


(301) 952-3561

June 12, 2018

The Honorable Dannielle Glaros  
Chairwoman  
Prince George's County Council  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: CB-27-2018, CB-28-2018, CB-46-2018,  
CB-47-2018 and CB-48-2018 , CB-49-2018

Dear Chairwoman Glaros 

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the July 12, 2018 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 the reports are provided below:**

***CB-27-2018** amends Section 27-530 (Amendments.) for Specific Design Plans (SDPs). The bill adds language to authorize the Planning Director to approve administratively limited minor amendments to approved SDPs without requiring a public hearing.*

**Planning Board Recommendation: Support with Amendments**  
(See Attachment 1 for full analysis)

**On page 3 renumber all the newly added numbers.**

**On line 11 add the words "including Section 27-125.03(b)" behind the word "Subtitle". This amendment clarifies that the exact applicable regulations are under 27-125.03 (b)(Posting, Planning Director administrative approvals). In addition, behind the word "amended" add the words "unless the revised application is posted as if a new application". This change would require a new sign posting if the application is amended.**

**Line 12 add a new number (5) and renumber the current (4) to (6). This amendment permits the Planning Director to waive the sign posting requirements in those very limited instances where there is no impact to adjacent properties, as currently allowed for limited DSP amendments.**

**Under the newly created (6) on lines 13 through 14 delete the words "concludes all proceedings on the application" behind the word "approval" and replace with the words "or denial constitutes final action on the application, subject to appeal under (d) below.**

Electronic notice of 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." This revised language clarifies the Planning Director's review process.

On line 15 renumber (5) to (7). Delete the words "the Director denies the application or" in front of the words "a timely hearing request". Add the words "or if the Planning Director declines to consider the application" behind the word "submitted". Next, add the words "if re-filed as an application for Planning Board review" in front of the words "on the date of that event." This change clarifies that if the Planning Director declines to review an application at the director level, it will be treated as refiled for Planning Board review.

*CB-28-2018 amends Section 27-441 (Uses Permitted in Residential Zones.) by adding a new footnote in the Rural Residential (R-R) Zone for "townhouse, all others".*

**Planning Board Recommendation: No Position with Amendments**  
(See Attachment 2 for full analysis)

On page 3 under footnote 126 letter (D) the language should be deleted and amended. The current language effectively waives all requirements and regulations for the R-R Zone by postponing the determination of development standards until the time of DSP review.

The R-R Zone is consistent with the residential low land use designation of 3.5 dwelling units per acre. If development standards are not established until DSP there is a strong possibility that a development may exceed the residential low land use designation which would be in conflict with the District Council's approved master plans. Furthermore, it is within the District Council's authority to establish development standards including density, and not the Planning Board. The District Council should adopt objective development standards based on future land uses outlined in the applicable master plan to guide the Planning Board in its consideration of an application for a DSP that proposes townhouses in the R-R Zone.

If it is the District Council's intent to permit townhouses in the R-R Zone, development standards should be added to the bill to ensure uniform application of zoning as was done with CB-112-2004. The appropriate development standards would be those of the One-Family Triple-Attached Residential (R-20) Zone or alternatively the Residential Townhouse (R-T) Zone.

Under the letter (D) delete the words "all requirements for the development of the proposed townhouse dwelling residential uses shall be determined through Detailed Site Plan approval and process and depicted on the certified Detailed Site Plan as approved by the Planning Board and/or District Council" behind the word "instead" and replace with the words "townhouse development shall comply with the development standards of the R-20 Zone and a DSP shall be approved for the development in accordance with Part 3, Division 9, of this Subtitle." This language adds objective standards for development of townhouses.

***CB-46-2018** amends Section 27-473 (Uses Permitted in Industrial Zones.) by adding a new footnote in the Heavy Industrial Zone (I-2) for "concrete recycling facility".*

**Planning Board Recommendation: Oppose with Amendments**  
(See Attachment 3 for full analysis)

The Planning Board believes this bill was drafted for a specific property. There are additional specific Special Exception (SE) regulations for concrete recycling facilities under Section 27-343.03 (Concrete recycling facility.). These regulations address off-site environmental and transportation impacts of these operations.

