



Office of the Chairman  
Prince George's County Planning Board

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October 7, 2021

The Honorable Calvin S. Hawkins, II  
Chairman  
Prince George's County Council  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: CB-100-2021, CB-101-2021, CB-106-2021, and  
CB-107-2021

Dear Chairman Hawkins: *Calvin*

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the October 7, 2021 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-100-2021** A bill to prohibit "Consolidated Storage" facilities in non-residential and Transit-Oriented/Activity Center Base Zones of the new Zoning Ordinance adopted as CB-13-2018.*

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

The Planning Board has reviewed the preliminary CMA zoning map and determined that this legislation will impact 21 existing "Consolidated Storage" facilities. The "Consolidated Storage" facilities are located as follows: 12 in the CS, 4 in the CGO, 3 in the NAC, 0 in the TAC-Edge, and 2 in the LTO-Edge Zones. Future "Consolidated Storage" facilities would be prohibited in the above-mentioned zones and permitted only in the Industrial/Employment (IE) and Industrial, Heavy (IH) Zones.

The Planning Board continues to work with the County Council on a package of legislation intended to incorporate technical revisions to the adopted Zoning Ordinance, Subdivision Regulations, and Landscape Manual. CB-100-2021 proposes a substantive change to the adopted Zoning Ordinance and a full analysis of that change has not been conducted.

Furthermore, the proposed prohibition of "Consolidated Storage" facilities in most of the zones where the use is permitted in the adopted Zoning Ordinance may have a detrimental impact on the County's tax base.

These facilities are typically low investment uses with a relatively high return and are often transitional uses before market conditions support redevelopment with more intense uses.

However, zoning and uses remain the purview of the District Council and should the Council wish to proceed with CB-100-2021, the Planning Board recommends consideration be given to incorporating the revisions of this bill in CB-98-2021 as part of the larger revision bill to the adopted Zoning Ordinance.

The Planning Board recommends opposition to the proposed legislation, as the focus of the current legislative revisions to the adopted Zoning Ordinance has been technical clarifications. CB-100-2021 proposes a substantive change to the adopted ordinance and a full analysis or study of this change is needed.

Additionally, the new Zoning Ordinance includes design standards that would result in more attractive, higher-quality consolidated storage facilities.

The adopted Zoning Ordinance requires “Consolidated Storage” facilities in the CS, NAC, TAC-Edge, and LTO-Edge to be permitted with Special Exception approval. The use is permitted in the CGO Zone with use-specific standards. Again, the adopted Zoning Ordinance includes design standards that would result in more attractive development, including higher quality consolidated storage facility buildings.

*CB-101-2021 A bill to permit “Funeral Parlor, Undertaking Establishment” in the Light Industrial (I-1) Zone, under certain circumstances.*

**Planning Board Recommendation: Oppose.**  
(See Attachment 2 for full analysis)

The proposed legislation will impact one property located at 4711 Lydell Road, Hyattsville, Maryland. The tax identification number is 0135301.

The current Zoning Ordinance already defines “Funeral Home (Funeral Parlor)”. It is not clear why this bill creates a new use when there is little difference between it and the current definition within the Code. The District Council may want to rectify the definition of the proposed and existing use.

The addition of a new use to the Zoning Ordinance without research or preferably a comprehensive study of similar uses and their impact could introduce unforeseen effects or unintended consequences. If the District Council would like to move forward with the bill, the Planning Board does not understand why the use is not permitted in all I-1 Zones. As drafted, the use is only permitted under the provisions of the proposed footnote. The proposed text amendment undermines the fundamental principles of procedural and substantive due process. It can have a further destabilizing effect on competing businesses and property investments. Continuing to amend the Zoning Ordinance, which is about to be replaced, will be confusing to the public; and could distract the District Council from the important work of implementing the new Zoning Ordinance.

The Planning Board strongly recommends opposition to CB-101-2021. The addition of a new use to the Zoning Ordinance without research or preferably a comprehensive study of similar uses and their impact could introduce unforeseen effects or unintended consequences. The District Council should wait until the new Zoning Ordinance is in place. We strongly recommend that the District Council not make additional changes to the current Zoning Ordinance.

