

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2014 Legislative Session

Resolution No. CR-10-2014
Proposed by The Chairman (by request – Planning Board)
Introduced by Council Members Toles, Franklin and Patterson
Co-Sponsors _____
Date of Introduction February 25, 2014

RESOLUTION

1 A RESOLUTION concerning

2 The Southern Green Line Station Area Sectional Map Amendment

3 For the purpose of approving, with revisions, as an Act of the County Council of Prince George's
4 County, sitting as the District Council for that part of the Maryland-Washington Regional
5 District in Prince George's County, the Southern Green Line Station Area Sectional Map
6 Amendment, thereby setting forth and adopting detailed zoning proposals for the land area that
7 follows and surrounds the alignment of the southern portion of the Metrorail Green Line in
8 Prince George's County and that is generally bound by Southern Avenue as a western boundary;
9 Suitland Road and the boundary of the Suitland M-U-TC as a northern and eastern boundary;
10 Interstate 495 (Capital Beltway) and Branch Avenue, including properties fronting on the south
11 side of Branch Avenue from St. Barnabas Road to Curtis Drive, and continuing along 28th
12 Parkway, Oxon Run Drive, 23rd Parkway, Chatwick Street to the north side of Barnaby Run
13 stream, and Wheeler Road as the southern boundary.

14 WHEREAS, on March 20, 2012, the County Council of Prince George's County,
15 Maryland, sitting as the District Council, adopted CR-10-2012, thereby initiating preparation of a
16 new sector plan and sectional map amendment for the four (4) metro stations along the Metro
17 Green Line and adjacent communities in southern Prince George's County to implement and/or
18 update the recommendations of the *Master Plan and Sectional Map Amendment for the Heights*
19 *and Vicinity* (Planning Area 76A) (2000); *Suitland Mixed-Use Town Center Development Plan*
20 *(2006)*; *Branch Avenue Corridor Sector Plan and Sectional Map Amendment* (2008); and the
21 *Subregion 4 Master Plan and Sectional Map Amendment* (2010) to ensure that future

1 development is consistent with County policies; and

2 WHEREAS, the District Council, by way of CR-10-2012, also endorsed the Goals,
3 Concepts, Guidelines and Public Participation Program and established the Plan boundaries as
4 recommended by the Planning Board for the Southern Green Line Station Area Sector Plan and
5 SMA pursuant to Sections 27-641 and 27-643 of the Zoning Ordinance; and

6 WHEREAS, as part of the Public Participation Program, Planning staff held numerous
7 community work sessions and informational meetings, with a broad spectrum of stakeholders,
8 including community leaders and residents, business and property owners, non-profit
9 organizations, developers, as well as other municipal, county, state, and regional agencies; and

10 WHEREAS, on May 9, 2013, the Planning Board granted permission to print the
11 Preliminary Southern Green Line Station Area Sector Plan and Proposed Sectional Map
12 Amendment; and

13 WHEREAS, the District Council and the Planning Board held a duly-advertised joint public
14 hearing on the Preliminary Southern Green Line Station Area Sector Plan and Proposed
15 Sectional Map Amendment on July 2, 2013; and

16 WHEREAS, pursuant to Section 27-645(b) of the Zoning Ordinance, the County Executive
17 and the District Council reviewed the public facilities element of the Preliminary Southern Green
18 Line Station Area Sector Plan and Proposed Sectional Map Amendment in order to identify
19 inconsistencies between the proposed public facilities recommended within the preliminary
20 sector plan and proposed sectional map amendment and existing County or State public facilities,
21 as embodied in CR-77-2013; and

22 WHEREAS, on September 12, 2013, the Planning Board held a public work session to
23 consider the digest of testimony compiled from comments received in the July 2013 joint public
24 hearing record and staff recommendations thereon; and