On page 3 under footnote 65 letter (E) the language should be revised. It is not clear how this language would be enforced. Perhaps language should be added to require a separate temporary use and occupancy permit for the crushing operations on site. The temporary use and occupancy permit would allow the Department of Permitting, Inspections and Enforcement (DPIE) to restrict the number of calendar days crushing operations could occur.

Under letter (G) remove the words "two hundred (200)" and replace with the words "three hundred (300)". This language would be consistent with current language under Section 27-343.03.

Under letter (H) add the remaining requirements listed under Section 27-343.03 to be consistent with current regulations.

***CB-47-2018** amends Section 27-473 (Uses Permitted in Industrial Zones.) by adding a new footnote in the Heavy Industrial Zone (I-2) for a "concrete batching or mixing plant".*

**Planning Board Recommendation: Oppose with Amendments**  
(See Attachment 4 for full analysis)

Staff believes this bill was drafted for a specific property. There are additional specific SE regulations for concrete batching or mixing plant facilities under Section 27-343.02 (Concrete batching or mixing plant.). These regulations address off-site environmental and transportation impacts of these operations.

On page 3 under footnote 66 letter (G) remove the words "two hundred (200)" and replace with the words "three hundred (300)". This language would be consistent with current language under Section 27-343.02.

Under letter (H) add the remaining requirements listed under Section 27-343.02 to be consistent with current regulations. Add language requiring the applicant to present a traffic analysis, an approved stormwater management concept plan, noise assessment, grading plan that illustrates the existing and proposed topography. Also show on the site plan the daily capacity of the facility and identification of the trucks and heavy equipment used in facility operation. Also add language to require that driveway ingress and egress be identified on the site plan.

**CB-48-2018** amends Section 27-461 (Uses Permitted in Commercial Zones.) by adding a new footnote in the Commercial Miscellaneous (C-M) Zone for "vehicle, mobile home, or camping trailers sales lot, which may include dealer servicing and outdoor storage of vehicles awaiting sale but shall exclude the storage or sale of wrecked or inoperable vehicles, except as accessory to the dealership for vehicles which the dealership will repair".

**Planning Board Recommendation: Oppose with Amendments**  
(See Attachment 5 for full analysis)

The Planning Board believes this bill was drafted for a specific property. It is also believed the intent of the bill is to permit existing vehicle sales operations to continue by right. The vehicle sales operations are along Branch Avenue and Auth Way, and are partially or completely within the Branch Avenue Metro Station Area of the Southern Green Line Station Area DDOZ .

When a property is located within an overlay zone the only process to amend the DDOZ table of uses is through the minor amendment process under Section 27-548.26 (Amendment of Approved Development District Overlay Zone.) or Section 27-642 (Minor Amendment to an Approved Master, Sector, Functional Plans and Development District Overlay Zones.). The creation of a new footnote under the Commercial Table of Uses is not sufficient. The tables of uses in the Zoning Ordinance are not the tables of uses for a DDOZ. Uses in a DDOZ are permitted or prohibited by the use table within the DDOZ.

There are a variety of methods through Section 27-642 to permit those businesses to remain in place while preserving the general prohibition on such uses in other DDOZs throughout the County. These include, but are not limited to:

1. amending the DDOZ tables of uses to permit such uses in existence on February 25, 2014, and/or amend the applicability and exemptions section to exempt them from the Development District Standards,
2. change the boundary of the Branch Avenue Metro Station Area to exclude properties zoned D-D-O/C-M.

This process would target amendments to the intended area of the County which is roughly one-half (1/2) mile from the Branch Avenue Metro Station.

If the District Council intends to move forward with the proposed bill and permit the use in all DDOZs, the Council might consider adding language similar to the medical cannabis language under Section 27-548.22 (c) (Uses.). In choosing this option it should be noted that the "vehicle mobile home or camping trailers sales lot" use is fundamentally inconsistent and incompatible with walkable, and mixed-use development preferred in nearly all of the County's DDOZs.

**CB-49-2018** amends Section 27-547 (Uses Permitted in Mix Use Zones.) by extending the abrogation time period for industrial uses on a property that was rezoned from the Light Industrial (I-1) Zone to the Mixed Use -Transportation Oriented (M-X-T) Zone in the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment.

**Planning Board Recommendation: No Position**

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,

A handwritten signature in cursive script that reads "Betty".

Elizabeth M. Hewlett  
Chairman

Attachments

## **CB-27-2018– Planning Board Analysis (Attachment 1)**

CB-27-2018 amends Section 27-530 (Amendments.) for Specific Design Plans (SDPs). The bill adds language to authorize the Planning Director to approve administratively limited minor amendments to approved SDPs without requiring a public hearing. The Planning Director may approve minor amendments if limited in scope and nature to (A) increasing the gross floor area of a building by no more than ten percent (10%); (B) increasing the land area covered by a structure other than a building by no more than ten percent (10%); (C) redesigning parking or loading areas; (D) redesigning a landscape plan; (E) approving new or alternative architectural plans that are equal or superior to the originally approved plans; (F) making changes required by engineering necessity to grading, utilities, stormwater management or related plan elements; or (G) making changes to any plan element determined by the Planning Director which will have a minimal effect on the design, layout, quality or intent of the approved SDP.

The bill also adds regulations where the Planning Director is not authorized to administratively approve minor amendments to approved SDPs. Those include: (A) the addition or deletion of a land use shown on an approved plan; (B) the relocation of an approved land use; (C) increasing density or intensification of uses shown on an approved plan; (D) granting variances; (E) modifying conditions, considerations, or other requirements imposed by the Planning Board or District Council; or (F) waiving any other requirements of the subtitle not authorized by the regulations.

CB-27-2018 also requires the Planning Director to make the same findings as the Planning Board would be required to make during review. The applicant's property must be posted within ten (10) days of the Planning Director's acceptance of the application. If a request for a public hearing is not submitted the Planning Director can act on the application.

Lastly, if the Planning Director denies the application or a hearing request is filed, the application must be treated as filed on the date of the particular event. The applicant, Planning Director and Technical Staff must follow the procedures for Planning Board review of an SDP application.

### **The Planning Board has the following amendments, comments and suggestions for consideration by the District Council:**

Add the word "Planning" in front of the word 'Director on page 2 line 13, and on page 3, lines 7, 9, 13, line 15 and 16.

On page 2 line 11 add the word "an" in front of the word "approved".

Line 12 delete the "s" on the word 'Plans'.

Line 13 through 14 add the word "a" in front of the words "minor amendments". Next, delete the "s" on the word "amendments" and add the words "upon finding in writing, the proposed amendment is in keeping with the design characteristics of the approved Specific Design Plan and is" behind the word "amendment". In addition, delete the words " as follows" and add the words "to include the following".

## CB-27-2018 – Planning Board Analysis (Attachment1)

Page 2

The revised language would read: "The Planning Director may approve a minor amendment upon finding in writing, that the proposed amendment is in keeping with the design characteristics of the approved Specific Design Plan and is limited in scope and nature to include the following:". The language was amended to make technical and clarifying changes.

Lines 26 through 27 capitalize the words "Specific Design Plan".

On page 3 renumber all the newly added numbers.

Renumber (2) to (3). The number should be a new (3) because (2) is already used on page 2 line 10.

Line 7 add the words ",in writing, that" behind the word "findings".

Line 8 delete the comma in front of the word 'if'.

Line 9 renumber (3) to (4).

Line 11 add the words "including Section 27-125.03(b)" behind the word "Subtitle". This amendment clarifies that the exact applicable regulations are under 27-125.03 (b)(Posting, Planning Director administrative approvals). In addition, behind the word "amended" add the words "unless the revised application is posted as if a new application". This change would require a new sign posting if the application is amended.

Line 12 add a new number (5) and renumber the current (4) to (6). The language would read: "(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 the adjacent property". This amendment permits the Planning Director to waive the sign posting requirements in those very limited instances where there is no impact to adjacent properties, as currently allowed for limited DSP amendments.

Under the newly created (6) on lines 13 through 14 delete the words "concludes all proceedings on the application" behind the word "approval" and replace with the words "or denial constitutes final action on the application, subject to appeal under (d) below. Electronic notice of approval or denial as to the application shall be made by the Planning Director no 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."

The revised language would read: "(6) If a written request for a 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 constitutes final action on the application, subject to appeal under (d) below. Electronic notice of 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." This revised language clarifies the Planning Director's review process.

On line 15 renumber (5) to (7). Delete the words "the Director denies the application or" in front of the words "a timely hearing request". Add the words "or if the Planning Director declines to consider the application" behind the word "submitted".

**CB-27-2018 – Planning Board Analysis (Attachment1)**

Page 3

Next, add the words "if re-filed as an application for Planning Board review" in front of the words "on the date of that event."

