

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2025 Legislative Session

Reference No.: CB-069-2025

Draft No.: 2

Committee: PLANNING, HOUSING, AND ECONOMIC DEVELOPMENT

Date: 10/02/2025

Action: FAVORABLE WITH
AMENDMENTS

REPORT: Committee Vote: Favorable with amendments, 5-0 (In favor: Council Members Dernoga, Oriadha, Adams-Stafford, Hawkins, and Olson)

The Planning, Housing, and Economic Development (PHED) Committee was scheduled to discuss CB-069-2025, but did not have the opportunity to do so during the September 18 meeting. On October 2, 2025, the PHED Committee met to consider CB-069-2025. As presented on September 9, 2025, Draft-1 of the bill is for the purpose of limiting the location of new fast-food restaurants with drive-through service by prohibiting such uses in residential zones and allowing such uses by special exception in certain commercial zones to address the unique impacts associated with quick-service drive-through service restaurants.

The bill sponsor, Council Member Dernoga, explained that council members have been concerned about the proliferation of quick-service restaurants with drive-through service and the inability to reject those that create food swaps in the County. There are numerous bill sponsors, and the intent of the legislation is to give the County Council the ability to say no to some quick-service restaurants with drive-through service. The County Council, based on public comment, does not believe it is in the best interest of the County and its residents. Council Member Dernoga further explained that numerous revisions have been made to the bill to incorporate many of the Planning Department's comments. Certain language was removed including outdated Zoning Ordinance terminology. Additionally, the hours of operation for the use were removed, allowing the Zoning Hearing Examiner to make the determination for hours of operation. Council Member Dernoga stated that he would make an amendment to the bill as a compromise to exempt quick-service restaurants with pickup windows only and no menu boards.

Council Member Olson explained that the key driver of the legislation is that quick-service restaurants with drive-through service are incompatible with walkable urban communities, as they create conflicts between vehicles and pedestrians. The use creates more traffic and is counter to what master plans recommend.

Mr. Shaquan Smith, from the Planning Department, discussed that the Planning Board took no position on the legislation but recommended technical drafting amendments. The Planning Department staff's memorandum requested that the bill be held until after the Health Atlas Study is complete. The study will enable a more comprehensive analysis of strategies for improved planning of public health and land use throughout the County. He also explained that the term fast-food restaurant is not defined in the Zoning Ordinance.

Mr. Irving provided an overview of the additional stylistic amendments made to the bill. He also explained that CB-069-2025 (Proposed DR-2B) changed all references to fast-food restaurants with drive-through service to quick-service restaurants with drive-through service. Additionally, language was added to the uncodified section of the bill stating that any special exception or detailed site plan application filed before October 1, 2025, shall not be subject to the ordinance and shall not be considered a nonconforming use.

Ms. Dinora Hernandez, from the Office of Law, stated that they reviewed CB-069-2025 (Proposed DR-2B) and determined that the legislation is in proper legislative format with no legal impediments to its enactment.

Ms. Sonia Owens County Council Liaison with the County Executive's Office, stated the County Executive opposes the legislation for three reasons: (1) the bill is likely to have a negative impact on development; (2) the bill has a potential to dissuade businesses from locating in the County and (3) as written, the bill is overly broad, far reaching, and would encompass many businesses that the bill does not intend to include.

The Department of Permitting, Inspections, and Enforcement submitted a comment stating that the agency takes no position on the bill.

Mr. Greg Smith testified in support of the legislation. He explained that the “whereas” clauses within the bill clearly explained the need for the legislation. Continuing to permit quick-serve restaurants with drive-through service is against the policies, goals, and purposes listed in the General Plan, master plans, and sector plans. The goal is to make urban communities walkable. Mr. Smith stated that he did not believe the legislation would dissuade businesses from coming to Prince George's County, as businesses are primarily concerned with the quality of the neighborhoods. He requested that Section 27-5402 (z)(1)(B) be amended to include air pollution, as the use generates a significant amount of solid waste and is responsible for the litter seen on the streets. He asked what the Health Atlas Study would reveal to the County, because we already know that quick-serve restaurants with drive-through service are air pollution hotspots.

Mr. Jeff Collins, Vice Chair of the Prince George's County Sierra Club, testified strongly in support of enacting the bill without delay, rather than waiting for the completion of the Health Atlas Study. He explained that the legislation is needed as a step toward sustainable and environmentally responsible communities. He explained that quick-service drive-through restaurants contribute to carbon emissions, degrade air quality, and contribute to extreme weather events. The requirement for a special exception ensures thoughtful development. He understands the County Executive's concerns about attracting development but said to look at the larger picture.

Mr. Nathaniel Forman with O'Malley, Miles, Nylan & Gilmore testified on behalf of the Eastgate Shopping Center in Lanham, which has gone through a Preliminary Plan of Subdivision to redevelop the site with quick-service restaurants. He requested an amendment that would permit properties with an approved Preliminary Plan of Subdivision for a quick-service drive-through restaurant to be exempt from the bill. Council Member Dernoga explained that committee members will receive a comment from Mr. Foreman on whether the effective date rules for any applicant with an approved Preliminary Plan of Subdivision should be different.

Council Member Adams-Stafford explained that Chipotle in Howard County only has a pickup window.

Mr. Brendan Mahoney with the Restaurant Association of Maryland testified that single-unit franchisees often own quick-service restaurants, and many of these restaurants are small businesses. He explained his letter was based on CB-069-2025 (DR-1). Mr. Mahoney thanked the committee for removing the hours of operation from CB-069-2025 (Proposed DR-2A).

He also requested that the language in CB-069-2025 (Proposed DR-2B), prohibiting an excessive concentration of similar uses on page 8, lines 20 through 21, be removed. Mr. Mahoney asked how “excessive concentration” would be determined. Additionally, the definition of a quick-service drive-through restaurant is very broad, as it applies to entities that operate at very different hours and have very different traffic patterns.

Council Member Dernoga offered an amendment. Ms. McNeil, the Chief Zoning Hearing Examiner, asked for clarification and added additional amendments.

Council Member Adams-Stafford thanked Council Member Dernoga for the proposed amendment because there is a desire to have quick-service restaurants that serve salads.

Council Member Olson says the legislation still creates more traffic.

Next, on a motion by Council Member Dernoga, seconded by Council Member Hawkins, the PHED Committee voted 4-1 in favor of the amendment. Council Member Olson voted in opposition to the amendment.

The amendment reads: “This subsection shall not apply to a Restaurant, quick-service (with drive-through service) use that is limited to a pickup window and has no menu board or ordering station for customers to order food or drinks.”

On motion of Council Member Dernoga, seconded by Council Member Olson, the PHED Committee voted 5-0 in favor of CB-069-2025 (DR-2).