

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2017 Legislative Session

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| Reference No.: | CB-047-2017 |
| Draft No.: | 2 |
| Committee: | PLANNING, ZONING AND ECONOMIC DEVELOPMENT |
| Date: | 6/7/2017 |
| Action: | FAV (A) |

Committee Vote: Favorable with amendments, 4-1 (In favor: Council Members Harrison, Franklin, Glaros and Patterson. Opposed: Council Member Toles)

Council staff summarized the purpose of the legislation and informed the committee of written referral comments that were received. This legislation amends the Comprehensive Design Zone Use table to permit medical cannabis dispensary uses in the M-A-C (Major Activity Center) Zone in accordance with criteria provided in existing Section 27-464.08.

Council Member Turner, the bill's sponsor, requested the Committee's support to allow a medical cannabis dispensary use in the M-A-C Zone consistent with CB-5-2016 enacted by the County Council to define and permit the use where appropriate and in accordance with other requirements as provided in the proposed legislation. Mr. Turner explained that the M-A-C Zone was not considered as a location for dispensary uses during the Council's review of CB-5-2016 due to limited areas in the County that this zone exists.

The Office of Law reviewed CB-47-2017 and determined that it is in proper legislative form with no legal impediments to its enactment. The Planning Board supports the legislation with an amendment as explained in a June 5, 2017 letter to Council Chairman Davis. The recommended amendment is to the title of Section 27-464.08 (Medical Cannabis Uses – Dispensary (C-O and C-S-C Zones)) as follows: Delete the word "and" behind the letters "C-O" and replace with a comma. Next, add the words "and M-A-C" behind the letters "C-S-C". The revised title would read: Section 27-464.08 - Medical Cannabis Uses – Dispensary (C-O, C-S-C and M-A-C) Zones. The Chief Zoning Hearing Examiner (ZHE) recommended a further amendment to remove all references to zones in the title of Section 27-464.08. As suggested by the ZHE, the new title would be as follows: "Section 27-464.08 - Medical Cannabis Uses – Dispensary."

Joe Meinert, City of Bowie Planning Department, testified and informed the Committee that the Bowie City Council voted to take no position on the legislation. Marcus McKay of Metropolitan Dispensaries and Norman Rivera, representing Mr. McKay, testified requesting amendments to the legislation that would also permit dispensaries in the C-M Zone and within a greater distance (2 miles instead of one-half mile) of a Metrorail Line station in the M-U-I and M-X-T Zones. The Committee concluded that consideration should be given to a broader review of other zones where dispensary uses may be appropriate and proposed in separate legislation.

Russ Wright of TSG and Andre Gingles, representing Mr. Wright, testified in support of the legislation to allow a dispensary within an existing office building in the M-A-C Zone. Mr. Wright informed the Committee of State approvals he has received to operate a dispensary in District 23. Mr. Gingles offered an amendment to the legislation that ensures an amendment to the Basic Plan that approved the zone and allowed uses for the subject area is not required for purposes of allowing the dispensary use. As suggested by Mr. Gingles, on page 3, add a new Footnote 37 to the Comprehensive Design Table of Uses: “No amendment of an approved applicable plan shall be required if the use is proposed within an existing commercial office building.”

The Committee voted favorably on the legislation including the amendment recommended by the Planning Board with suggested modification by the ZHE as well as the amendment to add a footnote as offered by Mr. Gingles.