**The adopted Zoning Ordinance renames the I-1 Zone the Industrial/Employment (IE) Zone. In the new Zoning Ordinance, the use is called “funeral parlor or undertaking establishment” and retains the current Zoning Ordinance definition. The “funeral parlor or undertaking establishment” use is prohibited in the industrial zones.**

*CB-106-2021 A bill to permit “Elderly Housing (One-family Attached Dwellings) in the Rural Residential (R-R) Zone, under certain circumstances.*

**Planning Board Recommendation: Oppose.**  
(See Attachment 3 for full analysis)

**This bill amends Section 27-352.01 Elderly Housing, (One-family Attached Dwellings) to permit the use on a property located in the Rural Residential (R-R) Zone with specific development regulations. The proposed legislation will impact seven properties. Three of the seven properties are owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC). The addresses for the other four properties are 1661 Tucker Road, 9401 Westphalia Road, 0 Duckettown Road, and 12804 Windbrook Drive. The tax identification numbers are 1304625, 1711555, 1657287, and 400077.**

**The Planning Board has numerous concerns and comments for District Council consideration.**

**Perhaps the bill could simplify the title for “Elderly Housing, (One-family Attached Dwellings)”. The use could be renamed “One-Family Attached Dwellings for the Elderly”. “Elderly Housing (One-Family Attached Dwelling)” is already a use permitted with Special Exception approval. Section 27-441, the Residential Table of Uses is where the use should be with a footnote that indicates the use is permitted per Section 27-352.01(b).**

**The language on page 2, lines 10 through 14, under number (5) waives all requirements and regulations for the R-R Zone. It establishes that all development standards except for density will be based upon the Special Exception site plan. This process defeats the entire purpose of zoning and denies the District Council, Planning Board, and Zoning Hearing Examiner the ability to apply any objective standards for development.**

**The language under number (6), lines 15 through 19, should be deleted. Section 24-135 (Fee in Lieu and recreational facilities.) of the Subdivision Regulations requires recreational facilities to be properly developed and maintained to benefit future residents through covenants, recreational facilities agreements, or other appropriate means.**

**The agreement is legally binding upon the subdivider and their heirs, successors, and assigns; and is enforceable by the Planning Board. Therefore, the language should be deleted. It is duplicative of a process already required during the Preliminary Plan of Subdivision review.**

**The Planning Board recommends opposition to the proposed legislation. It does not include development regulations, which leaves the development of the site to be determined subjectively.**

**The Planning Board strongly recommends that the District Council wait until the new ordinance is in place. We strongly recommend that the District Council not make additional changes to the current Zoning Ordinance.**

**The R-R Zone will be named the Residential Rural (RR) Zone. Elderly housing (Single-family attached dwellings) will require Special Exception approval.**

***CB-107-2021** A bill to require Special Exception approval, and revision of certain site design criteria in certain commercial, industrial, comprehensive design, and mixed- use zones.*

**Planning Board Recommendation: Oppose.**  
(See Attachment 4 for full analysis)

**CB-107-2021 is a text amendment of general application. The bill will apply to all gas stations in the Commercial Miscellaneous (C-M), Limited Intensity Industrial (I-4), Major Activity Center (M-A-C), Local Activity Center (L-A-C), Village-Low (V-L), Village- Medium (V-M), Mixed Use - Transportation Oriented (M-X-T), and Mixed-Use Community (M-X-C) Zones countywide.**

**The Planning Board understands the intent of the legislation, but it proposes a major policy change on how gas stations are approved in the County. The Planning Board is unable to determine the number of properties impacted by this bill without extensive research. Will existing gas stations that do not meet the requirements of the bill be considered non-conforming uses? The Planning Board recommends additional study to determine the number of properties affected by the legislation. This change to the Zoning Ordinance without a comprehensive study on the impact to existing gas stations throughout the county could introduce unforeseen effects or unintended consequences.**

**On page 3, line 18, it is not clear what is meant by the words “signage shall be limited to the minimum necessary”. There are no criteria to determine “minimum necessary”. The language is very subjective.**

**The Planning Board strongly opposes the bill. There should be a comprehensive study on how the proposed legislation with impact existing gas stations.**

**The District Council should wait until the new Zoning Ordinance is in place. We strongly recommend that the District Council not make additional changes to the current Zoning Ordinance.**