The revised language would read: "If 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." This change clarifies that if the Planning Director declines to review an application at the director level, it will be treated as refiled for Planning Board review.

Following discussion, the Planning Board voted to support CB-27-2018 with the above-stated amendments.



**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**SITTING AS THE DISTRICT COUNCIL**  
**2018 Legislative Session**

Bill No. CB-27-2018

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Members Davis and Franklin

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**ZONING BILL**

1 AN ORDINANCE concerning

2 Comprehensive Design Zones- Specific Design Plans- Procedures

3 For the purpose of amending the Zoning Ordinance to authorize the administrative approval of  
4 certain limited, minor revisions and limited departures from design standard requirements for  
5 Specific Design Plans by the Planning Director.

6 BY repealing and reenacting with amendments:

7 Section 27-530,

8 The Zoning Ordinance of Prince George's County, Maryland,  
9 being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code  
12 (2015 Edition, 2017 Supplement).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
14 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional  
15 District in Prince George's County, Maryland, that Section 27-530 of the Zoning Ordinance of  
16 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,  
17 be and the same is hereby repealed and reenacted with the following amendments:

18 **SUBTITLE 27. ZONING.**

19 **PART 8. COMPREHENSIVE DESIGN ZONES.**

20 **DIVISION 4. COMPREHENSIVE DESIGN PLANS AND SPECIFIC DESIGN PLANS**

**SUBDIVISION 2. SPECIFIC DESIGN PLANS.**

**Section 27-530. -Amendments.**

(a) All amendments of approved Specific Design Plans shall be made in accordance with the provisions of this Division for initial approval, except as set forth below.

(b) [The Planning Director (or designee) may approve a minor amendment in the location of structures shown on an approved Specific Design Plan due to an engineering necessity if the Planning Director finds that:

(1) It is in keeping with the architectural and site design characteristics of the approved Specific Design Plan; and

(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 ~~iff~~ 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 ~~ed~~ Design ~~p~~ Plan.

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

PLANNING BOARD REVISIONS CB- 27-2018 (DR-1)

1 home improvements may be requested by a homeowner (or authorized representative) and  
2 approved by the Planning Director (or designee), in accordance with the following procedures:

3 (1) Filing. The applicant shall submit a site plan and any other material deemed  
4 necessary to properly detail the requested modifications.

5 (2) Fee. At the time the application is filed, the applicant shall pay a fee to cover the costs  
6 of processing the request. The fee shall be established by the Planning Board. In cases of  
7 financial hardship, the fee may be waived by the Planning Board.

8 (3) Criteria for granting minor amendments. A minor amendment may only be granted if  
9 the requested modifications:

10 (A) Are located within the approved Comprehensive Design Plan building lines and  
11 setbacks or any approved amendments to the Comprehensive Design Plan;

12 (B) Are in keeping with the architectural and site design characteristics of the  
13 approved Specific Design Plan; and

14 (C) Will not substantially impair the intent, purpose, or integrity of the approved  
15 Comprehensive Design Plan.

16 (d) Appeal.

17 (1) The decision of the Planning Director (or designee) may be appealed to the  
18 Planning Board. Application for appeal may be made when it is claimed that the true intent of the  
19 Comprehensive and Specific Design Plans or of this Subtitle have been incorrectly interpreted or  
20 applied. Notice of such appeal shall be in writing and filed within thirty (30) days after the  
21 decision is rendered by the Planning Director.

22 (2) Hearing. The Planning Board shall conduct a hearing pursuant to its Rules of  
23 Procedure.

24 (3) Findings.

25 (A) The Planning Board may grant the minor amendment in accordance with the  
26 criteria set forth in Subsections (b) and (c), above.

27 (B) The Planning Board shall approve, approve with modification, or disapprove  
28 the requested amendments, and shall state its reasons for the action. The Planning Board's  
29 decision (resolution) on the minor amendment shall be sent to all persons of record in the hearing  
30 before the Planning Board.

31 (e) In the event that a minor amendment requires an amendment of both the approved

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

2 (B) Relocate significantly an approved land use;

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

4 (D) Grant variances;

5 (E) Modify conditions, considerations, or other requirements imposed by the  
6 Planning Board or District Council in any case; or

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

8 ~~[(2)]~~(3) Before approving a minor amendment, the Planning Director shall make all  
9 findings, in writing, that the Planning Board would be required to make, if the Planning Board  
10 reviewed the application.

