



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

July 7, 2022

The Honorable Calvin S. Hawkins, II
Chair
Prince George's County Council
Wayne K. Curry Administration Building
1301 McCormick Drive
Largo, MD 20774

Re: CB-58-2022, CB-60-2022, and CB-61-2022

Dear Chairman Hawkins:

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the July 7, 2022, 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-58-2022** A bill for the purpose of permitting contractor's office in the R-R (Rural Residential) Zone and the One-Family Detached Residential (R-55) Zone, under certain circumstances.*

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

The prior zoning ordinance and its zones were repealed and replaced by the new zoning ordinance, effective April 1, 2022. The transitional provisions of the new zoning ordinance allow qualified applicants to use the prior ordinance, for a limited time, to complete projects that were under review or about to be filed. However, these applicants are required to use the prior ordinance as it existed on March 31, 2022. It was never contemplated that the repealed ordinance could continue to be amended after its repeal. The Planning Board questions whether it is even legally permissible to amend a repealed ordinance provision applicable to zones that no longer exist. In any event, allowing amendments to the repealed ordinance is extremely bad policy and seriously thwarts the Council's purpose in creating a new ordinance.

A project which requires an amendment to the repealed ordinance to proceed is necessarily a project that the new zoning ordinance does not allow, or else the project would make use of the new ordinance. Therefore, any project facilitated by this bill will be contrary to the goals and terms of the Council's new, state-of-the-art zoning ordinance.

The administration of two separate zoning ordinances (the prior ordinance and the new) will already be a challenge for the Planning Board and the Council over the next few years. Allowing the prior ordinance to continue to change during that time will make the administration of the transitional provisions impossibly complex.

The Planning Board believes CB-58-2022 was drafted to affect a property located at 8701 Old Browns Lane Lanham, Maryland, tax identification number 2196822. As drafted, the bill could also affect over 5,064 properties attached to 3,325 tax records within the 2010 Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Sectional Map Amendment, which were previously zoned R-R or R-55 and adjacent to previously zoned I-1 or R-R zoned land and accessed via a public right-of-way.

The Information Management Division cannot determine what properties have a recommendation for low-density development within the 2010 Glenn Dale-Seabrook-Lanham Sector Plan. The Division is also not able to determine formerly designated historic resources. Therefore, there could be more properties impacted by the proposed legislation. The Planning Board staff cannot determine the exact number of unintended consequences that this proposed legislation would create.

***CB-60-2022** A bill for the purpose of amending the Zoning Ordinance to provide for electronic informational mailing registry for any interested County resident; providing for electronic informational mailings to be provided by the Maryland-National Capital Park and Planning Commission, and providing compliance requirements for prospective development applicants.*

Planning Board Recommendation: Oppose as Drafted.
(See Attachment 2 for full analysis)

CB-60-2022 amends the pre-application neighborhood meeting informational mailing regulations to require the applicant to provide The Maryland-National Capital Park and Planning Commission (M-NCPPC) with an electronic version of the informational meeting material more than 30 days before M-NCPPC accepts an application. In addition, M-NCPPC is responsible for emailing the informational mailing material to residents. M-NCPPC must establish and maintain an email registry to permit County residents to receive the same informational mailing as civic associations.

The Planning Board is supportive of providing informational notification to residents of the County to increase community outreach and participation.

The District Council should note that enacting this bill as drafted will require additional staff time and resources dedicated to creating and maintaining an email registry that will have to be consistently updated with information that will constantly change. The material sent via email (date, time, place of the meeting, the purpose of the meeting, sketch map, a summary of the development proposal, type of development approval sought, application number, M-NCPPC contact, applicant contact information and process for becoming a party of record, statement that no government agency has reviewed the application) contains large amounts of electronic data and could overload some residents' email mailboxes.

In addition, the Planning Board will not be able to confirm that an email address is associated with a physical address nor track when a citizen moves to another address outside of the two adjoining Council Districts. As a result, the email registry database will eventually evolve into a list of email addresses and not solely a database of citizens affected by proposed development applications.

If the District Council intends to move forward with the proposed legislation, it is recommended that the Council amend the bill to require the applicant to email the pre-application neighborhood meeting materials to residents.

The Planning Board supports providing notification to increase participation in the development review process but does not believe this is the most effective and efficient way to accomplish that goal. The Planning Board is always receptive to continuing a dialog with the District Council on more efficient and effective ways to provide additional notification and increase citizen participation.

***CB-61-2022** A bill for the purpose of amending the Zoning Ordinance to require that written summaries of pre-application neighborhood meetings for proposed development be made a part of the administrative record of any development application that is filed and accepted; and requiring electronic distribution of pre-application neighborhood meeting summaries to attendees at the meeting that provide email contact information.*

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

The prior Zoning Ordinance required mailed notices to neighbors and registered associations prior to acceptance of most development applications. The new Zoning Ordinance expanded that requirement for many applications to also require pre-application neighborhood meetings at which the applicant must present its project, receive comments, and consider whether to amend its application in response. The Council's goal was to create a dialogue between applicant and community earlier in the development review process.

