



Office of the Chairman  
Prince George's County Planning Board

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January 14, 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

Dear Chairman Hawkins:

Re: CB-1-2021

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the January 14, 2021 Planning Board meeting, the following position was adopted in accordance with the planning staff's recommendation on the proposed legislation. **A Planning Board Analysis of the bill is attached for your consideration and a brief excerpt from the report is provided below:**

***CB-1-2021** A bill to permit Qualified Data Centers in the Rural Residential (R-R), Commercial Office (C-O), Commercial Shopping Center (C-S-C), Major Activity Center (M-A-C), Employment and Industrial Area (E-I-A), Mixed Use - Transportation-Oriented (M-X-T) and Industrial zones under certain circumstances.*

**Planning Board Recommendation: Support with amendments, as recommended in the revised Planning Board's version of the bill.**  
(See Attachment 1 for full analysis)

**Policy Analysis:**

Qualified Data Centers are an emerging trend that are an essential component of modern life. Data processing and storage have seen tremendous increases in demand because of the COVID-19 pandemic. The Planning Board supports and encourages the use to locate and do business in the County. The Planning Board also recognizes this use will help implement one of the key economic development goals of the Prince George's County General Plan 2035 (Plan 2035) to diversify the County's tax base.

The Planning Board recommends revisions to streamline review and approval of Qualified Data Centers. Drawing on lessons contained in the adopted new Zoning Ordinance of October 23, 2018 and best planning and development practices, the Planning Board has prepared a revised draft zoning bill for review and consideration.

**Bill Structure**

Rather than repeating similar requirements pertaining to Qualified Data Centers in multiple sections of the existing Zoning Ordinance and in the proposed definition for the use, the Planning Board recommends creating a new subsection in the Zoning Ordinance to (a) specify the procedural requirements for a site plan at the time of building permit and (b) contain the regulations that will apply to the use.

This approach will be similar in concept to the use-specific standards in the new Zoning Ordinance, in that it provides a single location wherein all applicable standards specific to Qualified Data Centers are contained.

The Planning Board believes the best location for this consolidated subsection is in Part 3, Division 7 (Building, Grading, and Use and Occupancy Permits) in the current Zoning Ordinance. Specifically, a new subsection 27-253.01 should be created for Qualified Data Centers.

The major benefits to this action will be consolidation of regulations, thereby streamlining review and reducing the potential for confusion, and relocating development regulations from the definitions section of the code to a centralized, appropriate location. This action, which you will see in the revised draft of the zoning bill, simply requires a slight addition to the use tables to add the cross-reference location, eliminates the need for footnotes in the use tables, and provides a section to the bill focused on an addition to the Zoning Ordinance to supplement the current repeal and replace section.

### **Location of Qualified Data Centers**

Although the Planning Board supports Qualified Data Centers, there are concerns about the potential location of these facilities. The zones where this use is proposed to be permitted include zones located in Regional Transit Districts, Local Transit Centers, and Neighborhood Centers, and while a very desirable use from a Countywide and economic perspective, Qualified Data Centers are not appropriate in major transit centers or neighborhood-scaled centers. Some examples of where Qualified Data Centers can be built that may be detrimental to the County's vision of robust Transit Oriented Development or which may create outsized impacts on neighborhoods include, but are not limited to:

1. The Largo Town Center Shopping Center at the intersection of MD 202 and Largo Medical Center Drive, which is in the Largo Downtown/Regional Transit District and is zoned M-A-C; Carillon at Largo Town Center and several sites abutting Largo Metro Station are also zoned M-X-T and would qualify for this use.
2. University Town Center at Prince George's Plaza and the West Hyattsville Local Center: both of which are primarily zoned M-X-T.
3. Shopping centers at the Takoma-Langlely Crossroads, Riggs Road, East Riverdale, Beacon Heights, and Annapolis Road Purple Line Stations, which contain C-S-C and M-X-T zoning.
4. New Carrollton Metro Station, which is primarily M-X-T zoning.
5. The Port Towns Neighborhood Center, which contains numerous C-S-C zoned properties immediately abutting existing single-family detached homes.
6. Cheverly Metro Station Local Center, which contains M-X-T and Industrial zoning.
7. The Oxon Hill Neighborhood Center, which contains large amounts of C-S-C zoning.

