

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**SITTING AS THE DISTRICT COUNCIL**  
**2017 Legislative Session**

Resolution No. CR-28-2017  
Proposed by Council Member Glaros  
Introduced by \_\_\_\_\_  
Co-Sponsors \_\_\_\_\_  
Date of Introduction May 2, 2017

**RESOLUTION**

1 A RESOLUTION concerning

2 The 2010 Central Annapolis Road Sector Plan and Sectional Map Amendment

3 For the purpose of approving a minor amendment to the 2010 *Central Annapolis Road Sector*  
4 *Plan and Sectional Map Amendment* to add a commercial Table of Uses Permitted for property  
5 located within “Character Area D: Retail Town Center” within the Central Annapolis Road  
6 Development District.

7 WHEREAS, pursuant to the authority set forth in Title 21 of the Regional District Act,  
8 Land Use Article, Annotated Code of Maryland, the County Council of Prince George’s County,  
9 Maryland, sitting as the District Council for that portion of the Maryland–Washington Regional  
10 District in Prince George’s County (“District Council”) approved the 2010 *Central Annapolis*  
11 *Road Sector Plan and Sectional Map Amendment* via adoption of Council Resolution No.  
12 100-2010 (“CR-100-2010”) on October 5, 2010; and

13 WHEREAS, in accordance with the procedures specified in its local zoning laws, the  
14 District Council’s approval of the 2010 sector plan for Central Annapolis Road also approved,  
15 concurrent with its final action on the adopted sector plan, a Sectional Map Amendment  
16 (“SMA”), a comprehensive zoning proposal for land located within the plan area boundaries,  
17 including a Development District Overlay (“D-D-O”) Zone; and

18 WHEREAS, as stated in Section 27-548.19 of the Zoning Ordinance, the purpose of the  
19 D-D-O Zone is to ensure that the development of land in a designated development district meets  
20 the goals established for the district in a sector plan, and takes advantage of unique opportunities  
21 presented by the development district designation; and

1           WHEREAS, the Central Annapolis Road D-D-O Zone is a mapped zone which is  
2 superimposed by a SMA over other zones in a designated development district, and may modify  
3 development requirements within the underlying zones, including the imposition of certain  
4 additional regulations for uses of land in the development district that would otherwise be  
5 governed by the prescriptions of the Zoning Ordinance for the underlying zoning classifications  
6 of land within the development district; and

7           WHEREAS, the Council imposed certain development district standards, requirements, and  
8 exemptions as determined appropriate by the District Council in furtherance of efforts to better  
9 align land use and development in the sector plan area with the current County land use and  
10 development policies; and

11           WHEREAS, subsequent to its approval of the 2010 *Central Annapolis Road Sector Plan*  
12 *and Sectional Map Amendment* by the District Council and, pursuant to its authority expressly  
13 conferred upon the district councils in Title 22 of the Regional District Act of the Land Use  
14 Article to amend the text of its respective local zoning laws, the District Council enacted County  
15 Council Bill No. CB-24-2013 (“CB-24-2013”) on July 24, 2013; and

16           WHEREAS, the District Council finds that the plain language enacted within CB-24-2013  
17 was intended to amend the Zoning Ordinance requirements governing uses of land designated  
18 within a D-D-O Zone such that, notwithstanding designation within an approved development  
19 district, uses ordinarily subject to a special exception approval process based on the requirements  
20 of the underlying zoning classification for the property within a D-D-O Zone and must conform  
21 with a special exception approval process for the underlying zoning classification unless the  
22 D-D-O Zone was either (1) approved prior to January 1, 2010; or (2) a D-D-O Zone approved  
23 after January 1, 2010, for which a table of uses was incorporated at the time of the approval of  
24 the D-D-O Zone; and

25           WHEREAS, on July 24, 2013, and as is permitted pursuant to the authority set forth in its  
26 local law and the public general laws of the State, the District Council amended its local zoning  
27 law to codify a provision within in Zoning Ordinance, Section 27-548.22 (c), that a table of  
28 permitted uses be incorporated within each D-D-O Zone clearly showing all uses in the  
29 underlying zone that will be permitted, prohibited, or otherwise restricted pursuant to Section 27-  
30 548.25 of the Zoning Ordinance; and