11 ~~[(3)]~~ (4) The applicant's property shall be posted within ten (10) days of the Planning  
12 Director's acceptance of filing of the application. Posting shall be in accordance with Part 3,  
13 Division 1 of this Subtitle, including Section 27-125.03(b). On and after the first day of posting,  
14 the application may not be amended, unless the revised application is posted as if a new  
15 application.

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

19 ~~[(4)]~~ (6) If a written request for public hearing is not submitted within the posted time  
20 period, then the Planning Director may act on the application. The Planning Director's approval  
21 or denial ~~[concludes all proceedings on the application]~~ constitutes final action on the  
22 application, subject to appeal under (d) below. Electronic notice of approval or denial as to the  
23 application shall be made by the Planning Director not later than seven (7) calendar days after  
24 the date of the Director's approval. The Planning Director shall also publish the development  
25 activity report on the Planning Department's website.

26 ~~[(5)]~~ (7) If ~~[the Director denies the application or]~~ a timely hearing request is submitted, or  
27 if the Planning Director declines to consider the application, then the application shall be treated  
28 as if re-filed as an application for Planning Board review on the date of that event. The applicant,  
29 Planning Director, and Technical Staff shall then follow the procedures for Planning Board  
30 review of the application.

31 (c) A minor amendment to an approved Specific Design Plan for the purpose of making

PLANNING BOARD REVISIONS CB- 27-2018 (DR-1)

1 Comprehensive Design Plan and Specific Design Plan, the amendment shall be combined and  
2 processed in accordance with the provisions of Section 27-524. (a)  
3 SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45)  
4 calendar days after its adoption.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2018.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S COUNTY,  
MARYLAND

BY: \_\_\_\_\_  
Dannielle M. Glaros  
Chair

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

\* \* \* \* \*

## **CB-28-2018– Planning Board Analysis (Attachment 2)**

CB-28-2018 amends Section 27-441 (Uses Permitted in Residential Zones.) by adding a new footnote in the Rural Residential (R-R) Zone for “townhouse, all others”. Footnote 126 permits the use if (A) the proposed use is located on lots, parcels, or property with a total land area of fifteen (15) gross acres or less; (B) the proposed use is located on land adjacent to and with frontage on an existing, publicly-owned pedestrian/bicycle recreational facility with a total land area of at least 950 acres; (C) the proposed use is located on property with frontage and access to a signalized intersection of a publicly-maintained roadway with a functional transportation classification of “Collector” or higher pursuant to the applicable Countywide Master Plan of Transportation; and (D) the regulations ordinarily applicable to development with R-R Zone shall not apply; instead all requirements for development of the townhouse dwelling units shall be determined through a Detailed Site Plan (DSP) approval process and depicted on the certified DSP as approved by the Planning Board and/or District Council.

### **The Planning Board has the following amendments, comments and suggestions for consideration by the District Council:**

There are approximately eighteen (18) lots, parcels or properties in the county with fifteen (15) or less gross acres in the R-R Zone. Two (2) properties are located in Council District 7, thirteen (13) are located in Council District 8 and three (3) are in Council District 9.

On page 3 under footnote 126 letter (D) the language should be deleted and amended. The current language effectively waives all requirements and regulations for the R-R Zone by postponing the determination of development standards until the time of DSP review.

This postponement process defeats the entire purpose of zoning by preventing the uniform application of objective development standards to all properties in the R-R Zone established by the District Council in coordination with its adopted future land use recommendations in master plans. The R-R Zone is consistent with the residential low land use designation of 3.5 dwelling units per acre. If development standards are not established until DSP there is a strong possibility that a development may exceed the residential low land use designation which would be in conflict with the District Council's approved master plans. Furthermore, it is within the District Council's authority to establish development standards including density, and not the Planning Board. The District Council should adopt objective development standards based on future land uses outlined in the applicable master plan to guide the Planning Board in its consideration of an application for a DSP that proposes townhouses in the R-R Zone.

If it is the District Council's intent to permit townhouses in the R-R Zone, development standards should be added to the bill to ensure uniform application of zoning as was done with CB-112-2004. The appropriate development standards would be those of the One-Family Triple-Attached Residential (R-20) Zone or alternatively the Residential Townhouse (R-T) Zone.