**The adopted Zoning Ordinance removes the M-X-T Zone. Comprehensive Design Zones are renamed Comprehensive Legacy Zones. The “gas station” use is permitted in the Commercial Service (CS), Town Activity Center (TAC)-Edge, Local Transit-Oriented (LTO)- Edge, Regional Transit-Oriented Low Intensity (RTO-L)-Edge, and Regional Transit-Oriented High Intensity (RTO-H)-Edge Zones.**

**Special Exception approval is required in the Commercial General Office (CGO), Industrial/Employment (IE), Industrial, Heavy (IH), Neighborhood Activity Center (NAC) Zones. The use is prohibited in the Commercial Neighborhood (CN), TAC- Core, LTO-Core, RTO-Core, RTO-H-Core and the Planned Mobile Home Community (R-M-H) Zones.**

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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, appearing to read "Betty", written in a cursive style.

Elizabeth M. Hewlett  
Chairman

Attachments

## **CB-100-2021 – Planning Board Analysis (Attachment 1)**

A bill to prohibit “Consolidated Storage” facilities in non-residential and Transit-Oriented/Activity Center Base Zones of the new Zoning Ordinance adopted as CB-13-2018.

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

### **Policy Analysis:**

This bill will prohibit “Consolidated Storage” facilities in the Commercial Service (CS), Commercial General Office (CGO), Neighborhood Activity Center (NAC), Town Activity Center (TAC) Edge, and Local Transit-Oriented (LTO) Edge Zones. Until the ongoing Countywide Map Amendment (CMA) is approved by the District Council, none of these zones exist on the zoning map.

The Planning Board has reviewed the preliminary CMA zoning map and determined that this legislation will impact 21 existing “Consolidated Storage” facilities. The “Consolidated Storage” facilities are located as follows: 12 in the CS, 4 in the CGO, 3 in the NAC, 0 in the TAC-Edge, and 2 in the LTO-Edge Zones. Future “Consolidated Storage” facilities would be prohibited in the above-mentioned zones and permitted only in the Industrial/Employment (IE) and Industrial, Heavy (IH) Zones.

The Planning Board continues to work with the County Council on a package of legislation intended to incorporate technical revisions to the adopted Zoning Ordinance, Subdivision Regulations, and Landscape Manual. CB-100-2021 proposes a substantive change to the adopted Zoning Ordinance and a full analysis of that change has not been conducted.

Furthermore, the proposed prohibition of “Consolidated Storage” facilities in most of the zones where the use is permitted in the adopted Zoning Ordinance may have a detrimental impact on the County’s tax base. These facilities are typically low investment uses with a relatively high return and are often transitional uses before market conditions support redevelopment with more intense uses.

However, zoning and uses remain the purview of the District Council and should the Council wish to proceed with CB-100-2021, the Planning Board recommends consideration be given to incorporating the revisions of this bill in CB-98-2021 as part of the larger revision bill to the adopted Zoning Ordinance.

The Planning Board recommends opposition to the proposed legislation, as the focus of the current legislative revisions to the adopted Zoning Ordinance has been technical clarifications. CB-100-2021 proposes a substantive change to the adopted ordinance and a full analysis or study of this change is needed.

Additionally, the new Zoning Ordinance includes design standards that would result in more attractive, higher-quality consolidated storage facilities.

### **Impacted Property:**

This legislation will impact 21 existing “Consolidated Storage” facilities. The “Consolidated Storage” facilities are located as follows: 12 in the CS, 4 in the CGO, 3 in the NAC, 0 in the TAC-Edge, and 2 in the LTO-Edge Zones.

**Adopted Zoning Ordinance:**

The adopted Zoning Ordinance requires “Consolidated Storage” facilities in the CS, NAC, TAC-Edge, and LTO-Edge to be permitted with Special Exception approval. The use is permitted in the CGO Zone with use-specific standards. The adopted Zoning Ordinance includes design standards that would result in more attractive development, including higher quality consolidated storage facility buildings.

Following discussion, the Planning Board voted to oppose CB-100-2021.

## **CB-101-2021 – Planning Board Analysis (Attachment 2)**

A bill to permit “Funeral Parlor, Undertaking Establishment” in the Light Industrial (I-1) Zone, under certain circumstances.

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

### **Policy Analysis:**

This bill will permit a “Funeral Parlor, Undertaking Establishment” in the Light Industrial (I-1) Zone, subject to a new footnote. The footnote permits the use by right. The property must be one-and-a-half but no more than two-and-a-half acres, located less than one mile from the District of Columbia, 500 feet from a property located in the One-Family Detached Residential (R-55) Zone, and the property is abutted on four sides by land located in an industrial zone at the time of commencement of the “Funeral Parlor, Undertaking Establishment”.

