

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2020 Legislative Session

Reference No.: CB-005-2020

Draft No.: 2

Committee: PLANNING, HOUSING AND ECONOMIC DEVELOPMENT

Date: 03/05/2020

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Glaros, Davis, Harrison, Hawkins, and Ivey)

The Planning, Housing, and Economic Development (PHED) Committee convened on February 20 and March 5 to consider CB-5-2020. CB-5 amends the Zoning Ordinance to provide an exception to the regulations applicable to medical cannabis dispensaries in the County, more specifically, the minimum setback requirement from land owned by the Park and Planning Commission for location of this use.

Council Member Taveras, the bill's sponsor, informed the committee that this legislation is intended to create an economic development opportunity by allowing medical cannabis dispensaries on properties near parks that do not have recreational amenities.

At the February 20 meeting, the Committee Director summarized written referral comments received. The Planning Board opposed CB-5-2020 and submitted a February 13, 2020 letter to Council Chair Turner summarizing the Planning staff analysis and position on the bill as follows. "This bill seems to exempt land located near the Northwest Branch Stream Valley Park or land conveyed by WSSC along the Northwest Branch of the Anacostia River from the 500-foot setback requirement without any explanation. The Planning Board is not clear on why a special exemption is being given to certain properties when there are many other properties near other parkland that would still have to comply with the setback requirements. The Zoning Ordinance regulations should be applied equally for all similarly situated properties.

The Planning Board believes this bill was drafted for a specific property adjacent to the Northwest Branch Stream Valley Park or land conveyed by WSSC. The Planning Board is not able to determine the number of properties conveyed by WSSC along the Northwest Branch. In addition, we are not able to determine the number of properties conveyed by WSSC along the Northwest Branch. In addition, we are not able to determine the number of properties that are used for flood control. We were able to determine that there is one property owned by WSSC which is along the Northwest Branch."

The Committee reviewed a Proposed Draft-2 (DR-2) on February 20 containing amendments

requested by the bill sponsor to address Planning Board comments. The amendments in Proposed DR-2 were as follows:

(a) The boundaries of property used as a medical cannabis dispensary shall be at least:

- (1) 300 feet from any R-A, R-E, R-L, R-R, R-S, R-80, or R-55 Zone;
- (2) 500 feet from any land owned by the Maryland-National Capital Park and

Planning Commission, ~~except A PARCEL OF land located in the Northwest Stream Valley Park or conveyed from the Washington Suburban Sanitary Commission along the Northwest Branch of the Anacostia River, and whose primary purpose is flood control~~ **ABUTTING A STREAM VALLEY PARK WITH NO RECREATIONAL AMENITIES;**

During the February 20 meeting, the following individuals testified in support of the legislation: Bradley Farrar, of Shipley & Horne, P.A.; Raj Mukherji, Esq., representing Canna Pharmacy Maryland, LLC; Marla Bouie; and Danielle Alvarez-Wolf.

Rana Hightower, representing the Planning Board informed the Committee that the Planning Department was still having difficulty mapping potential locations and requested clarification of what is meant by “recreational amenities” in Proposed DR-2. The bill was held in Committee to allow additional time for the sponsor to develop language that would address the Planning Department’s mapping concerns as well as the Planning Board’s concern of the bill’s applicability.

On March 5, the Committee review a Proposed Draft-2A (DR-2A) with the following amendments:

(b) The boundaries of property used as a medical cannabis dispensary shall be at least:

- (3) 300 feet from any R-A, R-E, R-L, R-R, R-S, R-80, or R-55 Zone;
- (4) 500 feet from any land owned by the Maryland-National Capital Park and

Planning Commission, ~~UNLESS located in the Northwest Stream Valley Park or conveyed from the Washington Suburban Sanitary Commission along the Northwest Branch of the Anacostia River, and whose primary purpose is flood control~~ **THE LAND HAS NO RECREATIONAL FACILITIES WITHIN 500 FEET OF THE DISPENSARY PROPERTY OR THERE IS A REGULATED STREAM OR A COUNTY MASTER PLAN ROADWAY WITH A FUNCTIONAL TRANSPORTATION CLASSIFICATION AS ARTERIAL SEPARATING THE RECREATIONAL FACILITIES FROM THE PROPERTY;**

Council Member Taveras commented that since the February 20 meeting, her office had worked with Ms. Hightower and Planning Department staff to clarify the language as requested and to provide mapping information. Ms. Taveras commented that the Planning Department

map contains 22 sites that would meet the criteria of the language in Proposed DR-2A.

Amanda Denison, representing the Office of Law, commented that the revised draft is in proper legislative form with no legal impediments to its enactment.

Council Member Hawkins made a motion for favorable recommendation on Proposed DR-2A seconded by Council Member Davis. The Committee voted for a favorable recommendation, 5-0, as to CB-5-2020, as amended.