



Office of the Chairman
Prince George's County Planning Board

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September 24, 2020

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-63-2020 and CB-69-2020


Dear Chairman Turner:

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the September 24, 2020, 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-63-2020 A bill to permit a "waste services with private fueling station" in the Industrial Light (I-1) and Heavy Industrial (I-2) Zones under certain circumstances.

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

As drafted, this bill appears to circumvent the Zoning Ordinance by proposing a new use that is very much like the existing "trash removal services" use, except the use would be in conjunction with a private fueling station. A private fueling station is akin to the current "commercial fuel depot" use, permitted in the I-1 Zone with a footnote, and prohibited in the I-2 Zone. This bill would essentially combine two existing uses and permit a few properties to benefit from the new use.

This bill will impact four properties located at 9300, 9304, and 9310 Darcy Road. Three of the four properties are split-zoned I-1 and I-2. Defining and permitting a new use for a limited circumstance adds confusion to the current Zoning Ordinance. The limited circumstance specified in CB-63-2020 provides an alternative path for the proposed use to obtain a use and occupancy permit with fewer approval regulations. The proposed waste services with private fueling station use will not have to adhere to the locational requirement of the current trash removal services use. The new proposed use is not required to be more than 1,000 feet from any residentially zoned land. Also, there is no language prohibiting a business from delivering collected trash to the property and storing the trash overnight inside trucks and dumpsters.

The bill requires a Detailed Site Plan (DSP) approval for the use. There are no development regulations except for requiring the use to adhere to the parking and loading regulations for a trash removal service use. The bill does not require the review of driveways for ingress and egress, measures taken to control noxious and offensive odors, the hours of operation, traffic, noise levels; or any objective criteria that would protect adjacent properties and in the general neighborhood. Not adding development regulations to the bill defeats the purpose of zoning by preventing the uniform application of objective development standards to all properties in these zones.

If development standards are not established until DSP, there is a strong possibility that development may be inconsistent with the recommended land use designation which would conflict with the District Council's approved master plans. Furthermore, it is within the District Council's authority to establish development standards and density requirements, therefore development standards should not be established during the Planning Board's review of the DSP.

If the District Council intends to move forward with this legislation the following amendments should be made to the bill:

- 1. Instead of defining a new use, consider revising the definition for trash removal services to add a private fueling station as an accessory use. Understandably, a trash removal services business would need a fueling station to fuel their dump trucks and would thus make sense as an accessory to that use.**
- 2. Regardless of how the Council wishes to resolve the use itself, the regulatory language on page 2, lines 14 through 17, should be placed under Section 27-475.06 (Trash Removal Services.) or, should the Council wish to keep the proposed waste services and private fueling station, a new subsection under Additional Requirements for Specific Uses should be added to the bill. Regulations should not be part of the definition of a use.**

The adopted Zoning Ordinance does not contain specific uses for "trash removal services" or for waste services as proposed in CB-63-2020. As proposed in CB-63-2020, the definition for waste services with private fueling station specifically incorporates maintenance facilities as permitted accessories, and staff would classify this use as "commercial vehicle repair and maintenance," which is permitted in the Commercial Service (CS), Industrial/Employment (IE), and Industrial High (IH) Zones. The use requires Special Exception approval in the CGO Zone.

CB-69-2020 A bill to permit multi-family dwellings in the One-Family Detached Residential (R-55) Zone of Prince George's County, under certain specified circumstances.

Planning Board Recommendation: Oppose.

(See Attachment 2 for a full analysis)

The current zoning ordinance preserves the One-Family detached Residential (R-55) Zone for medium density single-family detached dwellings, as does its successor zone (RSF-65) in the new zoning ordinance. There may be value in permitting some modest increase in density in these zones to address gaps in the need for senior and "missing middle" housing in the County. However, such a change should only occur after a comprehensive analysis and discussion focused on countywide needs.

This bill, as drafted, would permit multifamily dwelling units on only one property located at 6203 Ager Road, Hyattsville, Maryland 20782. This is not a comprehensive approach to the issue.

The density proposed by CB-69-2020 far exceeds the development standards that could properly address the need for additional senior or “missing middle” housing. This bill proposes to permit a maximum density of 40 dwelling units per acre with a maximum building height limitation of 110 feet. In contrast the R-55 Zone permits 6.7 dwelling units per acre with a maximum building height of 35 feet. This means the bill would permit an additional 33.3 dwelling units per acre with a maximum building height of 75 feet more than the permitted 35 feet permitted in a single-family detached residential zone.

The language under footnote 138 (d) regarding development regulations is conflicting and should be amended and clarified. The second sentence appears to waive all regulations for the R-55 Zone. The fourth sentence requires R-18 Zone standards to apply if the regulations do not conflict with the footnote. Then the last sentence states all development requirements shall be established by and shown on the Detailed Site Plan (DSP). If the bill moves forward, clear, and concise development regulations should be added to the bill to permit uniform application of objective development standards. Also, the reference to Section 27-443 (Private Schools) regulations is incorrect. The reference should be to Section 27-442 which contains the R-18 Zone regulations.

The adopted Zoning Ordinance prohibits multifamily dwellings in the Single Family (RSF-65) Zone, which is the replacement zone for the R-55 Zone.

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-63-2020–Planning Board Analysis (Attachment 1)

A bill to permit a “waste services with private fueling station” in the Industrial Light (I-1) and Heavy Industrial (I-2) Zones under certain circumstances.

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

Policy Analysis:

The purpose of this legislation is to add and permit a new use entitled “waste services with private fueling station” in the Light Industrial (I-1) and Heavy Industrial (I-2) Zones under certain circumstances. Next, the bill prohibits the use in all other industrial zones.

