



Office of the Chairman
Prince George's County Planning Board

(301) 952-3561

September 8, 2022

The Honorable Calvin S. Hawkins, II
Chair
Prince George's County Council
Wayne K. Curry Administration Building
1301 McCormick Drive
Largo, Maryland 20772

Re: CB-76-2022, CB-77-2022, CB-78-2022,
CB-79-2022 and CB-80-2022

Dear Chairman Hawkins:

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the September 8, 2022, Planning Board meeting, the following positions were adopted in accordance with the Planning Department 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-76-2022** A bill to require special exception approval for gas stations in certain Nonresidential and Transit-Oriented/Activity Center base zones and the Town Center Activity Center-Planned Development (TAC-PD) Zone that revises specific special exception site design criteria for gas stations in the Zoning Ordinance for Prince George's County.*

Planning Board Recommendation: No position with Amendments.
(See Attachment 1 for full analysis)

The proposed legislation which requires special exception approval for gas stations in the above-listed zones, and which adds new global special exception standards for any gas station requiring special exception approval in the County, is a policy decision to be made by the District Council. The Planning Board will be able to implement the requirements of this legislation without administrative issues.

The Planning Board notes for District Council's consideration that the language on page 6, lines 8 through 10, should be amended to state a specific finding. The language as drafted is vague and does not provide a specific finding to trigger the determination of whether a special exception for a gas station is warranted. Adding a specific finding instead of the more nebulous language currently proposed will give the District Council the tools to make an appropriate decision on approving or denying the gas station special exception application.

***CB-77-2022** A bill to amend the Zoning Ordinance to clarify and update the scope of the transitional provisions of the Zoning Ordinance.*

Planning Board Recommendation: Oppose.
(See Attachment 2 for full analysis)

CB-77-2022 represents a drastic departure from the transitional provisions approved by the Council in 2018 and 2021. The bill will greatly increase the complexity and decrease the public transparency of development review in the County. The current transitional provisions were the result of a careful, years-long process and should be given a chance to work before making wholesale changes.

***CB-78-2022** A bill to clarify the development regulations and use tables applicable to the development of split-zoned property within the new Zoning Ordinance of Prince George's County, being also Chapter 37, 2018 Laws of Prince George's County, Maryland (CB-13-2018), as amended by Chapter 53, 2021 Laws of Prince George's County, Maryland (CB-98-2021).*

Planning Board Recommendation: Oppose.
(See Attachment 3 for full analysis)

Any global effort to legislatively retrofit split-zoned properties is likely to create substantial compatibility problems that prior Councils have made conscious zoning decisions to prevent or alleviate. Without a case-by-case analysis of the County's split-zoned properties, the Planning Board believes this bill will foster numerous incompatible uses throughout the County.

There may be legal concerns associated with this bill, and the Planning Board defers to Council and County attorneys for comments as to potential legal issues. The Planning Board's concern is that the bill may, in effect, rezone property through legislation rather than an authorized rezoning process.

***CB-79-2022** A bill to modify the lot coverage and green area requirements for previously Light Industrial (I-1) zoned properties and to permit distribution warehouses in the Industrial/Employment (IE) Zone by right and without need of special exception approval for properties in the IE Zone that were formerly in the I-1 Zone.*

Planning Board Recommendation: Oppose.
(See Attachment 4 for full analysis)

The Planning Board has serious concerns regarding uniformity and fairness. In the development and approval of the new Zoning Ordinance the Council was very consistent in ensuring that vacant properties that had no prior entitlements or approvals and had no pending applications would use the regulations and procedures of the new Zoning Ordinance.

The new Zoning Ordinance and Subdivision Regulations took effect April 1, 2022. Five months is insufficient time to fully evaluate the effectiveness of the new zones, the new Zoning Ordinance and Subdivision Regulations, and the zones applied to property through the CMA technical rezoning exercise. It is premature to propose a bill that would result in significant changes to the County's zoning as applied to real property.

***CB-80-2022** This bill is described as a bill to amend the Zoning Ordinance to clarify the definition of convenience store uses; to amend the Use Regulations to add a minimum distance requirement between specific convenience store uses and other specified uses; renumbering Section 27-5102 of the Zoning Ordinance; and generally relating to convenience store use regulations in furtherance of the general health, safety, and welfare of the residents of Prince George's County.*

Planning Board Recommendation: No position with Amendments.

(See Attachment 5 for full analysis)

The prohibition of sales of tobacco and tobacco products is a policy decision to be made by the District Council. The District Council should also note that the proposed legislation could be difficult to enforce. The Planning Department defers to the Department of Permitting, Inspections, and Enforcement staff for additional comments on these important operational issues.

If the District Council moves forward with the proposed legislation the language on page 3, lines 13 through 14, prohibiting a convenience store from being within 2,000 feet of another convenience store, tobacco shop, electronic cigarette shop or retail tobacco business should be amended.

Also, the bill must be revised to incorporate all four principal use tables in Part 27-5 to provide the necessary cross reference in the "use-specific standards" column of the use tables to the proposed new Section 27-5102(e)(9)(D) use-specific standards.

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,



Peter A. Shapiro
Chairman

Attachments