



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

June 17, 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

Re: CB-39-2021, CB-40-2021, CB-41-2021, and
CB-42-2021

Dear Chairman Hawkins:

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the June 17, 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-39-2021** A bill to clarify the legislative intent of the Council to repeal the development regulations in the Zoning Ordinance related to bedroom percentages.*

Planning Board Recommendation: Support with amendments.
(See Attachment 1 for full analysis)

CB-29-2020 (DR-2) enacted on July 21, 2020, removed multifamily bedroom percentage regulations from all residential zones. The Planning Board believes the District Council intended to draft CB-39-2021 to address other impediments to the development of multifamily dwellings. It is believed this bill intends to only delete from the residential table of uses footnote 6 in the R-30 Zone and footnote 76 in the R-18 Zone. These footnotes permit multifamily dwelling units in the R-30 and R-18 Zones, if a condominium plat is recorded, in accordance with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a separate unit. The Planning Board supports the removal of footnote 6 in the R-30 Zone and footnote 76 in the R-18 Zone from the table of uses. The Planning Board also supports the deletion of the language under footnote 76. The R-30 and R-18 Zones are not condominium zones, so such development regulations should not be required.

The Planning Board would like to offer a few amendments and/or recommendations for consideration. On page 1, amend the title and purpose clause of the bill. On page 2, delete the table of uses from the bill. This table is not needed. Bedroom percentages have already been deleted from the Zoning Ordinance. On page 3, add the zone column to the bill. The bill does not display the zones that apply to the table of uses. Also, add the language under current footnote 76 to the bill, so it may be bracketed for deletion from the Zoning Ordinance.

The County Council's adopted Zoning Ordinance renames and consolidates R-30 and Multifamily Low Density Residential-Condominium (R-30C) the Residential Multifamily-12 (RMF-12) Zone. In addition, the R-18 and Multifamily Medium Density Residential-Condominium (R-18C) are also renamed and consolidated in the Residential Multifamily-20 (RMF-20) Zones. The renamed multifamily zones do not require multifamily dwellings to be developed under the provisions of the Maryland Condominium Act.

CB-40-2021 A bill to amend the local land use and development requirements for Health Campus uses in the One-Family Detached Residential (R-80) Zone of Prince George's County, subject to certain specified requirements.

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

This legislation will only impact Doctors Community Hospital located at 8118 Good Luck Road Lanham, MD 20706 and abutting properties.

The Planning Board would like to offer a few amendments for consideration. Footnote 143 should be revised. As drafted the footnote is unclear and confusing. Section 27-362(a)(3) is mentioned twice in the footnote. It is not clear if the intent is to exempt new uses within existing buildings or to permit an expansion of existing buildings on the health campus property, which has a prior approved SE, and expansion to abutting properties which may not have an approved SE.

The Planning Board recommends the following language to clarify the intent of the footnote.

- Add the words “an amendment to or expansion of” in front of the words “a health campus”. The deletion of this language ensures the footnote covers amendments to the existing SE and expansions of the health campus.
- Next use brackets to delete the phrase “, which shall include any use set forth in Section 27-362(a)(3)” behind the phrase “all uses set forth in Section 27-362(a)(3)”. This language is not needed; it is redundant.
- Behind the word “including” add the words “expansion to” and add the words “in the R-80 Zone” in front of the words “that is contiguous to the property boundaries”. This language ensures that the exemption within the footnote only applies to R-80 zoned properties and not abutting or contiguous properties that may not be zoned R-80.

The language would read as follows: Notwithstanding any other provision of this Subtitle or County Code, an amendment to or expansion of a health campus on property that is the subject of one or more previously approved special exceptions for a health campus, including all uses set forth in Section 27-362(a)(3) [, which shall include any use set forth in Section 27-362(a)(3)] (including parking and loading needs of employees and residents of, and visitors and delivery services to, the site), and including expansion to any other property in the R-80 Zone that is contiguous to the property boundaries of said previously approved health campus use, shall be permitted by right and does not require special exception approval or an amendment to the previously approved special exception for the health campus, provided:...

The adopted Zoning Ordinance does not contain the use “Health Campus” because hospitals have evolved to include all the uses listed under a “Health Campus.” The definition for “Hospital” is “An institution receiving inpatients and providing medical care on a 24-hours-per-day basis. The term includes general hospitals, sanitariums, and institutions in which service is limited to fields of specialization, such as cardiac, eye, ear, nose, and throat, pediatric, orthopedic, skin, cancer, dental, tuberculosis, chronic disease, and obstetrics. The facilities may also include outpatient care, ambulatory care, offices of medical practitioners, adult daycare, respite care, medical daycare and daycare for sick children, gift shops, restaurants, and other accessory uses. The term shall not include an adult day care center, assisted living facility, group residential facility, or nursing or care home facility.”