The proposed legislation will impact one property located at 4711 Lydell Road, Hyattsville, Maryland. The tax identification number is 0135301.

The current Zoning Ordinance already defines “Funeral Home (Funeral Parlor)”. It is not clear why this bill creates a new use when there is little difference between it and the current definition within the Code. The District Council may want to rectify the definition of the proposed and existing use.

The addition of a new use to the Zoning Ordinance without research or preferably a comprehensive study of similar uses and their impact could introduce unforeseen effects or unintended consequences. If the District Council would like to move forward with the bill, the Planning Board does not understand why the use is not permitted in all I-1 Zones. As drafted, the use is only permitted under the provisions of the proposed footnote. The proposed text amendment undermines the fundamental principles of procedural and substantive due process. It can have a further destabilizing effect on competing businesses and property investments. Continuing to amend the Zoning Ordinance, which is about to be replaced, will be confusing to the public; and could distract the District Council from the important work of implementing the new Zoning Ordinance.

The Planning Board strongly recommends opposition to CB-101-2021. The addition of new a use to the Zoning Ordinance without research or preferably a comprehensive study of similar uses and their impact could introduce unforeseen effects or unintended consequences. The District Council should wait until the new Zoning Ordinance is in place. We strongly recommend that the District Council not make additional changes to the current Zoning Ordinance.

### **Impacted Property:**

The bill will affect a property located at 4711 Lydell Road, Hyattsville, Maryland. The tax identification number is 0135301.



**Adopted Zoning Ordinance:**

The adopted Zoning Ordinance renames the I-1 Zone the Industrial/Employment (IE) Zone. In the new Zoning Ordinance, the use is called “funeral parlor or undertaking establishment” and retains the current Zoning Ordinance definition. The “funeral parlor or undertaking establishment” use is prohibited in the industrial zones.

Following discussion, the Planning Board voted to oppose CB-101-2021.

### **CB-106-2021 – Planning Board Analysis (Attachment 3)**

A bill to permit “Elderly Housing (One-family Attached Dwellings) in the Rural Residential (R-R) Zone, under certain circumstances.

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

#### **Policy Analysis:**

This bill amends Section 27-352.01 Elderly Housing, (One-family Attached Dwellings) to permit the use on a property located in the Rural Residential (R-R) Zone with specific development regulations. The proposed legislation will impact seven properties. Three of the seven properties are owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC). The addresses for the other four properties are 1661 Tucker Road, 9401 Westphalia Road, 0 Duckettown Road, and 12804 Windbrook Drive. The tax identification numbers are 1304625, 1711555, 1657287, and 400077.

The Planning Board has numerous concerns and comments for District Council consideration.

Perhaps the bill could simplify the title for “Elderly Housing, (One-family Attached Dwellings)”. The use could be renamed “One-Family Attached Dwellings for the Elderly”. “Elderly Housing (One-Family Attached Dwelling)” is already a use permitted with Special Exception approval. Section 27-441, the Residential Table of Uses is where the use should be with a footnote that indicates the use is permitted per Section 27-352.01(b).

The language on page 2, lines 10 through 14, under number (5) waives all requirements and regulations for the R-R Zone. It establishes that all development standards except for density will be based upon the Special Exception site plan. This process defeats the entire purpose of zoning and denies the District Council, Planning Board, and Zoning Hearing Examiner the ability to apply any objective standards for development.

The language under number (6), lines 15 through 19, should be deleted. Section 24-135 (Fee in Lieu and recreational facilities.) of the Subdivision Regulations requires recreational facilities to be properly developed and maintained to benefit future residents through covenants, recreational facilities agreements, or other appropriate means.

The agreement is legally binding upon the subdivider and their heirs, successors, and assigns; and is enforceable by the Planning Board. Therefore, the language should be deleted. It is duplicative of a process already required during the Preliminary Plan of Subdivision review.

The Planning Board recommends opposition to the proposed legislation. It does not include development regulations, which leaves the development of the site to be determined subjectively.

The Planning Board strongly recommends that the District Council wait until the new ordinance is in place. We strongly recommend that the District Council not make additional changes to the current Zoning Ordinance.

