



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Office of the Chairman  
Prince George's County Planning Board

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Upper Marlboro, Maryland 20772  
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(301) 952-3561

June 14, 2018

The Honorable Dannielle Glaros  
Chairwoman  
Prince George's County Council  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: CB-25-2018 and CB-26-2018

Dear Chairwoman Glaros:

Thank you for providing the Planning Board an opportunity to review and comment on the proposed District Council legislation. During the June 14, 2018 Planning Board meeting, the following positions were adopted in accordance with the planning staff's recommendations on the proposed legislation. **A Planning Board Analysis of each bill is attached for your consideration and a brief excerpt from each report is provided below:**

***CB-25-2018:*** amends Section 27-461 (*Uses Permitted in Commercial Zones.*) by adding a new footnote in the Commercial Office (C-O) Zone for a "food or beverage store in combination with a gas station."

**Planning Board Recommendation: Support with Amendments**  
(See Attachment 1 for full analysis)

On page 1, line 4 delete the word "and" and replace it with the word "or". The phrase would read "food or beverage store".

Add Sections 27-355 (Food or beverage store.) and 27-358 (Gas station.) to the bill and amend each title to permit either a standalone gas station or food or beverage or a combination of the uses in accordance with the regulations.

Under the use column for the Commercial Table of Uses add the "gas station in combination with a food or beverage store" use to the bill. Permit the use subject to a footnote in the C-O and Commercial Miscellaneous (C-M) Zones. These changes are consistent with current law in those zones for the standalone "gas station" use. Next, under the "food or beverage in combination with a gas station" use delete the words ", subject to Detailed Site Plan (DSP) review in accordance with Part 3, Division 9". In addition, add a new footnote 72 under the zone column in the C-M Zone to require DSP review. The DSP language should be placed under footnotes 71 and 72. The current language in the code is confusing because the use requires both Special Exception (SE) and DSP approval in the Commercial Shopping Center (C-S-C) and Commercial Warehouse (C-W) Zones.

Under footnote 71 (B) delete the words “a roadway with a functional transportation classification of” and replace it with the word “freeway”. Also delete the words “or higher”. A freeway is the highest road classification.

Under footnote 71 (C) delete the words "the Planning Board or District Council finds that the proposed use will conform with all regulations for gas station uses set forth in Section 27-358 of this Subtitle" and replace with the words "Subject to Detailed Site Plan review in accordance with the requirements set forth in Sections 27-355 or 27-358 (a) (1), (2), (4), (5),(6),(7), (8), (9), and (10) of this Subtitle". The language clarifies that the uses are subject to DSP review. Lastly, add the language under the newly created footnote 72.

Under the proposed Zoning Ordinance in CB-13-2018, it should be noted that the Commercial, General and Office (CGO) Zone is proposed to replace the C-O Zone. The proposed definition for "gas station" includes the following, which is analogous to the current definition for "food or beverage store": "Retail sale of convenience items such as cold drinks, packaged foods, tobacco, prepared foods, and similar convenience goods". The “gas station” use would be permitted by right in the CGO Zone with use-specific standards that are similar to the current Special Exception requirements for gas stations.

*CB-26-2018: amends Section 27-548.26 (Amendment of Approved Development District Overlay Zone) by adding language to permit a property owner to request that the District Council apply different Development District Standards from those most recently approved or amended in the applicable Development District Overlay (D-D-O) Zone.*

**Planning Board Recommendation: No Position with Amendments**  
(See Attachment 2 for full analysis)

The Planning Board believes this bill was drafted to address a specific property in the Southern Green Line Station Area DDOZ.

On page 2 lines 11 through 18 delete the new proposed (C) and replace with "(i) A request for changes to the underlying zone or list of allowed uses may include requested amendments to the applicable Development District Standards".

Next, on line 12 add "(ii) In determining whether to approve amendments to the Development District Standards, the District Council shall find that the amended standards will benefit the proposed development, further the purposes of the Development District, and will not substantially impair implementation of any applicable master or sector plan".

The revised language under the letter (B) on lines 11 through 15 would read as follows:

"(i) A request for changes to the underlying zone or list of allowed uses may include requested amendments to the applicable Development District Standards".

"(ii) In determining whether to approve amendments to the Development District Standards, the District Council shall find that the amended standards will benefit the proposed development, further the purposes of the Development District, and will not substantially impair implementation of any applicable master or sector plan".

