



301-952-3561

Prince George's County Planning Board
Office of the Chairman

March 6, 2017

The Honorable Derrick L. Davis
District Council Chairman
Prince George's County Council
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Dear Chairman Davis:

The Prince George's County Planning Board is pleased to transmit its recommendations on the Minor Amendment to the 2010 *Central Annapolis Road Approved Sector Plan and Sectional Map Amendment* for District Council's consideration.

The Prince George's County Planning Board, in conjunction with the Prince George's County Council, sitting as the District Council, held a joint public hearing on the minor amendment on February 7, 2017. As a result, three testimonies were received before the close of record on February 10, 2017. Following a review and analysis of the proposed amendment and public hearing testimony, on March 2, 2017, the Planning Board adopted Minor Amendment to the 2010 *Central Annapolis Road Approved Sector Plan and Sectional Map Amendment*. (See the enclosed PGCPB Resolution No. 17-27) dated March 2, 2017.)

This transmittal includes the following:

1. The Planning Board Resolution of Adoption (PGCPB Resolution No. 17-27) that amends the 2010 *Central Annapolis Road Approved Sector Plan and Sectional Map Amendment*
2. Technical Staff Report
3. Public Hearing Transcript and Exhibits

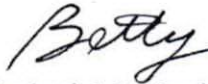
The Honorable Derrick Davis

March 2, 2017

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We look forward to working with the District Council in approving the Minor Amendment to the *2010 Central Annapolis Road Approved Sector Plan and Sectional Map Amendment*. If the Planning Board can be further assistance to you regarding this matter, contact me or Samuel L. White, Jr. of the Community Planning Division at 301-952-4332. Thank you for your consideration.

Sincerely,



Elizabeth M. Hewlett
Chairman

Enclosures

cc:

Andree Green Checkley, Planning Director

Ivy A. Lewis, Chief, Community Planning Division

Frederick Stachura, Supervisor, Community Planning North Section

Samuel L. White, Jr. Senior Planner, Community Planning, North Section

PGCPB No. 17-27

RESOLUTION

WHEREAS, on October 5, 2010, the District Council approved the 2010 *Central Annapolis Road Approved Sector Plan and Sectional Map Amendment*; and

WHEREAS, the 2010 *Central Annapolis Road Approved Sector Plan and Sectional Map Amendment* set forth the vision, goals, policies and strategies and development standards to facilitate a series of vibrant, transit-friendly, walkable places in the sector plan area; and

WHEREAS, the area of the 2010 *Central Annapolis Road Approved Sector Plan and Sectional Map Amendment* is defined by the Annapolis Road (MD 450) corridor between Veterans Parkway (MD 410) and the Baltimore-Washington Parkway (MD 295) and generally comprises the properties that either have frontage on Annapolis Road or are clustered around the corridor's two gateways at the Parkways; and

WHEREAS, on November 15, 2016, the District Council approved CR-95-2016 to add a minor amendment as follows:

MINOR AMENDMENT NUMBER ONE:

Add a Table of Uses for properties that are designated within 'Character Area D: Retail Town Center' of Central Annapolis Road Development District 2010 *Central Annapolis Road Sector Plan and Sectional Map Amendment* in furtherance of the development district purpose to promote the development or redevelopment of a regional shopping destination.

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, in conjunction with the Prince George's County Council, pursuant to Section 27-644 of the Zoning Ordinance of Prince George's County, held a duly advertised public hearing on the 2010 *Central Annapolis Road Approved Sector Plan and Sectional Map Amendment*, on February 7, 2017; and

WHEREAS, on February 23, 2017, the Planning Board held a public work session on the minor amendment to examine the analysis of testimony presented at the February 7, 2017, joint public hearing and exhibits received before the close of the record on February 10, 2017; and

WHEREAS, a technical staff report has been prepared that analyzes the proposed amendment to the 2010 *Central Annapolis Road Approved Sector Plan and Sectional Map Amendment*; and

WHEREAS, the Prince George's County Planning Board determined to amend the 2010 *Central Annapolis Road Approved Sector Plan and Sectional Map Amendment* in response to staff recommendations and public testimony, and to adopt and transmit the minor amendment.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby adopt the Minor Amendment to the 2010 *Central Annapolis Road Approved Sector Plan and Sectional Map Amendment*, this said adoption updates the Central Annapolis Road Development District Overlay Zone with a commercial Table of Uses Permitted for land within "Character Area D: Retail Town Center" resulting in extensions, deletions, and additions in response to the public hearing record; and

BE IT FURTHER RESOLVED, that the Prince George's County Planning Board finds that the minor amendment has been prepared in accordance with the requirements of Sections Sec. 27-642 of the Zoning Ordinance; and

BE IT FURTHER RESOLVED that the adopted minor amendment updates *2010 Central Annapolis Road Approved Sector Plan and Sectional Map Amendment* text, maps, tables as amended by this resolution; and

BE IT FURTHER RESOLVED that in accordance with Section 27-642(e) of the Zoning Ordinance of Prince George's County, Planning Board shall transmit a draft of the proposed amendment, a technical report analyzing the amendment, and the Planning Board's recommendation on the Development District Overlay Zone amendment and /or the Planning Board's adoption of the plan amendment within 30 days of the date of the joint public hearing; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the minor amendment recommendations, as heretofore described, are in conformance with the principles of orderly comprehensive land use planning and staged development, being consistent with the 2010 Central Annapolis Road Approved Sector Plan and Sectional Map Amendment and consideration having been given to the applicable County Laws, Plans, and Policies.

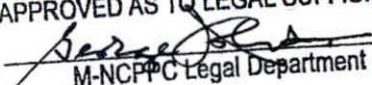
This is to certify that the foregoing is a true and correct copy of a resolution, as revised, adopted by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Geraldo, with Commissioners Bailey, Geraldo, Hewlett and Doerner voting in favor of the motion, with Commissioner Washington absent, at its regular meeting held on Thursday, March 2, 2017.

Adopted by the Prince George's County Planning Board this 2nd day of March 2017.

Patricia Colihan Barney
Executive Director



By Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 3/3/17



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: *Minor Amendment to the 2010 Central Annapolis Road Approved Sector Plan and Sectional Map Amendment*

The District Council, by Council Resolution 95-2016, approved on November 15, 2016, directed the Planning Board to initiate an amendment to the Central Annapolis Road Development District Overlay Zone (DDOZ) within the boundaries of the 2010 *Central Annapolis Road Approved Sector Plan and Sectional Map Amendment*. The proposed minor amendment will add a commercial Table of Uses Permitted for land within "Character Area D: Retail Town Center" of the development district to promote development of a diverse mix of neighborhood-oriented uses and large-scale national retailers. The proposed commercial Table of Uses is included as Attachment 1.

Staff presents the following evaluation and findings pertaining to the proposed amendment to the 2010 *Central Annapolis Road Approved Sector Plan and Sectional Map Amendment*. This amendment was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of Sections 27-548.26 and 27-642 of the Zoning Ordinance for a Minor Amendment to an Approved Master, Sector, Functional Plans and Development District Overlay Zones.
- b. The 2010 *Central Annapolis Road Approved Sector Plan and Sectional Map Amendment*.

PROPOSED AMENDMENT

The District Council proposes the following amendment to CR-100-2010:

Add a commercial Table of Uses for properties that are designated within "Character Area D: Retail Town Center" of Development District for the 2010 Central Annapolis Road Approved Sector Plan and Sectional Map Amendment. (See attachment).

EVALUATION

1. **Location:** The 1.8-mile long sector plan area consists of approximately 252 acres, more or less, in northwestern Prince George's County between the New Carrollton Metro Station to the east and the Port Towns municipalities of Bladensburg, Colmar Manor, Cottage City, and Edmonston to the west. The plan area focuses on the Annapolis Road (MD 450) corridor between Veterans Parkway (MD 410) and the Baltimore-Washington Parkway (MD 295) and generally comprises the properties that either have frontage on Annapolis

Road or are clustered around the corridor's two gateways at the Parkways. The development of the plan also considered the relationships between these properties and adjoining residential neighborhoods.

The area is effectively bounded by the Glenridge Shopping Center and proposed Purple Line light rail station at Veterans Parkway (MD 410) and the former Capitol Plaza mall – the current Walmart – at the Baltimore-Washington Parkway (MD 295).

The sector plan area is part of planning area 69 (Bladensburg-New Carrollton and Vicinity) and lies within Councilmanic Districts 3 and 5.



2. **Background:** On July 24, 2013, the District Council enacted CB 24-2013. The bill amended text of the County Zoning Ordinance pertaining procedural requirements for land uses permitted via a Special Exception approval process.

CB 24-2013 requires that a table of uses be incorporated within Development District and Transit District Overlay Zones to clearly represent all uses in the underlying zone that will be permitted, prohibited, or otherwise restricted pursuant of Section 27-548.25 of the Zoning Ordinance.

Since the time the sector plan and the sectional map amendment were approved by the Prince George's County District Council (CR-100-2010) in 2010 prior enactment of CB-24-213, the development district in the plan did not include a separate Table of Permitted Uses and instead referred to the use tables for the underlying zones. Specifically, the plan notes on page 139 that "The uses allowed on these properties shall be the same as those allowed in the underlying zoning in which the property is classified, except as modified by these development district standards."

3. **Central Annapolis Road and SMA Vision:** The 2010 *Central Annapolis Road Approved Sector Plan and Sectional Map Amendment* seeks to transform the Annapolis Road (MD 450) Corridor from an auto-dominated roadway into a series of vibrant, transit-friendly, walkable places. The plan also recommends the creation of a new transit village at the intersection of Annapolis Road (MD 450) and Veterans Highway (MD 410) at the location of the future Purple Line light rail transit station.

FINDINGS

4. **Zoning Ordinance Compliance:** In Part 13 for Area Master Plans, General Plans, Functional Master Plans and Planning Areas, Section 27-642, Minor Amendment to An Approved Master, Sector, Functional Plans and Development District Overlay Zones, requires the following process:

- (a) Minor amendments of approved master, sector, functional plans, and/or associated Development District Overlay Zones may be initiated by Resolution of the District Council, or by the Planning Board upon approval by Resolution of the District Council. At the time of initiation, a joint public hearing date shall be scheduled to occur within 60 days, in accordance with the notice requirements set forth in Sections 27-644(b)(2)(A) through Section 27-644(b)(2)(D) of this subtitle.

Comment: On November 15, 2016, the District Council, by CR-95-2016 directed the Planning Board to initiate a Minor Amendment to the 2010 *Central Annapolis Road Approved Sector Plan and Sectional Map Amendment* Development District Standards. A joint public hearing was held on February 7, 2017.

- (b) The minor amendment process may be utilized to:
 - (1) Advance the goals of an approved comprehensive plan, functional plan or development district plan; or
 - (2) Safeguard the public safety, health and welfare of citizens and residents within the plan area boundaries.

Comment: The proposed minor amendment will clarify permitted, prohibited, or otherwise restricted uses in the underlying zones within "Character Area D: Retail Town Center, while promoting the development of a diverse mix of neighborhood-oriented uses and large-scale national retailers.

- (c) The scope of the minor amendment shall be limited to:
 - (1) a geographic area which is not more than 50% of the underlying plan area, but not limited to a single property or property owner;
 - (2) limited to specific issues regarding public planning objectives; or
 - (3) for the purpose of correcting errors in the text or maps in the applicable plan.
 - (4) notwithstanding subsections (1) through (3), herein, the minor amendment process shall not be utilized for any amendment which would require major transportation analysis and/or modeling, revised water and sewer classifications, or any Adequate Public Facilities analysis.

Comment: The proposed minor amendment meets the first, second, and, fourth requirements stated above. It seeks to add a commercial Table of Uses for properties within "Character Area D: Retail Town Center" of Development District for the 2010

Central Annapolis Road Approved Sector Plan and Sectional Map Amendment

- (d) **The Resolution initiating a minor amendment shall set forth the purpose and scope of the proposed amendment, and shall set the date of the joint public hearing on the proposed amendment.**

Comment: In the adopted CR-95-2016, the District Council directed the Planning Board to initiate a Minor Amendment for the 2010 *Central Annapolis Road Approved Sector Plan and Sectional Map Amendment* to add a commercial Table of Uses for properties that are designated within "Character Area D: Retail Town Center" of Development District, for the purpose of promoting the development of a diverse mix of neighborhood-oriented uses and large-scale national retailers.

- (e) **The Planning Board shall transmit a draft of the proposed amendment, a technical staff report analyzing the amendment, and the Planning Board's recommendation on the Development District Overlay Zone Amendment and/or the Planning Board's adoption of the plan amendment within 30 days of the date of the joint public hearing.**

Comment: The Planning Board will meet the requirements of this section by the prescribed due date.

RECOMMENDATION

Staff recommends the approval of the minor amendment to the 2010 Central Annapolis Road Development District to add a commercial Table of Uses Permitted for land within "Character Area D: Retail Town Center" of the development district that effectively meet the goals and vision of the sector plan. (See attachment).

ATTACHMENT 1

**PROPOSED
CENTRAL ANNAPOLIS ROAD
DEVELOPMENT DISTRICT OVERLAY ZONE ("D-D-O-Z")
CHARACTER AREA D: RETAIL TOWN CENTER**

**TABLE OF USES FOR THE COMMERCIAL ZONES
C-S-C (COMMERCIAL SHOPPING CENTER) AND C-M (COMMERCIAL-MISCELLANEOUS)
ZONES
(CR-095-2016)**

Uses permitted.

(a) No use shall be allowed in the Commercial Zones, except as provided for in the Tables of Uses. In the tables, the following applies:

- (1) The letter "P" indicates that the use is permitted in the zone indicated.
- (2) The letter "P*" indicate that the use is permitted, but subject to the general special exception standards in Section 27-317(a)(1), (4), (5), and (6) and conforms to the recommendations of the sector plan.
- (3) The letters "PA" indicate that the use is permitted, subject to the following:
 - (A) There shall be no entrances to the use directly from outside of the building;
 - (B) No signs or other evidence indicating the existence of the use shall be visible from the outside building, other than a business identification sign lettered on a window. The sign shall not exceed six (6) square feet in area; and
 - (C) The use shall be secondary to the primary use of the building.
- (4) The letters "PB" indicate that the use is permitted, subject to the following:
 - (A) The use shall be related to, dependent on, and secondary to a principal use on the premises;
 - (B) The use shall be located on the same record lot as the principal use;
 - (C) The use shall not be located within a building not occupied by the principal use; and
 - (D) The floor area of any building (and the land area occupied by any structure other than a building) devoted to the use shall not exceed an area equal to forty-five percent (45%) of the gross floor area of the building within which the principal use is located.
- (5) The letter "X" indicates that the use is prohibited.
- (6) The letters "SP" indicate that the use is permitted subject to approval of a Special Permit, in accordance with Section 27-239.02.
- (7) All uses not listed are prohibited.
- (8) Whenever the tables refer to an allowed use, that use is either permitted (P), permitted but subject to certain general special exception standards (P*), permitted by Special Permit (SP), or permitted as a (PA) or (PB) use, as listed in the zone in which it is allowed.

(b) TABLE OF USES I.

USE	Source	Character Area D	
		C-S-C in DDO	C-M in DDO
(1) Commercial:			
(A) Eating or Drinking Establishments:			
(i) Eating or drinking establishment, with drive-through service	27-461(b)	P ²⁴	P ²⁴
(ii) Eating or drinking establishment, excluding drive-through service	27-461(b)	P	P
(iii) Eating or drinking establishment of any type, including music and patron dancing past the hours of 12:00 A.M., excluding adult entertainment	27-461(b)	P* ⁶⁴	P*
(B) Vehicle, Mobile Home, Camping Trailer, and Boat Sales and Service:			
Bus maintenance accessory to:			
(i) A private school or educational institution	27-461(b)	X	P
(ii) A church or other place of worship	27-461(b)	X	P
Boat fuel sales at the waterfront	27-461(b)	X	P
Boat sales, service, and repair, including outdoor storage of boats and boat trailers:			
(i) Accessory to a marina	27-461(b)	X	P
(ii) All others	27-461(b)	X	P
Boat storage yard	27-461(b)	X	P
Car wash:			
(i) On a parcel of at least 10 acres with any structures located at least 200 feet from any land in any Residential Zone or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan	27-461(b)	X	P
(ii) Self-service, coin operated, automatic car wash as an accessory use to the permitted use of a commercial parking lot, with shuttle service to Metro and located within two (2) miles of a Metro station	27-461(b)	X	X
(iii) All others	27-461(b)	X	P ²⁴
Gas Station (in the C-M Zone, subject to Detailed Site Plan	27-461(b)	X	P

review in accordance with Section 27-358(a)(1), (2), (4), (5), (6), (7), (8), (9), and (10)			
Incidental automobile service in a parking garage. ³	27-461(b)	X	X
Private Automobile and Other Motor Vehicle Auctions			
(i) Operating prior to January 1, 2011, as a use that conforms to the definition under Section 27-107.01, subject to the provisions of Section 27-464.06(c), (d) and (f)	27-461(b)	X	p57
(ii) All Others, subject to the requirements of Section 27-464.06	27-461(b)	X	P
Vehicle lubrication or tune-up facility, provided all sales and installation operations are conducted in a wholly enclosed building with no outdoor storage (CB-43-1987)	27-461(b)	X	P
Vehicle, mobile home, or camping trailer repair and service station (CB-50-1993)	27-461(b)	X	P
Vehicle, mobile home, or camping trailer sales lot, which may include dealer servicing and outdoor storage of vehicles awaiting sale; but shall exclude the storage or sale of wrecked or inoperable vehicles, except as accessory to the dealership for vehicles which the dealership will repair ³⁷ .	27-461(b)	X	P
Vehicle or camping trailer rental (in the C-M Zone, subject to Section 27-417(a), (b)(2), and (c))	27-461(b)	X	P
Vehicle or camping trailer storage yard	27-461(b)	X	P
Vehicle parts or tire store including installation facilities, provided all sales and installation operations are conducted in a wholly enclosed building with no outdoor storage:			
(i) On a parcel of at least 10 acres, with any structures located at least 200 feet from any land in any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan)	27-461(b)	X	P
(ii) Provided a vehicle parts or tire store existed prior to the redevelopment of a shopping center, and the subject property is located within a Mixed-Use Activity Center designated within a Master Plan approved prior to March 1, 2006.	27-461(b)	X	X
(iii) Accessory to a department store	27-461(b)	X	X
(iv) All others	27-461(b)	X	P