**Impacted Property:**

The bill will affect seven properties. Three of the seven properties are owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC). The addresses for the other four properties are 1661 Tucker Road, 9401 Westphalia Road, 0 Duckettown Road, and 12804 Windbrook Drive. The tax identification numbers are 1304625, 711555, 1657287, and 400077.

**Adopted Zoning Ordinance:**

The R-R Zone will be named the Residential Rural (RR) Zone. Elderly housing (Single-family attached dwellings) will require Special Exception approval.

Following discussion, the Planning Board voted to oppose CB-106-2021.

## **CB-107-2021 – Planning Board Analysis (Attachment 4)**

A bill to require Special Exception approval, and revision of certain site design criteria in certain commercial, industrial, comprehensive design, and mixed-use zones.

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

### **Policy Analysis:**

CB-107-2021 amends the Additional Requirements for Specific Exceptions for a gas station. The site plan must show the subject property is large enough in size and the layout to provide adequate ingress, egress, and circulation for large fuel transport vehicles. The property where the gas station is located must be 500 feet from any school, outdoor playground, library, or hospital. The bill also requires fuel dispensers to be at least 300 feet from any existing dwelling unit. The sidewalk must be eight feet wide between the building and curb in areas where there is pedestrian traffic. In addition, gas pumps must be 35 feet behind the street line and must be screened by landscaping. The bill requires signage at gas stations located in Regional Transit Districts, Local Centers, Neighborhood Reinvestment Areas, or the Innovation Corridor to be limited to only what is necessary. There must be a remediation plan once the site is abandoned. The bill permits the District Council to consider the number of existing and proposed gas stations within a three-mile radius of the proposed Special Exception for the gas station.

The bill amends the commercial, comprehensive design zones, industrial and mixed-use zones tables of uses to permit gas stations with Special Exception (SE) approval. Lastly, this bill changes the use “All others, subjected to the requirements of Section 27-464.06” under the “Private Automobile and other Motor Vehicle Auctions” from permitted to requiring SE approval.

CB-107-2021 is a text amendment of general application. The bill will apply to all gas stations in the Commercial Miscellaneous (C-M), Limited Intensity Industrial (I-4), Major Activity Center (M-A-C), Local Activity Center (L-A-C), Village-Low (V-L), Village-Medium (V-M), Mixed Use - Transportation Oriented (M-X-T), and Mixed-Use Community (M-X-C) Zones countywide.

The Planning Board understands the intent of the legislation, but it proposes a major policy change on how gas stations are approved in the County. The Planning Board is unable to determine the number of properties impacted by this bill without extensive research. Will existing gas stations that do not meet the requirements of the bill be considered non-conforming uses? The Planning Board recommends additional study to determine the number of properties affected by the legislation. This change to the Zoning Ordinance without a comprehensive study on the impact to existing gas stations throughout the county could introduce unforeseen effects or unintended consequences.

On page 3, line 18, it is not clear what is meant by the words “signage shall be limited to the minimum necessary”. There are no criteria to determine “minimum necessary”. The language is very subjective.

The Planning Board strongly opposes the bill. There should be a comprehensive study on how the proposed legislation will impact existing gas stations.

The District Council should wait until the new Zoning Ordinance is in place. We strongly recommend that the District Council not make additional changes to the current Zoning Ordinance.

**Impacted Property:**

The bill will apply to all gas in the C-M, I-4, M-A-C, L-A-C, V-L, V-M, M-X-T, and M-X-C Zones.

**Adopted Zoning Ordinance:**

The adopted Zoning Ordinance removes the M-X-T Zone. Comprehensive Design Zones are renamed Comprehensive Legacy Zones. The “gas station” use is permitted in the Commercial Service (CS), Town Activity Center (TAC)-Edge, Local Transit-Oriented (LTO)- Edge, Regional Transit-Oriented Low Intensity (RTO-L)-Edge, and Regional Transit-Oriented High Intensity (RTO-H)-Edge Zones. Special Exception approval is required in the Commercial General Office (CGO), Industrial/Employment (IE), Industrial, Heavy (IH), Neighborhood Activity Center (NAC) Zones. The use is prohibited in the Commercial Neighborhood (CN), TAC- Core, LTO-Core, RTO-Core, RTO-H-Core and the Planned Mobile Home Community (R-M-H) Zones.

Following discussion, the Planning Board voted to oppose CB-107-2021.