The pre-application neighborhood meeting is required for a zoning map amendment (ZMA), Planned Development (PD) zoning map amendment, Chesapeake Bay Critical Area Overlay (CBCA) map amendment, special exception, detailed site plan, major departure, and variance when associated with parent development applications. Applicants may choose to hold pre-application neighborhood meetings for other development proposals such as minor changes to approved special exceptions, minor amendments to approved detailed site plans, minor departures, minor administrative waivers, or modifications to development standards.

The new Zoning Ordinance requires applicants to prepare a written summary of the pre-application neighborhood meeting. The summary shall include "a list of those invited to the meeting, meeting attendees and/or a copy of the sign-in sheet, copies of the materials distributed or made available for review during the meeting, and any other information the applicant deems appropriate."

CB-61-2022 amends the ordinance to require that the written summary become part of the administrative record of the development application. The bill also requires the applicant to email a copy of the written summary to all attendees who provide an email address.

The Planning Board believes it is premature to make substantive changes to the new Zoning Ordinance, which has only been in effect for three months. As discussed during deliberations on the new ordinance, it is anticipated that the Council will conduct a comprehensive review of the new ordinance in 2023 after it has been in effect for 18 months. The proposal in this bill should be considered at that time.

The Planning Board also notes that during the drafting of the new Zoning Ordinance, the District Council discussed whether pre-application neighborhood meetings should become part of the administrative record or not. The County Council decided that the pre-application neighborhood meeting should be an informal and informational meeting to brief affected residents on development proposals, and not become part of the record.

The Council was concerned that requiring written summaries to become part of the administrative record could introduce into the record information or opinions that are not relevant to Planning Board and Council decision-making standards for the application and could create unreasonable expectations for the public.

The bill also requires the applicant to email a copy of the written summary of the pre-application neighborhood meeting to attendees that provide an email address. The Planning Board believes the County Council intended the written summary to be a public document even though it is not made part of the administrative record. Therefore, distribution of the written summary to attendees seems appropriate.

The Planning Board believes it is premature to make substantive changes to the new Zoning Ordinance, which has only been in effect for three months. As discussed during deliberations on the new ordinance, it is anticipated that the Council will conduct a comprehensive review of the new ordinance in 2023 after it has been in effect for 18 months. The proposal in this bill should be considered at that time. The Planning Board will continue to monitor and evaluate the implementation of the new Zoning Ordinance.

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,



Peter A. Shapiro
Chairman

CB-58-2022 – Planning Board Analysis (Attachment 1)

This bill attempts to amend the *repealed* zoning ordinance to permit a contractor's office in the formerly existing Rural Residential (R-R) and the formerly existing One-Family Detached Residential (R-55) Zones, under certain circumstances.

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

Policy Analysis:

The prior zoning ordinance and its zones were repealed and replaced by the new zoning ordinance, effective April 1, 2022. The transitional provisions of the new zoning ordinance allow qualified applicants to use the prior ordinance, for a limited time, to complete projects that were under review or about to be filed. However, these applicants are required to use the prior ordinance *as it existed on March 31, 2022*. It was never contemplated that the *repealed* ordinance could continue to be amended after its repeal. The Planning Board questions whether it is even legally permissible to amend a repealed ordinance provision applicable to zones that no longer exist. In any event, allowing amendments to the repealed ordinance is extremely bad policy and seriously thwarts the Council's purpose in creating a new ordinance.

A project which requires an amendment to the repealed ordinance to proceed is necessarily a project that the new zoning ordinance does not allow, or else the project would make use of the new ordinance. Therefore, any project facilitated by this bill will be contrary to the goals and terms of the Council's new, state-of-the-art zoning ordinance.

The administration of two separate zoning ordinances (the prior ordinance and the new) will already be a challenge for the Planning Board and the Council over the next few years. Allowing the prior ordinance to continue to change during that time will make the administration of the transitional provisions impossibly complex.

The Planning Board believes CB-58-2022 was drafted to affect a property located at 8701 Old Browns Lane Lanham, Maryland, tax identification number 2196822.

As drafted, the bill could also affect over 5,064 properties attached to 3,325 tax records within the 2010 Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Sectional Map Amendment, which were previously zoned R-R or R-55 and adjacent to previously zoned I-I or R-R zoned land and accessed via a public right-of-way.

The Information Management Division cannot determine what properties have a recommendation for low-density development within the 2010 Glenn Dale-Seabrook-Lanham Sector Plan. The Division is also not able to determine formerly designated historic resources. Therefore, there could be more properties impacted by the proposed legislation. The Planning Board staff cannot determine the exact number of unintended consequences that this proposed legislation would create.

Impacted Property:

The legislation intends to affect a property located at 8701 Old Browns Lane Lanham, Maryland, tax identification number 2196822. As drafted, the bill could impact more than 5,064 properties attached to 3,325 tax records within the 2010 Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Sectional Map Amendment.

Following discussion, the Planning Board voted to oppose CB-58-2022.

CB-60-2022 – Planning Board Analysis (Attachment 2)

A bill to amend the Zoning Ordinance to provide an electronic informational mailing registry for any interested County resident; providing electronic informational mailings distributed by The Maryland-National Capital Park and Planning Commission; and providing compliance requirements for prospective development applicants.