The R-80 Zone is renamed the Residential, Single-Family-95 (RSF-95) Zone. The “Hospital” use is prohibited in the RSF-95 Zone. The use requires Special Exception approval in the multifamily zones.

CB-41-2021 A bill for the purpose of altering the additional requirements related to Medical Cannabis uses in the M-U-I, M-X-T, C-O and C-S-C Zones.

Planning Board Recommendation: Support.
(See Attachment 3 for full analysis)

Medical cannabis uses are heavily regulated and not likely to pose any more risk than other uses. The Planning Board supports the removal of the proposed locational barriers to permitting the use. This legislation will impact all future medical cannabis dispensaries in the M-U-I, M-X-T, C-O and C-S-C Zones.

The adopted Zoning Ordinance does not carry over the M-U-I and M-X-T Zones. The C-O and C-S-C Zones are renamed the Commercial General and Office (CGO) Zone. The medical cannabis use requires Special Exception approval in the CGO Zone. Should the Council enact CB-41-2021, the Planning Board recommends incorporating the revisions into the legislative reconciliation package for CB-13-2018.

CB-42-2021 A bill for the purpose of amending the One-Family Detached Residential (R-55) Zone to include the adaptive reuse of a former public-school building to be used by an eleemosynary or philanthropic institution.

Planning Board Recommendation: Oppose.
(See Attachment 4 for full analysis)

This bill would permit an eleemosynary or philanthropic institution to move into a former public elementary school with more than 10,000 square feet of gross floor area on more than two acres of land located in a Development District Overlay (DDOZ) Zone and the underlying zone is the

One-Family Detached Residential (R-55) Zone. The eleemosynary or philanthropic institution would be permitted to operate, sell or lease space within the elementary school to entities to engage in uses permitted in the Commercial Shopping Center (C-S-C) Zone.

CB-42-2021 will impact the old Lyndon Hills elementary school located at 6181 Old Central Avenue Capitol Heights, Maryland. The tax account number is 1992403.

The Planning Board has a few concerns with the bill as drafted. The impacted property is located within the 2000 Addison Road Metro Approved Sector Plan and Sectional Map Amendment which includes a Development District Overlay (DDOZ) Zone. The DDOZ has a table of uses. Therefore, amending the Residential Table of Uses in the Zoning Ordinance will not permit the use on the property. The appropriate process to permit the use within the DDOZ table of uses would be for the property owner to file a Detailed Site Plan (DSP) application requesting to permit the use on the subject property as allowed under Section 27-548.26(b) (Amendment of Approved Development District Overlay Zone).

The Planning Board recommends opposition to the legislation because the use will not be permitted through the enactment of this bill. In addition, there is an existing process where a property owner can request an amendment to permit use in a DDOZ.

The adopted Zoning Ordinance does not carry over the Development District Overlay Zone. The R-55 Zone is renamed the Residential, Single-Family-65 (RSF-65) Zone. The eleemosynary or philanthropic institution use is permitted in the RSF-65 Zone with Special Exception approval.

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-39-2021 – Planning Board Analysis (Attachment 1)

A bill to clarify the legislative intent of the County Council to repeal the development regulations in the Zoning Ordinance for bedroom percentages.

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

Policy Analysis:

The bill amends the Residential Table of Uses to remove bedroom percentages for multifamily dwellings in all residential zones. In addition, the bill deletes footnotes 6 and 76 from the Multifamily Low Density Residential (R-30) and the Multifamily Medium Density Residential (R-18) Zones.

CB-29-2020 (DR-2) enacted on July 21, 2020, removed multifamily bedroom percentage regulations from all residential zones. The Planning Board believes the District Council intended to draft CB-39-2021 to address other impediments to the development of multifamily dwellings. It is believed this bill intends to only delete from the residential table of uses footnote 6 in the R-30 Zone and footnote 76 in the R-18 Zone. These footnotes permit multifamily dwelling units in the R-30 and R-18 Zones, if a condominium plat is recorded, in accordance with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a separate unit. The Planning Board supports the removal of footnote 6 in the R-30 Zone and footnote 76 in the R-18 Zone from the table of uses. The Planning Boards also supports the deletion of the language under footnote 76. The R-30 and R-18 Zones are not condominium zones, so such development regulations should not be required.