Vehicle parts or tire store without installation facilities	27-461(b)	X	P
Vehicle towing station, provided it is enclosed by a sight-tight wall or fence at least 6 feet high, or an evergreen screen (CB-30-1992)	27-461(b)	X	P
Waterless Automobile Detailing, at a specific location having a fixed business address (CB-71-2014)	27-461(b)	X	X
(C) Offices:			
Bank, savings and loan association, or other savings or lending institution:			
(i) Automatic teller machine, only	27-461(b)	P	P
(ii) All others	27-461(b)	P	P
Check Cashing Business	27-461(b)	p*55	p*55
Contractor's office (see paragraph (3), Miscellaneous)			
Medical Cannabis Dispensary	27-461(b)	p ⁶²	X
Office accessory to an allowed use	27-461(b)	P	P
Office (except as otherwise provided):			
(i) Within an integrated shopping center, and not exceeding 10% of the gross floor area of the center	27-461(b)	P	X
(ii) All others	27-461(b)	P	P
Office of a certified massage therapist	27-461(b)	P	P
Office of a medical practitioner or medical clinic (which may include an accessory private spa)	27-461(b)	P	P
Real estate subdivision sales office as a temporary use, in accordance with Sections 27-260 and 27-261	27-461(b)	P	P
Where not otherwise specifically permitted, any use allowed in the C-R-C Zone (excluding those permitted by Special Exception) may be located within an office building, provided that the uses shall not be located above the ground floor; not more than 15% of the gross floor area of the building shall be devoted to the use; and not more than 3,000 square feet of gross floor area shall be allotted to any one shop	27-461(b)	X	PA
Where not otherwise specifically permitted, any use allowed in the C-S-C Zone (excluding those permitted by Special Exception), may be located within an office building, provided that the uses shall not be located above the ground floor; not more than 15% of the gross floor area of the	27-461(b)	P	PA

building shall be devoted to the uses; and not more than 3,000 square feet of gross floor area shall be allotted to any one shop			
Where not otherwise specifically permitted, any use allowed in the C-S-C Zone (excluding those permitted by Special Exception) may be located within an existing building no more than three (3) stories in height, including a maximum of 65,000 square feet of gross leasable area, provided such building and its associated parking are located on one or more contiguous parcels of property abutting two (2) streets shown on the Master Plan as arterial or higher classification, and located at an intersection where the three (3) other corners of said intersection are zoned C-S-C; and where the parcel or parcels of property upon which the building and its associated parking are located abut land zoned C-S-C at a minimum of two (2) locations	27-461(b)	P	X
Where not otherwise specifically permitted, any use allowed by Special Exception in the C-S-C Zone may be located within an existing building no more than three (3) stories in height, including a maximum of 65,000 square feet of gross leasable area, provided such building and its associated parking are located on one or more contiguous parcels of property abutting two (2) streets shown on the Master Plan as arterial or higher classification, and located at an intersection where the three (3) other corners of said intersection are zoned C-S-C, and where the parcel or parcels of property upon which the building and its associated parking are located abut land zoned C-S-C at a minimum of two (2) locations	27-461(b)	P	X
(D) Services:			
Ambulance service, private	27-461(b)	X	P
Animal hospital, animal training, kennel	27-461(b)	P*	P*
Artist's studio	27-461(b)	P	X
Barber or beauty shop	27-461(b)	P	P
Bicycle repair shop:			
(i) Non-motorized only	27-461(b)	P	P
(ii) All others	27-461(b)	P*	P
Blacksmith shop	27-461(b)	X	P
Blueprinting, photostating, or other photocopying establishment	27-461(b)	P	P
Carpet or rug shampooing establishment	27-461(b)	X	P

Catering establishment	27-461(b)	P	P
Data processing	27-461(b)	P	P
Dry cleaning or laundry pickup station	27-461(b)	P	p*
Dry cleaning store or plant: ⁴³			
(i) Retail, gross floor area under 6,000 square feet	27-461(b)	P	P
(ii) Retail, unrestricted	27-461(b)	p*	P
(iii) Wholesale (may include retail service)	27-461(b)	X	P
Electric or gas appliance, radio, or television repair shop	27-461(b)	P	P
Employment agency	27-461(b)	P	X
Farm implement repair	27-461(b)	X	P
Fortune telling	27-461(b)	p*	P
Funeral parlor, undertaking establishment	27-461(b)	p*	P
Household appliance or furniture repair shop	27-461(b)	P	P
Key or locksmith shop	27-461(b)	P	p*
Laboratory:			
(i) Accessory to an allowed use	27-461(b)	P	P
(ii) Dental laboratory	27-461(b)	P	P
(iii) All other laboratories	27-461(b)	P	P
Laundromat:			
(i) Accessory to an allowed use	27-461(b)	X	X
(ii) All others	27-461(b)	P	P
Laundry store or plant: ⁴³			
(i) Retail, gross floor area under 6,000 square feet	27-461(b)	P	P
(ii) Retail, unrestricted	27-461(b)	X	P
(iii) Wholesale (may include retail service)	27-461(b)	X	P
Lawn mower repair shop:			
(i) Non-motorized, only	27-461(b)	P	P
(ii) All others, provided all repairs are performed within a wholly enclosed building	27-461(b)	p*	P
Limousine service:			
(i) Storage of up to 10 limousines (not to include buses and vans), may include routine vehicle repair or servicing within a wholly enclosed building, with no outdoor storage	27-461(b)	X	p ²⁴
(ii) All others	27-461(b)	X	p ²⁴

Machine shop accessory to an allowed use	27-461(b)	X	PB
Massage establishment	27-461(b)	P*	P*
Methadone Treatment Center	27-461(b)	X	P*
Model studio	27-461(b)	X	P*
Newspaper publishing establishment	27-461(b)	P*	P
Pet grooming shop, provided all animals are confined to the interior of the building and adequate measures are taken to control noise and odor	27-461(b)	P	P
Photographic processing plant	27-461(b)	X	P
Photography studio or darkroom	27-461(b)	P	P
Pizza delivery service, limited to off-premises delivery with no eat-in or drive-in service:			
(i) With carry-out service in a building with less than 2,500 sq. ft. of gross floor area	27-461(b)	P	X
(ii) Unrestricted in size with no carryout service	27-461(b)	X	P
Printing shop:			
(i) Not exceeding 2,000 square feet of gross floor area	27-461(b)	P	P
(ii) All others	27-461(b)	P*	P
Sauna or steam bath	27-461(b)	P	P
Septic tank service	27-461(b)	X	P
Sewage dump station for camping trailers or boats	27-461(b)	X	P
Shoe repair shop	27-461(b)	P	P
Tailor or dressmaking shop (may include incidental dyeing and pressing allowed as a "PB" use)	27-461(b)	P	P
Tattoo Parlor	27-461(b)	P	P
Taxidermy	27-461(b)	P	P
Travel bureau	27-461(b)	P	X
Upholstery shop	27-461(b)	P	P
Veterinarian's office:			
(i) Outpatient	27-461(b)	P	P
(ii) Inpatient	27-461(b)	P	PB
Watch or jewelry repair shop	27-461(b)	P	X
Welding shop:			
(i) Accessory to an allowed use	27-461(b)	X	P

(ii) All others	27-461(b)	X	P
(E) Trade (Generally Retail):			
Adult book store	27-461(b)	X	X
Arts, crafts, and hobby supply store	27-461(b)	P	P
Bait shop	27-461(b)	P	X
Bakery products, wholesale (may include retail sales)	27-461(b)	P	P
Bicycle (sales) shop:			
(i) Nonmotorized, only	27-461(b)	P	P
(ii) All others	27-461(b)	P*	P
Book (except adult bookstore) or camera store	27-461(b)	P	p ²⁰
Bottled gas sales:			
(i) Accessory to an allowed use	27-461(b)	P*	P
(ii) All others	27-461(b)	P*	P
Building supply store:			
(i) Wholly enclosed, except for nursery stock	27-461(b)	P	P
(ii) With outdoor storage on not more than 50% of the lot, provided it is enclosed by a slightly opaque wall or fence at least 8 feet high	27-461(b)	X	P
Bulk retailing:			
(i) Products allowed to be sold in a C-S-C Zone	27-461(b)	p ³²	P
(ii) Products allowed to be sold in a C-M Zone	27-461(b)	X	P
Buying of items within guest rooms and vehicles; pursuant to Section 27-115(a)(2)	27-461(b)	X	X
Carpet or floor covering store	27-461(b)	P	P
Clothing, dry goods, millinery, or shoe store	27-461(b)	P	p ²⁰
Confectioner (not exceeding 40,000 square feet of gross floor area):			
(i) Retail	27-461(b)	P	X
(ii) Wholesale (may include accessory retail sales)	27-461(b)	P*	P
Department or variety store, excluding pawnshops			
(i) Not exceeding 125,000 square feet of gross floor area so long as the department or variety store does not contain any food or beverage component	27-461(b)	P	p ^{20, 31}
(ii) Exceeding 125,000 square feet of gross floor area within the developed tier or a designated Revitalization Tax	27-461(b)	p* ⁵²	p ^{20, 31}

Credit Area (as long as the department or variety store does not contain any food or beverage component)			
(iii) Not exceeding 85,000 square feet of gross floor area without regard to percentage of gross floor area for food and beverage component	27-461(b)	p ⁵²	P
(iv) Exceeding 85,000 square feet of gross floor area and less than 10% of that gross floor area for food and beverage component	27-461(b)	p ⁵²	P
(v) All others, ⁴⁰ in accordance with Section 27-348.02	27-461(b)	P*	P*
Drug paraphernalia display or sales, pursuant to Section 27-115(a)(1)	27-461(b)	X	X
Drug store:			
(i) Not exceeding 3,000 square feet of gross floor area	27-461(b)	P	X
(ii) Within an office building or complex, and not exceeding 25% of the gross floor area, or 2,000 square feet, whichever is less	27-461(b)	P	P
(iii) All others	27-461(b)	P	X
Farm implement sales	27-461(b)	X	P
Feed sales	27-461(b)	X	P
Firewood sales as a temporary use in accordance with Sections 27-260 and 27-261	27-461(b)	P	P
Farmer's market or flea market as a temporary use, in accordance with Sections 27-260 and 27-261	27-461(b)	P	P
Florist shop	27-461(b)	P	P
Food or beverage goods preparation on the premises of a food or beverage store, provided the goods are only sold on the premises and at retail	27-461(b)	P	PB
Food or beverage goods preparation for wholesale sales:			
(i) Not exceeding 1,500 square feet of gross floor area	27-461(b)	P	P
(ii) Containing 1,501 to 3,000 square feet of gross floor area	27-461(b)	P*	P
(iii) All others	27-461(b)	X	P*
Food or beverage store:			
(i) Not exceeding 3,000 square feet of gross floor area	27-461(b)	P	P*
(ii) Not exceeding 125,000 square feet of gross floor area	27-461(b)	P	p ⁶³
(iii) In combination with a department or variety store	27-461(b)	P*	P*

on the same or adjacent site, in accordance with Section 27-348.02			
(iv) In combination with a gas station, subject to Detailed Site Plan review in accordance with Part 3, Division 9	27-461(b)	P*	P
(v) In combination with a gas station, with car wash as an accessory use on the site, subject detailed site plan review and using the general special exception standards cited in this Use Table		P*	P*
(vi) All others	27-461(b)	P*	P*
Garden supplies store, floricultural or horticultural nursery, which may include the outdoor display of nursery stock, such as plants, shrubbery, and trees	27-461(b)	P	P
Gift, jewelry, music, souvenir, or other specialty store not specifically listed	27-461(b)	P*	X
Hardware store	27-461(b)	P	P
Household appliance or furniture store:			
(i) Not exceeding 50,000 square feet of gross floor area	27-461(b)	P	P
(ii) Exceeding 50,000 square feet of gross floor area	27-461(b)	P	P
Ice vending machine (not exceeding 8 ton capacity)	27-461(b)	X	P
Lawn mower (sales) store	27-461(b)	X	P
Monument and headstone sales establishment	27-461(b)	X	P ⁴⁹
Newspaper or magazine shop	27-461(b)	P	X
Nursery and garden center, which may include the outdoor display of nursery stock, such as plants, shrubbery, and trees	27-461(b)	P	P
Outdoor display of merchandise for sale (except as otherwise specified) and excluding merchandise displayed on gasoline pump islands associated with gas stations which is allowed):			
(i) Not more than 6 feet from main building (subject to Section 27-388)	27-461(b)	P	P
(ii) More than 6 feet from main buildings(subject to Section 27-388)	27-461(b)	P*	P
Paint or wall covering store	27-461(b)	P	P
Pawnshop:			
(i) In accordance with Section 27-250.01	27-461(b)	X	X
(ii) In accordance with Section 27-394.01	27-461(b)	X	P*

Pet (sales) shop, provided all animals are confined to the interior of the building and adequate measures are taken to control noise and odor; may include the sale of pet feed and supplies	27-461(b)	P	X
Retail shop or store (not listed) similar to one permitted (P), excluding electronic cigarette shops, in the:			
(i) C-S-C Zone	27-461(b)	P	X
(ii) C-M Zone	27-461(b)	P	P
(iii) C-R-C Zone	27-461(b)	X	X
Sales from guest rooms and vehicles, in accordance with Section 27-115(a)(2)	27-461(b)	X	X
Seafood market:			
(i) Containing less than 3,000 square feet of gross retail space	27-461(b)	P	P
(ii) Containing less than 7,000 square feet of gross retail space	27-461(b)	P	P
(iii) Unrestricted in size	27-461(b)	P*	P*
Seasonal decorations display and sales as a temporary use, in accordance with Sections 27-260 and 27-261	27-461(b)	P	P
Septic tank sales	27-461(b)	X	P
Sporting goods shop, which may include marine equipment and supplies	27-461(b)	P	P
Stationery or office supply store which may include the sale of furniture or business machines	27-461(b)	P	P
Swimming pool or spa sales and service:			
(i) Excluding outdoor display	27-461(b)	P	X
(ii) Including outdoor display, provided it is enclosed by a 6-foot high fence (subject to Section 27-388)	27-461(b)	X	P
Tobacco shop or electronic cigarette shop	27-461(b)	P*	P*
Electronic cigarette shop		X	X
Toy store	27-461(b)	P	P ²⁰
Video game or tape store	27-461(b)	P	P
Wayside stand:			
(i) As a temporary use, subject to Sections 27-260 and 27-261	27-461(b)	P	P
(ii) All others	27-461(b)	P	P

(2) Institutional/Educational:			
Adult day care center	27-461(b)	P*	P
Assisted living facility, subject to the requirements of Section 27-464.04	27-461(b)	P*	P
Church or similar place of worship, convent, or monastery	27-461(b)	P	P
Day care center for children:	27-461(b)		
(A) In accordance with Section 27-464.0212	27-461(b)	P	P
(B) All others	27-461(b)	P*	P*
Eleemosynary or philanthropic institution:			
(A) A building containing no more than 7,000 square feet of gross floor area on a lot or parcel with not more than 1.5 acres for use by an organization providing benevolent services; any change in occupant or use shall require Detailed Site Plan approval by the District Council	27-461(b)	P*	X
(B) All others	27-461(b)	X	X
Hospital (may include a private spa)	27-461(b)	P*	P
Modular classroom as a temporary use, in accordance with Sections 27-260 and 27-261	27-461(b)	X	X
Nursing or care home (may include a private spa)	27-461(b)	P*	P
School, Private:			
(A) Driving school, automobile only	27-461(b)	P	P
(B) For artistic instruction (including a studio)	27-461(b)	P	P
(C) Of business or trade, where the business or trade is permitted (P) in the respective zone	27-461(b)	P	P
(D) Of business or trade, where the business or trade is permitted by Special Exception (SE) in the respective zone	27-461(b)	P*	P*
(E) Tutoring establishment	27-461(b)	P	P
(F) Private college or university	27-461(b)	P ²⁸	P ²⁸
(G) Private schools, subject to Section 27-463	27-461(b)	P	P
(H) All others	27-461(b)	P*	P*
(3) Miscellaneous:			
Accessory structures and uses, except as otherwise provided	27-461(b)	P	P
Adaptive reuse of a surplus public school, when not otherwise allowed	27-461(b)	P*	P*
Adaptive use of a Historic Site, when not otherwise allowed	27-461(b)	P*	P*
Auction house	27-461(b)	P*	P