1           WHEREAS, the *Central Annapolis Road Sector Plan and Sectional Map Amendment* was  
2 approved on October 5, 2010, a date that incontrovertibly precedes in time the Council's later  
3 legislative action to approve certain further, more specific procedural prescriptions within its  
4 local zoning laws via its enactment of CB-24-2013 on July 24, 2013; and

5           WHEREAS, it is undisputed that the District Council approved 2010 *Central Annapolis*  
6 *Road Sector Plan and Sectional Map Amendment* on October 5, 2010, and that final action of  
7 approval did not include a Table of Uses Permitted for the Central Annapolis Road Development  
8 District; and

9           WHEREAS, the District Council's approval of the 2010 *Central Annapolis Road Sector*  
10 *Plan and Sectional Map Amendment* in October 2010 could not, therefore, have contemplated  
11 the District Council's later legislative action to enact an amendment to its local zoning laws, via  
12 CB-24-2016 on July 24, 2013, to require the inclusion of a Table of Uses Permitted for all  
13 development districts; and

14           WHEREAS, subsequent to the enactment of CB-24-2013 by the District Council, the  
15 District Council found it necessary during its 2015 legislative year to consider and enact further  
16 refinements the procedural prescriptions of its local zoning laws, in order to provide a process in  
17 the Zoning Ordinance for the initiation and approval of certain limited minor amendments to  
18 approved County comprehensive planning and comprehensive zoning documents; and

19           WHEREAS, as with the approval of the 2010 *Central Annapolis Road Sector Plan and*  
20 *Sectional Map Amendment* and later enactment of CB-24-2013 by the Council, the legislative  
21 action taken by the District Council on July 24, 2013, could not have contemplated a later  
22 legislative action by the Council to enact additional refinements to its local zoning laws in order  
23 to provide a process for the consideration and approval of minor amendments to approved  
24 comprehensive plans and associated D-D-O; and

25           WHEREAS, on July 7, 2015, and as is permitted pursuant to the authority set forth in its  
26 local law and the public general laws of the State including Section 1-207 of the General  
27 Provisions Article, Annotated Code of Maryland, and applicable longstanding precedent  
28 established by the Maryland courts, the District Council enacted CB-35-2015, thereby adding a  
29 limited minor amendment process to the text of its local zoning laws; and

30           WHEREAS, on November 15 2016, as duly authorized by Sections 27-548.26 and 27-642  
31 of the Zoning Ordinance, the District Council adopted Council Resolution CR-95-2016, and

1 directing the initiation of a proposed minor amendment to include a commercial Table of Uses  
2 for “Character Area D: Retail Town Center” within the Central Annapolis Road Development  
3 District approved as part of the 2010 *Central Annapolis Road Sector Plan and Sectional Map*  
4 *Amendment*; and

5 WHEREAS, as required by the procedures specified at law, CR-95-2016 included a  
6 statement of the date for a joint public hearing to occur on February 7, 2017, regarding the  
7 proposed minor amendment; and

8 WHEREAS, in accordance with the prescriptions of state and local law, the District  
9 Council and the Prince George’s County Planning Department of the Maryland–National Capital  
10 Park and Planning Commission conducted a duly advertised joint public hearing on February 7,  
11 2017, in order to seek testimony and other public comment as to the proposed minor amendment  
12 within a record of joint public hearing testimony; and

13 WHEREAS, after the close of the record on February 10, 2017, the Planning Board  
14 technical staff digested eight exhibits of written and oral testimony submitted to the record of  
15 joint public hearing testimony on the proposed minor amendment; and

16 WHEREAS, on March 2, 2017, the Planning Board conducted a public work session to  
17 review the testimony within the public hearing record as well as associated technical staff  
18 comments and recommendations thereon; and

19 WHEREAS, after completing its review of the hearing record, the Planning Board voted  
20 unanimously on March 2, 2017, to endorse the proposed minor amendment to the 2010 *Central*  
21 *Annapolis Road Sector Plan and Sectional Map Amendment*, stating that the amendment  
22 “updates the Central Annapolis Road Development District Overlay Zone with a commercial  
23 Table of Uses Permitted for land within ‘Character Area D: Retail Town Center’ resulting in  
24 extensions, deletions, and additions in response to the public hearing record”; and

25 WHEREAS, the Planning Board also found in its adoption of Resolution PGCPB No. 17-27  
26 that the minor amendment recommendations conform with the principles of orderly  
27 comprehensive land use planning and staged development, are consistent with the 2010 *Central*  
28 *Annapolis Road Sector Plan and Sectional Map Amendment*, and in all due consideration of all  
29 applicable County Laws, Plans, and Policies; and

