

CB-76-2022 – Planning Board Analysis (Attachment 1)

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.

The Planning Board has the following comments for consideration by the District Council:

Policy Analysis:

CB-76-2022 would change the use permission for gas stations located in the Commercial Service (CS), Town Activity Center (TAC) Edge, Local Transit-Oriented (LTO) Edge, Regional Transit-Low Intensity (RTO-L) Edge, Regional Transit - High Intensity (RTO-H) Edge, and Town Center Activity Center- Planned Development (TAC-PD) Zones to be permitted subject to special exception approval rather than be permitted by-right. The bill also requires the special exception site plan to demonstrate that the property will have sufficient ingress and egress, show that signs are limited to “the minimum necessary,” prepare a remediation plan for when the site has been abandoned, and provide an acoustic analysis to show the site will adhere to the County noise ordinance. Last, the bill permits the District Council to consider the number of proposed or existing gas stations within a three-mile radius of the proposed site.

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.

Also, while less directly pertinent to decision-making as the finding language, the Planning Board notes the proposed requirement that “signage shall be limited to the minimum necessary” is extremely vague and subjective. Finally, and importantly, CB-76-2022 would change all gas stations to be subject to special exception approval. As such, the use-specific standards for gas stations must be deleted because they will no longer apply. To do this, all four principal use tables should be part of the bill, with brackets inserted around the reference to "Section 27-5102(e)(10)(B) and" in the "use-specific standards" column of the use tables, and Section 27-5102(e)(10)(B) itself needs to be added to the bill and bracketed out, to be replaced with the word "RESERVED." This will ensure the use tables properly and only refer to the special exception standards and eliminate use regulations that would no longer be applicable to any application."

In proposed section 27-5402(cc)(1)(B) "line-of-site" should be "line-of-sight."

Impacted Property:

This bill will affect all 6,477 CS, TAC-Edge, LTO-Edge, RTO-L-Edge, RTO-H-Edge, and TAC-PD zoned properties. The bill will also affect every zone where a gas station is proposed in the county.

Following discussion, the Planning Board voted to take no position on CB-76-2022 with amendments.