

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2018 Legislative Session

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**Reference No.:** CB -027- 2018

**Draft No.:** 2

**Committee:** PLANNING, ZONING AND ECONOMIC DEVELOPMENT

**Date:** 07/18/2018

**Action:** FAV (A)

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### REPORT:

Committee Vote: Favorable as amended, 3-0 (In favor: Council Members Franklin, Glaros, and Patterson)

The Committee Director summarized the purpose of the legislation and informed the committee of written referral comments that were received. This legislation amends the Zoning Ordinance concerning Comprehensive Design Zone Specific Design Plans (SDPs) to authorize the Planning Director to administratively approve certain limited minor revisions and limited departures from design standard requirements for SDPs. This administrative approval process is already in place for minor revisions to Conceptual Site Plans, Detailed Site Plans and Special Exceptions because of the enactment of CB-42-2002. This legislation clarifies the intent of the District Council in the 2002 legislation to authorize the Planning Director to approve such minor revisions. Council Member Franklin, the bill's co-sponsor, informed the committee the intent of the legislation to align the SDP minor revision process with that of other types of development applications.

The Zoning Hearing Examiner reviewed the legislation and suggested the following technical and substantive amendments as described in a July 2, 2018 memorandum to the Committee Director.

The substantive problem is that the language being removed on page 2, lines 5-9, are the "findings" that currently must be met by the Planning Director and the Planning Board (upon appeal). I suggest that you reword (b) on page 2 to read "The Planning Director (or designee) may approve the following minor amendments to approved Specific Design Plans administratively, without public hearing, upon a finding that it is in keeping with the architectural and site design characteristics of the approved Specific Design Plan and there is good cause to grant the request: "

The technical amendments are as follows:

- On page 2, lines 10-12 should be deleted if the substantive amendment is approved.
- On page 3, line 15, revise language to read "or a timely written request for public hearing is submitted...."
- On page 3, lines 15 and 16 insert "Planning" before "Director".

· On page 3 line 2 (D) should be merged into (E) since it does not make sense when you read page 2, lines 28 and 24 with (D) on page 3.

The Planning Board voted to support the legislation with amendments as provided in a suggested revised bill included with a June 12, 2018 letter to Council Chair Glaros.

The Committee voted favorable on CB-27-2018 including the Planning Board amendments, and as modified by the Zoning and Legislative Counsel, as follows:

Beginning on page 2, line 10, in Section 27-530 (b):

(2) It does not increase the floor area ratio.] The Planning Director is authorized to approve limited minor amendments administratively, without public hearing, to an approved Specific Design Plan[s], in accordance with the requirements of this subsection.

(1) The Planning Director may approve a minor amendment[s] upon finding in writing, that the proposed amendment is in keeping with the design characteristics of the approved Specific Design Plan and is [if] limited in scope and nature[, as follows:] to include the following:

(A) An increase of no more than ten percent (10%) in the gross floor area of a building;

(B) An increase of no more than ten percent (10%) in the land area covered by a structure other than a building;

(C) The redesign of parking or loading areas;

(D) The redesign of a landscape plan;

(E) New or alternative architectural plans that are equal or superior to those originally approved, in terms of overall size and quality;

(F) Changes required by engineering necessity to grading, utilities, stormwater management, or related plan elements; or

(G) Changes to any other plan element determined by the Planning Director to have minimal effect on the overall design, layout, quality, or intent of the approved [s] Specific [d] Design [p] Plan.

(2) The Planning Director is not authorized to administratively approve minor amendments that:

(A) Add or delete a land use, as uses are shown on the approved plan;

(B) Relocate significantly an approved land use;

(C) Increase the density or intensity of uses shown on the approved plan;

(D) Grant variances;

(E) Modify conditions, considerations, or other requirements imposed by

the

Planning Board or District Council in any case; or

(F) Otherwise waive any other requirement of this Subtitle not authorized

by

~~[(2)]~~(3) Before approving a minor amendment, the Planning Director shall make all findings, in writing, that the Planning Board would be required to make~~[-]~~ if the Planning Board reviewed the application.

~~[(3)]~~ (4) The applicant's property shall be posted within ten (10) days of the Planning Director's acceptance of filing of the application. Posting shall be in accordance with Part 3, Division 1 of this Subtitle, including Section 27-125.03(b). On and after the first day of posting, the application may not be amended~~[-]~~ unless the revised application is posted as if a new application.

(5) The Planning Director may waive posting after determining, in writing, that the proposed minor change is so limited in scope and nature that it will have no appreciable impact on adjacent property.

~~[(4)]~~ (6) If a written request for public hearing is not submitted within the posted time period, then the Planning Director may act on the application. The Planning Director's approval or denial ~~[concludes all proceedings on the application]~~ shall constitute final action on the application, subject to any authorized appeal filed pursuant to the requirements set forth within Subsection (d) of this Section. Electronic notice of any approval or denial as to the application shall be made by the Planning Director not later than seven (7) calendar days after the date of the Director's approval. The Planning Director shall also publish the development activity report on the Planning Department's website.

~~[(5)]~~ (7) If ~~[the Director denies the application or]~~ a timely hearing request is submitted, ~~or if the Planning Director declines to consider the application,~~ then the application shall be treated as if re-filed as an application for Planning Board review on the date of that event. The applicant, Planning Director, and Technical Staff shall then follow the procedures applicable to Planning Board review of the application.