

INTER-OFFICE MEMORANDUM PRINCE GEORGE'S COUNTY, MARYLAND

TO: Jackie Brown, Director
Planning, Housing, and Economic Development Committee

FROM: Maurene Epps McNeil,
Chief Zoning Hearing Examiner

DATE: March 31, 2021

RE: CB-23-2021

The purpose of the bill is to amend the I-3 Zone uses set forth in Section 27-473 “to permit, on a limited legislative basis, Moving and Storage, Parking Lot or Garage or Loading Area, Parking of Vehicles to an Allowed Use, and Warehousing Uses.” As drafted it raised the following substantive concerns.

- (1) Since the bill does not purport to add new uses the purpose clause should be revised to address actual uses in the Use Table (i. e. “Moving and Storage Operation”, “Parking of Vehicles Accessory to an Allowed Use”). Additionally, there is no language elsewhere in the bill that mentions “a limited legislative basis”, so the purpose clause should either be revised to remove that language, or the enacted portion of the bill should have some limited time frame within which the new language is applicable.
- (2) The new footnote states that access to the site “must cross property in the I-2 Zone.” I assume the access will be an easement of some sort; perhaps the language should note that. In any event, the footnote also notes that Section 27-466.01 shall not apply. This language provides as follows:

Sec. 27-466.01. Frontage.

Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.

I would note that Section 20-504 of the Land Use Article is the genesis for Section 27-466.01. The footnote should be revised to delete subparagraph (e).

(3) Finally, under current law a warehouse is only permitted in the I-3 Zone if it meets the strictures of Section 27-471 (g):

Sec. 27-471. I-3 Zone (Planned Industrial/Employment Park).

(g) Warehousing.

- (1) Warehousing, wholesaling, distribution, or storage of materials not used, or products not produced, on the premises may be permitted, subject to the following:
 - (A) Not more than twenty percent (20%) of the net tract area of the entire Planned Industrial/Employment Park shall be devoted to these uses (including accessory uses such as off-street parking and loading areas).
 - (B) More than twenty percent (20%), but not more than thirty percent (30%), of the net tract area of the entire Planned Industrial/Employment Park may be devoted to these uses if at least five percent (5%) of the net lot area (of the lot on which the use is proposed) is devoted to green area. This green area shall be in addition to any other green area required by this Part. This additional green area shall either serve to preserve irreplaceable natural features, be designed so that the visual impact of the facility will be relieved (either by natural features or changes in grade), or provide distinctive furnishings (such as sculptures, fountains, and sidewalk furniture).
 - (C) More than thirty percent (30%), but not more than fifty percent (50%), of the net tract area of the entire Planned Industrial/Employment Park may be devoted to these uses if, in addition to meeting the requirements of (B), above, the Planning Board finds:
 - (i) That the tract is suited for these uses because of its accessibility to railways or highways that readily accommodate warehousing;
 - (ii) That the traffic generated by the uses is not directed through residential neighborhoods;
 - (iii) That the use is compatible with surrounding existing land uses and those proposed on the Master Plan. In determining compatibility, the Planning Board shall consider architectural or physical features of the facility and may require that these features be compatible with surrounding land uses.
 - (D) The remainder of the park shall be devoted to other uses, in the case of (A), (B), or (C), above.

The bill does not delete this language but allows Warehouses in the I-3 under “all others”. I am sure the intent is to not have warehouses meet the language above. It will be less confusing and subject to interpretation to delete (g) and permit all warehouses in the industrial zones. If the intent is simply to not have this section apply to properties discussed in the bill, I have no problem with the way it is drafted.

Cc: Councilmember Sydney Harrison

Daniel Lynch, Esquire

Karen Zvakos, Esquire

Dinora Hernandez, Esquire