25 WHEREAS, on September 26, 2013, the Planning Board, in response to the public hearing
26 testimony, adopted the Sector Plan in Prince George's County Planning Board Resolution
27 PGCPB No. 13-98, and transmitted the Sectional Map Amendment to the District Council on
28 October 1, 2013; and

29 WHEREAS, on October 15, 2013, the District Council held a work session to consider the
30 record o public hearing testimony and the Planning Board's recommendations embodied in
31 PGCPB No. 13-98 and, after discussion, directed staff a to prepare a resolution proposing

1 amendments to the adopted sector plan and sectional map amendment, and that a second joint
2 public hearing be held to seek public testimony on the proposed amendments; and

3 WHEREAS, on January 14, 2014, the District Council and the Planning Board held a
4 second joint public hearing to collect public testimony on the proposed amendments to the
5 adopted sector plan and sectional map amendment; and

6 WHEREAS, on February 6, 2014, the Planning Board held an additional public work
7 session to review the digest of testimony compiled from comments received in the January 14,
8 2014, joint public hearing record and provided comments to the District Council pursuant to
9 Sections 27-226 and 27-646 of the Zoning Ordinance; and

10 WHEREAS, on February 18 and February 25, 2014, the District Council held work
11 sessions to consider the record of public hearing testimony and the Planning Board's
12 recommendations embodied in PGCPB No. 13-98, as well as comments within its letter to the
13 Council dated February 6, 2014, and, after discussion, directed Technical Staff to prepare a
14 Resolution of Approval for the Southern Green Line Station Area Sectional Map Amendment
15 and incorporating certain revisions; and

16 WHEREAS, upon approval by the District Council, this SMA will amend portions of
17 the Prince George's County Zoning Ordinance and the Zoning Map for the land area that follows
18 and surrounds the alignment of the southern portion of the Metrorail Green Line in Prince
19 George's County and that is generally bound by Southern Avenue as a western boundary;
20 Suitland Road and the boundary of the Suitland M-U-TC as a northern and eastern boundary;
21 Interstate 495 (Capital Beltway) and Branch Avenue, including properties fronting on the south
22 side of Branch Avenue from St. Barnabas Road to Curtis Drive, and continuing along 28th
23 Parkway, Oxon Run Drive, 23rd Parkway, Chatwick Street to the north side of Barnaby Run
24 stream, and Wheeler Road as the southern boundary.

25 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
26 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
27 Regional District in Prince George's County, Maryland, that the Southern Green Line Station
28 Area Sectional Map Amendment, as endorsed on October 1, 2013, in PGCPB No. 13-98, be and
29 the same is hereby approved with the following amendments and revisions:

REVISION ONE:

Delete SMA Change Number 6 of the Endorsed SMA within PGCPB No. 13-98, and retain the existing zoning category of One-Family Detached Residential (R-55) for the Gromen Landing LLC (Exhibit 24) property south of Ryan Road and between Swann Road and Suitland Road.

REVISION TWO:

Add SMA Change Number 6 to impose a Development District Overlay Zone pursuant to notice and second joint public hearing as follows:

DEVELOPMENT DISTRICT OVERLAY ZONE (“DDOZ”)

(a) Apply a Development District Overlay Zone to the Southern Green Line Station Area boundary defined by Southern Avenue as a western boundary; Suitland Road and the boundary of the Suitland M-U-TC as a northern and eastern boundary; Interstate 495 (Capital Beltway) and Branch Avenue, including properties fronting on the south side of Branch Avenue from St. Barnabas Road to Curtis Drive, and continuing along 28th Parkway, Oxon Run Drive, 23rd Parkway, Chatwick Street to the north side of Barnaby Run stream, and Wheeler Road as the southern boundary.

