

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/30/2004
Reference No.: CB-114-2004
Draft No.: 1
Proposer(s): Harrington
Sponsor(s): Harrington, Exum, Dean, Bland
Item Title: An Ordinance to require Detailed Site Plan review for car washes in the C-M Zone

Drafter: Ralph E. Grutzmacher, Legislative Officer
Resource Personnel: Kenneth C. Williams, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	Executive Action:
Committee Referral: 11/1/2004 - PZED	Effective Date: 1/17/2005
Committee Action: 11/17/2004 - FAV(A)	
Date Introduced: 11/1/2004	
Public Hearing: 11/30/2004 - 10:00 AM	
Council Action (1) 11/30/2004 - ENACTED	
Council Votes: MB:A, WC:A, SHD:A, TD:A, CE:A, DCH:A, TH:-, TK:A, DP:A	
Pass/Fail: P	
Remarks:	

AFFECTED CODE SECTIONS:

27-461

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

Date 11/17/2004

Committee Vote: Favorable, 3-0 (In favor: Council Members Dernoga, Bland, and Exum)

Staff summarized the purpose of the legislation and informed the committee that the bill bypassed presentation and was introduced on November 1, 2004. A public hearing on CB-114-2004 is scheduled for November 30, 2004.

The bill amends the commercial use table in Section 27-461(b) of the Zoning Ordinance to require detailed site plan review of car washes (without restrictions) in the C-M Zone. At present, unrestricted car washes are permitted by right in C-M and by special exception in the C-S-C (Commercial Shopping Center) Zone. The amendment in the bill to require detailed site plan approval will apply only to car washes in C-M Zones that are not restricted as to land area or mode of operation. Car wash facilities on parcels of 10 or more acres, where all structures have substantial (200') setbacks from residential land will still be permitted by right in the C-M Zone, while coin-operated car wash operations will remain prohibited in the C-M Zone but allowed by right in the C-S-C Zone.

The Principal Counsel reviewed CB-114-2004 and commented that the policy expressed in the bill, that C-M Zone car washes on smaller (less than 10 acres) parcels should be reviewed for appearance and design compatibility with

adjacent development (or potential development), looks to be consistent with present treatment of car washes and similar uses in the commercial zones.

The Office of Law also reviewed CB-114-2004 and indicated that there is no stated reason, other than a town's request, for subjecting car washes as opposed to other uses in the Commercial Miscellaneous Zone to a Detailed Site Plan. Therefore, car wash owners who feel singled out by the bill may be motivated to make a legal challenge.

The Planning Board opposed the legislation and provided the following written comments. One of the purposes of the C-M Zone as stated in the Zoning Ordinance is to provide for miscellaneous commercial uses, which may be disruptive to the harmonious development, compactness, and homogeneity of retail shopping areas. The Zoning Ordinance permits many uses in the C-M Zone that are either not allowed in the C-S-C Zone or are allowed only by Special Exception. For example, car washes are permitted in the C-S-C Zone by Special Exception. A number of these permitted uses in the C-M Zone are vehicle related, such as vehicle repair and maintenance facilities and vehicle storage, and have characteristics in common with car washes.

The Planning Department staff would not recommend site plan review for all permitted uses that may be viewed as having some disruptive elements associated with them. In zoning property to the C-M Zone or to one of the industrial zones it is assumed that the Council recognized those elements. By itself site plan review may not be appropriate given the inherent limitations of such a review as applied to these uses and the extensive existing landscape regulations (including buffering) that already apply to these uses. For example, site plan review cannot be used to preclude permitted uses from being located on specific properties. For these reasons, the Planning Board opposed CB-114-2004.

However, the Planning Board recommended that, should the Council decide to approve the bill, the bill be drafted to limit its application to circumstances such as those that might apply to specific cases in the Developed Tier where particularly narrow lots or other site conditions exist. In addition, the Planning Board requested that the bill be amended to state additional site plan review criteria that should be used in reviewing car washes beyond what might be applied to any other vehicle-related use.

Staff informed the committee that the Assistant Legislative Officer had opined that the Planning Board's suggestion to limit the bill's applicability to the Developed Tier would not be an amendment of substance and could be incorporated in the legislation after the public hearing and prior to enactment.

The committee discussed Office of Law and Planning Board comments relating to limiting the detailed site plan requirement to car washes as opposed to other commercial uses in the C-M Zone and to limiting the requirement to such uses located within the Developed Tier. The Chairman reviewed the competing legal opinions and noted distinctions that justified the detailed site plan approval requirement. In addition, the Chairman noted that the Use List Subcommittee of the Zoning Ordinance Task Force intends to require detailed site plan approval in a number of instances similar to this one. The committee concluded that a requirement for detailed site plan approval is appropriate for proposed car washes throughout the County to address issues such as queuing, noise, hours of operation, and screening from adjoining businesses and residential areas.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This legislation was requested by the Town of Colmar Manor.

CODE INDEX TOPICS:

INCLUSION FILES:
