



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Office of the Planning Director

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October 5, 2021

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Andree Green Checkley, Planning Director, Planning Department Digitally signed by Andree Green Checkley
Date: 2021.10.06 10:42:47
-0400

FROM: Rana Hightower, Intergovernmental Affairs Coordinator^{REH}

SUBJECT: **CB-107-2021**

Purpose: A bill to require Special Exception approval, and revision of certain site design criteria in certain commercial, industrial, comprehensive design, and mixed- use zones.

Policy Analysis: CB-107-2021 amends the Additional Requirements for Specific Exceptions for a gas station. The site plan must show the subject property is large enough in size and the layout to provide adequate ingress, egress, and circulation for large fuel transport vehicles. The property where the gas station is located must be 500 feet from any school, outdoor playground, library, or hospital. The bill also requires fuel dispensers to be at least 300 feet from any existing dwelling unit. The sidewalk must be eight feet wide between the building and curb in areas where there is pedestrian traffic. In addition, gas pumps must be 35 feet behind the street line and must be screened by landscaping. The bill requires signage at gas stations located in Regional Transit Districts, Local Centers, Neighborhood Reinvestment Areas, or the Innovation Corridor to be limited to only what is necessary. There must be a remediation plan once the site is abandoned. The bill permits the District Council to consider the number of existing and proposed gas stations within a three-mile radius of the proposed Special Exception for the gas station.

The bill amends the commercial, comprehensive design zones, industrial and mixed-use zones tables of uses to permit gas stations with Special Exception (SE) approval. Lastly, this bill changes the use "All others, subjected to the requirements of Section 27-464.06" under the "Private Automobile and other Motor Vehicle Auctions" from permitted to requiring SE approval.

CB-107-2021 is a text amendment of general application. The bill will apply to all gas stations in the Commercial Miscellaneous (C-M), Limited Intensity Industrial (I-4), Major Activity Center (M-A-C), Local Activity Center (L-A-C), Village-Low (V-L), Village- Medium (V-M), Mixed Use - Transportation Oriented (M-X-T), and Mixed-Use Community (M-X-C) Zones countywide.

Staff understands the intent of the legislation, but it proposes a major policy change on how gas stations are approved in the County. Staff is unable to determine the number of properties impacted by this bill without extensive research. Will existing gas stations that do not meet the requirements of the bill be considered non-conforming uses? Staff recommends additional study to determine the number of properties affected by the legislation. This change to the Zoning Ordinance without a comprehensive study on the impact to existing gas stations throughout the county could introduce unforeseen effects or unintended consequences.

On page 3, line 18, it is not clear what is meant by the words “signage shall be limited to the minimum necessary”. There is no criteria to determine “minimum necessary”. The language is very subjective.

Staff strongly opposes the bill. There should be a comprehensive study on how the proposed legislation will impact existing gas stations. The District Council should wait until the new Zoning Ordinance is in place. We strongly recommend that the District Council not make additional changes to the current Zoning Ordinance.

Impacted Property:

The bill will apply to all gas in the C-M, I-4, M-A-C, L-A-C, V-L, V-M, M-X-T, and M-X-C Zones.

Adopted Zoning Ordinance:

The adopted Zoning Ordinance removes the M-X-T Zone. Comprehensive Design Zones are renamed Comprehensive Legacy Zones. The “gas station” use is permitted in the Commercial Service (CS), Town Activity Center (TAC)-Edge, Local Transit-Oriented (LTO)- Edge, Regional Transit-Oriented Low Intensity (RTO-L)-Edge, and Regional Transit-Oriented High Intensity (RTO-H)-Edge Zones. Special Exception approval is required in the Commercial General Office (CGO), Industrial/Employment (IE), Industrial, Heavy (IH), Neighborhood Activity Center (NAC) Zones. The use is prohibited in the Commercial Neighborhood (CN), TAC- Core, LTO-Core, RTO-Core, RTO-H-Core and the Planned Mobile Home Community (R-M-H) Zones.

Recommendation:

Oppose.

Staff recommends the Planning Board vote to oppose CB-107-2021.