



Office of the Chairman
Prince George's County Planning Board

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-3796

(301) 952-3561

March 25, 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-21-2021 and CB-23-2021

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the March 25, 2021 Planning Board meeting, the following positions were adopted in accordance with the planning staff's recommendations on the proposed legislation. **A Planning Board Analysis of each bill is attached for your consideration and a brief excerpt from each report is provided below:**

***CB-21-2021** A bill to permit a "Food and Beverage store in combination with a gas station" in the Residential Agricultural (R-A) Zone under certain circumstances.*

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

Policy Analysis:

A "Food or Beverage store in combination with a gas station" is not an appropriate use in a residential agricultural zone. The purposes of the Residential Agricultural (R-A) Zone are to provide large-lot, one-family detached residential subdivisions while encouraging the retention of agriculture as a primary land use; to encourage the preservation of trees and open spaces and to prevent soil erosion and stream valley flooding.

There are approximately 26 properties that are directly affected by the proposed legislation. Fourteen of the 26 properties are located outside the Plan 2035 Growth Boundary and located inside the Rural and Agricultural Areas. Plan 2035 recommends that rural areas focus on maintaining existing infrastructure with small neighborhood-oriented commercial uses that support the rural lifestyle and character. Many food or beverage stores in combination with gas stations are open 24-hours, seven days a week, and are not appropriate in rural agricultural communities. The proposed commercial use should not be located on residentially zoned land. Perhaps, it would be more appropriate to go through the Zoning Map Amendment process to rezone the land to a commercial zone.

The Planning Board recommends an amendment to the bill if the District Council intends to move forward with the proposed legislation. On page 1, line 3 delete the word “and” and replace it with the word “or”. The phrase would read a “Food or Beverage store”.

The adopted Zoning Ordinance prohibits gas stations in all rural, agricultural, and residential zones, including the Agricultural-Residential (AR) Zone, which is the replacement to the current R-A Zone.

CB-23-2021 A bill to permit, on a limited legislative basis, “Moving and Storage Operation,” “Parking lot or garage or loading area, in accordance with Part 11”, “Parking of vehicles accessory to an allowed use,” and “Warehousing” uses in the Planned Industrial/Employment Park (I-3) Zone under specified circumstances.

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

CB-23-2020 appears to be drafted for a specific property. The property is located at 8721 Timothy Road, Clinton, Maryland, and the associated tax account number is 3245925.

On page 1, line 4, the words “limited legislative basis” should be clarified. The bill as drafted does not include a sunset provision terminating these uses after a certain date.

On line 4, the use “Motor freight receiving or shipping (loading facilities): (B) All others” should be added to the title of the bill. As drafted the bill proposes to add this use.

On page 2, under the Industrial Table of Uses the bill adds footnote 78 to the use “Motor freight receiving or shipping (loading facilities): (B) All others” but does not properly change the use permission from “X” to “P” in this bill.

It should also be noted that the “Parking of vehicles accessory to an allowed use” and “Parking lot or garage or loading area, in accordance with Part 11” uses are already permitted without a footnote in the Industrial/ Employment Park (I-3) Zone throughout the County. Proposing to include footnote 78 for these two uses could have numerous unintended consequences. The footnote would severely limit where the uses may exist in the County. For example, there are many I-3 zoned properties in North County along US 1 where these parking uses would be prohibited under footnote 78. The effect of this probation could result in a development moratorium in this zone, as these parking uses are typically necessary to serve the principal use of the I-3 zoned land.

On page 3, the language under footnote 78 (b) should be deleted. Road access is strictly controlled by Section 24-128 (Private roads and easements) of the Subdivision Regulations.

Letter (d) under footnote 78 appears to require the I-3 Zone development standards for green area, building setbacks, and location of parking, but requires the Heavy Industrial (I-2) Zone standards to apply for building coverage and the net lot area. The building coverage is up to 90 percent of the lot in the I-2 Zone compared to 45 percent in the I-3 Zone, which raises concerns of compatibility with adjacent residential properties. Also, the net lot area for the I-3 Zone is 87,120 square feet while the I-2 Zone has no limitation on the net lot area. Outdoor storage is prohibited in the I-3 Zone but permitted in the I-2 Zone if not visible from the street.

