**Planning Board Recommendation: Support with amendments.**  
**(See Attachment 4 for full analysis)**

**The amendment to the definition of “Gas Station” makes it clear that all gas stations may add electric vehicle charging stations, a change which serves the goals of sustainability and clean energy.**

**The bill amends the regulations for those gas stations subject to Special Exception approval by requiring that they be located at least 300 feet from a residential use, and providing that there must be at least two electric vehicle charging stations on the gas station site for public use.**

**According to the Planning Department Information Management Division staff, as of 2019, there were 277 standalone gas stations or gas stations connected to a food or beverage store in Prince George’s County, some of which have Special Exception approvals and some of which are permitted uses that do not require Special Exception approval. Standalone gas stations are permitted by right in the Commercial Miscellaneous (C-M), Major Activity Center (M-A-C), Local Activity Center (L-A-C), Village-Low (V-L), and Village-Medium (V-M) Zones. Other zones permit the use subject to Detailed Site Plan only.**

**The term “residential use” under the Special Exception regulations should be clarified. The term is broad and can be interpreted as any property where there are lands, buildings, structures used or designed, or intended for use as a home or residence. The Planning Board recommends clarifying the “residential use” term by requiring the “Gas station” to locate away from land that is either residentially zoned or that contains structures used as residences.**

**The proposed language requiring a 300-foot setback measured from any lot on which the residential use is located will create a significant number of nonconforming use gas stations in the County. The existing language requires the measurement to be from property line to property line. Until and unless existing gas stations amend their approved Special Exceptions, the new requirement for two electric vehicle charging stations will make most gas stations in the County with approved Special Exceptions a nonconforming use. Nonconforming use status can make it difficult for businesses to obtain financing and insurance. The Council may wish to consider language specifying that existing gas stations with Special Exceptions will be “deemed conforming.”**


**The Planning Board believes that the above-mentioned amendments will clarify the intent of the bill and avoid the creation of nonconforming gas stations in the County.**

**The adopted Zoning Ordinance retains the existing Zoning Ordinance definition for a gas station. The “Gas station” use is prohibited in all residential zones and the Commercial Neighborhood (CN), Town Activity Center (TAC)-Core, Local Transit-Oriented (LTO)-Core, Regional Transit-Oriented – Low Intensity (RTO-L)-Core, Regional Transit- High Intensity (RTO-H)-Core, and the Planned Mobile Home Community (RHM) Zones.**

As always, Planning Department staff members are available to work with the Council and your legislative staff on any pertinent legislative matters. Please let us know if we may be of further assistance.

Should you have questions, please do not hesitate to contact the Office of the Planning Director at 301-952-3595. Thank you, again, for your consideration.

Sincerely,

  
Elizabeth M. Hewlett  
Chairman

Attachments

## **CB-16-2021 (Proposed DR-2) – Planning Board Analysis (Attachment 1)**

A bill to amend the criteria for granting zoning appeals involving variances.

**The Planning Board has the following comments for consideration by the District Council:**

### **Policy Analysis:**

The Planning Board previously voted to oppose CB-16-2021 (DR-1). As previously drafted, the legislation significantly limited the conditions under which a variance could be granted. The proposed legislation was much stricter than current law and not equivalent to surrounding jurisdictions.

The revised version of the bill addresses many of the concerns raised by the Planning Board. CB-16-2021 (Proposed DR-2) revises the conditions under which a variance can be granted to better conform with existing law. The additional language allows a variance to also be granted when there are other extraordinary conditions peculiar to the specific parcel and further requires conformance with sector and transit district development plans.

The revised language provides additional protection to neighboring property owners from the impact of the variance and clarifies that the owner's actions cannot be the reason a variance is being requested. The provisions reflect current case law and substantially mirror similar requirements in neighboring counties. The Planning Board believes clarification of the meaning and intent behind the terms "use and enjoyment" would assist with future interpretations since the words have a broad meaning.

The Planning Board believes the revised version of the bill is an improvement.

### **Impacted Property:**

The bill will impact all properties that require an area variance.

### **Adopted Zoning Ordinance:**

The adopted Zoning Ordinance retains the existing variance decision standards for granting a variance. If this legislation is enacted this change would have to be incorporated in the omnibus clean-up legislation.

