



Office of the Chairman
Prince George's County Planning Board

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June 13, 2023

The Honorable Thomas E. Dernoga
Chairman
Prince George's County Council
Wayne K. Curry Administration Building
1301 McCormick Drive
Largo, MD 20772

Re: CB-68-2023 and CB-70-2023

Dear Chairman Dernoga:

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the July 13, 2023 Planning Board meeting, the following positions were adopted in accordance with the Planning Department staff's recommendations on the proposed legislation. **A Planning Board Analysis is attached for your consideration and a brief excerpt from each report is provided below:**

CB-68-2023 *Attempts to prohibit the construction of multifamily dwellings in the RMF-48 (Residential, Multifamily-48) Zone on land under six acres in size and with a future land use recommendation for recreational uses.*

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

The Planning Board understands a single property located at 2300 Brinkley Road was the intended subject of the bill, but the bill is so narrowly tailored that it eliminates this location from qualification. No property in Prince George's County is affected by CB-68-2023.

The Planning Board generally opposes site-specific legislative zoning amendments because they reduce the uniformity and consistent treatment of properties which are the core purposes of any Zoning Ordinance. Furthermore, such amendments benefiting or burdening an individual property owner may possibly violate the State constitution's prohibition against "special laws" or the uniformity requirement of the Land Use Article. Even if CB-68-2023 affected any property in the County, the Board recommends opposition on this basis.

From a planning standpoint, it does not make sense and is contrary to the purposes of the RMF-48 Zone to prohibit multifamily development in the County's highest-density residential multifamily zone. If the Council wishes to prevent such development; the property should be rezoned to a zone that does not allow multifamily dwellings through a minor plan amendment and concurrent Sectional Map Amendment process.

Should the Council choose to move forward with some version of CB-68-2023 after resolving the applicability issue inherent in Draft 1, there are several technical issues that should also be addressed. The Board notes none of these technical comments have any bearing on the Board's recommendation to oppose this site-specific bill.

The clause “with a future land use recommendation for recreational uses within the applicable master or sector plan for the area in which the property is located” eliminates 2300 Brinkley Road and no RMF-48 property in the County qualifies for this criterion.

Only two Area Master Plans of the 38 Area Master Plans and Sector Plans currently in effect contain a “recreational” or “recreational/institutional” land use: the College Park-Riverdale Park Transit District Development Plan and the Largo Town Center Sector Plan. Neither plan area contains any RMF-48 property.

CB-70-2023 *A bill to amend the additional requirements for cannabis use in the R-A, R-E, R-L, R-R, R-S, and R-55 Zones.*

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

The Planning Board has numerous concerns with the bill as drafted. The bill attempts to amend the prior Zoning Ordinance, which is no longer in effect and cannot be amended. The District Council would need to amend the current Zoning Ordinance to address concerns that arise from a property owner's entitlement to use processes in the prior Ordinance.

On page 1, line 19, the bill adds the limitation only permitting medical and recreational cannabis dispensaries to the “IH” Zone. This zone does not exist in the prior Zoning Ordinance. It is essential to note that neither the prior Zoning Ordinance (in the I-2 Zone) nor the current Zoning Ordinance (in the IH Zone) permit “medical or recreational cannabis dispensaries” and CB-70-2023 would have no effect since the use tables are not proposed to be amended to permit cannabis dispensaries in the heavy industrial zone.

The terms “recreational cannabis dispensary” or “recreational cannabis uses” are not defined in the prior Zoning Ordinance. Most importantly, the bill does not amend the tables of uses to include either “medical cannabis dispensary” or “recreational cannabis dispensary”, as a permitted use in the I-2 or IH zones or address other potential recreational cannabis uses. If it is the Council’s intent to begin to incorporate laws pertaining to recreational cannabis in the Zoning Ordinance, at minimum, definitions and use permissions need to be addressed.

On page 2, lines 18 through 20 requires any established cannabis dispensary to come into compliance within 24 months of enactment. This language is essentially transition language that should be added to the transitional and grandfathering provisions of the Zoning Ordinance, not within the Section that includes standards for cannabis uses.

On page 2, line 21, there is extremely confusing language that discusses special exceptions that should be deleted from the bill.

It is impossible to determine the number of properties affected by the proposed legislation because the zones included in this bill no longer exist and other locational elements of the bill, including the location of recreational programs, and before and after-school land uses, are challenging to map.

Rather than pursue CB-70-2023, the Planning Board recommends that the District Council draft an omnibus bill to comprehensively address the growing, processing, sale, and use of cannabis in Prince George’s County. Planning Board staff are available to work with the District Council and Council staff to assist in achieving the Council's legislative goals.

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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 black ink, appearing to read "Peter A. Shapiro", with a long horizontal flourish extending to the right.

Peter A. Shapiro
Chair

Attachments