The Planning Board would like to offer a few amendments and/or recommendations for consideration. On page 1, amend the title and purpose clause of the bill. On page 2, delete the table of uses from the bill. This table is not needed. Bedroom percentages have already been deleted from the Zoning Ordinance. On page 3, add the zone column to the bill. The bill does not display the zones that apply to the table of uses. Also, add the language under current footnote 76 to the bill, so it may be bracketed for deletion from the Zoning Ordinance.

Impacted Property:

This legislation will impact multifamily dwelling units in the R-30 and R-18 Zones where the development was required to record a condominium plat, in accordance with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a separate unit.

Adopted Zoning Ordinance:

The County Council's adopted Zoning Ordinance renames and consolidates R-30 and Multifamily Low Density Residential-Condominium (R-30C) the Residential Multifamily-12 (RMF-12) Zone. In addition, the R-18 and Multifamily Medium Density Residential-Condominium (R-18C) are also renamed and consolidated in the Residential Multifamily-20 (RMF-20) Zones. The renamed multifamily zones do not require multifamily dwellings to be developed under the provisions of the Maryland Condominium Act.

Following discussion, the Planning Board voted to support CB-39-2021 with amendments.

CB-40-2021 – Planning Board Analysis (Attachment 2)

A bill to amend the local land use and development regulations for “Health Campus” uses in the One-Family Detached Residential (R-80) Zone, subject to certain specified requirements.

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

Policy Analysis:

The bill amends the Residential Table of Uses under the One-Family Detached Residential (R-80) Zone to add a new footnote under the “Health Campus” use. Footnote 143 permits a “Health Campus” by right without the requirement of a Special Exception (SE) or an amendment to an existing SE if the property and its contiguous boundaries have one or more approved Special Exceptions which included all the uses listed under Section 27-362(a)(3); the property has a minimum of twenty-five (25) acres; the original SE was approved before January 1, 1982, and the health campus includes buildings that cumulatively total at least 10,0000 gross square feet.

This legislation will only impact Doctors Community Hospital located at 8118 Good Luck Road Lanham, MD 20706 and abutting properties.

The Planning Board would like to offer a few amendments for consideration. Footnote 143 should be revised. As drafted the footnote is unclear and confusing. Section 27-362(a)(3) is mentioned twice in the footnote. It is not clear if the intent is to exempt new uses within existing buildings or to permit an expansion of existing buildings on the health campus property, which has a prior approved SE, and expansion to abutting properties which may not have an approved SE.

The Planning Board recommends the following language to clarify the intent of the footnote.

- Add the words “an amendment to or expansion of” in front of the words “a health campus”. The deletion of this language ensures the footnote covers amendments to the existing SE and expansions of the health campus.
- Next use brackets to delete the phrase “, which shall include any use set forth in Section 27-362(a)(3)” behind the phrase “all uses set forth in Section 27-362(a)(3)”. This language is not needed; it is redundant.
- Behind the word “including” add the words “expansion to” and add the words “in the R-80 Zone” in front of the words “that is contiguous to the property boundaries”. This language ensures that the exemption within the footnote only applies to R-80 zoned properties and not abutting or contiguous properties that may not be zoned R-80.

The language would read as follows: Notwithstanding any other provision of this Subtitle or County Code, an amendment to or expansion of a health campus on property that is the subject of one or more previously approved special exceptions for a health campus, including all uses set forth in Section 27-362(a)(3) [, which shall include any use set forth in Section 27-362(a)(3)] (including parking and loading needs of employees and residents of, and visitors and delivery services to, the site), and including expansion to any other property in the R-80 Zone that is contiguous to the property boundaries of said previously approved health campus use, shall be permitted by right and does not require special exception approval or an amendment to the previously approved special exception for the health campus, provided:...

The Planning Board believes the above-mentioned amendments will make the intent of the legislation clearer.

Impacted Property:

This legislation will impact Doctors Community Hospital located at 8118 Good Luck Road Lanham, MD 20706 and abutting properties.

Adopted Zoning Ordinance:

The adopted Zoning Ordinance does not contain the use “Health Campus” because hospitals have evolved to include all the uses listed under a “Health Campus.” The definition for “Hospital” is “An institution receiving inpatients and providing medical care on a 24-hours-per-day basis. The term includes general hospitals, sanitariums, and institutions in which service is limited to fields of specialization, such as cardiac, eye, ear, nose, and throat, pediatric, orthopedic, skin, cancer, dental, tuberculosis, chronic disease, and obstetrics. The facilities may also include outpatient care, ambulatory care, offices of medical practitioners, adult daycare, respite care, medical daycare and daycare for sick children, gift shops, restaurants, and other accessory uses. The term shall not include an adult day care center, assisted living facility, group residential facility, or nursing or care home facility.”

