

(301) 952-3561

September 26, 2019

The Honorable Todd M. Turner  
Chair  
Prince George's County Council  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: CB-42-2019 and CB-45-2019

Dear Chairman Turner:

*Todd*

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the September 26, 2019 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 below:**

***CB-42-2019** amends Section 27-445.03 (Day care center for children.) of the Zoning Ordinance to exempt a daycare center located in a residential zone from the additional requirements for specific uses regulations under certain circumstances. The daycare must be operated by a non-profit organization that receives federal funds from the Office of Head Start or the Administration of Children and Families and be located on a property with at least four acres that is owned and/or controlled by the Prince George's County Board of Education.*

**Planning Board Recommendation: Oppose.**  
(See Attachment 1 for full analysis)

**The Planning Board does not believe this legislation is needed. The use described in this bill is a public or community use in a public-school facility; this use is already exempt from the requirements of the Zoning Ordinance under current law. The Planning Department would not require such a use to apply for an entitlement under the Zoning Ordinance, and at most, would review the use and any necessary improvements as a mandatory referral under state law. Mandatory referral is an advisory review process.**

*CB-45-2019* permits a "Gas station", "Food or beverage store in combination with a gas station", "Apartment housing for the elderly or handicapped", Multifamily dwelling" and "Townhouse" uses in the Commercial Shopping Center(C-S-C) Zone under certain circumstances.

**Planning Board Recommendation: Support with amendments.**

(See Attachment 2 for full analysis)

The Planning Board agrees with the required architectural standards and development standards added to the bill to avoid adverse effects on the adjacent neighborhood. This bill will impact approximately two properties in the County. Those properties are Mill Branch Crossing and Curtis Farm (7911 Cedarville Road Brandywine). The Planning Board believes this bill was drafted for the Mill Branch Crossing property. Both properties are eligible for the Commercial General Office (CGO) Zone under the Countywide Map Amendment (CMA). Many of the uses proposed in this bill would be permitted either by SE or by right in the CGO Zone.

The District Council should note the CMA is a more orderly process to rezone property. The proposed bill does anticipate the adopted Zoning Ordinance (regarding DSP procedures, development standards, and residential density), and the proposed bill could serve as a useful stopgap until the new, modernized ordinance takes effect, if the Council believes this property cannot wait for the CMA.

The Council's adopted Zoning Ordinance includes a modernized definition for "gas station" that incorporates the food or beverage store component common to modern gas stations; there is no need to treat the food or beverage store (renamed "grocery store" or "food market" in the adopted code) component separately in the adopted code unless such a store is envisioned as a stand-alone use separate from a gas station (e.g. a cheese shop in a different building). Additionally, the adopted Zoning Ordinance eliminates the situation today wherein both a SE and DSP may be required for the same application.

The CGO Zone use permissions in the adopted Zoning Ordinance were a product of four years of community discussions and Council deliberations.

The Planning Board recommends that the bill be amended to apply use permissions consistent with those found in the new Zoning Ordinance or defer consideration and enactment of this bill in favor of the CMA process. If the bill moves forward now, "gas station" and "apartment housing for elderly or handicapped" should be amended from P to SE, to conform with the new Zoning Ordinance.

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,



Elizabeth M. Hewlett  
Chairman

**CB-42-2019– Planning Board Analysis (Attachment 1)**

CB-42-2019 amends Section 27-445.03 (Day care center for children.) of the Zoning Ordinance to exempt a daycare center located in a residential zone from the additional requirements for specific uses regulations under certain circumstances. The daycare must be operated by a non-profit organization that receives federal funds from the Office of Head Start or the Administration of Children and Families and be located on a property with at least four acres that is owned and/or controlled by the Prince George's County Board of Education.

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

**Policy Analysis:**

The Planning Board does not believe this legislation is needed. The use described in this bill is a public or community use in a public-school facility; this use is already exempt from the requirements of the Zoning Ordinance under current law. The Planning Department would not require such a use to apply for an entitlement under the Zoning Ordinance, and at most, would review the use and any necessary improvements as a mandatory referral under state law. Mandatory referral is an advisory review process.