The Planning Board recommends the addition of a locational standard for Qualified Data Centers to prohibit such uses in any Regional Transit District or Local Center at or above the designation of Campus Center (in other words, this use will be permitted in the proposed zones everywhere in the County except certain centers and will be permitted in the five designated Town Centers of Bowie, Brandywine, Konterra, Landover Gateway, and Westphalia). Additionally, the unique situation of the Bowie MARC Campus Center proximate to major power transmission lines and with existing M-X-T zoning make it well-suited for Qualified Data Center uses, and this location may also be appropriate to consider for the use.

Finally, the Planning Board believes the R-R Zone, which is a large-lot zone intended for single family detached development, is not appropriate for Qualified Data Centers. Should the District Council wish to proceed with permitting the use in this zone, the Planning Board recommends a new standard be added, to be exclusive to development of the use within the R-R Zone, to require a minimum setback of the principal building(s) of 500 feet from adjacent residential-zoned land to protect adjacent communities. Please note the Planning Board's revised draft zoning bill recommends "X" in the R-R Zone but retains the Residential Table of Uses for convenience should the District Council choose to proceed in permitting the use in the R-R Zone.

#### **Definition of Qualified Data Centers**

The reference to Section 11-236 of the Tax—General Article of the Annotated Code is incorrect. The reference should be to Section 11-239. The Planning Board recommends striking the additional verbiage from the definition and simply refer to the State's definition of Qualified Data Centers. There is concern from two perspectives with the proposed definition in CB-1-2021:

1. If the State Legislature changes the definition of Qualified Data Centers in Section 11-239 of the Tax—General Article, the County will need to reflect any such changes by enacting new zoning legislation.
2. There is a potential for applicants and property owners to argue they qualify under the County's definition even if they may not fully qualify for the State tax requirements. The phrase "being also a building..." on page 2, line 9 could lead down this path of unintended consequences.

Additionally, design standards should not be listed in the definition. Design regulations should be relocated to a new section outside the Qualified Data Center definition to ensure permit reviewers are applying the proper standards of review.

#### **Design Standards from Proposed Definition**

In addition to relocating the proposed design standards on pages 2 and 3 of CB-1-2021, the Planning Board recommends revisions to the standards to further minimize potential negative impacts on existing residential communities, ensure higher quality design for data center compounds, and clarifying the intent to achieve attractive buildings that are good neighbors. Specifically:

1. Standard (A) on lines 16-18 on page 2 should be clarified to extend the design quality intended for principal building facades to any façade that is adjacent to existing residential development. The word "adjacent" is too broad in this context, as one could argue that any façade of a building is "adjacent" to a right-of-way or residential

- development given the definition of “adjacent”. The Planning Board recommends changing the word “adjacent” to “face”. This change would clarify that building facades facing streets, or facing residential development, shall be of high-quality and minimize confusion.
2. The Planning Board also notes that the District Council may wish to consider the potential applicability to existing buildings that are repurposed as Qualified Data Centers.
  3. Standard (A)(1) on lines 19-21 should be deleted. The term “undifferentiated surfaces” is uninterpretable as written and standard (A)(2) clarifies how to avoid this situation in any event. The clause pertaining to more than one principal façade should be merged with standard (A)(2).
  4. The Planning Board recommends deletion of standard (B) on lines 25-30 on page 2. The Landscape Manual addresses screening of mechanical equipment and is applicable to Qualified Data Centers by not being exempted by CB-1-2021. The Planning Board recommends the Landscape Manual remain applicable, supplemented where necessary by the zoning bill.