(1) Use Restrictions within Development District Overlay Zone

Except as otherwise provided herein, the purpose of the DDOZ is to prohibit the following uses within the sector plan area, as set forth in ATTACHMENT A, attached hereto and incorporated as if set forth fully herein:

- (A) Adult entertainment;
- (B) Check cashing establishments;
- (C) Liquor stores;
- (D) Pawnshops;
- (E) Nail salon and similar uses designated as North American Industry Classification System (NAICS) No. 812113, except as an ancillary or accessory use;
- (F) Beauty supply and accessories store (in this DDOZ, a “Beauty supply and accessories store” is a cosmetology, beauty, or barbering supply establishment engaged in the sale of related goods and materials wholesale and/or retail) , except as an ancillary or accessory use;
- (G) Banquet halls (in this DDOZ, a “Banquet Hall” is an establishment that is used regularly for serving food or beverages to groups that, in advance of the event, have reserved the facility for banquets or meetings, to which the general public is not admitted, and for which no admission charge is imposed at the door. A “Banquet Hall” is not a night club or dance hall); and
- (H) Tattoo parlors.

(2) Use Restrictions within Metro Station Areas of the Development District Overlay Zone

Except as otherwise provided herein, the following uses are prohibited within the Naylor Road, Southern Avenue, and Suitland Metro Station Areas, defined as parcels lying wholly or in part within a one-half mile radius from any entrance to the Naylor Road, Suitland, and Southern Avenue Metro Stations:

- (A) Cemetery;
- (B) Vehicle sales and services;
- (C) Wholesale trade and warehouse distribution;
- (D) Amusement Park;
- (E) Secondhand businesses (in this DDOZ, a “Secondhand business” is an establishment whose regular business includes the sale (including retail and non-retail sale or resale) or rental of tangible personal property (excluding motor vehicles) previously used, rented, owned or leased); and
- (F) Industrial equipment sales.

(3) Development Standards and Regulations

Except for parcels located wholly or partially within a one-half mile radius to either entrance to the Branch Avenue Metro Station, the DDOZ imposed within the Southern Green Line Station Area will revise the list of permitted uses and applicable development standards and regulations in order to supplement the regulations of the underlying zoning districts at the Naylor Road and Southern Avenue Metro Stations, including street design and block standards, building location and height, and parking. The new regulations are intended to provide a consistent design framework to ensure that new development and redevelopment meet the goals and objectives of the sector plan. ATTACHMENT A, attached hereto and incorporated as if set forth fully herein, contains the proposed Development District Standards and regulations for the Southern Green Line Station Area.

(b) The use restrictions and development regulations of this Section shall not apply to parcels located wholly or in part within ½ half mile of either entrance to the Branch Avenue Metro Station.

(c) All uses lawfully existing at the time of approval of the SMA located within a building legally constructed before January 1, 1983, shall be deemed permitted uses and shall not be nonconforming. Such uses may be altered, enlarged, or extended without an approved detailed site plan, provided the alteration, enlargement, or extension does not increase the gross floor area by more than 15% percent, or 5,000 square feet, whichever is less. A valid use and occupancy permit must be continuously maintained for the use from the time of the SMA approval, and may continue to be permitted during the sale or transfer of business ownership or control of the use, provided that a valid use and occupancy permit for that use is continuously maintained.

(d) For integrated shopping centers lawfully existing at the time of the SMA and legally constructed before January 1, 1983, such uses shall be permitted uses and shall not be deemed nonconforming.

(e) Gas stations lawfully existing at the time of the SMA and legally constructed before January 1, 1983, shall be deemed permitted uses and shall not be nonconforming, provided that there is no vehicle repair service use on the site. Such uses may be altered, enlarged, or extended with an approved detailed site plan.