As drafted, this bill appears to circumvent the Zoning Ordinance by proposing a new use that is very much like the existing “trash removal services” use, except the use would be in conjunction with a private fueling station. A private fueling station is akin to the current “commercial fuel depot” use, permitted in the I-1 Zone with a footnote, and prohibited in the I-2 Zone. This bill would essentially combine two existing uses and permit a few properties to benefit from the new use.

This bill will impact four properties located at 9300, 9304, and 9310 Darcy Road. Three of the four properties are split-zoned I-1 and I-2. Defining and permitting a new use for a limited circumstance adds confusion to the current Zoning Ordinance. The limited circumstance specified in CB-63-2020 provides an alternative path for the proposed use to obtain a use and occupancy permit with fewer approval regulations. The proposed waste services and private fueling station use will not have to adhere to the locational requirement of the current trash removal services use. The new proposed use is not required to be more than 1,000 feet from any residentially zoned land. Also, there is no language prohibiting a business from delivering collected trash to the property and storing the trash overnight inside trucks and dumpsters.

The bill requires a Detailed Site Plan (DSP) approval for the use. There are no development regulations except for requiring the use to adhere to the parking and loading regulations for a trash removal service use. The bill does not require the review of driveways for ingress and egress, measures taken to control noxious and offensive odors, the hours of operation, traffic, noise levels; or any objective criteria that would protect adjacent properties and in the general neighborhood.

Not adding development regulations to the bill defeats the purpose of zoning by preventing the uniform application of objective development standards to all properties in these zones. Development standards are established by the District Council in coordination with its adopted future land use recommendations in master plans.

If development standards are not established until DSP, there is a strong possibility that development may be inconsistent with the recommended land use designation which would conflict with the District Council's approved master plans. Furthermore, it is within the District Council's authority to establish development standards and density requirements, therefore development standards should not be established during the Planning Board's review of the DSP.

If the District Council intends to move forward with this legislation the following amendments should be made to the bill:

1. Instead of defining a new use, consider revising the definition for trash removal services to add a private fueling station as an accessory use. Understandably, a trash removal services business would need a fueling station to fuel their dump trucks and would thus make sense as an accessory to that use.
2. Regardless of how the Council wishes to resolve the use itself, the regulatory language on page 2, lines 14 through 17, should be placed under Section 27-475.06 (Trash Removal Services) or, should the Council wish to keep the proposed waste services with a private fueling station, a new subsection under Additional Requirements for Specific Uses should be added to the bill. Regulations should not be part of the definition of a use.

New Zoning Ordinance:

The adopted Zoning Ordinance does not contain specific uses for “trash removal services” or for waste services as proposed in CB-63-2020. As proposed in CB-63-2020, the definition for waste services with a private fueling station specifically incorporates maintenance facilities as permitted accessories, and Planning Board staff would classify this use as "commercial vehicle repair and maintenance," which is permitted in the Commercial Service (CS), Industrial/Employment (IE), and Industrial High (IH) Zones. The use requires Special Exception approval in the CGO Zone. Three of the four subject properties for the bill are split-zoned I-1 and I-2, which would become IE and IH, respectively.

Impacted Property:

The bill would impact four properties located at 9300, 9304, and 9310 Darcy Road Upper Marlboro, Maryland 20774. The address 9310 Darcy Road is associated with two properties. Three of these properties, 9300, 9304, and the rear lot at 9310 Darcy Road, are split-zoned I-1 and I-2.

Following discussion, the Planning Board voted to oppose CB-63-2020.

CB-69-2020–Planning Board Analysis (Attachment 2)

This legislation amends the Residential Tables of Uses to permit multifamily dwelling units in the One-Family Detached (R-55) Zone under certain circumstances.

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

Policy Analysis:

The current zoning ordinance preserves the One-Family Detached Residential (R-55) Zone for medium density single-family detached dwellings, as does its successor zone (RSF-65) in the new zoning ordinance. There may be value in permitting some modest increase in density in these zones to address gaps in the need for senior and “missing middle” housing in the County. However, such a change should only occur after a comprehensive analysis and discussion focused on countywide needs. This bill, as drafted, would permit multifamily dwelling units on only one property located at 6203 Ager Road, Hyattsville, Maryland 20782. This is not a comprehensive approach to the issue.

The density proposed by CB-69-2020 far exceeds the development standards that could properly address the need for additional senior or “missing middle” housing. This bill proposes to permit a maximum density of 40 dwelling units per acre with a maximum building height limitation of 110 feet. In contrast the R-55 Zone permits 6.7 dwelling units per acre with a maximum building height of 35 feet. This means the bill would permit an additional 33.3 dwelling units per acre with a maximum building height of 75 feet more than the permitted 35 feet permitted in a single-family detached residential zone.

The language under footnote 138 (d) regarding development regulations is conflicting and should be amended and clarified. The second sentence appears to waive all regulations for the R-55 Zone. The fourth sentence requires R-18 Zone standards to apply if the regulations do not conflict with the footnote. Then the last sentence states all development requirements shall be established by and shown on the Detailed Site Plan (DSP). If the bill moves forward, clear, and concise development regulations should be added to the bill to permit uniform application of objective development standards. Also, the reference to Section 27-443 (Private Schools.) regulations is incorrect. The reference should be to Section 27-442 (Regulations.) which contains the R-18 Zone regulations.

New Zoning Ordinance:

The adopted Zoning Ordinance prohibits multifamily dwellings in the Single Family (RSF-65) Zone, which is the replacement zone for the R-55 Zone.

Impacted Property:

The bill would impact a property located at 6203 Ager Road Hyattsville, Maryland.

Following discussion, the Planning Board voted to oppose CB-69-2020.