**The revised language creates a process for a property to request the District Council to amend the Development District Standards as part of a request to change zoning or allowed uses on the property. The language also adds required finding for the District Council when approving the amendments to the Development District Standards.**

**Lines 23 delete the word "modifications" and replace with the word "amendments". The revised language would read "A description of any requested amendments to Development District Standards applicable to a qualifying development proposal;". This language would clarify that the property owner is requesting the District Council to amend the Development District Standards.**

As always, Planning Department staff members are available to work with the Council and your legislative staff on any pertinent legislative matters. Please let us know if we may be of further assistance.

Should you have questions, please do not hesitate to contact the Office of the Planning Director at 301-952-3595. Thank you, again, for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Betty".

Elizabeth M. Hewlett  
Chairman

Attachments

## **CB-25-2018– Planning Board Analysis (Attachment 1)**

CB-25-2018 amends Section 27-461 (Uses Permitted in Commercial Zones.) by adding a new footnote in the Commercial Office (C-O) Zone for a “food or beverage store in combination with a gas station.” Footnote 71 permits the proposed use by right if (A) the property that has a minimum of two (2) acres and a maximum of eight (8) acres; (B) the property abuts the right-of-way for a roadway with a functional transportation classification of a freeway or higher and (C) the Planning Board or District Council finds that the proposed use will conform with all regulations for gas station uses under Section 27-358 (Station Gas.), listed under Additional Requirements for Specific Special Exceptions.

There are approximately eighteen (18) properties that could be impacted by this proposed legislation. There are five (5) properties located in Council District 3, six (6) in Council District 4, nine (9) in Council District 5 and four (4) properties in Council District 6.

### **The Planning Board has the following amendments and suggestions for consideration by the District Council:**

On page 1, line 4 delete the word “and” and replace it with the word “or”. The phrase would read “food or beverage store”.

Add Sections 27-355 (Food or beverage store.) and 27-358 (Gas station.) to the bill and amend each title to permit either a standalone gas station or food or beverage or a combination of the uses in accordance with the regulations.

Under the use column for the Commercial Table of Uses add the "gas station in combination with a food or beverage store" use to the bill. Permit the use subject to a footnote in the C-O and Commercial Miscellaneous (C-M) Zones. These changes are consistent with current law in those zones for the standalone "gas station" use.

Next, under the "food or beverage in combination with a gas station" use delete the words ", subject to Detailed Site Plan (DSP) review in accordance with Part 3, Division 9". In addition, add a new footnote 72 under the zone column in the C-M Zone to require DSP review. The DSP language should be placed under footnotes 71 and 72. The current language in the code is confusing because the use requires both Special Exception (SE) and DSP approval in the Commercial Shopping Center (C-S-C) and Commercial Warehouse (C-W) Zones.

Under footnote 71 (B) delete the words “a roadway with a functional transportation classification of” and replace it with the word “freeway”. Also delete the words " or higher". A freeway is the highest road classification. The revised (B) would read: “The property on which the use will be located abuts the right-of-way for a freeway and”. This language makes it clear the freeway abuts the property where the proposed use will be located.

Under footnote 71 (C) delete the words "the Planning Board or District Council finds that the proposed use will conform with all regulations for gas station uses set forth in Section 27-358 of this Subtitle" and replace with the words "Subject to Detailed Site Plan review in accordance with the requirements set forth in Sections 27-355 or 27-358 (a) (1), (2), (4), (5),(6),(7), (8), (9), and (10) of this Subtitle".

**CB-25-2018 – Planning Board Analysis (Attachment 1)**

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The language clarifies that the uses are subject to DSP review. Lastly, add the language under the newly created footnote 72.

Under the proposed Zoning Ordinance in CB-13-2018, it should be noted that the Commercial, General and Office (CGO) Zone is proposed to replace the C-O Zone. The proposed definition for "gas station" includes the following, which is analogous to the current definition for "food or beverage store": "Retail sale of convenience items such as cold drinks, packaged foods, tobacco, prepared foods, and similar convenience goods". The "gas station" use would be permitted by right in the CGO Zone with use-specific standards that are similar to the current Special Exception requirements for gas stations.

Following discussion, the Planning Board voted to support CB-25-2018 with the above-mentioned amendments.