**CB-28-2018 – Planning Board Analysis (Attachment 2)**

Page 2

Under the letter (D) delete the words "all requirements for the development of the proposed townhouse dwelling residential uses shall be determined through Detailed Site Plan approval and process and depicted on the certified Detailed Site Plan as approved by the Planning Board and/or District Council" behind the word "instead" and replace with the words "townhouse development shall comply with the development standards of the R-20 Zone and a DSP shall be approved for the development in accordance with Part 3, Division 9, of this Subtitle."

The language would read: "The regulations ordinarily applicable to development within the R-R Zone shall not apply; instead townhouse development shall comply with the development standards of the R-20 Zone and a DSP shall be approved for the development in accordance with Part 3, Division 9, of this Subtitle." This language adds objective standards for development of townhouses.

Lastly, it should be noted that the new proposed Zoning Ordinance will reclassify the R-R Zone to the Residential Rural (RR) Zone and retain existing density maximums, lots regulations, and uses. Townhouses in the RR Zone are prohibited. The use is incompatible with the purposes of the R-R and RR Zones.

Following discussion, the Planning Board voted to take no position on CB-28-2018 with amendments.

### **CB-46-2018– Planning Board Analysis (Attachment 3)**

CB-46-2018 amends Section 27-473 (Uses Permitted in Industrial Zones.) by adding a new footnote in the Heavy Industrial Zone (I-2) for “concrete recycling facility”. Footnote 65 permits the use by right without Special Exception approval if (A) the concrete recycling facility is located on a property with an existing and operational sand and gravel wet processing facility; (B) the use is located on a lot or parcel consisting of at least twenty (20) acres; (C) operations of the use are limited to the hours of 7:00 a.m. and 4:00 p.m. Monday through Friday; (D) operations must not occur during the weekend; (E) crushing operations of the use on the site shall be limited to sixty (60) days per calendar year; (F) the use must be located on property abutted on three (3) sides by land zoned Open Space (O-S); (G) the concrete recycling and other components that generate adverse noise, dust, or vibration must be located at least two hundred (200) feet from the boundary lines of the subject property, adjoining land in any residential or commercial zone or land proposed for residential or commercial uses within a Comprehensive Design Zone (CDZ), Mixed Use, or Planned Community Zones; and (H) a site plan is filed with a building permit for the use which includes: (1) the components of the concrete recycling facility; (2) the location of all material stockpiles; (3) the location of settling ponds, if any; (4) the source of water to be used in conjunction with operation of the use; (5) the truck wash-out facilities, if any; (6) the methods of disposing of waste materials associated with operation of the use; (7) the internal traffic circulation system for operations of the use; and (8) the parking and storage areas for all vehicles and equipment associated with operations of the use.

#### **The Planning Board has the following amendments, comments and suggestions for consideration by the District Council:**

The Planning Board believes this bill was drafted for a specific property. In addition, it should be noted that there are Special Exception requirements under Section 27-317 (Required findings.) which permit the District Council and/or the Zoning Hearing Examiner to make sure (1.) the proposed use and site plan are in harmony with the development; (2.) the proposed use is in conformance with all requirements and regulations; (3.) the proposed use will not substantially impair the integrity of any approved Master Plan or Functional Plan or General Plan if there is not Master Plan or Functional Plan; (4.) the proposed use will not adversely affect the health, safety or welfare of workers and residents in the area; (5.) the proposed use must not be detrimental to the development of adjacent properties or the neighborhood in general; (6.) the proposed site plan is in conformance with the Tree Conservation Plan; (7.) the proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible. In addition, when a SE use is approved, the County retains complete control over all improvements (such as building mass, building location, additional landscaping or screening, architecture, building materials, exterior lighting, etc.) made to the property through the Special Exception site plan. Any changes to the approved site plan will require the applicant to file and obtain approval of a formal application to revise the site plan.

There are additional specific SE regulations for concrete recycling facilities under Section 27-343.03 (Concrete recycling facility.). These regulations address off-site environmental and transportation impacts of these operations.

The proposed bill removes most of the information that would inform a decision-maker on how the transportation and environmental impact of the proposed use would have on neighboring properties and the community and places the final decision for approval during permit review.