REVISION THREE:

Add SMA Change Number 7 to impose a Development District Overlay Zone for parcels located wholly or in part within ½ mile of either entrance to the Branch Avenue Metro Station as follows:

BRANCH AVENUE METRO STATION AREA REGULATIONS AND DEVELOPMENT STANDARDS

(a) Solely for parcels located wholly or partially within a ½ mile radius of either entrance to Branch Avenue Metro Station (parcels located wholly or partially within a ½ mile radius of either entrance to Branch Avenue Metro Station are hereafter collectively defined as the “Branch Avenue Metro Station Area”), and as set forth in ATTACHMENT A, attached hereto and incorporated as if set forth fully herein, the following standards, restrictions, and regulations apply:

(1) Establish M-X-T flexibility for TOD parcels not in the M-X-T zone

As of the effective date of this DDOZ, conditioned on approval of a Detailed Site Plan and compliance with the provisions of this DDOZ and other applicable provisions of the Zoning Ordinance for M-X-T zoned projects (provided such provisions do not conflict with this DDOZ), a development project not located in the M-X-T zone, but located in the Branch Avenue Metro Station Area, is entitled to the uses of the M-X-T zone.

Exceptions: This subsection shall

(i) not apply to a development project for which an amendment to an approved Detailed Site Plan is sought if such Detailed Site Plan is in a valid status as of the effective date of this DDOZ;

(ii) not apply to buildings or structures legally in existence as of the effective date of this DDOZ; and

(iii) not apply to property in a residential zone (as defined in Section 27-109(a)(1) of the Code) as of the effective date of this DDOZ. Applications to rezone property in a residential zone to the M-X-T zone in the Branch Avenue Metro Station Area are compatible and consistent with the purposes and goals of this DDOZ and the Southern Green Line Station Area Sector Plan and SMA subject to the provisions of Section 27-213 of the Code.

(2) Design requirements and limitations

Any development project, except as provided herein, for which Detailed Site Plan approval is sought, regardless of underlying zoning approvals, located in the Branch Avenue Metro Station Area, shall:

(A) Encourage a mix of moderate and high density development within walking distance of the transit station in order to increase transit ridership, with generally the most intense

density and highest building heights in closest proximity to the transit station;

(B) Promote the reduction of automobile dependency and roadway congestion
by:

(i) locating multiple destinations and trip purposes within walking distance of one another in conjunction with other existing and planned (in an approved master plan or sector plan) uses in the Branch Avenue Metro Station Area;

(ii) creating a high quality, active streetscape to encourage walking and transit use;

(iii) minimizing surface parking; and
(iv) providing facilities to encourage alternative transportation options to single-occupancy vehicles, like walking, bicycling, or public transportation use;

(C) Minimize building setbacks from the street;

(D) Utilize pedestrian scale blocks and street grids;

(E) Incorporate the design standards of Section 27A-209 of the Code to the extent deemed practicable by the District Council;

(F) Not include strip commercial development (in this DDOZ, “Strip commercial development” means commercial development characterized by a low density, linear development pattern usually one lot in depth, organized around a common surface parking lot between the building entrance and the street and lacking a defined pedestrian system);

(G) Not include any automobile drive-through or drive-up service; and

(H) Not include single-family residential structures or low density housing (in this DDOZ, “low density housing” is defined as a residential structure, or a mixed use structure containing residential uses, with a gross residential density of less than ten (10) units per gross residential acre).

(3) Exemptions for Public Buildings, Utilities, and Approved and Existing Projects.

(A) Southern Green Line Station Area design requirements and limitations of subsection (2), above, shall not be binding and shall be only advisory for property located within the Branch Avenue Metro Station Area, for which the subject property will be developed for a public building or public use, to be operated or occupied by any department or branch of federal or state government for public purposes, excluding warehouses; the public building or public use included in the project is subject to an executed lease, or letter of intent to enter into a lease, with a term of not less than 20 years; the total density of the public building or public use is a minimum of five-hundred thousand (500,000) square feet; and greater than fifty percent (50%) of its net lot area is located in the Branch Avenue Metro Station Area.