If the legislation moves forward it would be clearer to state the "I-2 Zone standards apply, as well as..." and then list the specific sections of the Zoning Ordinance for the I-3 Zone that apply, such as "green area requirements in Section 27-474 (a)(1)(e)". This amendment would ensure that the intended I-3 Zone standards are applied. Also, the bill should require the building coverage, net lot area, and outdoor storage regulations to be consistent with the I-3 Zone.

The letter (e) should be deleted. Section 27-466.01 requires frontage and access to each lot unless otherwise authorized under Subtitle 24. Adding language stating the provisions of Section 27-466.01 does not exempt the applicant from the Subdivision Regulations requirement of providing adequate access and frontage for a permitted use. Permitting a use without appropriate access and frontage could result in unsafe situations, especially for uses such as warehousing, motor freight, and moving and storage which involve multiple large trucks. Consideration should be given to whether it is adequate for industrial uses, which generally use heavy equipment and large vehicles, to utilize alternate access without minimum road width standards. Further, any proposed standards for access should be addressed in Subtitle 24.

The adopted Zoning Ordinance eliminated the I-3 (Planned Industrial/Employment Park) Zone and replaced it with the IE (Industrial, Employment) Zone. The uses "warehouse showroom," "storage warehouse," "outdoor storage (as a principal use)," and "consolidated storage" are permitted in the IE Zone with use-specific standards. The uses "cold storage plant," "distribution warehouse," and "motor freight facility" are subject to Special Exception approval in the IE Zone with Special Exception standards. The "parking facility" use is also permitted in the IE Zone with use-specific standards. Site plan requirements would be determined by the square footage of the proposed development, but all developments must meet the pertinent development standards of Part 6: Development Regulations.

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-21-2021 – Planning Board Analysis (Attachment 1)

A bill to permit a “Food and Beverage store in combination with a gas station” in the Residential Agricultural (R-A) Zone under certain circumstances.

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

Policy Analysis:

A “Food or Beverage store in combination with a gas station” is not an appropriate use in a residential agricultural zone. The purposes of the Residential Agricultural (R-A) Zone are to provide large-lot, one-family detached residential subdivisions while encouraging the retention of agriculture as a primary land use; to encourage the preservation of trees and open spaces and to prevent soil erosion and stream valley flooding.

There are approximately 26 properties that are directly affected by the proposed legislation. Fourteen of the 26 properties are located outside the Plan 2035 Growth Boundary and located inside the Rural and Agricultural Areas. Plan 2035 recommends that rural areas focus on maintaining existing infrastructure with small neighborhood-oriented commercial uses that support the rural lifestyle and character. Many food or beverage stores in combination with gas stations are open 24-hours, seven days a week, and are not appropriate in rural agricultural communities. The proposed commercial use should not be located on residentially zoned land. Perhaps, it would be more appropriate to go through the Zoning Map Amendment process to rezone the land to a commercial zone.

The Planning Board recommends an amendment to the bill if the District Council intends to move forward with the proposed legislation. On page 1, line 3 delete the word “and” and replace it with the word “or”. The phrase would read a “Food or Beverage store”.

Impacted Property:

There are approximately 26 R-A zoned properties associated with 27 tax accounts records impacted by this legislation.

Adopted Zoning Ordinance:

The adopted Zoning Ordinance prohibits gas stations in all rural, agricultural, and residential zones, including the Agricultural-Residential (AR) Zone, which is the replacement to the current R-A Zone.

Following discussion, the Planning Board voted to oppose CB-21-2021 with an amendment.

CB-23-2021 – Planning Board Analysis (Attachment 2)

A bill to permit, on a limited legislative basis, “Moving and Storage Operation,” “Parking lot or garage or loading area, in accordance with Part 11”, “Parking of vehicles accessory to an allowed use,” and “Warehousing” uses in the Planned Industrial/Employment Park (I-3) Zone under specified circumstances.