Following discussion, the Planning Board voted to support CB-16-2021 (Proposed DR-2).

## **CB-44-2021 – Planning Board Analysis (Attachment 2)**

A bill to amend the Industrial Table of Uses to clarify that “Department or Variety Store” uses under 13,000 square feet are permitted in the Planned Industrial/Employment Park (I-3) Zone under certain circumstances.

**The Planning Board has the following comments and amendments for consideration by the District Council:**

### **Policy Analysis:**

CB-44-2021 permits a new “Thrift store” use under the “Department or variety store” use. The legislation also exempts the “Thrift store” use from the requirement of a Detailed Site Plan (DSP).

This legislation will only impact a property located at 403 Brightseat Road. The tax account number is 1513415. The property is in the June 1, 2010, *Approved Subregion 4 Master Plan and Sectional Map Amendment*. The property was classified in the Industrial/Employment Park (I-3) Zone, under a Sectional Map Amendment approved before July 1, 2010, and is proposed for employment uses in the most recently approved master plan.

Neither the “Thrift store” nor “Department or variety store” are defined in the current Zoning Ordinance. The “Department or variety store” use has been used to approve large multipurpose retailers such as a Walmart, Target, and Macy’s. Thrift stores have been approved as antique, clothing, or furniture stores. The Planning Board recommends that a definition for “Thrift store” be added to the bill. Next, permit the use under the Industrial Table of Uses in the I-3 Zone, subject to proposed Footnote 77, letters (A), (B), and (C) only.

The language exempting the “Thrift store” from the I-3 Zone requirement of DSP approval should be deleted. The property located at 403 Brightseat Road has an existing 51,000-square-foot building, which is the subject of an approved Conceptual Site Plan (CSP-85017) and an approved Detailed Site Plan (DSP-85069-01). Exempting the use from the DSP requirement will not remove the DSP that already governs development on the property. An amendment to the approved DSP would be required for any exterior improvements since it has an existing approved plan for the development of the property. After the use is defined within the Zoning Ordinance and permitted in the I-3 Zone, the applicant can amend the DSP as necessary, which may be allowed at a Director level review under Section 27-289(c).

There should be parking and loading space regulations added to the bill. The I-3 Zone generally permits industrial uses, so there is limited parking provided in the zone. The parking for a “Department or variety store”, under normal parking generation is one space for every 150 square feet of gross floor area for up to 3,000 square feet of gross floor area, plus one space for every 200 square feet of gross floor area thereafter. The Planning Board recommends parking and loading regulations be added to the bill.

The Planning Board recommends that the bill be amended to define the “thrift store” use and permit the use in the I-3 Zone, subject to proposed Footnote 77, letters (A), (B), and (C) only. The applicant can subsequently amend the existing governing DSP to add the use on the property and address any parking and loading regulations applicable to the thrift store use.

**Impacted Property:**

The bill will impact the property located at 403 Brightseat Road. The tax account number is 1513415.

**Adopted Zoning Ordinance:**

The adopted Zoning Ordinance consolidates and renames the I-3 Zone to Industrial/Employment (IE) Zone. Neither “thrift store” nor “department or variety store” are separately listed in the new ordinance. Both uses would be part of the “consumer goods establishment” use in the new ordinance. Consumer goods establishments are prohibited in the IE Zone.

Following discussion, the Planning Board voted to support CB-44-2021 with amendments.

## **CB-47-2021 – Planning Board Analysis (Attachment 3)**

A bill to add “conservation landscaping” as a low-impact development technique for a Planned Environmental Preservation Community.

**The Planning Board has the following comments for consideration by the District Council:**

### **Policy Analysis:**

A Planned Environmental Preservation Community must have at least fifty (50) acres of land and lie adjacent to planned and zoned employment and office use in a Comprehensive Design Zone (CDZ). The use is only permitted in the Employment and Institutional Area (E-I-A) Zone inside of a CDZ.

