

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2018 Legislative Session

Reference No.: CB-25-2018

Draft No.: 2

Committee: PLANNING, ZONING AND ECONOMIC DEVELOPMENT

Date: 07/18/2018

Action: FAV(A)

REPORT:

Committee Vote: Favorable as amended, 3-0 (In favor: Council Members Franklin, Glaros and Patterson)

The Committee Director provided an overview of the legislation, including a Proposed Draft-2 (DR-2) prepared at the bill sponsor's request, and informed the Committee of written referral comments that were received. The Zoning and Legislative Counsel summarized the revisions included in Proposed DR-2 to address referral comments received from the Zoning Hearing Examiner and to explain the legislative history of this use.

The Planning Board supports CB-25-2018 with amendments and provided a letter to Council Chair Glaros with a staff analysis and explanation of suggested revisions. The Zoning Hearing Examiner reviewed the legislation, and provided the following comments and suggested revisions:

“A gas station is allowed in the C-S-C and C-W Zones by Special Exception and in the C-M Zone by right.

The bill wishes to allow a food or beverage store in the C-O Zone along with a Gas Station, but the latter use is currently prohibited in the CO Zone. I would suggest that you accomplish the sponsor's goal in the same manner that it was done in the other commercial zones to avoid any unintended consequences and confusion. Accordingly, I would add the Subsection (1) Commercial (B) ... Gas Station portion of the Use table and permit the Gas Station in the C-O Zone and add the current FN 71 to that portion of the bill, since the FN requires conformance to Section 27-358 (which sets forth the special exception requirements for Gas Stations, and has nothing to do with food or beverage stores).

If the sponsor doesn't wish to add any specific requirements on the food and beverage store, there is no need to add any FN to page 2 for the food or beverage store use.”

The Committee voted favorable on Proposed DR-2 which included the Zoning Hearing Examiner suggested revisions concerning Gas Station portion of the use table on page 2, as well as the following amendments to FN 71 on page 3: in (A), change “two (2)” to “1.75”, in (B), change “freeway” to “arterial”, and in (C), after “proposed” insert “gas station”, after “regulations”, strike “for gas station uses”, and after “Section 27-358”, insert “(a)” so that the sentence reads: “The Planning Board and/or the District Council finds that the proposed gas station use conforms with all regulations set forth in Section 27-358(a) of this Subtitle.”