The R-80 Zone is renamed the Residential, Single-Family-95 (RSF-95) Zone. The “Hospital” use is prohibited in the RSF-95 Zone. The use requires Special Exception approval in the multifamily zones.

Following discussion, the Planning Board voted to support CB-40-2021 with amendments.

CB-41-2021 – Planning Board Analysis (Attachment 3)

A bill to amend the additional requirements related to Medical Cannabis uses in the Mixed Use - Infill (M-U-I), Mixed Use -Transportation Oriented (M-X-T) Commercial Office (C-O), and Commercial Shopping Center (C-S-C) Zones.

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

Policy Analysis:

The bill amends the Additional Requirements for Specific Special Exceptions for a “Medical Cannabis Dispensary” in the Mixed-Use Infill (M-U-I), Mixed Use Transportation-Oriented (M-X-T) Zones to no longer require a dispensary to be located within one-half mile of a Metrorail line station or 500 feet from a medical facility. The bill also revises existing language to require a dispensary to be at least 500 feet from any recreation, center, playground, or trail owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC). The change no longer requires the use to be 500 feet from any land owned by M-NCPPC.

In addition, the bill amends the Additional Requirements for Specific Uses for the “Medical Cannabis Dispensary” use in the Commercial Office (C-O) and Commercial Shopping Center (C-S-C) Zones to no longer require a medical dispensary to be 500 feet from a medical facility.

Medical cannabis uses are heavily regulated and not likely to pose any more risk than other uses. The Planning Board supports the removal of the proposed locational barriers to permitting the use.

Impacted Property:

This legislation will impact all future medical cannabis dispensaries in the M-U-I, M-X-T, C-O and C-S-C Zones.

Adopted Zoning Ordinance:

The adopted Zoning Ordinance does not carry over the M-U-I and M-X-T Zones. The C-O and C-S-C Zones are renamed the Commercial General and Office (CGO) Zone. The medical cannabis use requires Special Exception approval in the CGO Zone. Should the Council enact CB-41-2021, the Planning Boards recommends incorporating the revisions into the legislative reconciliation package for CB-13-2018.

Following discussion, the Planning Board voted to support CB-41-2021.

CB-42-2021 – Planning Board Analysis (Attachment 4)

A bill for the purpose of amending the One-Family Detached Residential (R-55) Zone to include the adaptive reuse of a former public-school building to be used by an eleemosynary or philanthropic institution.

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

Policy Analysis:

This bill would permit an eleemosynary or philanthropic institution to move into a former public elementary school with more than 10,000 square feet of gross floor area on more than two acres of land located in a Development District Overlay (DDOZ) Zone and the underlying zone is the One-Family Detached Residential (R-55) Zone. The eleemosynary or philanthropic institution would be permitted to operate, sell or lease space within the elementary school to entities to engage in uses permitted in the Commercial Shopping Center (C-S-C) Zone.

CB-42-2021 will impact the old Lyndon Hills elementary school located at 6181 Old Central Avenue Capitol Heights, Maryland. The tax account number is 1992403.

The Planning Board has a few concerns with the bill as drafted. The impacted property is located within the 2000 *Addison Road Metro Approved Sector Plan and Sectional Map Amendment* which includes a Development District Overlay (DDOZ) Zone. The DDOZ has a table of uses. Therefore, amending the Residential Table of Uses in the Zoning Ordinance will not permit the use on the property. The appropriate process to permit the use within the DDOZ table of uses would be for the property owner to file a Detailed Site Plan (DSP) application requesting to permit the use on the subject property as allowed under Section 27-548.26(b) (Amendment of Approved Development District Overlay Zone).

The Planning Board recommends opposition to the legislation because the use will not be permitted through the enactment of this bill. In addition, there is an existing process where a property owner can request an amendment to permit use in a DDOZ.

Impacted Property:

This legislation will impact a property located at 6181 Old Central Avenue Capitol Heights, Maryland. The tax account number is 1992403.

Adopted Zoning Ordinance:

The adopted Zoning Ordinance does not carry over the Development District Overlay Zone. The R-55 Zone is renamed the Residential, Single-Family-65 (RSF-65) Zone. The eleemosynary or philanthropic institution use is permitted in the RSF-65 Zone with Special Exception approval.

Following discussion, the Planning Board voted to oppose CB-42-2021.