Buildings and uses, serving public health purposes; on land owned by Prince George's County, Maryland; upon which hospitals or health centers are located, except if otherwise allowed as a Permitted (P) use ¹³	27-461(b)	P	P
Carpentry, cabinet making, or other woodworking shop:			
(A) Accessory to an allowed use	27-461(b)	X	P
(B) All others	27-461(b)	X	P
Cemetery or crematory:			
(A) Cemetery, accessory to a church, convent, or monastery ¹⁸	27-461(b)	X	P
(B) All others	27-461(b)	X	P*
Collection of recyclable materials as a temporary use, in accordance with Sections 27-260 and 27-261	27-461(b)	X	P
Commercial recreational development	27-461(b)	P*	X
Consolidated Storage	27-461(b)	X	P*
Contractor's office (general) as a permanent use, including the businesses of siding, flooring, roofing, plumbing, air conditioning, heating, painting, carpentry, electrical work, landscaping and the like, with buildings, and uses accessory to the business (as well as the office) use:			
(A) With no outdoor storage of materials or equipment	27-461(b)	P*	P
(B) With outdoor storage of materials, located only in a side or rear yard; enclosed by a slightly opaque wall or fence at least 6 feet high; with no storing of material higher than the fence; but excluding the use or outdoor storage of earthmoving or other heavy equipment, or outdoor storage of machinery	27-461(b)	X	P
(C) Including the fabrication (only within a wholly enclosed building) of plumbing, air conditioning, heating, carpentry and lighting (and the like) parts for installation off the site	27-461(b)	X	P
Contractor's office (must include sanitary facilities), Construction yard or shed, or storage building (in Connection with a construction project) as a Temporary use:			
(A) In accordance with Sections 27-260 and 27-261	27-461(b)	P	P
(B) All others	27-461(b)	P*	P*
Hardware fabrication and manufacturing of products from material produced elsewhere ²⁶	27-461(b)	X	P
Mobile home, with use for which amusement taxes	27-461(b)	X	P

collected ²			
Recycling collection center as a temporary use, in accordance with Sections 27-260 and 27-261	27-461(b)	X	P
Recycling collection center, paper only (limited to collection, storage, and shipping):			
(A) On a lot contiguous to a railroad siding and not abutting land in any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan), subject to Section 27-391(a)(2) and (3)	27-461(b)	X	P
(B) All others	27-461(b)	X	P*
Rental business:			
(A) Rental of motor vehicles or camping trailers (in the C-M Zone subject to the requirements of Section 27-417)	27-461(b)	P*	P
(B) Rental of boats	27-461(b)	X	P
(C) Rental of any other merchandise allowed to be sold in the respective zone	27-461(b)	P	P
Sanitary landfill, rubble fill, or Class 3 fill ⁴⁵	27-461(b)	X	P*
Sign, in accordance with Part 12:			
(A) Outdoor advertising (billboard)	27-461(b)	X	X
(B) All others	27-461(b)	P*	P
Sign shop	27-461(b)	P ⁵⁴	P
Stationery or office supply corporate headquarters including office, showroom, and distribution (no retail sales) also including office furniture as an accessory use, within an office building complex of at least twenty acres	27-461(b)	X	X
Storage, wholly enclosed, accessory to an allowed use	27-461(b)	P*	P
Temporary shelter for commercial display, sale, or service use permitted (P) in the respective zones, as a temporary use, in accordance with Sections 27-260 and 27-261	27-461(b)	P	P
Trash removal services	27-461(b)	X	P ³⁹
Wholesaling, distribution, and related storage:			
(A) Incidental to any use allowed and in an office building, but limited to a floor area ratio of 0.1	27-461(b)	P	P
(B) Of materials (products) not used or produced on the premises	27-461(b)	P ⁴⁸	P ¹⁴
Wholesaling of products incidental to the retail sales of the	27-461(b)	P	P

products on the premises			
(4) Public/Quasi Public:			
Ambulance service, private	27-461(b)	X	X
Community building, except as otherwise provided	27-461(b)	P	P
Library, private	27-461(b)	P	P
Post Office	27-461(b)	P	P
Public building and use, except as otherwise prohibited	27-461(b)	P	P
Sanitary landfill or rubble fill ¹⁷	27-461(b)	X	X
Voluntary fire, ambulance, or station ¹	27-461(b)	P	P
(5) Recreational/Entertainment/Social/Cultural:			
Adult Entertainment	27-461(b)	X ⁵⁸	X ⁵⁸
Amusement arcade:			
(A) Not exceeding 2,500 square feet of gross floor area, with adult supervision on the premises during all hours of operation; provided the use is located either within a wholly enclosed shopping mall, or within the main group of stores of an integrated shopping center having a minimum gross floor area of 150,000 square feet	27-461(b)	P	P
(B) All others	27-461(b)	P*	P*
Amusement Center	27-461(b)	P	P
Amusement park:			
(A) Within a wholly enclosed shopping mall	27-461(b)	P*	P*
(B) All others	27-461(b)	X	X
Archery or baseball batting range	27-461(b)	P*	P
Arena or stadium (which may include a private spa)	27-461(b)	X	X
Athletic field:			
(A) With no seating or nonpermanent bleacher-type seating for not more than 100 spectators	27-461(b)	X	X
(B) With permanent bleacher-type seating for more than 100 spectators	27-461(b)	X	X
Auditorium, excluding adult entertainment	27-461(b)	P ⁵⁶	P ⁵⁶
Beach	27-461(b)	X	X
Billiard or pool parlor	27-461(b)	P*	P
Boat ramp	27-461(b)	X	X
Bowling alley:			

(A) On a parcel of at least 10 acres, provided all structures are located at least 200 feet from any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan)	27-461(b)	P	P
(B) All others	27-461(b)	P*	P
Carnival, circus, fair or similar use, not exceeding seventeen (17) days duration and located at least 250 feet from any dwelling, as a temporary use in accordance with Sections 27-260 and 27-261	27-461(b)	P	P
Club or lodge (private) except as otherwise provided	27-461(b)	P	P
Employees' recreational facilities (private, nonprofit) accessory to an allowed use	27-461(b)	P	P
Fishing pier	27-461(b)	X	P
Go-cart track	27-461(b)	X	X
Golf course or country club:	27-461(b)		
(A) Accessory to a commercial use	27-461(b)	X	X
(B) All others	27-461(b)	X	X
Golf driving range	27-461(b)	X	X
Marina	27-461(b)	X	X
Miniature golf course	27-461(b)	P	P
Museum, aquarium, art gallery, cultural center, or similar facility	27-461(b)	P	P
Park or playground	27-461(b)	P	P
Performance arts center, in accordance with Section 27-464.05	27-461(b)	P	SP
Race track	27-461(b)	X	X
Recreational campground (in the C-M Zone subject to paragraphs (1) thru (7) of Section 27-400(a))	27-461(b)	X	X
Recreational or entertainment establishment of a commercial nature, if not otherwise specified:			
(A) Abutting residential property or land residentially zoned	27-461(b)	P*	P*
(B) All others	27-461(b)	P*	P
Reducing/exercise salon or health club	27-461(b)	P	P
Riding stable	27-461(b)	X	P

Rifle, pistol, or skeet shooting range:			
(A) Indoor	27-461(b)	X	X
(B) Outdoor	27-461(b)	X	X
Skating rink	27-461(b)	P*	P
Spa (community)	27-461(b)	P	P
Spa (private), accessory to an allowed dwelling unit	27-461(b)	P	P
Spa (public):			
(A) Accessory to a hotel or motel	27-461(b)	P	P
(B) Accessory to a reducing/exercise salon or health club	27-461(b)	P	P
(C) Accessory to a commercial swimming pool	27-461(b)	P	P
(D) Accessory to a recreational campground	27-461(b)	X	X
(E) Accessory to a summer camp	27-461(b)	X	X
(F) Unrestricted	27-461(b)	X	P*
Summer camp	27-461(b)	X	P
Swimming pool:			
(A) Accessory to a hotel or motel	27-461(b)	P	P
(B) Accessory to a recreational campground	27-461(b)	X	P
(C) Community	27-461(b)	P	P
(D) Indoor	27-461(b)	P	P
(E) Private, accessory to an allowed one-family detached dwelling	27-461(b)	P	P
(F) All others	27-461(b)	X	P
Tennis, basketball, handball, or similar court:			
(A) Indoor (within a permanent wholly enclosed building)	27-461(b)	P	P
(B) Outdoor	27-461(b)	P	P
(C) With a temporary removable cover (bubble)	27-461(b)	P	P
Theatre:			
(A) Indoor	27-461(b)	P	P
(B) Outdoor (including drive-in)	27-461(b)	P*	P
Zoo, not publicly owned	27-461(b)	X	P*
(6) Residential/Lodging:			
Apartment housing for the elderly or physically handicapped	27-461(b)	P*	X
Artists' residential studios, in accordance with Section 27-	27-461(b)	P	SP

464.05			
Conversion of an Office Building to Multifamily	27-461(b)	P	X
Country inn	27-461(b)	P	P
Dwelling, Multifamily	27-461(b)	p ⁵⁰	X
Dwelling, provided that it was legally erected prior to the date upon which the property was classified in a Commercial Zone, or was legally erected in a Commercial Zone under prior regulations	27-461(b)	P	P
Dwelling unit within a building containing commercial uses:			
(A) Not exceeding 3 units per building, to be located above the ground floor, except where otherwise allowed	27-461(b)	P	P
(B) Not exceeding 3 units per building, with 1 unit at ground level for a resident manager, caretaker, or night watchman (and family)	27-461(b)	P	P
(C) In a building containing 4 or more stories, provided the units are located above the third story	27-461(b)	p ⁵³	p*
Hotel or motel:			
(A) Hotel or motel in general	27-461(b)	p ²²	p ²²
(B) Including any use allowed in the C-S-C Zone (but not generally allowed in the C-M Zone, excluding those permitted by Special Exception), when located within a hotel, provided the uses shall not be located above the ground floor; not more than fifteen (15) percent of the gross floor area of the building shall be devoted to the uses; and not more than 3,000 square feet shall be allotted to any one use	27-461(b)	P	PA
Multifamily Project	27-461(b)	p ⁶¹	X
Multifamily retirement community	27-461(b)	P	X
Planned retirement community	27-461(b)	P*	X
Tourist cabin camp	27-461(b)	X	p*
Tourist Home	27-461(b)	X	P
Townhouse	27-461(b)	P*	X
Transitional Shelter for the Homeless:			
(A) Operated in conjunction with an adjacent eleemosynary institution; and containing 8 or fewer residential units.	27-461(b)	X	X
(B) All others	27-461(b)	X	X
(7) Resource Production/Recovery:			

Agricultural use			
(A) Other than animal or poultry raising	27-461(b)	X	P
(B) Animal or poultry raising (other than customary household pets)			
(i) on lots 20,000 square feet or more	27-461(b)	X	P
(ii) on lots under 20,000 square feet	27-461(b)	X	P*
(iii) on lots under 20,000 square feet adjoining occupied residentially-zoned property ³⁸	27-461(b)	X	X
Sand and gravel wet-processing	27-461(b)	X	P*
Surface mining	27-461(b)	X	P*
(8) Transportation/Parking/Communications/Utilities:			
Airport, airpark, airfield, airstrip, heliport, helistop	27-461(b)	P*	P*
Antennas and related equipment buildings and enclosures, other than satellite dish antennas, in accordance with Section 27-464.03	27-461(b)	P*	P
Broadcasting studio (without tower)	27-461(b)	P	P
Bus station or terminal	27-461(b)	X	P
Monopoles and related equipment buildings and enclosures, in accordance with Section 27-464.03	27-461(b)	P	P
Moving and Storage Operation	27-461(b)	X	P
Parking garage, commercial	27-461(b)	P	P
Parking garage or lot or loading area, used in accordance with Part 11	27-461(b)	P	P
Parking lot, commercial:			
(A) With shuttle service to Metro and within two (2) miles of a Metro station	27-461(b)	P	P
(B) All others	27-461(b)	P*	P
Parking of mobile home, except as otherwise specified	27-461(b)	X	X
Parking of a mobile home in a public right-of-way ⁴	27-461(b)	X	X
Parking of vehicles accessory to an allowed use	27-461(b)	P	P
Public utility uses or structures:	27-461(b)		
(A) Underground pipelines, electric power facilities or equipment, or telephone facilities or equipment; and railroad tracks or passenger stations, but not railroad yards	27-461(b)	P	P
(B) Other public utility uses or structures (including major transmission and distribution lines and structures, but	27-461(b)	P	P

excluding towers and poles not otherwise permitted, railroad yards, roundhouses, car barns, and freight stations)			
Satellite dish antenna, in accordance with Section 27-451.01:			
(A) Up to 10 feet in diameter, to serve only 1 dwelling unit	27-461(b)	P	P
(B) More than 10 feet in diameter to serve only 1 dwelling	27-461(b)	P*	P*
(C) All others	27-461(b)	P	P
Storage of any motor vehicle which is wrecked, dismantled or not currently licensed, except where specifically allowed ⁶	27-461(b)	X	X
Taxicab dispatching station:			
(A) Without cab storage, repair, or servicing	27-461(b)	P*	P
(B) With cab storage	27-461(b)	P*	P
(C) With cab repair or servicing within a wholly enclosed building	27-461(b)	X	P
Taxicab stand	27-461(b)	P	P
Telegraph or messenger service	27-461(b)	P	P
Towers or poles (electronic, public utility when not otherwise permitted, radio, or television, transmitting or receiving):			
(A) Nonprofit, noncommercial purposes, with no height restrictions	27-461(b)	P*	P
(B) Freestanding for commercial purposes, not exceeding 100 feet above ground level	27-461(b)	P*	P
(C) Attached to a roof for commercial purposes, not exceeding 40 feet above the height of the building	27-461(b)	P*	P*
(D) All others	27-461(b)	P*	P*

**FOOTNOTES TO SECTION 27-461;
ZONING ORDINANCE FOR PRINCE GEORGE'S COUNTY, MARYLAND,
AS MODIFIED BY THE
PROPOSED MINOR AMENDMENT TO THE
CENTRAL ANNAPOLIS ROAD DEVELOPMENT DISTRICT STANDARDS
(CR-95-2016)**

FN#

1	Provided the site is either:
	(A) In the proximity of an area designated as a fire or rescue station on an approved Functional Master Plan of Fire and Rescue Stations;
	(B) In a location which the Fire Chief has indicated (in writing) is appropriate; or
	(C) Occupied by a station that was in use immediately prior to July 1, 1982.
	The following activities are considered to be ancillary uses permitted within the hall/assembly area of a voluntary fire, ambulance, or rescue station: bingo (with an approved license from the Department of Permitting, Inspections, and Enforcement), weddings, dinners, community events, organization functions, and private events (with no advance or at the door ticket sales).
	All events must comply with County or State regulations, and events requiring a specific license must obtain such license to be considered a permitted ancillary use. All events must be organized by the voluntary fire, ambulance, or rescue corporation or company and/or a community group from within the immediate vicinity of the station. For weddings, receptions, and dinners, the event may be organized by an individual in conjunction with the voluntary fire, ambulance, or rescue corporation or company and/or a community group within the immediate vicinity of the station. A permitted ancillary use does not include the leasing of the station facility for use by a promoter. Private events may not have advance or at the door ticket sales. All events must end by 10:00 p.m., Sunday through Thursday (except that bingo events must end by 11:00 p.m.), and by midnight on Friday and Saturday, with all patrons off the site within thirty (30) minutes after closing. (CB-70-2008; CB-29-2014)
2	Provided:
	(A) The mobile home is located on a lot having a net area of at least five (5) acres;
	(B) The use of the mobile home is in connection with another use on the property for which the County levies or collects an amusement tax;
	(C) The occupants of the mobile home are employed by or reasonably connected with the other use; and
	(D) The mobile home shall not be located on the property for more than one hundred twenty (120) cumulative days per calendar year, except mobile homes used in connection with pari-mutuel racetracks when the use shall not exceed two hundred eighteen (218) cumulative days per calendar year.
3	Provided:
	(A) The service shall be limited to supplying gasoline, oil, water, fire pressure, and washing;
	(B) Only automobiles parking in the parking garage may be served;

	(C) No signs visible from outside the structure shall indicate the presence of the service facilities; and
	(D) The garage shall be wholly enclosed.
4	Except in an emergency. In this case, the parking shall be subject to the traffic and parking regulations applicable to the right-of-way.
5	Reserved.
6	This shall not apply to:
	(A) Storage accessory (and related) to an allowed use; or
	(B) One (1) such vehicle stored in a wholly enclosed garage.
7	Approval as an accessory use with approval of the Special Exception for the hotel or motel. (CB-28-1985)
8	Approval as an accessory use with approval of the Special Exception for the recreational campground. (CB-28-1985)
9	Provided:
	(A) The minimum seating capacity is one hundred fifty (150);
	(B) More than fifty percent (50%) of its revenue is derived from the sale of food;
	(C) The operation is limited to the sale of food and beverages for consumption on the premises;
	(D) Customer service is at table side. No counter service and no cafeteria-style service is provided; and
	(E) The restaurant is not open to the public before 11:00 A.M. (CB-104-1985)
10	The requirement for at least 6 businesses and a 50,000 square feet minimum gross floor area does not apply to a fast-food restaurant which is legally existing or which is subsequently constructed pursuant to a building permit filed prior to May 6, 1986. (CB-29-1986)
11	This does not provide for accessory antennas or overhead distribution lines. (CB-25-1987)
12	In a publicly-owned recreational facility, a school, a church, or a public building, a day care center shall only be permitted as an accessory use. A church must provide its tax-exempt identification number when applying for a Detailed Site Plan or a building or use and occupancy permit for an accessory day care center for children. (CB-23-1988; CB-98-1988; CB-44-1989)
13	Provided the health center is located on a minimum of twenty-five (25) acres. (CB-55-1988)
14	Provided it is an adaptive reuse of existing space, such space having been previously utilized for bulk retailing, and only where the property on which the use is located abuts land in the I-3 Zone. (CB-61-1988; CB-81-1993; CB-123-1994; CB-61-1995)