**Impacted Property:**

The property that would benefit from this bill is the Reginald S. Lourie Center for Infants and Young Children located at 6501 Lowland Drive, Cheverly, Maryland.

Following discussion, the Planning Board voted to oppose CB-42-2019.

## **CB-45-2019– Planning Board Analysis (Attachment 2)**

CB-45-2019 permits a "Gas station", "Food or beverage store in combination with a gas station", "Apartment housing for the elderly or handicapped", Multifamily dwelling" and "Townhouse" uses in the Commercial Shopping Center(C-S-C) Zone under certain circumstances.

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

### **Policy Analysis:**

The bill amends Section 27-461(Uses Permitted in Commercial Zones.) by proposing to permit by right a "Gas station", a "Food or beverage store in combination with a gas station", and "Apartment housing for the elderly or handicapped" subject to newly created footnotes. These uses generally require Special Exception (SE) approval in the Commercial Shopping Center (C-S-C) Zone. In addition, the bill proposes to permit "Multifamily" and "Townhouse" uses subject to newly created footnotes. Footnotes 76, 77, 78 and 79 permit the uses if located on property with a minimum of fifty acres at the time of Preliminary Plan of Subdivision. The bill also requires all the uses to be subject to Detailed Site Plan (DSP) approval and meet Zoning Ordinance development regulations.

The Planning Board agrees with the required architectural standards and development standards added to the bill to avoid adverse effects on the adjacent neighborhood. This bill will impact approximately two properties in the County. Those properties are Mill Branch Crossing and Curtis Farm (7911 Cedarville Road Brandywine). The Planning Board believes this bill was drafted for the Mill Branch Crossing property. Both properties are eligible for the Commercial General Office (CGO) Zone under the Countywide Map Amendment (CMA). Many of the uses proposed in this bill would be permitted either by SE or by right in the CGO Zone.

The District Council should note the CMA is a more orderly process to rezone property. The proposed bill does anticipate the adopted Zoning Ordinance (regarding DSP procedures, development standards, and residential density), and the proposed bill could serve as a useful stopgap until the new, modernized ordinance takes effect, if the Council believes this property cannot wait for the CMA.

### **New Zoning Ordinance:**

The uses modified by proposed CB-45-2019 will be allowed in the CGO Zone as follows:

- Gas stations are permitted with the approval of a SE. The SE standards are generally identical to the current Zoning Ordinance.
- Apartment housing for the elderly or physically handicapped are permitted with the approval of a SE. The SE standards are generally identical to the current Zoning Ordinance.
- Dwelling, multifamily is permitted. There are use-specific standards associated with the use, but are only applicable in the CN (Commercial, Neighborhood) Zone.
- Dwelling, townhouse is permitted.

The Council's adopted Zoning Ordinance includes a modernized definition for "gas station" that incorporates the food or beverage store component common to modern gas stations; there is no need to treat the food or beverage store (renamed "grocery store" or "food market" in the adopted code) component separately in the adopted code unless such a store is envisioned as a stand-alone use separate from a gas station (e.g. a cheese shop in a different building). Additionally, the adopted Zoning Ordinance eliminates the situation today wherein both a SE and DSP may be required for the same application.

The standards of Part 6: Development Regulations would apply to the proposed uses. DSP review would be required for any multifamily dwelling development of 10 or more dwelling units. The proposed maximum densities for townhouses and multifamily development in CB-45-2019 are identical to the permitted maximum densities for these uses in the adopted CGO Zone.

**Impacted Property:**

There are two properties that would benefit from this proposed legislation.

**Proposed Amendments:**

The CGO Zone use permissions in the adopted Zoning Ordinance were a product of four years of community discussions and Council deliberations.

The Planning Board recommends that the bill be amended to apply use permissions consistent with those found in the new Zoning Ordinance or defer consideration and enactment of this bill in favor of the CMA process. If the bill moves forward now, "gas station" and "apartment housing for elderly or handicapped" should be amended from P to SE, to conform with the new Zoning Ordinance.

Following discussion, the Planning Board voted to support CB-45-2019 with the above-mentioned amendments.