

Prince George's County Council

Agenda Item Summary

Meeting Date:	9/14/2004
Reference No.:	CB-036-2004
Draft No.:	2
Proposer(s):	Dean
Sponsor(s):	Dean, Harrington, Peters
Item Title:	An Ordinance allowing gas stations in the R-A Zone under certain circumstances

Drafter:	Jackie Brown, Director, PZED Committee
Resource Personnel:	Nell W. Johnson, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	6/15/2004	Executive Action:	
Committee Referral:	6/15/2004 - PZED	Effective Date:	11/1/2004
Committee Action:	7/7/2004 - FAV		
Date Introduced:	7/27/2004		
Public Hearing:	9/7/2004 - 10:00 AM		
Council Action (1)	9/14/2004 - ENACTED		
Council Votes:	MB:A, SHD:A, TD:A, CE:A, DCH:A, TH:A, TK:A, DP:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-441

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

Date 7/7/2004

Committee Vote: Favorable, 5-0 (In favor: Council Members Dernoga, Bland, Dean, Exum, and Harrington)

This legislation amends the Residential Zone Use Table to permit gas stations in the R-A Zone if the property meets certain requirements. Specifically, the use must be located on property in both the C-M and R-A Zones; the property has frontage on a road classified as a freeway on the applicable Master Plan; the property is between 40,000 and 45,000 square feet in size and abuts the site of an existing gas station that was certified as a nonconforming use; and a Detailed Site Plan shall be approved by the Planning Board that shows proposed improvements in both the C-M and R-A Zones.

Council Member Dean, the bill's sponsor, informed the Committee that this legislation is proposed to allow the redevelopment of an abandoned gas station site, which has become an eyesore in his district. Mr. Dean explained that this is a unique situation in that the community is in support of the proposed redevelopment of the site as a gas station and this support has already been expressed as part of the legislative process as well as in conjunction with the special exception and rezoning applications that have been submitted for the property.

The Principal Counsel reviewed CB-36-2004 and commented that a special exception requirement applies in most gas station cases. If the purpose of the bill is to allow expansion of an existing station, the Council might consider whether the expansion should be subject to more than detailed site plan review, as the bill provides. In particular, the Council should note that the bill eliminates the “necessary to the public” proof requirement which most gas station applicants must satisfy.

The Office of Law also reviewed this legislation and provided this comment. In the Zoning Ordinance, gas stations are usually approved by special exception in the commercial and industrial zones. However, this bill pertains to allowing gas stations in the R-A (Residential Agricultural) Zone under certain circumstances. The purposes of the R-A Zone, according to Section 27-426 of the Zoning Ordinance, include providing single family housing subdivisions on large lots, while retaining a primarily agricultural use, and to preserve trees and open space. A gas station is not a use that is generally considered in keeping with the purposes of such a zone.

The Planning Board opposes CB-36-2004 indicating that it is not appropriate to allow the gas station in the R-A Zone by text amendment without the customary findings and due process offered by the Zoning Map Amendment or Special Exception processes.

Council Member Bland inquired as to what would be accomplished through a special exception process versus the detailed site plan process that is proposed in the bill. Dr. Fern Piret, Planning Director, responded that a special exception provides for a comprehensive review of the use with additional required findings, including a determination of need, whereas a Detailed Site Plan addresses site design issues.

Mr. James Smith, President of the Marlboro Meadows Community Development Corporation, submitted a letter dated June 1, 2004 to the Committee Director, indicating the Corporation’s support of CB-36-2004 and urging the Committee to support the bill. The letter noted that the Marlboro Meadows Community Development Corporation has been working for a number of years with representatives of BP-Amoco concerning the property located across US 301 from Marlboro Meadows, and is pleased with the proposal to redevelop the existing site. Mr. James indicated that the community does not have a problem with allowing a portion of the gas station development to be located on residentially zoned property in order to accommodate a minor relocation of the proposed building to the north.

Mr. Daniel Lynch, Esq., representing BP Products North America, spoke in support of CB-36-2004 and explained the need for the legislation in order to accomplish what he described as a proposed “raze and rebuild” project. Mr. Lynch informed the Committee that his client has already obtained a rezoning (C-M to R-A) for a portion of the property as well as a special exception for the food and beverage component of the development. The request to amend the use tables to allow a gas station in the R-A Zone is a result of the desire to move the proposed development further north to allow better access and better visibility. Mr. Lynch also commented that this relocation moves the proposed food and beverage store further away from a nearby stream. He informed the Committee that development of the site also requires subdivision application submission and that process provides opportunity for public comment in addition to the Detailed Site Plan process.

Chairman Dernoga expressed his concern about using the legislative process to accomplish redevelopment of the site in the manner explained by Mr. Lynch. Mr. Dernoga commented that he understands the need in this situation and believes that moving the proposed development to the north provides a better environmental benefit. He also noted that the R-A portion of the proposed gas station site should be rezoned to C-M as part of the next comprehensive rezoning.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

Gas stations are permitted in the C-S-C (Commercial Shopping Center) and C-W (Commercial Waterfront) Zones by special exception, and by right in the C-M (Commercial Miscellaneous) Zone subject to Detailed Site Plan review. The use is also permitted by special exception in most Industrial Zones.

This legislation amends the Residential Zones use table to allow a gas station in the R-A (Residential Agricultural) Zone if certain conditions are met.

CODE INDEX TOPICS:

INCLUSION FILES:
