

(301) 952-3561

May 17, 2019

The Honorable Todd M. Turner  
Chair  
Prince George's County Council  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: CB-20-2019

Dear Chairman Turner:

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the May 16, 2019 Planning Board meeting, the following position was adopted in accordance with the planning staff's recommendation on the proposed legislation. **Planning Board Analysis of the bill is attached for your consideration and a brief excerpt from the report is provided below:**

***CB-20-2019** amends Section 27-461 (Uses Permitted in Commercial Zones.) by adding a new footnote under "all other laboratories" in the Commercial Office (C-O) Zone. Proposed footnote 76 permits the use by right without Special Exception (SE) approval for an Independent Testing Laboratory that offers or performs tests of medical cannabis or products containing medical cannabis and is independent of any entity that grows, processes or dispenses cannabis in accordance with the Code of Maryland Regulations (COMAR)10.62.16.01(Definitions).*

**Planning Board Recommendation: Support with Amendments**

(See Attachment 1 for full analysis)

The proposed use is appropriate for the C-O Zone; similar uses are already permitted in the zone such as technology and biotechnology activities. These uses are important to the county's economic development strategy and allowing labs in the C-O Zone will support that strategy. C-O zoned properties have difficulty attracting more traditional office uses in the current market and many C-O properties have high vacancies; allowing new uses may increase occupancy rates for C-O zoned properties.

The Council's adopted Zoning Ordinance will consolidate the C-O Zone into the new Commercial General Office (CGO) Zone. The Planning Board believes the proposed use fits within the adopted Zoning Ordinance's definition for "Research and development". "Research and development" is a permitted use in the CGO Zone. Therefore, CB-20-2019 brings the ordinance that remains currently in force closer to the Council's adopted ordinance. The bill will serve as a useful stopgap provision until the new, modernized ordinance takes effect.

**The Planning Board recommends that the "Independent Testing Laboratory" use be defined under Section 27-107.01 using the definition listed under COMAR 10.62.16.01. The definition reads: "Independent testing laboratory means any facility, entity, or site in Maryland that offers or performs tests of medical cannabis or products containing medical cannabis and is independent of any entity that grows, processes or dispenses cannabis."**

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 that reads "Betty".

Elizabeth M. Hewlett  
Chairman

Attachments

## **CB-20-2019– Planning Board Analysis (Attachment 1)**

CB-20-2019 amends Section 27-461 (Uses Permitted in Commercial Zones.) by adding a new footnote under "all other laboratories" in the Commercial Office (C-O) Zone. Proposed footnote 76 permits the use by right without Special Exception (SE) approval for an Independent Testing Laboratory that offers or performs tests of medical cannabis or products containing medical cannabis and is independent of any entity that grows, processes or dispenses cannabis in accordance with the Code of Maryland Regulations (COMAR)10.62.16.01(Definitions).

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

### **Policy Analysis:**

The proposed use is appropriate for the C-O Zone; similar uses are already permitted in the zone such as technology and biotechnology activities. These uses are important to the county's economic development strategy and allowing labs in the C-O Zone will support that strategy. C-O zoned properties have difficulty attracting more traditional office uses in the current market and many C-O properties have high vacancies; allowing new uses may increase occupancy rates for C-O zoned properties.

### **New Zoning Ordinance:**

The Council's adopted Zoning Ordinance will consolidate the C-O Zone into the new Commercial General Office (CGO) Zone. The Planning Board believes the proposed use fits within the adopted Zoning Ordinance's definition for "Research and development," which reads:

"A facility primarily engaged in basic and applied research and development of experimental study, testing, or analysis of innovative ideas in the natural and medical sciences, engineering, or other technology-intensive fields.

Examples include research and development of computer software, information systems, communication and transportation systems, geographic information systems, multi-media and video technology, pharmaceuticals and disease control."

"Research and development" is a permitted use in the CGO Zone. Therefore, CB-20-2019 brings the ordinance that remains currently in force closer to the Council's adopted ordinance. The bill will serve as a useful stopgap provision until the new, modernized ordinance takes effect.

### **Impacted Properties:**

There are approximately one thousand four hundred twenty-five (1,425) properties that are either split zoned or wholly zoned C-O in Prince George's County. One thousand three hundred eighty-five (1,385) of the 1,425 properties are wholly zoned C-O. All of the above-mentioned properties could benefit from the proposed legislation.

**Proposed Amendments:**

The proposed use “Independent Testing Laboratory” under the footnote is capitalized. Capitalized terms in the Zoning Ordinance often are defined. The bill as drafted does not seem to define the use. Defining the use under Section 27-107.01 (Definitions.) would better align with the new Zoning Ordinance, and more importantly assist with interpretation and permit issuance. The Planning Board recommends that the "Independent Testing Laboratory" use be defined under Section 27-107.01 using the definition listed under COMAR 10.62.16.01. The definition reads: "Independent testing laboratory means any facility, entity, or site in Maryland that offers or performs tests of medical cannabis or products containing medical cannabis and is independent of any entity that grows, processes or dispenses cannabis."

Following discussion, the Planning Board voted to support CB-20-2019 with amendment(s).