(B) Public utility uses or structures, including underground pipelines, electric power facilities or equipment, or telephone facilities or equipment; and railroad tracks or passenger stations, but not railroad yards, shall be permitted in all frontages in the Branch Avenue Metro Station Area, subject to the design standards of this DDOZ and the Sector Plan provided in this Section. These uses or structures shall be designed to be harmonious to the overall design and character of the DDOZ and the Sector Plan. All other public utility uses or structures, including major transmission and overhead distribution lines and structures, are prohibited in the Branch Avenue Metro Station Area.

(C) The design requirements and limitations of subsection (2), above, and

limitations on public utility uses or structures prescribed in this subsection shall

(i) be only advisory and non-binding for applications to amend an approved Detailed Site Plan for property located in the Branch Avenue Metro Station Area, provided that such Detailed Site Plans are in a valid status as of the effective date of this DDOZ; and

(ii) be only advisory and non-binding for alteration, enlargement or extension of uses legally in existence in the Branch Avenue Metro Station Area as of the effective date of this DDOZ for which a Detailed Site Plan is sought.

(4) Use restrictions and exceptions

The following uses, except as provided herein, as defined in Section 27A-106 or, if not defined in Section 27A-106, as otherwise defined in Subtitle 27 (or, if not defined in Subtitle 27, the normal dictionary meaning), are not allowed uses in the Branch Avenue Metro Station Area:

(A) Adult entertainment;

(B) Check cashing business;

(C) Pawnshop or Pawn Dealer;

(D) Cemetery;

(E) Vehicle and vehicular equipment sales and services (also includes gas station, car wash, towing services, RV mobile home sales, and boat sales);

(F) Wholesale trade, warehouse and distribution, or storage (also includes self-service storage, mini-storage, and any storage or salvage yards);

(G) Amusement park;

(H) Sale, rental, or repair of industrial or heavy equipment;

(I) Secondhand business (in this DDOZ, a “Secondhand business” is an establishment whose regular business includes the sale (including retail and non-retail sale or resale) or rental of tangible personal property (excluding motor vehicles) previously used, rented, owned or leased);

(J) Nail salon and similar uses designated as North American Industry Classification System (NAICS) No. 812113, except as an ancillary or accessory use;

(K) Beauty supply and accessories store (in this DDOZ, a “Beauty supply and accessories store” is a cosmetology, beauty, or barbering supply establishment engaged in the sale of related goods and materials wholesale and/or retail), except as an ancillary or accessory use;

(L) Banquet hall, unless ancillary or accessory to a restaurant, tavern, hotel, or convention center (in this DDOZ, a “Banquet Hall” is an establishment that is used regularly for serving food or beverages to groups that, in advance of the event, have reserved the facility for banquets or meetings, to which the general public is not admitted, and for which no admission charge is imposed at the door. A “Banquet Hall” is not a night club or dance hall); and

(M) Tattoo parlor.

Exceptions: A legally existing use in the Branch Avenue Metro Station Area with a valid use and occupancy permit as of the effective date of this DDOZ shall be exempt from use restrictions (A) – (M), above, and shall continue to be a conforming and permitted use (including alteration, enlargement or extension of such uses), provided that a valid use and occupancy permit is continuously maintained thereafter for the use. Additionally, a legally existing use in

the Branch Avenue Metro Station Area with a valid use and occupancy permit as of the effective date of this DDOZ shall continue to be a conforming and permitted use during the sale or transfer of business ownership or control of the use, provided that a valid use and occupancy permit for the existing use is maintained.

(5) Height and floor area ratio minimums and exceptions

The height of any buildings (including structured parking) for which Detailed Site Plan approval is sought shall be equal to or greater than the lesser of 5 stories or an average height of 55 feet (above grade) if located wholly or partially within a ¼ mile radius from either entrance to Branch Avenue Metro Station and the lesser of 4 floors or an average height of 45 feet (above grade) if located wholly or partially within a ½ mile radius (but entirely outside of ¼ mile radius) from either entrance to Branch Avenue Metro Station. A development project located in the Branch Avenue Metro Station Area, for which Detailed Site Plan approval is sought, shall have a building floor area ratio of 1.0 or greater as applied to the net lot area that is the subject of the Detailed Site Plan (gross floor area from structured parking shall be included in calculating building floor area ratio for the purposes of satisfying the minimum FAR requirement of this subsection).