15	May include an accessory crematory. (CB-2-1989)
16	Delivery service is permitted provided an additional parking space, over and above the required number of parking spaces, is provided for each vehicle used for delivery. No more than six (6) vehicles shall be permitted for the delivery service. (CB-126-1989)
17	A sanitary landfill or rubble fill may include a rock crusher only if it is approved as part of the Special Exception. (CB-15-1990)
18	Provided both uses were existing as of January 1, 1991. (CB-11-1991)
19	For:
	(A) The relocation of such uses, provided the last site on which the use was located was in the I-1 Zone, not more than three (3) miles from the subject property, is currently used by a public entity for a mass transit facility, and was acquired prior to June 1, 1993; or
	(B) A property of 15,000 to 20,000 square feet, formerly the site of a full-service gas station, abutting on at least one side property in the C-S-C Zone, limited to repair of vehicles with a maximum gross vehicle weight of 17,000 pounds. (CB-50-1993; CB-68-1999; CB-90-2000)
20	Provided the use is on a parcel or contiguous parcels of land in the C-M Zone, the gross tract area of which is a minimum of fifty (50) acres, which is contiguous to an existing street right-of-way at least one hundred twenty (120) feet wide, and of which no more than thirty-five percent (35%) is occupied by the uses subject to this requirement. The entire tract of land in the C-M Zone shall require Detailed Site Plan approval in accordance with Part 3, Division 9 of this Subtitle. Each use subject to these requirements shall consist of at least twenty-five thousand (25,000) square feet of gross floor area, and uses consisting of less than fifty thousand (50,000) square feet of gross floor area are permitted only if there is one existing retail use consisting of more than one hundred thousand (100,000) square feet of gross floor area for every two (2) retail uses consisting of less than fifty thousand (50,000) square feet of gross floor area. Clothing, dry goods, millinery, and shoe stores shall be permitted by Special Exception in all other cases. For the purposes of this footnote, the word "contiguous" shall include parcels that are separated only by a right-of-way. However, a department or variety store consisting of no more than fifteen thousand (15,000) square feet of gross floor area shall be permitted upon a parcel or contiguous parcels of land in the C-M Zone, the gross tract area of which is no more than three (3) acres, and which is contiguous to an existing street right-of-way at least one hundred twenty (120) feet wide, subject to Detailed Site Plan approval in accordance with Part 3, Division 9, of this Subtitle. (CB-71-1993; CB-70-1998)
21	If the use has a valid use and occupancy permit as of September 30, 1993, and a sight-tight fence or wall at least six (6) feet in height is erected along the perimeter of all abutting residential property as of December 31, 1993, the use shall be permitted by right. Change in ownership of the use shall not affect the conforming use status. (CB-89-1993)
22	Subject to Detailed Site Plan approval, in accordance with Part 3, Division 9, of this Subtitle, if the

	use is abutting land in a residential zone, or land proposed to be used for residential purposes on an approved Basic Plan, approved Official Plan, or any approved Conceptual or Detailed Site Plan. (CB-90-1993)
23	Provided the building to which it is attached is at least fifty (50) feet in height. Otherwise, a Special Exception is required. (CB-41-1994)
24	Subject to Detailed Site Plan approval in accordance with Part 3, Division 9, of this Subtitle. Any fast-food restaurant operating pursuant to an approved Special Exception as of the effective date of CB-49-2005 shall remain valid, be considered a legal use, and shall not be deemed a nonconforming use. Such fast-food restaurants and their underlying special exceptions may be modified pursuant to the existing provisions relating to revisions or amendments to special exceptions generally and fast-food restaurants specifically as they exist in the Zoning Ordinance. The requirement for Detailed Site Plan approval does not apply to eating or drinking establishments within, and sharing the same points of vehicular access as, an integrated shopping center having six individual businesses (including the fast-food restaurant) and a minimum 50,000 square foot gross floor area. (CB-120-1994; CB-19-2010; CB-46-2010; CB-56-2011)
25	Provided the property abuts property in a commercial zone, a residential zone in common ownership with the subject property, or a transportation facility right-of-way. (CB-46-1995)
26	Provided the property on which the use is located is under single ownership which includes the I-1 and C-M zones, where the uses on the C-M zoned portion are an expansion of the currently existing uses on the I-1 zoned portion of the property. (CB-39-1996)
27	Provided the property on which the use is located is abutting an existing vehicle storage yard with a valid use and occupancy permit. (CB-80-1996)
28	If not conducted in an existing office building, a Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle. (CB-93-1996)
29	Reserved.
30	Except when located on a tract of land which is less than 1.5 acres in size and surrounded on all sides by land in any residential zone in order to ensure safety on contiguous parcels and to minimize negative aesthetic impact on neighboring areas. A maximum of one (1) monopole and antennas for four (4) carriers are permitted. For any use for which the original permit was applied for prior to November 25, 1997, and legally issued, telecommunications-related equipment may be moved inside an existing structure without obtaining a special exception for the alteration of a nonconforming use. (CB-102-1997; CB-38-1998; CB-29-2003)
31	Provided:
	(A) The store shall be no less than 10,000 square feet nor more than 15,000 square feet;
	(B) The use involves the demolition and redevelopment of a commercial use that has been vacant for a minimum of five years; and

	(C) The site contains a minimum of three (3) acres and is adjacent to, or across from, an enclosed mall of at least 500,000 square feet. (CB-4-1999)
32	If located outside a Revitalization Tax Credit Area in a commercial center with less than thirty (30) acres, a bulk retailing store may not have gross floor area greater than 50,000 square feet. But if the store was in use and had necessary permits issued on or before September 1, 1998, then the restriction in this note does not apply and the store is not subject to nonconforming use requirements in Part 3, Division 6, unless the store discontinues bulk retailing operations for 180 or more consecutive calendar days. In this note, a commercial center is one or more contiguous, commercially-zoned lots separated from other commercially-zoned lots by public streets or rights-of-way. (CB-25-1999)
33	Provided the use does not exceed 5,000 square feet: (CB-34-1999)
34	Limited to the adaptive re-use of vacant or partially vacant property in former or existing shopping centers which are limited in their ability to modify or expand. The C-S-C parcels in the shopping center shall:
	(A) Lie adjacent to federal government property;
	(B) Include not less than 10 or more than 15 acres;
	(C) Be confined by road networks which limit access changes to the parcels; and
	(D) Lie contiguous to and below the grade of a multilane limited-access highway.
	All such consolidated storage units shall meet the requirements of Sections 27-375(a)(5), (6) and (7), and 27-281 through 27-290. (CB-45-1999)
35	Reserved.
36	Special Exception applications filed prior to January 1, 2000, may continue through the review and hearing procedures in Part 4. Uses which are approved may continue in effect, may be revised or amended under procedures in Part 4, and shall not be considered nonconforming. The maximum height of structures not approved by January 1, 2000, shall be thirty-six (36) feet. (CB-29-2000)
37	Except for new vehicle sales lots, the use shall be located on a tract of land containing a minimum of 25,000 square feet. All such uses on property less than 25,000 square feet in existence on September 1, 2000, may not be certified as nonconforming uses and must cease operations on or before August 31, 2003. (CB-87-2000)
38	All such uses in existence on September 1, 2001, may not be certified as nonconforming uses and must cease operations, with removal of all animal or poultry facilities, by February 1, 2002. (CB-71-2001)
39	(A) The subject C-M Zone property shall have at least seventy-five (75) feet of frontage on a street shown on the Master Plan as a collector or higher classification, be at least twenty-five thousand (25,000) square feet in area, and be the subject of a use and occupancy permit for commercial

	vehicle storage issued prior to January 1, 1990.
	(B) In addition, the use may be placed on a C-M Zone property contiguous to property meeting the requirements in paragraph (A), but only if both properties are in the same ownership and the paragraph (A) property has a valid use and occupancy permit for trash removal services. (CB-17-2002)
40	Permits for a store approved before January 15, 2002, without a special exception may continue in effect and be revised or amended, and such a store shall not be considered a nonconforming use. No permits for new food or beverage operations in such a store may be approved without a Special Exception. (CB-2-2002)
41	Provided:
	(A) The property in the C-O Zone is within a Special Taxing District and adjoins or lies across a public right-of-way from land in the R-H Zone with an existing planned retirement community.
	(B) The Planning Board approves a Detailed Site Plan, in accordance with Part 3, Division 9, and makes the following findings:
	(1) The site plan meets all Special Exception requirements in Section 27-395; and
	(2) The proposed project will serve, in a high quality, well-designed retirement community, the needs of a retirement-aged population while not adversely affecting the character of the surrounding neighborhood. (CB-22-2002)
42	Provided the use is an expansion of an existing vehicle sales lot onto surplus land owned by a State agency, but is not in use as a street or right-of-way. The subsequent conveyance of the State land shall not result in the use becoming nonconforming. (CB-29-2002)
43	All such uses with permits validly issued or applied for as of July 1, 2002, including those on properties rezoned from C-S-C to M-U-I, are deemed permitted uses, are not nonconforming, and may be altered, enlarged, or extended. (CB-55-2002)
44	Permitted use without requirement for a Special Exception provided:
	(A) The property is located within one thousand (1,000) feet of an existing mass transit rail station operated by the Washington Metropolitan Area Transit Authority (WMATA) and within the boundaries of a TDOZ approved prior to 1990;
	(B) Permits may not be issued for the commercial parking lot until the Planning Board approves a Detailed Site Plan in accordance with Part 3, Division 9, of this Subtitle;
	(C) The Planning Board shall find that the site plan meets the requirements of any applicable TDOZ Development Plan; and
	(D) All commercial parking lot operations on the property shall cease by September 1, 2008. (CB-14-2003)
45	A Class-3 fill in existence as of October 7, 2003 that is operating pursuant to any validly issued grading permit, and is not in violation, shall be permitted to continue in operation as a matter of

	right, but is limited to the fill area established by any previously issued grading permit, not to exceed two renewals of the permit. Those fill operations that are in violation on October 7, 2003 have until December 31, 2003 to comply, or their permit is void. (CB-8-2003; CB-87-2003)
46	Multifamily condominium or rental units are permitted provided:
	(A) The use is located on one or more lots of less than twelve (12) acres in size;
	(B) The property is located within a Center or a Corridor designated by the General Plan;
	(C) The adjoining properties are developed with institutional, commercial office, and residential uses;
	(D) Development of the site is subject to the regulations of the R-18 Zone for this use; and
	(E) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle. The site plan shall include architectural review in order to ensure compatibility with the existing neighborhood. (CB-75-2003; CB-69-2004)
47	Provided:
	(A) The community is located on a minimum of five (5) acres and a maximum of eleven (11) acres;
	(B) The property is located within a Center or a Corridor designated by the General Plan;
	(C) The property upon which the community is located shall be located adjacent to property, also zoned C-O, which includes medical offices, an assisted living facility, adult day care center, and/or other facility designed for senior citizens, but in no event shall the use be deemed nonconforming if the adjacent C-O property is no longer occupied by one of the aforementioned uses;
	(D) Each multifamily building shall consist of at least three (3) stories, and shall be served by an elevator;
	(E) The community shall include a clubhouse consisting of at least five thousand (5,000) square feet;
	(F) At least one (1) resident of each household shall be at least fifty-five (55) years old and no permanent resident of the retirement community shall be under eighteen (18) years old;
	(G) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9 of this Subtitle;
	(H) Covenants setting forth the minimum age of the residents shall be submitted with the Detailed Site Plan application. The covenants shall run to the benefit of the Maryland-National Capital Park and Planning Commission; and
	(I) Development of the community is subject to the regulations of the R-18C Zone for multifamily dwellings. (CB-85-2003)
48	Provided:
	(A) The use is an adaptive reuse of a furniture warehouse store, which has or had a valid use and occupancy permit prior to January 1, 2004, and is in an existing shopping center that is located on a parcel(s) containing not less than five (5) or more than eleven (11) acres;
	(B) The use is located in a building of at least sixty-five thousand (65,000) square feet and was

	constructed after 1980 with a minimum of 16-foot ceilings; and
	(C) A Detailed Site Plan must be approved in accordance with Part 3, Division 9, of this Subtitle. The site plan should address, but not be limited to, ingress and egress, truck traffic and parking on the site, and screening for any on-site truck storage. (CB-5-2004)
49	Provided the use is located on a lot or parcel with not more than one-half (1/2) acre and is located within one-half (1/2) mile of an existing cemetery. (CB-22-2004)
50	Multifamily condominium units are permitted provided:
	(A) The multifamily dwellings shall be located on a parcel(s) containing at least six (6) acres;
	(B) The property is contiguous to an existing mass transit rail station operated by Washington Metropolitan Area Transit Authority (WMATA);
	(C) The bedroom percentages for multifamily dwellings as set forth in Section 27-419 shall not be applicable;
	(D) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle;
	(E) Regulations concerning the height of structure, lot size and coverage, frontage, setbacks, density, and other requirements of the C-S-C Zone shall not apply. All such requirements shall be established and shown on the Detailed Site Plan;
	(F) Density regulations shall be in accordance with the R-10 Zone for multifamily dwellings;
	(G) The Detailed Site Plan shall include architectural review in order to ensure high quality design and construction materials; and
	(H) Covenants setting forth that appropriate condominium fees are necessary to provide adequate maintenance of required landscaping to ensure the aesthetics of the property shall be submitted with the Detailed Site Plan application. The covenants shall run to the benefit of the local citizens' association. (CB-28-2004)
51	Reserved.
52	This limitation shall not apply to property which is located within the Developed Tier for which any portion of same:
	(A) Has an approved Preliminary Plan of subdivision for property which is or was at the time of subdivision split-zoned I-3 and R-R, and is located on and inside the Capital Beltway at an existing interchange with said Beltway, or
	(B) Is or was the subject of a Preliminary Plan of subdivision or Detailed Site Plan for an integrated shopping center developed pursuant to CB-65-2003; or
	(C) Is the subject of a building permit issued for said use prior to September 1, 2005 pursuant to CB-65-2003. All such uses on property meeting the above criteria shall be deemed permitted uses and shall not be considered nonconforming. (CB-19-2005; CB-13-2012)
53	Condominium residential dwellings may be permitted in the C-S-C Zone within the Developed Tier on property that is the location of an existing hotel, if located along the Capital Beltway and within

	one (1) mile of a WMATA station, subject to an approved Detailed Site Plan as provided in Part 3, Division 9. The use is permitted only if:
	(A) The units are part of a mixed-use development of commercial and retail/commercial;
	(B) The minimum percentage of any single use is ten percent (10%) for either residential, commercial, or retail of the gross square footage of floor area; and
	(C) The density, bulk, height, and other regulations are as required for townhouses in the R-T Zone and for multi-family units in the R-18 Zone. (CB-97-2005)
54	Provided:
	(A) The use does not exceed 3,000 square feet of gross floor area;
	(B) Outdoor storage and outdoor fabrication of signs are prohibited;
	(C) The occupant of the premises shall be allowed to park no more than two (2) commercial vehicles each of which does not exceed a manufacturer's gross vehicle weight of 8,500 pounds; and
	(D) The use employs digital, graphic design, or other technological equipment to produce the signage. (CB-14-2008)
55	Businesses with a valid state license for check cashing issued prior to September 1, 2009 may continue as a matter of right and shall not be deemed nonconforming, regardless of a change in tenancy or ownership of the check cashing business. (CB-23-2009; CB-106-2012)
56	Businesses with a valid use and occupancy permit issued prior to May 1, 2010, may continue as a matter of right and shall not be deemed nonconforming if the use does not include any form of adult entertainment. (CB-46-2010)
57	Any private automobile and other vehicle auction operating in the C-M Zone prior to January 1, 2011, shall not be certified as a nonconforming use and shall meet the requirements of Section 27-464.06 (c), (d) and (f). If the use is not brought into conformance within the prescribed two-year time period, the property owner shall cease all auction operations on the property. (CB-59-2010)
58	Any existing establishment in the C-S-C Zone or C-M Zone with a valid use and occupancy permit for an auditorium, private club or lodge that included activity that meets the definition of "adult entertainment" may continue upon approval of a Special Exception. Applications for adult entertainment must be filed and accepted by June 1, 2012. The hours of operation shall be limited to 5:00 P.M. to 3:00 A.M. (CB-56-2011)
59	Provided:
	(A) The townhouses shall be located on a lot(s) or parcel(s) of less than twelve (12) acres in size;
	(B) The property is located within a Center or a Corridor as designated by the 2002 General Plan;
	(C) The adjacent properties are developed with institutional, commercial office, and multi-family residential uses;

	(D) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle;
	(E) Regulations concerning the net lot area, lot coverage and green area, lot/width frontage, yards, building height, distance between unattached townhouses, density, accessory buildings and other requirements of the C-O or R-T Zones shall not apply. All such requirements shall be established and shown on the Detailed Site Plan; and
	(F) The Detailed Site Plan shall include architectural review in order to ensure compatibility with the existing neighborhood. (CB-80-2013)
60	A special exception shall not be required and shall be a permitted use for:
	(A) Existing shopping centers in the C-S-C Zone. The C-S-C parcels in the shopping center shall:
	(1) Have an approved Preliminary Plan of Subdivision for property which is located inside the Capital Beltway (I-495) and within 1/2 mile of an existing interchange with the Capital Beltway (I-495); and
	(2) Is or was the subject of a Preliminary Plan of Subdivision or Detailed Site Plan for an integrated shopping center developed pursuant to CB-65-2003.
	(B) A parcel of four (4) acres or less in size that is adjacent to two (2) existing vehicle, mobile home, or camping trailer sales lots or a car wash or vehicle repair use operated in conjunction with a vehicle, mobile home, or camping trailer sales lot. Development regulations contained in an approved sector plan and sectional map amendment Development District Overlay Zone shall not be applicable. Development shall be subject to the Landscape Manual, parking and loading requirements of Part 11, and regulations for building setbacks in accordance with Part 6, Division 4 (Regulations). (CB-25-2015; CB-29-2016)
61	Permitted use subject to a detailed site plan approval process, provided the property is within a Mixed-Use Activity Center designated within the applicable Master Plan for the area of the subject property approved prior to March 1, 2006. (CB-60-2015)
62	Subject to conformance with Section 27-464.08 of this Subtitle. (CB-5-2016)
63	A special exception shall not be required and the use shall be permitted provided:
	(A) The property is or was the subject of a Preliminary Plan of Subdivision approved after January 1, 2012;
	(B) The gross floor area of the building does not exceed 85,000 square feet;
	(C) The site has frontage on a roadway with a transportation functional classification as an arterial or higher on the applicable Master Plan; and
	(D) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle. (CB-23-2016)
64	A special exception shall not be required for an eating or drinking establishment with a gross floor area of at least 2,500 square feet in size, has a valid Dance Hall license issued before July 1, 2016, and has a valid Class BLX license issued by the Board of License Commissioners for Prince George's

County pursuant to Title 26, Alcoholic Beverages Article, Annotated Code of Maryland, and shall be a permitted use, subject to conformance with the hours of operation established pursuant to the Class BLX license issued for the use. (CB-60-2016)

1
2 BEFORE THE COUNTY COUNCIL OF PRINCE GEORGE'S
3 COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL AND
4 THE PRINCE GEORGE'S COUNTY PLANNING BOARD OF THE M-NCPPC
5 PROPOSED MINOR AMENDMENT TO THE
6 2010 CENTRAL ANNAPOLIS ROAD APPROVED SECTOR PLAN
7 AND SECTIONAL MAP AMENDMENT D-D-O-Z

8 JOINT PUBLIC HEARING

9 February 7, 2017

10 COUNTY ADMINISTRATIVE BUILDING

11 UPPER MARLBORO, MARYLAND

12 COUNCIL MEMBERS:

PLANNING BOARD MEMBERS:

13 DERRICK LEON DAVIS, Chair

ELIZABETH M. HEWLETT, Chair

14 DANNIELLE GLAROS, Vice Chair

DOROTHY F. BAILEY, Vice Chair

15 MARY A. LEHMAN (absent)

MANUEL R. GERALDO (absent)

16 DENI L. TAVERAS, District 2

JOHN P. SHOAFF (absent)

17 TODD M. TURNER, District 4

A. SHUANISE WASHINGTON (absent)

18 ANDREA C. HARRISON, District 5

WILLIAM DOERNER

19 KAREN R. TOLES (absent)

20 OBIE PATTERSON, District 8

21 MEL FRANKLIN, District 9

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CHAIRMAN DAVIS: And so we're going to move on to the proposed minor amendment for the 2010 Central Annapolis Road Sector Plan and Sector [sic] Map Amendment. And part of the process here is the mundane, but we must reintroduce ourselves again for each one of these public hearings. So I am Council Chairman Derrick Leon Davis, and on behalf of the County Council, sitting tonight in our capacity as the District Council, along with the Prince George's County Planning Board, the Maryland-National Capital Park and Planning Commission, I welcome you all to this joint public hearing that I just gave back in.