Furthermore, there are no standards pertaining to parking, loading, or signage and recommends standards be added for these important features. The closest parallel use in the current Zoning Ordinance in terms of anticipated impacts may be a warehouse in the I-1 Zone; therefore, the Planning Board recommends parking and signage regulations be similar.

The Planning Board also recommends a standard be added to the bill to address ingress and egress. The language could read: “Driveways for ingress and egress shall be identified on the site plan and shall be located so as not to endanger pedestrians or create traffic hazards.”

### **Use Tables**

As explained above, the Planning Board has included revised use tables in our revised draft bill to add the necessary cross reference to the standards, prohibit the use in the R-R Zone, and delete the footnotes. If the District Council does not delete the footnotes, the Planning Board recommends and proposes minor revisions as follows:

1. Footnote (a) should be revised to delete “permit” prior to “site plan.”
2. Footnote (b) should be clarified. As currently worded, the Planning Board believes the language may not achieve the District Council’s intent. The current language requires Qualified Data Centers to adhere to net lot area, lot coverage, green area, building heights, and other regulations of the current Zoning Ordinance. There is no clear exemption from those requirements: instead, the clause simply states these requirements shall be shown on the physical site plan.

The Planning Board recommends clearly indicating the current requirements shall not apply and instead new requirements may be proposed by the applicant if this is the District Council’s intent.

3. Footnote (c) is unnecessary in its current form since the Landscape Manual already offers guidance pertaining to screening. For

consistency with the Landscape Manual, the Planning Board recommends the requirement be reworded to the provision of a minimum of 40 feet of vegetation from all adjacent residential properties and public rights-of-way. Additionally, regulatory guidance pertaining to security fencing height is also recommended, as there would be no height restrictions in CB-1-2021.

4. Footnote (d) should be deleted. The standard is currently contained in the proposed definition which requires full cut-off lighting fixtures ensures minimal lighting impacts off-site.
5. Footnote (e) should be revised to clarify a professional acoustical engineer shall prepare the desired acoustical study.

**New Zoning Ordinance:**

The adopted Zoning Ordinance consolidated “data processing facilities” under the umbrella of “business support service” uses. The use is prohibited in the Rural Residential (RR) Zone. “Business Support Service” uses are permitted in the Commercial General and Office (CGO), Commercial Neighborhood (CN), Industrial/Employment (IE), Industrial, Heavy (IH), Zones subject to use specific standards. Following discussion, the Planning Board voted to support CB-1-2021 with amendments, as recommended in the revised Planning Board’s version of the bill.

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

Attachments

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

A bill to permit Qualified Data Centers in the Rural Residential (R-R), Commercial Office (C-O), Commercial Shopping Center (C-S-C), Major Activity Center, Employment and Industrial Area (E-I-A), Mixed Use - Transportation-Oriented (M-X-T) and industrial Zones under certain circumstances.

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

### **Policy Analysis:**

The purpose of this legislation is to add and permit a new use entitled Qualified Data Center in the Rural Residential (R-R), Commercial Office (C-O), Commercial Shopping Center (C-S-C), Major Activity Center (M-A-C), Employment and Industrial Area (E-I-A), Mixed Use -Transportation-Oriented (M-X-T), Light Industrial (I-1), Heavy Industrial (I-2), Planned Industrial/Employment (I-3), Limited Intensity Industrial (I-4) and the Urban Light Industrial (U-L-I) Zones under certain circumstances.

Qualified Data Centers are an emerging trend that are an essential component of modern life. Data processing and storage have seen tremendous increases in demand because of the COVID-19 pandemic. The Planning Board supports and encourages the use to locate and do business in the County. The Planning Board also recognizes this use will help implement one of the key economic development goals of the Prince George's County General Plan 2035 (Plan 2035) to diversify the County's tax base.

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