**CB-46-2018 – Planning Board Analysis (Attachment 3)**

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These operations are unique and have business-specific operational practices that present considerable impacts, including noise, dust, truck traffic, and other environmental impacts.

If the District Council intends to move forward with the proposed bill the Planning Board recommends the following amendments listed below:

On page 3 under footnote 65 letter (E) the language should be revised. It is not clear how this language would be enforced. Perhaps language should be added to require a separate temporary use and occupancy permit for the crushing operations on site. The temporary use and occupancy permit would allow the Department of Permitting, Inspections and Enforcement (DPIE) to restrict the number of calendar days crushing operations could occur.

Under letter (G) remove the words "two hundred (200)" and replace with the words "three hundred (300)". This language would be consistent with current language under Section 27-343.03.

Under letter (H) add the remaining requirements listed under Section 27-343.03 to be consistent with current regulations. Add language requiring the applicant to present a traffic analysis, an approved stormwater management concept plan, noise assessment, and grading plan that illustrates the existing and proposed topography. Also show on the site plan the daily capacity of the facility and identification of the trucks and heavy equipment used in facility operation. Also add language to require that driveway ingress and egress be identified on the site plan.

Following discussion, the Planning Board voted to oppose CB-46-2018 with the above-stated amendments.

#### **CB-47-2018– Planning Board Analysis (Attachment 4)**

CB-47-2018 amends Section 27-473 (Uses Permitted in Industrial Zones.) by adding a new footnote in the Heavy Industrial Zone (I-2) for a “concrete batching or mixing plant”. Footnote 66 permits the use by right without Special Exception approval if (A) the concrete batching or mixing plant is located on a property with an existing and operational sand and gravel wet processing facility; (B) the use is located on a lot or parcel consisting of at least twenty (20) acres; (C) operations of the use are limited to the hours of 7:00 a.m. and 4:00 p.m. Monday through Friday; (D) weekend operations must be limited to Saturdays from 6:00 a.m. to 2:00 p.m.; (E) all mixing equipment must be located within a wholly enclosed building; (F) the use must be located on property abutted on three (3) sides by land zoned Open Space (O-S); (G) the mixing plant and other components that generate adverse noise, dust, or vibration must be located at least two hundred (200) feet from the boundary lines of the subject property, adjoining land in any residential or commercial zone or land proposed for residential or commercial uses within a Comprehensive Design (CDZ) Zone, Mixed Use, or Planned Community Zones; and (H) a site plan is filed with a building permit for the use which includes: (1) the components of the concrete batching or cement mixing plant; (2) the location of all material stockpiles; (3) the location of settling ponds, if any; (4) the source of water to be used in conjunction with operation of the use; (5) the truck wash-out facilities, if any; (6) the methods of disposing of waste materials associated with operation of the use; (7) the internal traffic circulation system for operations of the use; (8) the truck mixing areas; and (9) the parking and storage areas for all vehicles and equipment associated with operations of the use.

Staff believes this bill was drafted for a specific property. In addition, it should be noted that there are Special Exception requirements under Section 27-317 (Required findings.) which permit the District Council and/or the Zoning Hearing Examiner to make sure (1.) the proposed use and site plan are in harmony with the development; (2.) the proposed use is in conformance with all requirements and regulations; (3.) the proposed use will not substantially impair the integrity of any approved Master Plan or Functional Plan or General Plan if there is not Master Plan or Functional Plan; (4.) the proposed use will not adversely affect the health, safety or welfare of workers and residents in the area; (5.) the proposed use must not be detrimental to the development of adjacent properties or the neighborhood in general; (6.) the proposed site plan is in conformance with the Tree Conservation Plan; (7) the proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

Again, as mentioned under the staff report for CB-46-2018 when a SE use is approved, the County retains complete control over all improvements (such as building mass, building location, additional landscaping or screening, architecture, building materials, exterior lighting, etc.) made to the property through the Special Exception site plan. Any changes to the approved site plan will require the applicant to file and obtain approval of a formal application to revise the site plan.

#### **The Planning Board has the following amendments, comments and suggestions for consideration by the District Council:**

There are additional specific SE regulations for concrete batching or mixing plant facilities under Section 27-343.02 (Concrete batching or mixing plant.). These regulations address off-site environmental and transportation impacts of these operations.