We are conducting this joint public hearing proceeding to obtain public comments concerning the pending proposed minor amendment to the 2010 Central Annapolis Road Sector Plan and Sectional Map Amendment. I would like to take a moment to ask each of my colleagues and the members of the Planning Board to introduce themselves once again, and I'll start again on my left and go to my right.

MS. HARRISON: Good evening, I'm Andrea Harrison. I represent Council District 5.

MR. TURNER: Good evening, thank you for coming out. I'm Councilman Todd Turner representing the 4th Council District.

CHAIR: And again, I'm Derrick Leon Davis, Chairman of the Prince George's County Council. I represent District 6.

MS. GLAROS: Good evening, I'm Council Member Dannielle Glaros. I represent District 3.

MR. FRANKLIN: Good evening, I'm Council Member Mel Franklin representing District 9.

1 MS. TAVERAS: Good evening, I am Deni Taveras, and I represent District 2.

2 MR. PATTERSON: Good evening, my name is Obie Patterson. I represent District

3 8.

4 MS. HEWLETT: Good evening, I'm Elizabeth Hewlett. I chair the Prince George's
5 County Planning Board. And with me is Vice Chair Dorothy Bailey and our newest
6 Commissioner, Dr. Will Doerner. Thank you.

7 CHAIR: Thank you. Let me ask again, are there any elected officials in the general
8 audience, and if you'd like to stand and introduce yourself, you may take this moment to do
9 so. All right.

10 As you may know, Section 27-642 of the County Zoning Ordinance establishes a
11 process whereby the District Council may initiate minor amendments to the approved
12 Master Plan, Sector Plan, Functional Master Plan and an associated Development District
13 Overlay Zone in order to advance the plan's goals or safeguard the public safety, health, and
14 welfare of citizens and residents residing or located within the plan's area boundaries.

15 Section 27-642 also requires that any proposed minor amendment be limited to a
16 geographic area that is no more than 50 percent of the land area with the plan's boundaries,
17 but is also not limited to single property or property owner; or specific issues regarding
18 public planning objectives; or correcting errors in the text or maps in the applicable plan;
19 and shall not be utilized for any amendment which would require major transportation
20 analysis and/or modeling, revised water and sewer classifications, or any Adequate Public
21 Facilities analysis.

22 On November 15, 2016, the District Council adopted Council Resolution CR-095-
23 2016, thereby directing the Planning Board to initiate a minor amendment to the Central
24 Annapolis Road Development District Overlay Zone. The amendment proposes to add a

1 table of commercial uses for the land that is designated within Character Area D of the 2010
2 Central Annapolis Road Development District.

3 Written notice of this public hearing was sent to affected property owners within the
4 Sector Plan boundary. The opportunity to provide testimony tonight is part of the ongoing
5 minor amendment process that, if approved by the District Council, will result in a change
6 that will add a Table of Permitted Commercial Uses for properties within Character Area D
7 of the 2010 Central Annapolis Road Plan.

8 To allow everyone an opportunity to be heard, we must require that comments be
9 limited to three minutes per speaker, again three minutes per speaker. One minute before
10 the allotted time has elapsed, a yellow light will come on, then followed by a tone and a
11 flashing light indicating that no time remains. Your cooperation to this time schedule is
12 greatly appreciated.

13 The record of the joint public hearing testimony will close this Friday, February 10,
14 2017. All testimony received into the record by the close of business Friday, February 10, in
15 addition to the verbal and written comments provided tonight, will be officially considered
16 as part of the testimony on this proposed minor amendment to the 2010 Central Annapolis
17 Road Sector Plan and Sectional Map Amendment.

18 Therefore, if you wish to submit written remarks to supplement or in lieu of any
19 testimony that you may give tonight, please deliver your comments to the Clerk of the
20 Council prior to the close of business on February 10, 2017, at the address printed on
21 today's agenda. Emails or faxes will not be considered, unless followed by originals
22 delivered to the Clerk of the Council.

23 Over the next several weeks, the Planning Staff will review the testimony. The
24 Planning Board will consider and provide a recommendation on the proposed minor

1 amendment to the District Council within 30 days of the date of today's joint public hearing.
2 The Council will then consider the Planning Board's recommendation along with the
3 testimony heard tonight and written testimony submitted for the record, and is expected to
4 take final action on the amendment within 90 days.

5 I want to thank all of you for attending this joint public hearing tonight. At this time,
6 I would like to call on Sam White, the Project Manager, to present the proposed minor
7 amendment to the 2010 Central Annapolis Road Sector Plan and Sectional Map
8 Amendment. We will then go to the sign-up sheet and start with elected officials who wish
9 to speak. Thank you. Mr. White.

10 MR. WHITE: Thank you, Chairman Davis and Members of the District Council,
11 Madam Chair and Members of the Planning Board, ladies and gentlemen, for the record my
12 name is Samuel White with the Community Planning Division. I am the project planner for
13 the 2010 Central Annapolis Road Sector Plan and SMA, Sectional Map Amendment.

14 The Sector Plan was approved in 2010 include mid – I mean, short-, mid- and long-
15 term recommendation that would transform the Annapolis Road, 450, Corridor from an
16 auto-oriented or auto-dominated roadway into a vibrant transit-friendly and walkable place.
17 The vision for the Sector Plan include mixed-use development, streetscape improvements,
18 multi-family housing and broad retail and also the proposed Purple Line station where it's
19 adjacent to the Ridge Shopping Center, which is off of Veterans Parkway.

20 The Sector Plan consists of 250 acres. It extends, as you can see on the map
21 highlighted in black, from Baltimore-Washington Parkway up to Veterans Highway, which
22 is 410. It includes primarily commercial properties along the Corridor. The Sector Plan also
23 includes which helps define the character in the area and also the land uses in the design of
24 the Corridor, what you see here.

1 In 2013, the District Council enacted Council Bill 24-2013 which require a Table of
2 Uses for Development District Overlay Zones and also for a Transit District Overlay Zone.
3 Since the Plan was approved prior to the enactment, it doesn't include a Table of Uses. The
4 properties that are located in the Development District Overlay Zone in the Sector Plan are
5 the property -- I mean, are the same Tables of Uses for the underlying design. And what this
6 amendment will do is just for the area just shown here which is Character Area D, it will
7 apply for this area only. The other properties in the boundaries of the Sector Plan will have
8 the same Table of Uses for the underlying zone.

9 What would this accomplish? It would clearly show all the uses in the underlying
10 zones. It would also show what's prohibited, what's permitted and otherwise restricted.
11 And it also would promote development of a diverse mix of neighborhood-oriented uses. In
12 your packet you will have a Use of Tables for the Character Area which was previously
13 shown. And it's mostly the commercial use, which is C-S-C, Commercial Shopping Center,
14 and also Commercial Miscellaneous.

15 Next steps, today we're here for the joint public hearing. And as you said, Chairman
16 Davis, the close of record is February the 10th. On March the 2nd, the Planning Board will
17 pass or deny the Resolution and also Staff recommendations. And within 90 days, the
18 District Council has to take action. And that concludes Staff's report.

19 CHAIR: Thank you, Mr. White, appreciate that. I want to turn to my sign-in sheet,
20 and remind all that you have three minutes. And on this public hearing, we actually have
21 several people signed up to speak, so the Chair will attempt to ensure that we give everyone
22 their ample time. I'm going to ask you to adhere to the lights and the buzzer. And so let me
23 call Mayor Mike Callahan first. I see he's signed up here from the Town of Cheverly.
24 Mayor Mike Callahan.

1 MR. CALLAHAN: Good evening.

2 CHAIR: Good evening.

3 MR. CALLAHAN: I'm sure it's been a long day for you guys, but thank you very
4 much to the Chair, Vice Chair and the entire Council for this opportunity to speak. I will be
5 brief. The Town of Cheverly, as you know, spoke in support of the Wal-Mart expansion
6 back a couple of months ago pretty much because, from our perspective, it would bring
7 economic development to the Capital Plaza Shopping Center. And that's something that
8 we've been waiting quite a long time for.

9 When I came to understand that the -- when I came to understand that the issue
10 causing the Wal-Mart expansion to fail was the lack of a Use Table and then this, that
11 caused us to want to support this amendment to implement a Use Table because, without a
12 Use Table, we don't see how any development can happen at Capital Plaza. And it's critical
13 that we kind of get something going there because it's laying foul for such a long time.

14 While I'm not a zoning attorney, my understanding is that this Table and its uses is
15 pretty standard for a regular D-D-O-Z, so it seems to me that it would be pretty easy to go
16 forward with. I'm sure there will be some debate, okay, about the P* when it comes to a
17 big-box store. I know that there's a lot of controversy about big-box stores and where you
18 go. But the one thing I would say is it seems like P* offers enough protection from what
19 you would get from a special exception process that this should pretty much get, okay, into
20 the zone, Use of Tables.

21 So in short, Cheverly is in support of economic development at the Capital Plaza,
22 and this seems like a perfect way to get it going, so that's my testimony, and thank you for
23 being here tonight.

1 CHAIR: Thank you, Mayor Callahan, appreciate that. Moving on to our sign-in
2 sheet, we have Mr. David Lynch. Mr. Lynch, state your name and address for the record,
3 Mr. Lynch, and we don't have to do affidavits in this one, so you have three minutes.

4 MR. LYNCH: Thank you, Mr. Chair, Vice Chair and Members of the Council and
5 Members of the Planning Board. For the record, I'm David Lynch, an attorney representing
6 UFCW Local 400 and local citizens who live close by this area of concern. Thank you for
7 the opportunity to address you all this evening.

8 Generally, we support this resolution. However, we have serious concerns about
9 allowing a big-box store as of right in the Sector Plan's D-D-O-Z Zone. When I say big-box
10 store, I'm referring to stores, partner stores 85,000 square feet or greater with more than 10
11 percent of the gross area of diversity. And we submit that this would be the only place in
12 the County this Resolution, as drafted, passes that would allow big-box as of right without a
13 special exception. The underlying C-S-C Zone currently requires a special exception, and
14 allowing the store as of right conflicts with the intent of the D-D-O-Z, the policy of the
15 County and policies of the nearby jurisdictions.

16 Now prior to my testimony tonight, I submitted written comments. I hope that
17 they've been distributed. But attached is Exhibit C as Section 27-548.20. And what that
18 section is it's the specific purposes of the D-D-O-Z Zone. I'd just like to read a few of
19 those purposes. It includes to promote an appropriate mix of land uses, to encourage
20 compact development, to encourage compatible development which complements and
21 enhances the character of an area, promote a sense of place by preserving character-defining
22 features within a community, and to encourage pedestrian activity. Big-box stores conflict
23 with each of these purposes.

1 Now currently in Prince George's County, the big-box stores require a special
2 exception which must meet the general special exception criteria and also the specific
3 special exception criteria which are found at Section 27-348.02. Now, attached to Exhibit A
4 to my comments I attached the specific criteria. I won't go through all of them, but the
5 criteria include things related to the specific impacts of a big-box store, like traffic, access
6 and pedestrian accessibility.

7 So we submit that one of the major problems with the current Table of Uses is that
8 the P* does not require analysis of the specific general exception criteria. And we submit
9 that's a major omission. So we recommend two alternative amendments. One, to require
10 the big-box use satisfy a special exception, go through the special exception process. And
11 we acknowledge it may not be the practice of the County to have a special exception in a D-
12 D-O-Z. However, this is a very specific use with specific impacts. And I believe that a
13 special exception requires or allows a more precise specific analysis of these issues and
14 more input from the community. It's a true administrative hearing, and it allows a more
15 thorough review. And secondly, alternatively, if the Council's not willing to amend the
16 Table for, to allow a special exception, we believe it's critical to require the specific uses.
17 Thanks.

18 CHAIR: Thank you, Mr. Lynch. And you said you left, you submitted testimony?

19 MR. LYNCH: Yes, I did.

20 CHAIR: Okay. Madam Clerk, do we have his testimony? Okay, not a problem.

21 Mr. Mike Nagy.

22 MR. NAGY: Good evening, Mr. Chairman.

23 CHAIR: Good evening.

1 MR. NAGY: Members of Council, Madam Chair and Members of the Planning
2 Board, for the record, Mike Nagy with the law firm of Rifkin Weiner Livingston, with our
3 offices right here in Upper Marlboro. In 2000, the District Council established the
4 Development District Overlay Zone as a planning tool by its enactment of CB-8-2000. The
5 stated purpose of the D-D-O-Z was to ensure that development within a special
6 Development District meets the goals established in the Master Plan and to take advantage
7 of unique opportunities presented by the District.

8 A D-D-O, as you know, is an Overlay Zone which is superimposed over the other
9 base zones in a district designated by the Master Plan. At the time in 2000 when the District
10 Council adopted this new planning tool, testimony from the then Chief of the M-NCPPC
11 Development Review Division, Ms. Faroll Hamer, explained to the District Council
12 specifically that the D-D-O-Z legislation provides flexibility and that it removes certain
13 layers of review only requiring a detailed site plan application and not a variance or a special
14 exception if an application would normally be required for those proposed uses. So, again,
15 the intent of the tool is to do everything through a detailed site plan.

16 In 2013, the subsequent amendment to the text of the Zoning Ordinance codified at
17 27-548.22(c) requires a Table of Uses in all D-D-O-Zs, all sector plans or master plans that
18 have D-D-O-Zs. The CB-24 did not add any new procedures to the Planning Board's
19 review of site plans within D-D-O-Zs. It simply required that all uses in the D-D-O-Zs after
20 January 1, 2010 would have a Table of Uses.

21 And, as Mr. White said, the 2010 Sector Plan which was approved before that 2013
22 legislation did not have a Table of Uses. Recently, this lack of a Table of Uses has raised
23 serious issues with various review and approval agencies, especially as to redevelopment of

1 properties, as you heard the Mayor this evening, Capital Plaza. There was some question as
2 to whether any uses were permitted in the D-D-O-Z without a Table of Uses.

3 That being the case, this proposed minor amendment to the 2010 Sector Plan to add
4 the Table of Uses for Character Area D of the Retail Town Center will help solve the issue.
5 And I'd like to thank Staff and the Council and the Planning Board for considering this
6 amendment and would respectfully request its approval. Thank you.

7 CHAIR: Thank you, Mr. Nagy. Matt Tedesco.

8 MR. TEDESCO: Good evening, Mr. Chairman and Members of the Council,
9 Madam Chair and Members of the Planning Board. For the record, my name is Matthew
10 Tedesco with the law firm McNamee Hosea in Greenbelt, Maryland. I would, for
11 efficiency, incorporate and adopt Mr. Nagy's comments. As it relates to the history of the
12 D-D-O-Z, I think he's right on point. Further, I would also acknowledge the Mayor's
13 comments of Cheverly with respect to the actual real-life implications.

14 And I will tell you, as a practitioner, the lack of a Table of Uses in this Sector Plan
15 has created a problem. It's not only created a problem for us in the development
16 community, but the citizens trying to understand the process and either being involved in the
17 development process and/or the Staff or Park and Planning advising the Planning Board on
18 what uses are actually permitted and what process needs to occur under this particular Sector
19 Plan. And the sole reason for that is because there is no Table of Uses with the adoption of
20 CB-24-2013. It's created this ambiguity.