This bill amends the stormwater management regulations within a Planned Environmental Preservation Community to add “conservation landscaping” as a low-impact development technique. The Planning Board does not believe the bill is necessary. The current Zoning Ordinance, under Section 27-532.04(d)(3), can already be interpreted to permit “conservation landscaping” as a low-impact development technique. The language uses the term “such as” and then provides examples of stormwater management solutions that can be used to implement low-impact development techniques. Conservation landscaping is not specifically listed but neither is it precluded, and the Planning Board finds it would qualify.

### **Impacted Property:**

This legislation will affect every future Planned Environmental Preservation Community by including “conservation landscaping” as a low-impact development technique. The Planning Department does not maintain a list of Planned Environmental Communities. Despite diligent research we have been unable to determine if this provision of the Zoning Ordinance has been used previously.

### **Adopted Zoning Ordinance:**

The adopted Zoning Ordinance consolidates all nine current Comprehensive Design Zones, including the E-I-A Zone, into the Legacy Comprehensive Design (LCD) Zone. The regulations for the LCD Zone are the same as the current regulations for any given Comprehensive Design Zone. Therefore, should the District Council enact CB-47-2021, the revisions will still be in effect for any development in the LCD Zone for property formerly zoned E-I-A and no changes are necessary to the adopted Zoning Ordinance.

Following discussion, the Planning Board voted to oppose CB-47-2021 it is unnecessary.



## **CB-48-2021 – Planning Board Analysis (Attachment 4)**

A bill to amend the definition of a “Gas Station” to include the installation of electric vehicle charging stations. When a Special Exception is required the gas station setback requirements must include a minimum distance from residential uses and require the installation of at least two electric vehicle charging stations.

**The Planning Board has the following comments and amendments for consideration by the District Council:**

### **Policy Analysis:**

The amendment to the definition of “Gas Station” makes it clear that all gas stations may add electric vehicle charging stations, a change which serves the goals of sustainability and clean energy.

The bill amends the regulations for those gas stations subject to Special Exception approval by requiring that they be located at least 300 feet from a residential use, and providing that there must be at least two electric vehicle charging stations on the gas station site for public use.

According to the Planning Department Information Management Division staff, as of 2019, there were 277 standalone gas stations or gas stations connected to a food or beverage store in Prince George’s County, some of which have Special Exception approvals and some of which are permitted uses that do not require Special Exception approval. Standalone gas stations are permitted by right in the Commercial Miscellaneous (C-M), Major Activity Center (M-A-C), Local Activity Center (L-A-C), Village-Low (V-L), and Village-Medium (V-M) Zones. Other zones permit the use subject to Detailed Site Plan only.

The term “residential use” under the Special Exception regulations should be clarified. The term is broad and can be interpreted as any property where there are lands, buildings, structures used or designed, or intended for use as a home or residence. The Planning Board recommends clarifying the “residential use” term by requiring the “Gas station” to locate away from land that is either residentially zoned or that contains structures used as residences.

The proposed language requiring a 300-foot setback measured from any lot on which the residential use is located will create a significant number of nonconforming use gas stations in the County. The existing language requires the measurement to be from property line to property line. Until and unless existing gas stations amend their approved Special Exceptions, the new requirement for two electric vehicle charging stations will make most gas stations in the County with approved Special Exceptions a nonconforming use. Nonconforming use status can make it difficult for businesses to obtain financing and insurance. The Council may wish to consider language specifying that existing gas stations with Special Exceptions will be “deemed conforming.”

The Planning Board believes that the above-mentioned amendments will clarify the intent of the bill and avoid the creation of nonconforming gas stations in the County.

### **Impacted Property:**

This legislation may impact all existing and future gas stations, although the principal effect will be on gas stations that require a Special Exception.

**Adopted Zoning Ordinance:**

The adopted Zoning Ordinance retains the existing Zoning Ordinance definition for a gas station. The “Gas station” use is prohibited in all residential zones and the Commercial Neighborhood (CN), Town Activity Center (TAC)-Core, Local Transit-Oriented (LTO)-Core, Regional Transit-Oriented – Low Intensity (RTO-L)-Core, Regional Transit- High Intensity (RTO-H)-Core, and the Planned Mobile Home Community (RHM) Zones.

Following discussion, the Planning Board voted to support CB-48-2021 with amendments.