1           WHEREAS, on March 6, 2017, the Planning Board transmitted its recommendation  
2 embodied within PGCPB No. 17-27, the transcript analysis prepared by the technical staff, along  
3 with the record for the proposed minor to the District Council; and

4           WHEREAS, on March 21, 2017, and April 18, 2017, respectively, the District Council held  
5 public work sessions, convened as the Committee of the Whole, to examine the Planning Board  
6 adopting resolution, the digest of testimony prepared by the technical staff, and the array of  
7 exhibits and other testimony within the record of public hearing testimony for the proposed  
8 minor amendment; and

9           WHEREAS, after respective procedural and substantive presentations by legal counsel to  
10 the Council and Planning Board staff, as well as questions and other discussion regarding the  
11 record of hearing testimony for the proposed minor amendment by members of the District  
12 Council, the Committee of the Whole voted favorably on April 18, 2017, to direct staff to  
13 prepare a resolution of approval as to the proposed minor amendments to the 2010 *Central*  
14 *Annapolis Road Sector Plan and Sectional Map Amendment*, in accordance with the adopted  
15 recommendations of the Planning Board set forth in PGCPB No. 17-27, and for the additional  
16 inclusion of the respective technical amendments that were submitted to the record of joint  
17 public hearing testimony via Exhibit Nos. 7 and 8, respectively, which were digested by the  
18 technical staff and considered by the Planning Board in its evaluation of this proposed minor  
19 amendment.

20           NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's  
21 County, Maryland, sitting as the District Council for that part of the Maryland-Washington  
22 Regional District in Prince George's County, Maryland, that, in accordance with Sections 27-  
23 548.26 and 27-642 of the Zoning Ordinance for Prince George's County, Maryland, being also  
24 Subtitle 27 of the Prince George's County Code, the proposed minor amendment to the 2010  
25 *Central Annapolis Road Sector Plan and Sectional Map Amendment*, in accordance with the  
26 recommendation of approval embodied in the resolution adopted by Planning Board via PGCPB  
27 No. 17-27, set forth in Attachment A hereto and incorporated as if restated fully herein, along  
28 with the technical amendments set forth in Exhibit Nos. 7 and 8 within the record of joint public  
29 hearing testimony as restated below, be and the same is hereby APPROVED, as follows:

**TECHNICAL AMENDMENT 1:**

Amend the Table of Uses Permitted for “Character Area D: Retail Town Center” in the Central Annapolis Road Development District as to “Gas Station (in the C-M Zone, subject to Detailed Site Plan review in accordance with Section 27-385(a)(1), (2), (4), (5), (6), (7), (8), (9), and (10)” uses for internal consistency, as follows: <b>USE</b>	<b>Source</b>	<b>C-S-C in DDO</b>	<b>C-M in DDO</b>
Gas Station (in the C-M Zone, subject to Detailed Site Plan review in accordance with Section 27-358(a)(1), (2), (4), (5),	27-461(b)	[X] <u>P*</u>	P
(6), (7), (8), (9), and (10)			

**TECHNICAL AMENDMENT 2:**

Amend the Table of Uses Permitted for “Character Area D: Retail Town Center” in the Central Annapolis Road Development District for “Food or Beverage Store” uses to eliminate certain redundant verbiage, as follows:

<b>USE</b>	<b>Source</b>	<b>C-S-C in DDO</b>	<b>C-M in DDO</b>
Food or beverage store:			
(v) <u>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>

1 BE IT FURTHER RESOLVED that the Clerk of the Council shall transmit a copy of this  
2 Resolution to the Prince George’s County Planning Board of the Maryland-National Capital Park  
3 and Planning Commission in accordance with the requirements of Sections 27-548.26 and  
4 27-642 of the County Zoning Ordinance.

5 BE IT FURTHER RESOLVED that the provisions of this Resolution are hereby declared to  
6 be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence,  
7 clause, phrase, or word of this Resolution is declared invalid or unconstitutional by a court of  
8 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
9 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
10 Resolution, since the same would have been enacted without the incorporation in this Resolution  
11 of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph,  
12 subsection, or section.

13 BE IT FURTHER RESOLVED that this Resolution shall take effect on the date of its  
14 adoption.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2017.

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

BY: \_\_\_\_\_  
Derrick Leon Davis  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council