21 I stand before you with a prospective tenant within Character Area D Retail Town
22 Center which, until and unless this amendment is adopted and the Table of Uses is provided
23 in the Sector Plan, there remains an applicability issue that prevents us from moving forward

1 in any type of plan for this particular tenant and/or any redevelopment within the Character
2 Area D and Town Center.

3 So we would, again, incorporate and adopt Mr. Nagy's comments, and I agree with
4 the Mayor's comments with respect to furthering the purposes of this Sector Plan by
5 providing the Table to allow for the economic development that really was envisioned with
6 the Sector Plan. We will be submitting written testimony, but I appreciate the Council and
7 the Planning Board's time, the Staff's time, having this public hearing and allowing us to be
8 heard tonight. Thank you.

9 CHAIR: Thank you, Mr. Tedesco. Michael Glaser.

10 MR. GLASER: Good evening, Mr. Chairman, Madam Vice Chair and Members of
11 the Council, Members of the Planning Board. Thank you for the opportunity to speak in
12 support of the proposed Table of Uses before you. I'm not going to add too much, but the
13 word I would just repeat I think you've heard a couple times is clarity.

14 CB-24-2013 was Section C that added language about a Table of Uses being
15 incorporated into D-D-O-Zs. As you've heard from both Mr. Nagy and Mr. Tedesco, the
16 Central Annapolis Corridor Sector Plan and Sectional Map Amendment was established in
17 2010 without a Table of Uses. Recently there's been confusion created of does this Table of
18 Use requirement apply to those that existed, for sector plans that existed prior to CB-24-13.
19 There was a Planning Board hearing in about May of 2016 where Council on the record had
20 testified that it would not retrospectively apply to established D-D-O-Zs. So, for instance,
21 the Central Annapolis Sector Plan existing in 2010, excuse me, would not have a Table of
22 Uses requirement retrospectively applied.

23 In September 2016 in a District Council decision it was argued that there would be
24 retrospective application of CB-24-2013. As Mr. Tedesco testified, it created confusion so

1 much so that potential tenants for our property, I represent as General Counsel Capital Plaza,
2 the lack of clarity and confusion would not enable them to move forward with leasing or
3 going through either a DSP or whatever approval process would be required simply because
4 they didn't know what would be required or without a Table of Uses if the use itself would
5 even be permitted.

6 Therefore, the Table of Uses before you now is tremendously important to our
7 redevelopment of the property. As it stands today, we are sort of frozen without
8 development. This Table of Uses will allow us to unfreeze, so to speak, that lack of
9 development, hopefully, Mr. Tedesco's client going forward. I just want to speak to, there
10 was the opposition mentioned one issue about accessibility and traffic not being addressed
11 without a special exception. There was a DSP for this property that required both
12 landscaping, perimeter sidewalks and a change to parking, all that you address, traffic and
13 accessibility, so I just want that on the record that those issues are being dealt with through
14 the DSP process. Thank you very much:

15 CHAIR: Thank you, Mr. Glaser. Mamie Small.

16 MS. SMALL: Good afternoon, everyone.

17 CHAIR: Good evening.

18 MS. SMALL: Thank you for the opportunity to, for you all to listen to what does set
19 the community. And I'm here on behalf of the community Standard Correlation, as well as
20 my community, The Radiant Valley Civic Association. And we wanted this to remain, and I
21 agree wholeheartedly with what Mr. David have to say about the SE having it to remain SE
22 because of the ongoing issue with the big-box.

23 And for the safety of the citizens of that community, of our community, and the
24 safety of our children, and also for the value of our property due to the big-box with so many

1 stolen items and so many stolen cars and the fact that the safety of the big-box having their
2 products stored in the middle of the floor that children, even residents can get hurt in there.
3 So I'm coming to you to ask you to listen to the citizens that live in that area.

4 I think I'm about the only one that live directly in that area. I have property there.
5 And because of the many police reports that goes out, it affects us as well. When we get the
6 police report, we have so many of those listed on the police report that's coming from the
7 big-box because they have not committed to the safety of the community. And I ask you to
8 let it remain as the SE, a special exception, due to the citizens that I serve in my community.
9 That for the safety of the community I ask you to let it remain a SE. That way we can better
10 work with it.

11 So I thank you so very much again for listening to me and to be very aware of what
12 the citizen and resident in that neighborhood have to deal with. I don't think that anybody in
13 here lives in that neighborhood. I happened to have moved in that neighborhood in 1975,
14 and I plan to remain there. So I'm looking for you all to accept my plea to help me to
15 protect my citizen of my community. Thank you so very much.

16 CHAIR: Thank you, Ms. Small. Delvin Champagne.

17 MR. CHAMPAGNE: Thank you, Council. My name is Delvin Champagne. I, you
18 know, haven't heard so much legal mumbo jumbo since I was a Capitol Hill fellow for the
19 CDC, it's crazy, some of the great things when I was a fellow. Sometimes I get disrespected
20 when individuals who represent corporations come and speak on behalf of corporations and
21 only see documents. You know, they only represent an interest of a corporation. I
22 understand that it's business, but I'm speaking on behalf of the residents, well, on behalf of
23 myself as a resident of Coopers Lane, Coopers Lane which is about 1,000 yards from the
24 Capital Plaza.

1 I fully support it continuing as a special exceptions process for big-box retail, 85,000
2 square feet and so forth or more. To date, the special exceptions process allows for more
3 lengthy engaged with the community and, as of to date, I spoke at all of the hearings for,
4 over the last year or so, and there has been no outreach. There has been no communication.
5 There's been no more community engagement from Capital Plaza, Wal-Mart, and
6 (inaudible) any of those individuals have never engaged with the community any more
7 moving forward.

8 I'm kind of disrespected that we're going to try to move forward with not even
9 addressing the blight that Commissioner Shoaff on the Planning Board pointed out on Slide
10 9 that the blight has not been addressed. What we propose is bringing Capital Plaza in line
11 with all of the Prince George's County business – I can't think of it – the Economic
12 Development Corporation – I can't think of the name but you know what I mean – economic
13 development center. We think we should bring Capital Plaza in line. We need a full-blown
14 detailed plan to bring Capital Plaza in line with Bowie Town Center, Largo, Woodmore,
15 National Harbor, Route 1, Cotter, Laurel, all the town centers, Ritchie Marlboro Station,
16 Ritchie Marlboro place. I can't think of the name.

17 We need to bring Capital Plaza in line with all of the other town center-style
18 developments. We have the anchor store – I would – 30 seconds please?

19 CHAIR: Finish your thought.

20 MR. CHAMPAGNE: Okay, I'm sorry. I just feel like, to move forward with this
21 without community engagement, is just a slap in the face. I just feel like that land is so
22 prime, and it's enough space that we can have a beautiful town center-style where we can
23 have other restaurants and more high-end stores and more community engagement. And,

1 you know, and last point, when you present something good, people treat it like it's good. If
2 you present something bad, people treat it like it's bad, so.

3 CHAIR: Thank you, Mr. Champagne for that. Let me remind you that written
4 comments may be submitted until the close of business Friday, February 10, 2017, and the
5 address is affixed to this agenda to the, and addressed to the Clerk of the County Council.
6 I'm looking to the Clerk to make sure that was my last speaker for that specific public
7 hearing. I will declare that public hearing to have been held.

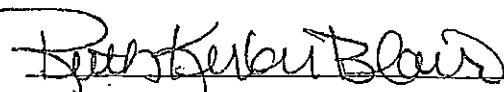
8
9 (Whereupon, the joint public hearing was concluded.)

10
11 CERTIFICATE OF TRANSCRIBER

12 I, Ruth Kerker Blair, hereby certify that the excerpt of the testimony given in the
13 above-entitled matter was transcribed by me, and that said transcript is a true record, to the
14 best of my ability, of said testimony.

15 I further hereby certify that I am neither a relative to nor an employee of any attorney
16 or party herewith, and that I have no interest in the outcome of these proceedings.

17 This 10th day of February, 2017.

18 

19 RUTH KERKER BLAIR
20
21
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February 7, 2017

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RE: CR-095-2016

Central Annapolis Road Sector Plan- DDOZ Land Use Table
Big Box Retail

Dear Chairman Davis, Vice-Chairwoman Glaros, Members of the Council, and
Chairwoman Hewlett and Members of the Planning Board:

We submit the following comments on behalf of UFCW Local 400, in response to
CR-095-2016, which proposes a minor amendment to the 2010 Central Annapolis Road
Sector Plan ("Sector Plan") Development District Overly Zone ("DDOZ") standards to
add a commercial Table of Uses. Below, we summarize our position and explain in detail
why we support the intent of the Resolution, but urge this Council to amend the proposed
Table of Uses to require a special exception requirement for a department or variety store
over 85,000 square feet, with more than 10% of gross floor area as a food and beverage
component ("Big-Box Store").

(2017) MINOR AMENDMENT
Central Annapolis Rd SP/SMA
Exhibit 6

EXECUTIVE SUMMARY

UFCW Local 400 generally supports the intent of CR-095-2016, which is to provide a table of uses for the DDOZ within the Sector Plan, but has serious concerns about allowing a Big-Box Store, as a permitted use in the Sector Plan's DDOZ. Currently, the County's Zoning Ordinance does not allow a Big-Box Store anywhere in the County without a special exception. Allowing a Big-Box Store as of right in the DDOZ, where the underlying C-S-C zone requires a special exception, conflicts with the intent of the DDOZ as well as the policy of the County and surrounding jurisdictions. UFCW Local 400 submits that the proposed table of uses would be the only place in the County where a Big-Box Store could be built as of right, without a special exception.

UFCW proposes two alternative amendments:

1) Amend the Table of Uses to allow a Big-Box Store only as a special exception on the table of uses in the DDOZ. While it may not be the routine practice in the County, there is no legal impediment to including a special exception requirement on table of uses in the DDOZ. Compared to a site plan review by the Planning Board, a special exception hearing provides citizens and other businesses with a more thorough review of the case in a quasi-judicial setting before a hearing examiner with sworn witnesses and an opportunity to cross-examine experts and present an opposition case.

2) Amend the Table of Uses to require that the Planning Board not only evaluate the general special exception standards in Section 27-317(a)(1), (4), (5), and (6), but also the specific special exception standards for Big-Box Stores in Section 27-348.02. On site plan review, the requirement that the Planning Board must evaluate Sections 27-317(a)(1), (4), (5), and (6) for a use that is a special exception use in the underlying zone is required by statute in the DDOZ. *See* Section 27-548.25(d). Without the inclusion of the specific special exception regulations, the threshold to satisfy the general special exception regulations is essentially meaningless.

CURRENT LAW

I. Prince George's County's Big-Box Regulations

A. Special Exception Requirements

Section 27-461(b) of the Zoning Ordinance provides that "Department or Variety Stores, exceeding 85,000 square feet of gross floor area and [more than] 10% of that gross floor area for food and beverage component" ("Big-Box Store") is only permitted by special exception in the C-S-C and C-M zones. Section 27-473(b) allows the same use only as a special exception in the I-3 zoning district. No other zoning district in the County allows a Big-Box Store as a special exception. No zone anywhere in the County allows a Big-Box Store as of right. Where allowed as a special exception, a Big-Box Store must satisfy the general Section 27-317 special exception criteria and the specific Section 27-348.02 criteria. (See Section 27-348.02 criteria attached as "Ex. A").

Section 27-348.02 provides important criteria that directly address the unique impacts from Big-Box Stores. For example, section 27-348.02 requires that that a proposed Big-Box Store have "frontage on and direct vehicular access to an existing arterial roadway, with no access to primary or secondary streets;" and that the "applicant shall demonstrate that local street surrounding the site are adequate to accommodate the anticipated increase in traffic." Section 27-348.02 also requires the applicant to satisfy certain design standards and landscaping requirements.

Big-Box regulation in Prince George's County began with CB-02-2002, which required a special exception for Big-Box Stores and provided the specific Section 27-348.02 requirements. An analysis of the legislative history highlights the importance and intent of the County in requiring a special exception for Big-Box Stores. Indeed, the sponsor of the Bill, Councilmember Hendershot, "explained that this Bill allows the Planning Department staff to review the impact of a large retail establishment on the surrounding area, and provides due process by requiring a Special Exception review in suburban areas." (See Agenda Item Summary ("AIS"); CB-2-2002, p. 2, attached as "Ex. B"). The rationale for the legislation is summarized in the AIS:

The construction and expansion of certain large retail and grocery stores ("super stores") exacerbates sprawl in the developing and rural tiers of the County. The proposed amendments would limit the size of such stores as a matter of right and permit such stores under certain conditions imposed under the Special Exception process. The legislation requires Special Exception approval for such stores in the C-S-C and C-M Zones.

Id., p. 3. The Planning Board, in reviewing CB-2-2002 supported the Bill and commented, "'superstores' may be very appropriate, and the Special Exception process permits that determination to be made. Also, through the Special Exception process, existing businesses have an opportunity to comment on the impact of large variety stores, thus permitting this additional information to be available to decision makers." *Id.* To allow a Big-Box Store as of right in the Sector Plan's DDOZ would directly conflict with CB-2-2002 and provide an easier path for Big-Box Stores to locate in the Sector Plan's communities.

II. Intent of the DDOZ

Allowing a Big-Box Store as a permitted use in the DDOZ contradicts the purpose of the DDOZ. Section 27-548.20 of the Zoning Ordinance sets forth the purposes of the DDOZ, and provides, in pertinent part:

a) The specific purposes of the Development District Overlay Zone are:

* * *

- (4) To promote an appropriate mix of land uses;
- (5) To encourage compact development;
- (6) To encourage compatible development which complements and enhances the character of an area;
- (7) To promote a sense of place by preserving character-defining features within a community;
- (8) To encourage pedestrian activity;
- (9) To promote economic vitality and investment.

Id. (emphasis supplied) (Section 27-548.20 attached as "Exhibit C"). The impact of Big-Box Stores on a community is well-documented and none of these impacts satisfy the specific purposes of the DDOZ. In a report to Planning Staff regarding Clarion

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Associate's Draft Zoning Ordinance, Professor Jennifer Evans-Cowley, PhD, AICP explained the inherent impacts of Big Box Stores. (See "Assessment and Recommendations of Clarion Associates' Draft Prince George's County Zoning Ordinance and its Application to Big Box Retail," attached as "Exhibit D," pp. 2-3).

A Big-Box Store encourages heavy automobile traffic and aims to dominate the landscape of its community. These characteristics conflict with the purpose of the DDOZ zone and a Big-Box Store should be permitted only as a special exception in the Sector Plan's DDOZ.

III. Other Jurisdictions

The trend throughout the Maryland and Washington D.C. area is to increase regulation of Big Box Stores. Indeed, Prince George's County already requires a special exception for stores over 85,000 square feet, with more than 10% grocery, Montgomery County requires a special exception for "combination retail stores over 65,000 square feet; Washington, D.C. requires a special exception for stores over 50,000 square feet; and Baltimore City recently passed legislation requiring a special exception for Big Box Stores over 75,000 square feet. To allow a Big Box Store in the Sector Plan's DDOZ as of right would be out of step with smart growth principles and the trend throughout the region, which is based on sound land planning principles.

RECOMMENDATION

1) Amend the Table of Uses to allow a Big-Box Store only as a special exception on the table of uses in the DDOZ.

First, nothing in the Zoning Ordinance prohibits a special exception use on the DDOZ land use table. We recognize that it may not be the practice of the County to include special exception uses on the land use table in DDOZ zones, but the Big Box Store use has tremendous impacts on the communities in which they locate, and a special exception is the most effective tool to analyze the site specific impacts. Moreover, footnote 40 of the proposed land use table requires a special exception for certain food and beverage stores.

Second, the County's special exception process allows for a more thorough review of the proposal and allows citizens and nearby businesses to have a greater voice in the process. For example, in a special exception hearing, both sides have the opportunity to

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put on a case with experts and cross-examine the opposing side's witnesses. The process is not as formal before the planning board and it is questionable whether the testimony presented to the Planning Board is even under oath.

2) Amend the Table of Uses to require that the Planning Board not only evaluate the general special exception standards in Section 27-317(a)(1), (4), (5), and (6), but also the specific special exception standards for Big-Box Stores in Section 27-348.02.

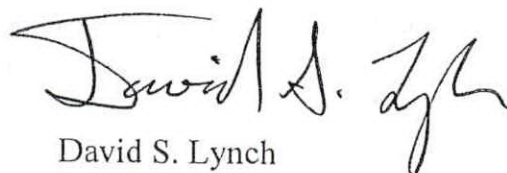
The current asterisk on the proposed Table of Uses that requires the Planning Board to evaluate certain general special exception criteria when reviewing an application for a Big Box Store is required by statute, Section 27-548.25(d). It does not provide Citizens a meaningful review in that the proposed law does not require analysis of the specific Section 27-348.02 criteria. While we maintain that a Big Box Use should be a special exception use on the Table of Uses, at the very least, the Planning Board should be required to evaluate the Section 27-348.02 requirements. These criteria are fundamental to any review of a Big Box Store in the County.

CONCLUSION

For all of these reasons, UFCW Local 400 requests that the Council amend the proposed Table of Uses in CR-095-2016 to require a special exception for Big Box Stores. Should you need any additional information, please let us know.

Respectfully submitted,


G. Macy Nelson


David S. Lynch

Enclosures

Sec. 27-348.02. - Department or Variety Stores, Department or Variety Stores Combined With Food and Beverage Stores.