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

Policy Analysis:

CB-60-2022 amends the pre-application neighborhood meeting informational mailing regulations to require the applicant to provide The Maryland-National Capital Park and Planning Commission (M-NCPPC) with an electronic version of the informational meeting material more than 30 days before M-NCPPC accepts an application. In addition, M-NCPPC is responsible for emailing the informational mailing material to residents. M-NCPPC must establish and maintain an email registry to permit County residents to receive the same informational mailing as civic associations.

The Planning Board is supportive of providing informational notification to residents of the County to increase community outreach and participation.

The District Council should note that enacting this bill as drafted will require additional staff time and resources dedicated to creating and maintaining an email registry that will have to be consistently updated with information that will constantly change. The material sent via email (date, time, place of the meeting, the purpose of the meeting, sketch map, a summary of the development proposal, type of development approval sought, application number, M-NCPPC contact, applicant contact information and process for becoming a party of record, statement that no government agency has reviewed the application) contains large amounts of electronic data and could overload some residents' email mailboxes. In addition, the Planning Board will not be able to confirm that an email address is associated with a physical address nor track when a citizen moves to another address outside of the two adjoining Council Districts. As a result, the email registry database will eventually evolve into a list of email addresses and not solely a database of citizens affected by proposed development applications.

If the District Council intends to move forward with the proposed legislation, it is recommended that the Council amend the bill to require the applicant to email the pre-application neighborhood meeting materials to residents.

The Planning Board supports providing notification to increase participation in the development review process but does not believe this is the most effective and efficient way to accomplish that goal. The Planning Board is also receptive to continuing a dialog with the District Council on more efficient and effective ways to provide additional notification and increase citizen participation.

Impacted Property:

This bill will affect all properties in the County with proposed development applications.

Following discussion, the Planning Board voted to oppose CB-60-2022 as drafted.

CB-61-2022 – Planning Board Analysis (Attachment 3)

A bill to amend the Zoning Ordinance to require written summaries of pre-application neighborhood meetings for proposed developments to become part of the administrative record of the development application that is filed; and require electronic distribution of the pre-application neighborhood meeting summaries and accompanying materials to attendees at the meeting who provide email contact information.

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

Policy Analysis:

The prior Zoning Ordinance required mailed notices to neighbors and registered associations prior to acceptance of most development applications. The new Zoning Ordinance expanded that requirement for many applications to also require pre-application neighborhood meetings at which the applicant must present its project, receive comments, and consider whether to amend its application in response. The Council's goal was to create a dialogue between applicant and community earlier in the development review process.

The pre-application neighborhood meeting is required for a zoning map amendment (ZMA), Planned Development (PD) zoning map amendment, Chesapeake Bay Critical Area Overlay (CBCA) map amendment, special exception, detailed site plan, major departure, and variance when associated with parent development applications. Applicants may choose to hold pre-application neighborhood meetings for other development proposals such as minor changes to approved special exceptions, minor amendments to approved detailed site plans, minor departures, minor administrative waivers, or modifications to development standards.

The new Zoning Ordinance requires applicants to prepare a written summary of the pre-application neighborhood meeting. The summary shall include "a list of those invited to the meeting, meeting attendees and/or a copy of the sign-in sheet, copies of the materials distributed or made available for review during the meeting, and any other information the applicant deems appropriate."

CB-61-2022 amends the ordinance to require that the written summary become part of the administrative record of the development application. The bill also requires the applicant to email a copy of the written summary to all attendees who provide an email address.

The Planning Board believes it is premature to make substantive changes to the new Zoning Ordinance, which has only been in effect for three months. As discussed during deliberations on the new ordinance, it is anticipated that the Council will conduct a comprehensive review of the new ordinance in 2023 after it has been in effect for 18 months. The proposal in this bill should be considered at that time.

The Planning Board also notes that during the drafting of the new Zoning Ordinance, the District Council discussed whether pre-application neighborhood meetings should become part of the administrative record or not. The County Council decided that the pre-application neighborhood meeting should be an informal and informational meeting to brief affected residents on development proposals, and not become part of the record.

The Council was concerned that requiring written summaries to become part of the administrative record could introduce into the record information or opinions that are not relevant to Planning Board and Council decision-making standards for the application and could create unreasonable expectations for the public.

The bill also requires the applicant to email a copy of the written summary of the pre-application neighborhood meeting to attendees that provide an email address. The Planning Board believes the County Council intended the written summary to be a public document even though it is not made part of the administrative record. Therefore, distribution of the written summary to attendees seems appropriate.

The Planning Board believes it is premature to make substantive changes to the new Zoning Ordinance, which has only been in effect for three months. As discussed during deliberations on the new ordinance, it is anticipated that the Council will conduct a comprehensive review of the new ordinance in 2023 after it has been in effect for 18 months. The proposal in this bill should be considered at that time. The Planning Board will continue to monitor and evaluate the implementation of the new Zoning Ordinance.

Impacted Property:

This bill will affect all properties in the County that require a neighborhood pre-application meeting on a pending development application.

Following discussion, the Planning Board voted to oppose CB-61-2022.