Exceptions: The height and floor area ratio minimums prescribed herein

(i) shall not apply to applications to amend an approved Detailed Site Plan for property located in the Branch Avenue Metro Station Area, provided that such Detailed Site Plans are in a valid status as of the effective date of this DDOZ;

(ii) shall not apply to alteration, enlargement or extension of uses legally in existence in the Branch Avenue Metro Station Area as of the effective date of this DDOZ for which a Detailed Site Plan is sought;

(iii) shall be only advisory and non-binding for property described in subsection (3)(A), above; and

(iv) may be waived in whole or in part at Detailed Site Plan review by the District Council if the strict application of the requirements would cause undue or unreasonable economic hardship.

(6) No height, density, gross floor area (GFA), or floor area ratio (FAR) maximums

There shall be no maximums for building (including structured parking) height, density, gross floor area, or floor area ratio in the Branch Avenue Metro Station Area for development projects for which a Detailed Site Plan approval is sought. Nonetheless, the development project, including its building heights, densities, gross floor area, and floor area ratio must conform to the design standards and other requirements and provisions of this DDOZ, if applicable.

Exceptions: The provisions of this subsection shall

(i) not apply to applications to amend an approved Detailed Site Plan for property located in the Branch Avenue Metro Station Area, provided that such Detailed Site Plans are in a valid status as of the effective date of this DDOZ; and

(ii) not apply to buildings legally in existence in the Branch Avenue Metro Station Area as of the effective date of this DDOZ for which Detailed Site Plan approval is sought to modify or expand such buildings.

(7) Site Plan Review

Detailed Site Plan approval in accordance with Section 27-548.25 and Part 3, Division 9 of the Code shall be required for a development project located in the Branch Avenue Metro Station Area, but no other site plan approvals shall be required. At site plan review, the Planning Board and District Council shall apply development standards and requirements that comply and are consistent with the DDOZ standards, restrictions, and requirements contained herein and not alternate standards pursuant to Section 27-548.25(c) that differ with those prescribed in this DDOZ. Applicants are encouraged, but not required, to apply as an Expedited Transit-Oriented Development Project pursuant to Section 27-290.01 or 27-290.02 of the Code, if applicable. In considering approval of a Detailed Site Plan, the provisions of this DDOZ supersede any conflicting components of any approved Conceptual Site Plan or underlying zoning within the Branch Avenue Metro Station Area.

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BE IT FURTHER RESOLVED that this Sectional Map Amendment is an amendment to the Zoning Ordinance and to the official Zoning Map for the Maryland-Washington Regional District in Prince George’s County. The zoning changes approved by this Resolution shall be depicted on the official Zoning Map of the County.

BE IT FURTHER RESOLVED that the planning staff is authorized to make appropriate textual, graphical, and map revisions to correct identified errors, reflect updated information and revisions, and incorporate the zoning map changes reflected in this Resolution.

1 BE IT FURTHER RESOLVED that the provisions of this Resolution are severable. If any
2 provision, sentence, clause, section, zone, zoning map, or part thereof is held illegal, invalid,
3 unconstitutional, or unenforceable, such illegality, invalidity, unconstitutionality, or
4 unenforceability shall not affect or impair any of the remaining provisions, sentences, clauses,
5 sections, zones, zoning maps, or parts hereof or their application to other zones, persons, or
6 circumstances. It is hereby declared to be the legislative intent that this Resolution would have
7 been adopted as if such illegal, invalid, unconstitutional, or unenforceable provision, sentence,
8 clause, section, zone, zoning map, or part had not been included therein.

Adopted this 25th day of February, 2014.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council