- (a) Department or Variety Stores and Department or Variety Stores combined with Food and Beverage Stores permitted in the use tables by Special Exception (SE) in the I-3, C-S-C and C-M zones shall be subject to the following requirements:
- (1) The site shall have frontage on and direct vehicular access to an existing arterial roadway, with no access to primary or secondary streets.
 - (2) The applicant shall demonstrate that local streets surrounding the site are adequate to accommodate the anticipated increase in traffic.
 - (3) The site shall contain pedestrian walkways within the parking lot to promote safety.
 - (4) The design of the parking and loading facilities shall ensure that commercial and customer traffic will be sufficiently separated and shall provide a separate customer loading area at the front of the store.
 - (5) All buildings, structures, off-street parking compounds, and loading areas shall be located at least:
 - (A) One hundred (100) feet from any adjoining land in a Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan; and
 - (B) Fifty (50) feet from all other adjoining property lines and street lines.
 - (6) All perimeter areas of the site shall be buffered or screened, as required by the Landscape Manual; however, the Council may require additional buffering and screening if deemed necessary to protect surrounding properties.
 - (7) The building entrance and nearby sidewalks shall be enhanced with a combination of special paving, landscaping, raised planters, benches and special light fixtures.
 - (8) The application shall include a comprehensive sign package and a comprehensive exterior lighting plan.
 - (9) The applicant shall use exterior architectural features to enhance the site's architectural compatibility with surrounding commercial and residential areas.
 - (10) Not less than thirty percent (30%) of the site shall be devoted to green area.

(CB-2-2002; CB-13-2012; CB-64-2012)



**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 6/4/2002

Reference No.: CB-2-2002

Proposer: Hendershot

Draft No.: 1

Sponsors: Hendershot

Item Title: An Ordinance amending the commercial use tables
pertaining to food or beverage stores and department
or variety stores as permitted and special exception uses

Drafter: Jackie Brown, Director
PZED Committee

Resource Carol White
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 1/22/2002

Executive Action: ___/___/___

Committee Referral: 1/22/2002 PZED

Effective Date: 7/22/2002

Committee Action: 4/24/2002 FAV

Date Introduced: 4/30/2002

Public Hearing: 6/4/2002 10:00 A.M.

Council Action: 6/4/2002 ENACTED

Council Votes: PS:A, DB:A, TD:A, JE:-, TH:A, TK:A; RVR:A, AS:A, MW:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 4/24/02

Committee Vote: Favorable, 4-0. (In favor: Council Members Russell, Wilson, Shapiro and Hendershot; Absent: Council Member Bailey)

The Chairman of the Committee indicated that this bill was discussed during a previous Committee meeting and that it was not necessary to take additional testimony at this time. He indicated that any additional testimony should be reserved for the public hearing on the legislation. The Chairman also requested that staff provide an overview of the specifics of the bill for the Committee's benefit and to determine if there were outstanding questions or concerns.

The Committee received a copy of a memorandum from Frank Boston, representing Walmart Stores, Inc., containing proposed amendments as follows: on page 3, line 6, strike "thirty percent



(30%)” and substitute “fifteen percent (15%)”; and on page 4, under the department or variety store, excluding pawnshops section, in subsection (i), strike “125,000” and substitute “150,000.”

The Chairman asked if there was a motion by the Committee for either or both of the amendments. No motion was made.

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 3/13/02

Held in committee.

Committee staff summarized the amendments to the regulations for department or variety store and food or beverage uses proposed by this legislation and indicated that the legislation is the same as CB-63-2001 that was the subject of a public hearing but failed enactment. The bill limits the gross floor area of department or variety stores to 125,000 square feet in the C-S-C and C-M Zones unless the property is within the Developed Tier (as designated by the Biennial Growth Policy Plan) or a Revitalization Tax Credit Area. If the store will exceed 125,000 square feet, a Special Exception is required. Also in the C-S-C and C-M Zones, a Special Exception is required for food or beverage stores in combination with a department or variety store on the same or adjacent site. The bill also provides criteria for a Special Exception review for this use. Footnote 38 on page 4 grandfathers existing stores that exceed the square footage limitation and provides that no nonconforming uses will be created. Additionally, any existing department or variety store that proposes to add food or beverage operations must obtain a Special Exception.

The sponsor of the bill provided copies of a staff memorandum prepared at his request that addressed concerns raised by Council Members during the review and public hearing on CB-63-2001. The memorandum addressed the bill's impact, if any, on the following: specific commercial development projects planned for the County such as Greenbelt Station, Capital Centre and National Harbor, the County's desire to attract “upscale” retailers, existing stores in the County such as Target, Walmart, K-Mart and other large “value” department stores such as Hecht's at Bowie Town Center, and the opportunity for the “value” department stores to locate at centers such as Capital Plaza, Landover Mall, Beltway Plaza and other inner Beltway shopping centers.

The sponsor explained that this bill allows the Planning Department staff to review the impact of a large retail establishment on the surrounding area and provides due process by requiring a Special Exception review in suburban areas.

Toni Harold-Foster, representing United Food and Commercial Workers Union Local 400, spoke in support of the bill. Jason Todd, representing International Mass Retail Association, spoke in opposition. Also speaking in opposition were Frank Boston and Keith Morris, representing Walmart Stores, Inc. Mr. Boston commented that there had been discussions about a possible amendment to increase the square footage limitation from 125,000 to 175,000 square feet and that 150,000 square feet would also be acceptable to his client.

The County Executive takes no position on the bill. The Planning Board supports CB-2-2002 and provided comments that in some locations, "superstores" may be very appropriate, and the Special Exception process permits that determination to be made. Also, through the Special Exception process, existing businesses have an opportunity to comment on the impact of large variety stores, thus permitting this additional information to be available to decision makers. The Legislative Officer and the Office of Law found the bill to be in proper legislative form.

The Office of Audits and Investigations determined that there should not be any negative fiscal impact on the County as a result of enacting CB-2-2002. It should be noted however, that changes or amendments to the Zoning Ordinance have an unpredictable future affect on the County that may cause fiscal impact in later years. There are a number of variables which may be affected by Zoning Ordinance changes that cannot be determined at this time.

The Chamber of Commerce submitted a letter to the Committee Chairman, dated February 22, 2002, in opposition to the legislation. The City of Bowie also provided a letter to the Chairman, dated February 26, 2002, recommending a favorable report by the Committee.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The construction and expansion of certain large retail and grocery stores ("super stores") exacerbates sprawl in the developing and rural tiers of the County. The proposed amendments would limit the size of such stores as a matter of right and permit such stores under certain conditions imposed under the Special Exception process. The legislation requires Special Exception approval for such stores in the C-S-C and C-M Zones.

The size limitation and Special Exception requirement for these stores do not apply in the Mixed Use Zones (M-X-T and M-X-C) or in the M-A-C Zone, a Comprehensive Design Zone where these uses may also be permitted by right.

CODE INDEX TOPICS:

Sec. 27-548.20. - Purposes.

(a) The specific purposes of the Development District Overlay Zone are:

- (1) To provide a close link between Master Plans, Master Plan Amendments, or Sector Plans and their implementation;
- (2) To provide flexibility within a regulatory framework to encourage innovative design solutions;
- (3) To provide uniform development criteria utilizing design standards approved or amended by the District Council;
- (4) To promote an appropriate mix of land uses;
- (5) To encourage compact development;
- (6) To encourage compatible development which complements and enhances the character of an area;
- (7) To promote a sense of place by preserving character-defining features within a community;
- (8) To encourage pedestrian activity;
- (9) To promote economic vitality and investment.

(CB-8-2000; CB-5-2007)



**Assessment and Recommendations of Clarion Associates' Draft Prince George's County
Zoning Ordinance and its Application to Big Box Retail**

Prepared for: Law Office of G. Macy Nelson, LLC

Prepared by: Jennifer Cowley, PhD, AICP

**Assessment and Recommendations of Clarion Associates' Draft Prince George's County
Zoning Ordinance and its Application to Big Box Retail**

Jennifer Evans-Cowley, PhD, AICP

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About the Author

Jennifer Evans-Cowley, PhD, AICP is a national expert on land use. She serves as a Professor of City and Regional Planning and Vice Provost for Capital Planning and Regional Campuses at The Ohio State University. In her position, she teaches courses on development regulation, among others. Her research has been widely published in both academic and professional journals. Her research on big box retail has been published in a Planning Advisory Service Report by the American Planning Association. She serves as a consultant to governments, builders' associations, law firms, and research institutes. Evans-Cowley holds a BS in Political Science and Master's in Urban Planning from Texas A&M University, a Master's in Public Administration from the University of North Texas, and a PhD in Urban and Regional Science from Texas A&M University.

Executive Summary

Prince George's County has retained Clarion Associates ("Clarion") to undertake a rewrite of the County's nearly 50-year old zoning ordinance. Clarion has released its draft ordinance for review. This ordinance contains new regulations for retail. The current proposal can be modified to strengthen the clarity and applicability of the ordinance. Big box retail is known to have significant economic and transportation impacts. To effectively mitigate these impacts, Prince George's County can implement revisions to Clarion's draft zoning ordinance, including:

- Define "Large retail buildings" and allow as a special exception only.
- Prohibit "Retail Sales and Service Uses" with 75,000 square feet or greater in the MFR-20, MFR-48, Neighborhood Commercial and Neighborhood Activity Center Planned Development Zone.
- If "Retail Sales and Services Uses" are not prohibited, as described above, integrate additional design standards that would apply in low-intensity districts.

By making these proposed changes, the ordinance will be strengthened, ensuring that the health, safety, and welfare of Prince George's County's citizens and businesses are protected.

Introduction

This report examines issues relative to big box retail generally and in Prince George's County specifically. It is divided into two parts: 1) the Prince George's County Zoning Ordinance and 2) commentary on proposed amendments.

A big box retail store is typically a large warehouse-style building ranging from 50,000 to 200,000 square feet, at a height of 30 feet or more. These buildings are typically made of metal, concrete block, or brick-faced walls.¹ Selling retail items, these building can stand alone or be

part of a larger shopping center. Examples of big box retailers include Home Depot, Target, WalMart, Barnes and Noble, Hobby Lobby, Costco, and Best Buy.

Big box retailers provide convenience to customers by providing goods in one location. However, these retailers have significant impacts compared to other retailers, most significantly traffic and business closure.

When big box stores initially open they have a large number of employees, but within the first few years of opening the number of employees falls significantly.ⁱⁱ The result of big box retailers coming into an area is a decline in the number of small and medium-sized retail establishments.ⁱⁱⁱ The decline in the number of retail establishments occurs over a three-year period.^{iv} In Chicago, the entry of WalMart into the central city resulted in the loss of 300 full-time jobs in the surrounding neighborhoods and no net increase in retail sales. WalMart simply absorbed retail sales from nearby stores without significantly expanding the market.^v

The opening of a big box store results in changes in travel behavior of residents, who will choose to drive to the nearest big box store.^{vi} In addition, big box retail is associated with an increase in vehicle crashes with injuries.^{vii}

The impacts of big box retail can be mitigated. Research has found that including zoning restrictions on big box retail results in greater retail format variety in cities.^{viii} In the following sections, I discuss Clarion's draft ordinance and offer proposals for mitigating negative impacts of big box retail.

Clarion Associates' Draft Prince George's County Zoning Ordinance and Its Application to Big Box Retail Uses

As part of Clarion's proposed ordinance, all big box retail stores would fall under the category of "Consumer goods establishment," § 27-4.202.D of the proposed code. This category would include a wide range of uses from a small boutique to a large big box retailer.

"Consumer goods establishments" are proposed to be permitted by right in the following zoning districts:

- Neighborhood Activity Center Zone
- Town Activity Center Zone
- Local Transit-Oriented Zone
- Regional Transit-Oriented – Low Intensity Zone
- Regional Transit-Oriented – High Intensity Zone
- Neighborhood Commercial Zone
- Service Commercial Zone

- General Commercial and Office Zone
- Multifamily Residential-20
- Multifamily Residential-48

Clarion's draft ordinance restricts the location of "Consumer goods establishments" in agricultural zones, most residential zones and in industrial zones. There are no districts in which "Consumer goods establishments" would be permitted as a special exception.

Big box retailers would be subject to design standards specific to "Large retail buildings," which are referred to in Clarion's draft ordinance as "For the purposes of Sec. 27.5-900, Nonresidential and Mixed-Use Design and Form Standards, single-tenant buildings that have a gross floor area of 75,000 square feet or more and devote 60 percent or more of the total floor area to retail sales activities." § 27-8.400.

The design standards, included in § 27-5.905, address:

- Building entrances
- Facades and Massing
- Fenestration/Transparency
- Off-Street Parking

The proposed design standards in § 27-5.1100 provide standards where a nonresidential use, such as "Consumer goods establishments" are located adjacent to residential development. These neighborhood compatibility standards call for building setbacks to be within 10% of the setbacks of adjacent buildings, height limitations based on the distance from residential uses, exterior colors that are consistent with adjacent dwellings, design features on the façade that are similar, and roof requirements. Retail commercial buildings with a façade greater than 90 feet are required to be designed to appear as a discrete series of storefronts. There are additional standards related to parking and building placement.

Commentary on Clarion Associates' Draft Prince George's County Zoning Ordinance and the Appropriateness of Amendments

Retail is not all alike; it is not "one size fits all." As Clarion's draft ordinance points out, there are differences between retail establishments that are small versus those that are large. For example, an independent grocery store has a different impact than a large-scale home improvement store would have in terms of traffic generation and retail sales. A key question for Prince George's County is whether these differences should be more fully acknowledged in the new zoning ordinance.

In my professional opinion, these differences should be acknowledged. Big box retail is distinct and, because of its impacts, should be regulated separately in the zoning ordinance. These impacts have been recognized by many different organizations. For example, the Maryland Department of Planning in 2001, in its publication *Managing Maryland's Growth: Models and Guidelines*, provides specific guidance on "Big-Box" Retail Development.^{ix} In its draft, Clarion has recognized this use and has proposed design standards for "Large Retail Buildings".

Definitions

Clarion has taken a reasonable approach in specifying design standards for "Large Retail Buildings." However, "Large Retail Buildings" is not specifically defined in the definitions section.

It would be ideal to offer a definition of "Large retail buildings" so that there is greater clarity. Large retail can be defined in a number of ways. Below are examples.

- Montgomery County, Maryland: recently updated its zoning ordinance distinguishing between types of retail and definitions provide a foundation for regulating large retail in Montgomery County. For example, Montgomery County distinguishes between "Combination Retail" and "Grocery Store." Section 3.5.11 of the Montgomery County Zoning Ordinance defines "Combination Retail" as "Combination Retail means a department store or retail store that exceeds 65,000 square feet and that includes a pharmacy and a full line of groceries. Combination Retail does not include a grocery store, or a club or membership store that charges a membership or access fee and sells primarily bulk merchandise."
- Washington, D.C.: recently adopted a new zoning ordinance that defines "Large Format Retail" as "A single retailer or common retail space with a minimum floor space of 50,000 square feet; the use shall include warehouse club stores with or without paid memberships; discount retailers, and similar uses. A large format retailer may include grocery sales as a secondary use but a grocery store shall not be considered a large format retail use."^x

A definition provides for clarity, use, and interpretation of the zoning ordinance and the application of the regulations in the ordinance. Both the Washington D.C. and Montgomery County definitions make clear the size that delineates large retail from other retailers. The proposed design standards include language that could form the start of a definition "single-tenant buildings that have a gross floor area of 75,000 square feet or more and devote 60 percent or more of the total floor area to retail sales activities." § 27-8.400. In my opinion, this should be added into the definitions section of the proposed ordinance.

Permitted Use Districts

I have two concerns regarding Clarion's proposed permitted uses in the various zoning districts. One concern is related to higher intensity uses being permitted in low-intensity districts. My second concern is the inconsistency in uses permitted in certain districts.

"Large retail buildings" are not appropriate in some zones. "Large retail buildings" would be inappropriate in zones that are specifically designated for low-intensity uses. For example, the Neighborhood Commercial Zone's purpose "is to provide lands for a diverse range of small-scale, low-intensity retail and service commercial development that provides goods and services primarily serving the daily needs of residents of the immediately surrounding neighborhoods." § 23-3.204.B.

Additionally, I believe there could be greater clarity in the use chart. For example, a "Consumer goods establishment" is a permitted use in the MFR-20 zone, but a grocery store and other retail sales are not permitted. § 27-4.202.B and C. Based on Clarion's current draft ordinance one could locate a Home Depot, if it met the design standards, in this multifamily district, but could not locate a grocery store. I don't believe this is in fact the intent of the draft ordinance.

The best way to remedy these issues would be to define "Large retail buildings" and then to simply separate out this as a use in the use table, specify which districts this use would be most appropriate, and allow "Large retail buildings" as a special exception only in those districts. Another important way to remedy these issues would be to prohibit "Retail Sales and Service Uses" with 75,000 square feet or greater in the MFR-20, MFR-48, Neighborhood Commercial and Neighborhood Activity Center Planned Development Zone.

Size restrictions, such as what Clarion has proposed, is one of the most straightforward means to regulate large scale retail in a community. Local governments in Maryland have passed ordinances to minimize the impact of big-box retail. For example, Montgomery County, Calvert County, Gaithersburg and Rockville, Maryland have all passed ordinances that provide a cap on the maximum size of a retail building in certain districts. Washington, D.C. has also passed ordinances regulating the size of large retail buildings.

For example, Rockville, Maryland has a maximum size of 65,000 square feet in all of its mixed use zoning districts.

"Floor Area Limitation – Retail commercial uses by a single tenant cannot occupy more than 65,000 square feet of floor area at the ground level. This limit only applies to the ground area footprint, and does not limit additional floors devoted to the single tenant so long as each of the additional floors does not exceed 65,000 square feet."^{xi}

A special exception process, such as that provided in Clarion's draft ordinance, provides a mechanism for reviewing any building that is larger than a certain size in certain districts. A special exception is particularly useful because it allows a factfinder to evaluate the variety of impacts of the specific proposed use on a community.

Indeed, Montgomery County and Washington, D.C. recently revised their zoning ordinances to require special exceptions for large retail. Montgomery County requires a special exception in the CRT, CR, GR, and NR zoning districts for combination retail stores. Likewise, Washington, D.C.'s new zoning ordinance requires a special exception for "all new large format retail establishments with single tenant space of 50,000 gross square feet or greater." Subtitle U, Chapter 5, Section 511.12.