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The proposed bill removes most of the information that would inform a decision-maker on how the transportation and environmental impact of the proposed use would have on neighboring properties and the community and places the final decision for approval during permit review. These operations are unique and have business-specific operational practices that present considerable impacts, including noise, dust, truck traffic, and other environmental impacts.

If the District Council intends to move forward with the proposed bill staff recommends the following amendments listed below:

On page 3 under footnote 66 letter (G) remove the words "two hundred (200)" and replace with the words "three hundred (300)". This language would be consistent with current language under Section 27-343.02.

Under letter (H) add the remaining requirements listed under Section 27-343.02 to be consistent with current regulations. Add language requiring the applicant to present a traffic analysis, an approved stormwater management concept plan, noise assessment, grading plan that illustrates the existing and proposed topography. Also show on the site plan the daily capacity of the facility and identification of the trucks and heavy equipment used in facility operation. Also add language to require that driveway ingress and egress be identified on the site plan.

Following discussion, the Planning Board voted to oppose CB-47-2018 with the above-stated amendments.

## **CB-48-2018– Planning Board Analysis (Attachment 5)**

CB-48-2018 amends Section 27-461 (Uses Permitted in Commercial Zones.) by adding a new footnote in the Commercial Miscellaneous (C-M) Zone for “vehicle, mobile home, or camping trailers sales lot, which may include dealer servicing and outdoor storage of vehicles awaiting sale but shall exclude the storage or sale of wrecked or inoperable vehicles, except as accessory to the dealership for vehicles which the dealership will repair”. Footnote 71 permits the use by right for property located within an applicable Development District Overlay Zone (DDOZ) with an approved sector plan and sectional map amendment. The development district requirements for development in the DDOZ shall not apply. Development of the use must be subject to the applicable requirements of the Landscape Manual; all applicable parking and loading requirements within Part II of the Subtitle; and the bulk regulations for building setbacks in Division 4, Part 6 of the Subtitle.

### **The Planning Board has the following amendments, comments and suggestions for consideration by the District Council:**

There are approximately one hundred fifty-six (156) C-M zoned properties located within an overlay zone throughout the County. Seventy (70) are located in the 2004 *Gateway Arts District Approved Sector Plan and Sectional Map Amendment (SMA)*, fifty-eight (58) are located in the 2013 *Approved Southern Green Line Sector Plan and SMA*, twenty-five (25) are located in the 2000 *Approved Sector Plan and SMA for the Addison Road Metro (ARM) Town Center and Vicinity* and three (3) are located in the in the 2010 *Approved Central Annapolis Road Sector Plan and SMA*.

When a property is located within an overlay zone the only process to amend the DDOZ table of uses is through the minor amendment process under Section 27-548.26 (Amendment of Approved Development District Overlay Zone.) or Section 27-642 (Minor Amendment to an Approved Master, Sector, Functional Plans and Development District Overlay Zones.). The creation of a new footnote under the Commercial Table of Uses is not sufficient. The tables of uses in the Zoning Ordinance are not the tables of uses for a DDOZ. Uses in a DDOZ are permitted or prohibited by the use table within the DDOZ.

The Planning Board believes this bill was drafted for a specific property. It is believed the intent of the bill is to permit existing vehicle sales operations to continue by right. The vehicle sales operations are along Branch Avenue and Auth Way, and are partially or completely within the Branch Avenue Metro Station Area of the Southern Green Line Station Area DDOZ . There are a variety of methods through Section 27-642 to permit those businesses to remain in place while preserving the general prohibition on such uses in other DDOZs throughout the County. These include, but are not limited to:

1. amending the DDOZ tables of uses to permit such uses in existence on February 25, 2014, and/or amend the applicability and exemptions section to exempt them from the Development District Standards,
2. change the boundary of the Branch Avenue Metro Station Area to exclude properties zoned D-D-O/C-M.

This process would target amendments to the intended area of the County which is roughly one-half (1/2) mile from the Branch Avenue Metro Station.

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If the District Council intends to move forward with the proposed bill and permit the use in all DDOZs, the Council might consider adding language similar to the medical cannabis language under Section 27-548.22 (c) (Uses.). In choosing this option it should be noted that the "vehicle mobile home or camping trailers sales lot" use is fundamentally inconsistent and incompatible with walkable, and mixed-use development preferred in nearly all of the County's DDOZs.

Following discussion, the Planning Board voted to oppose CB-48-2018 with the above-mentioned amendments.