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

Policy Analysis:

CB-23-2020 appears to be drafted for a specific property. The property is located at 8721 Timothy Road, Clinton, Maryland, and the associated tax account number is 3245925.

On page 1, line 4, the words “limited legislative basis” should be clarified. The bill as drafted does not include a sunset provision terminating these uses after a certain date.

On line 4, the use “Motor freight receiving or shipping (loading facilities): (B) All others” should be added to the title of the bill. As drafted the bill proposes to add this use.

On page 2, under the Industrial Table of Uses the bill adds footnote 78 to the use “Motor freight receiving or shipping (loading facilities): (B) All others” but does not properly change the use permission from “X” to “P” in this bill.

It should also be noted that the “Parking of vehicles accessory to an allowed use” and “Parking lot or garage or loading area, in accordance with Part 11” uses are already permitted without a footnote in the Industrial/ Employment Park (I-3) Zone throughout the County. Proposing to include footnote 78 for these two uses could have numerous unintended consequences. The footnote would severely limit where the uses may exist in the County. For example, there are many I-3 zoned properties in North County along US 1 where these parking uses would be prohibited under footnote 78. The effect of this probation could result in a development moratorium in this zone, as these parking uses are typically necessary to serve the principal use of the I-3 zoned land.

On page 3, the language under footnote 78 (b) should be deleted. Road access is strictly controlled by Section 24-128 (Private roads and easements) of the Subdivision Regulations.

Letter (d) under footnote 78 appears to require the I-3 Zone development standards for green area, building setbacks, and location of parking, but requires the Heavy Industrial (I-2) Zone standards to apply for building coverage and the net lot area. The building coverage is up to 90 percent of the lot in the I-2 Zone compared to 45 percent in the I-3 Zone, which raises concerns of compatibility with adjacent residential properties. Also, the net lot area for the I-3 Zone is 87,120 square feet while the I-2 Zone has no limitation on the net lot area. Outdoor storage is prohibited in the I-3 Zone but permitted in the I-2 Zone if not visible from the street.

If the legislation moves forward it would be clearer to state the “I-2 Zone standards apply, as well as...” and then list the specific sections of the Zoning Ordinance for the I-3 Zone that apply, such as “green area requirements in Section 27-474 (a)(1)(e)”. This amendment would ensure that the intended I-3 Zone standards are applied. Also, the bill should require the building coverage, net lot area, and outdoor storage regulations to be consistent with the I-3 Zone.

CB-23-2021 – Planning Board Analysis (Attachment 2)

Page 2

The letter (e) should be deleted. Section 27-466.01 requires frontage and access to each lot unless otherwise authorized under Subtitle 24. Adding language stating the provisions of Section 27-466.01 does not exempt the applicant from the Subdivision Regulations requirement of providing adequate access and frontage for a permitted use. Permitting a use without appropriate access and frontage could result in unsafe situations, especially for uses such as warehousing, motor freight, and moving and storage which involve multiple large trucks. Consideration should be given to whether it is adequate for industrial uses, which generally use heavy equipment and large vehicles, to utilize alternate access without minimum road width standards. Further, any proposed standards for access should be addressed in Subtitle 24.

Impacted Property:

The property that is impacted by this bill is located at 8721 Timothy Road, Clinton, Maryland, and the associated tax account number is 3245925.

Adopted Zoning Ordinance:

The adopted Zoning Ordinance eliminated the I-3 (Planned Industrial/Employment Park) Zone and replaced it with the IE (Industrial, Employment) Zone. The uses “warehouse showroom,” “storage warehouse,” “outdoor storage (as a principal use),” and “consolidated storage” are permitted in the IE Zone with use-specific standards. The uses “cold storage plant,” “distribution warehouse,” and “motor freight facility” are subject to Special Exception approval in the IE Zone with Special Exception standards. The “parking facility” use is also permitted in the IE Zone with use-specific standards. Site plan requirements would be determined by the square footage of the proposed development, but all developments must meet the pertinent development standards of Part 6: Development Regulations.

Following discussion, the Planning Board voted to oppose CB-23-2021 with amendments.