Design Standards

Design standards, such as those proposed in Clarion's draft ordinance, provide a mechanism for clarifying the expectations for how each individual development is expected to fit into the community. Clarion's draft ordinance provides design criteria for "large retail buildings" and appropriately notes that large format retail should have a building design that provides visual interest and fits in with surrounding architectural context, § 27-5.905. Design standards can be expensive to implement and, given the low-cost nature of big box retail, can be difficult for a retailer to justify unless high-volume sales are anticipated. This creates a delicate balance between the desire to maintain community character and the practical reality that big box retailer will only locate in an area where it views the potential for profit. That said, Clarion has proposed design standards that focus on basic architectural features, traffic safety or minimizing environmental impacts. § 27-5.905.

The design standards as proposed, integrating bulk regulations, are an appropriate mechanism to regulate large scale retail. However, in my opinion, the design standards are only appropriate if the "large retail buildings" are in a high intensity district. In a low-intensity district the design standards are inadequate to address the scale of intended development. As an example, Clarion's draft ordinance states that "up to 60 percent of the total off-street surface parking provided may be located between the front façade of the building and the street it faces." And "up to 25 percent of the total off-street surface parking provided may be located between the front façade of the building and the street it faces." § 27-5.905.E. A large scale retailer could have hundreds of parking spaces and given these standards there could be substantial parking in front of the store, creating an appearance that is inconsistent with the purpose of a low-intensity district.

Should the permitted use districts not be changed I would recommend amending the design standards. For example, this could include a requirement that for parking lots with 500 or more

spaces that this be in the form of structured parking. Another example would be requiring a retail building with more than 75,000 square feet to have a maximum floor area of 75,000 square feet, resulting in large buildings being in the form of a multi-story building.

CONCLUSION

Prince George's County has the opportunity to create a new zoning ordinance that will provide for retail to support the communities of the County. My recommendations in this report are intended to support Prince George's County in enhancing and supporting its neighborhoods, placing big box retail in the appropriate locations. These recommendations will limit the economic and transportation impacts, supporting healthy neighborhoods across Prince George's County. These recommendations include:

- Define "Large retail buildings" and allow as a special exception only.
- Prohibit "Retail Sales and Service Uses" with 75,000 square feet or greater in the MFR-20, MFR-48, Neighborhood Commercial and Neighborhood Activity Center Planned Development Zone.
- If "Retail Sales and Services Uses" are not prohibited as described above, integrate additional design standards that would apply in low-intensity districts.

Integrating these recommendations will strengthen Clarion's draft ordinance and provide further protection for Prince George's County's neighborhoods, supporting the health, safety, and welfare of Prince George's County's citizens and businesses.

ⁱ Evans-Cowley, Jennifer. 2006. *Meeting the Big Box Challenge: Planning, Design, and Regulatory Strategies*. Planning Advisory Report Number 537. American Planning Association.

ⁱⁱ Basker, B. 2005. Job Creation or Destruction? Labor-Market Effects of WalMart Expansion. *Review of Economics and Statistics*. Vol. 87, No. 1, Pages 174-183. Accessed November 2, 2013 at: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.198.1648&rep=rep1&type=pdf>

ⁱⁱⁱ Basker, B. 2005. Job Creation or Destruction? Labor-Market Effects of WalMart Expansion. *Review of Economics and Statistics*. Vol. 87, No. 1, Pages 174-183. Accessed November 2, 2013 at: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.198.1648&rep=rep1&type=pdf>

^{iv} Hicks, M.J., Keil, S.R., and L.C. Spector. 2012. Mom-And-Pops or Big Box Stores: Some Evidence of WalMart Impact on Retail Trade Economic Development Quarterly. 26(4):311-320.

^v Merriman, D., Persky, J., Davis, J. and R. Baiman. 2012. The impact of an urban WalMart store on area businesses: The Chicago case. *Economic Development Quarterly*. 26(4): 321-333.

^{vi} Lovejoy, K., Sciara, G-C., Salon, D., Handy, S., and P. Mokhtarian. 2013. Measuring the impacts of local land-use policies on vehicle miles of travel: The case of the first big-box store in Davis, California. *The Journal of Transport and Land Use*. 6(1):25-39.

^{vii} Jones, D. and M.J. Jha. 2010. The effect of urban form on traffic accident incidence. *Recent Advances in Computer Engineering and Applications*. Accessed November 2, 2013: <http://www.wseas.us/e-library/conferences/2010/Harvard/CEA/CEA-33.pdf>

^{viii} Datta, S. and K. Sudhir. 2012. Does reducing spatial differentiation increase product differentiation? Effects of zoning on retail entry and format variety. *Quantitative Marketing and Economics*. 11(1): 83-116.

^{ix} Maryland Department of Planning. 2001. Big-Box Retail Development. In *Managing Maryland's Growth: Models and Guidelines*. Accessed October 13, 2013.

http://planning.maryland.gov/pdf/ourproducts/publications/modelsguidelines/bigbox_v3.pdf

^x Washington, DC. 2016. ZR-16. Subtitle B, Chapter 1. <https://zoningdc.org/>

^{xi} City of Rockville, Maryland. Section 25.13.05- Development Standards. City of Rockville, Maryland Zoning Ordinance. <http://www.rockvillemd.gov/DocumentCenter/View/1841>

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February 10, 2017

Via Electronic Mail
tdmyers@co.pg.md.us

Ms. Redis C. Floyd
Clerk of the Council
Prince George's County Council
County Administration Building
Upper Marlboro, MD 20772

RECEIVED

FEB 10 2017

OFFICE OF THE CLERK
PRINCE GEORGE'S COUNTY, MARYLAND

Re: JT 02072017b

R2016095

Proposed Minor Amendment to the 2010 Central
Annapolis Road Approved Sector Plan and SMA
Central Annapolis Rd Prop Use Table CSC CM
Public Hearing – February 7, 2017

Dear Ms. Floyd:

Please enter this letter, which expands on the testimony provided at the Joint Hearing before the District Council and the Planning Board, into the record of the above referenced matter.

1. Contrary to the testimony of David Lynch, Esquire, representing "UFCW Local 400" that if the Minor Amendment passes that this "would be the only place in the County, this resolution as drafted passes that would allow big box as of right without a special exception..."

Answer: This statement is not true. The Southern Green Line Metro Station Area Sector Plan and SMA, approved by the Council through its adoption of CR-10-2014 permits a Department or variety store over 125,000 square feet in size with greater than 10% of its gross floor area for food and beverage as a permitted use. *See, Attachment 1.* The Council in CR-10-2014 used the same designation of "P*" for the use. The P* designation indicates that the use is permitted, but subject to the general special exception standards in Section 27-317 (a)(1),(4), (5), and (6) and conforms to the recommendations of this preliminary sector plan.

In 2000 the District Council established the Development District Overlay Zone ("DDOZ") as a planning tool by enacting CB-8-2000. The stated purpose of the zone was to ensure that development within a special "Development District" meets

the goals established in the Master Plan and to take advantage of unique opportunities presented by a district.

A review of the legislative history of CB-8-2000, available on the Council's website, provides insight into the concept of using DDOZ's. Faroll Hamer, Chief, MNCPPC Development Review Division explained to the District Council that the DDOZ legislation "...provides flexibility in that it removes certain layers of review, only requiring a Detailed Site Plan application and not a variance or special exception if an application would normally be required for the proposed use." The Chief Zoning Hearing Examiner also informed the Council that "...the bill allows the Planning Board, and not the ZHE, to approve special exception applications for properties within the DDOZ." She went on to forewarn the Council "...this is a policy decision for the Council to make." The Council made the decision in 2000 when it adopted CB-8 establishing DDOZ's that all permitted uses within a DDOZ are only subject to detailed site plan review.

A special exception use in the underlying zone can only be dealt with in two ways in the table of uses required by Sec. 27-548.22, it may either be (P) "permitted" (X) "prohibited" or (P*) "Permitted subject to the general Special Exception standards in Section 27-371(a)(1), (4), (5) and (6). No Special Exception use in the underlying zone can require a Special Exception in a DDOZ table of uses.

Mr. Lynch's testimony is on behalf of the grocery workers union is an attempt to utilize the zoning process to stifle competition in the marketplace. There is no rational basis to treat this use within a DDOZ any different than every other use within a DDOZ. On behalf of my client, Nellis Corporation, I am respectfully requesting that the Council adopt CR-95-2017, as drafted.

Thank you for your time and attention to this matter.

Sincerely,

Michael S. Nagy

Attachment:

SOUTHERN GREEN LINE METRO STATION AREA
SECTIONAL MAP AMENDMENT ("SMA")
(CR-10-2014)

DEVELOPMENT DISTRICT OVERLAY ZONE ("DDOZ")
M-X-T Use Table**

****NOTE:** THIS USE TABLE REFLECTS ADDITIONS, MODIFICATIONS, AND
ASSOCIATED CORRECTIONS PURSUANT TO THE ADOPTION OF CR-10-2014 BY THE
DISTRICT COUNCIL.

TABLE OF USES FOR THE COMMERCIAL ZONES

Uses permitted.

(a) No use shall be allowed in the Commercial Zones, except as provided for in the Tables of Uses. In the tables, the following applies:

* → (1) The letter "P" indicates that the use is permitted in the zone indicated.
(2) The letter "P*" indicates that the use is permitted, but subject to the general special exception standards in Section 27-317(a)(1), (4), (5), and (6) and conforms to the recommendations of this preliminary sector plan.

(3) The letters "SE" indicate that the use is permitted, subject to the approval of a Special Exception in accordance with the provisions of Part 4 of this Subtitle.

(4) The letters "PA" indicate that the use is permitted, subject to the following:
(A) There shall be no entrances to the use directly from outside of the building;
(B) No signs or other evidence indicating the existence of the use shall be visible from the outside building, other than a business identification sign lettered on a window. The sign shall not exceed six (6) square feet in area; and

(C) The use shall be secondary to the primary use of the building.

(5) The letters "PB" indicate that the use is permitted, subject to the following:
(A) The use shall be related to, dependent on, and secondary to a principal use on the premises;

(B) The use shall be located on the same record lot as the principal use;

(C) The use shall not be located within a building not occupied by the principal use;

and

(D) The floor area of any building (and the land area occupied by any structure other than a building) devoted to the use shall not exceed an area equal to forty-five percent (45%) of the gross floor area of the building within which the principal use is located.

(6) The letter "X" indicates that the use is prohibited.

(7) The letters "SP" indicate that the use is permitted subject to approval of a Special Permit, in accordance with Section 27-239.02.

(8) All uses not listed are prohibited.

(9) Whenever the tables refer to an allowed use, that use is either permitted (P), permitted but subject to certain general special exception standards (P*), permitted by Special Exception (SE), permitted by Special Permit (SP), or permitted as a (PA) or (PB) use, as listed in the zone in which it is allowed.

(CB-58-1990; CB-12-2001; CB-14-2003)

USE	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN ½ MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN ½ MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN ½ MILE OF METRO
(ii) Exceeding 125,000 square feet of gross floor area within the developed tier or a designated Revitalization Tax Credit Area (as long as the department or variety store does not contain any food or beverage component) (CB-19-2005; CB-13-2012)	X	X	X	P	P	P	P	P	P
(iii) Not exceeding 125,000 square feet of gross floor area within the developed tier or a designated Revitalization Tax Credit Area (as long as the department or variety store does not contain any food or beverage component) (CB-19-2005; CB-13-2012)									
(iv) Exceeding 85,000 square feet of gross floor area and less than 10% of that gross floor area for food and beverage component. (CB-64-2012)	X	X	X	P	P	P	P	P	P
(v) All others									
Drug paraphernalia display or sales, pursuant to Section 27-115(a)(1)	X	X	X	X	X	X	X	X	X
(i) Not exceeding 3,000 square feet of gross floor area	X	X	X	P	P	P	X	X	X
(ii) All others	X	X	X	P	P	P	X	X	X
Feed sales	X	X	X	X	X	X	P	P	P
Farmer's market or flea market as a temporary use, in accordance with Sections 27-260 and 27-281 (CB-63-1998)	X	X	X	P	P	P	P	P	P

USE	ZONE								
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN ½ MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN ½ MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN ½ MILE OF METRO
Book (except adult bookstore) or camera store (CB-71-1993)	X	X	X	P	P	P	P ²⁰	P ²⁰	P
Bottled gas sales:									
(i) Accessory to an allowed use	X	X	X	P	P	P	P	P	P
(ii) All others	X	X	X	P	P	P	P	P	P
Building supply store:									
(i) Fully enclosed, except for nursery stock	X	X	X	P	P	P	P	P	P
(ii) With outdoor storage on not more than 50% of the lot, provided it is enclosed by a slightly opaque wall or fence at least 8 feet high (CB-76-1992)	X	X	X	X	X	X	P	P	P
Bulk retailing:									
(i) Products allowed to be sold in a C-S-C Zone (CB-65-1989; CB-25-1999)	X	X	X	P ²²	P ²²	P	P	P	P
(ii) Products allowed to be sold in a ZO	X	X	X	X	X	X	P	P	P
Buying of items within guest rooms and vehicles, pursuant to Section 27-115(a)(2)	X	X	X	X	X	X	X	X	X
Ceiling or floor covering store	X	X	X	P	P	P	P ²⁰	P ²⁰	P
Clothing, dry goods, millinery, or shoe store (CB-58- 1985; CB-71-1993)	X	X	X	P	P	P	P ²⁰	P ²⁰	P
Conditioner (not exceeding 40,000 square feet of gross floor area):									
(i) Retail (CB-65-1989)	X	X	X	P	P	P	X	X	X
(ii) Wholesale (may include accessory retail sales)	X	X	X	X	X	X	P	P	X
Department or variety store, excluding pawnshops									
(i) Not exceeding 25,000 square feet of gross floor area so long as the department or variety store does not contain any food or beverage component (CB-64-2032)	X	X	X	P	P	P	P ²⁰	P ²⁰	P



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February 10, 2017

VIA HAND-DELIVERY

Redis C. Floyd, Clerk
County Council of Prince George's County, Maryland
Sitting as the District Council
14741 Governor Oden Bowie Drive, Second Floor
Upper Marlboro, Maryland 20772

RECEIVED

FEB 10 2017

OFFICE OF THE CLERK
PRINCE GEORGES COUNTY MARYLAND

(2017) MINOR AMENDMENT
Central Annapolis Rd SP/SMA
Exhibit 8

**Re.: Written Testimony in Support of Proposed Minor
Amendment to the 2010 Central Annapolis Road Approved
Sector Plan and Sectional Map Amendment**

Dear Madam Clerk:

Please accept this letter on behalf of my client, Two Farms, Inc., as written testimony in support of the above-referenced matter that proposes to add a Table of Uses for the commercially zoned properties within Character Area D (Retail Town Center) of the 2010 *Central Annapolis Road Approved Sector Plan and Sectional Map Amendment* (hereinafter "Sector Plan"). Specifically, we are writing to supplement the verbal testimony provided at the February 7, 2017 Joint Public Hearing.

Two Farms, Inc. has executed a lease agreement with the owners of the Capital Plaza shopping center in order to develop a portion of the subject property with a Royal Farms. The inclusion of the proposed Table of Uses will alleviate issues that have recently come to light as a result of the Sector Plan not having the required Table of Uses (*c.f.* CB-24-2013). That is, currently, there is legal uncertainty regarding certain uses (*i.e.*, uses for a Royal Farms) within this particular Development District Overlay Zone due to the fact that a Table of Uses is not provided in the Sector Plan. We strongly believe that in order to alleviate the various issues and uncertainty that exist regarding the applicability of the Sector Plan, which is devoid of a Table of Uses, that the amendment to add the proposed Table of Uses must be approved.

There is no doubt that the proposed amendment to the Sector Plan to add a Table of Uses for the commercial zones in Character Area D satisfy the requirements of Section 27-642 of the Zoning Ordinance by advancing the goals of the development district plan and safeguard the public safety, health and welfare within the plan boundaries by promoting redevelopment at the Capital Plaza shopping center. Said redevelopment is needed and long overdue. Moreover, redevelopment of the Capital Plaza shopping center, with the addition of a new modern and attractive Royal Farms, will promote the development of a diverse mix of neighborhood-oriented uses and large-scale national retailers. The approval of the proposed amendment to the Sector Plan will further clarify the intent of the District Council in establishing the Central Annapolis Road Development District, and will ensure the vision of the District is realized.

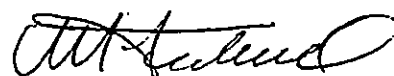
In addition to providing written support for the proposed amendment, we also offer the following requested revisions/amendments to the proposed Table of Uses in order to ensure that the proposed table is not redundant and is consistent with other recent changes that have been made in the Table of Uses for the underlying zone(s). In addition, we want to ensure that there are no unintended consequences with the future application of the proposed Table of Uses. We offer the following friendly amendments, which are benign in nature and do not trigger the need for an additional public hearing:

(b) TABLE OF USES

		Character Area D	
* * * * *	***	* * * *	* * * *
Gas Station (in the C-M Zone, subject to Detailed Site Plan review in accordance with Section 27-358(a)(1), (2), (4), (5), (6), (7), (8), (9), and (10)	27-461(b)	[X]P*	P
* * * * *	***	* * * *	* * * *
Food or beverage store			
* * * * *	***	* * * *	* * * *
<u>(v) In combination with a gas station, with car wash as an accessory use on the site, subject to detailed site plan review [and using the general special exception standards cited in this Use Table]</u>		<u>P*</u>	<u>P*</u>

Thank you in advance for ensuring that the foregoing is included in the digest of testimony for the above referenced matter, and thank in advance for Staff's courtesy in this matter.

Respectfully submitted,



Matthew C. Tedesco
Attorney for Two Farms, Inc.