



**Zoning Ordinance and Subdivision Regulations Rewrite
West Laurel Civic Association Board
November 12, 2015, 7:00 – 9:00 p.m.**

The purpose of this discussion was to discuss the concerns and questions of the civic association regarding recommendations made by Clarion Associates for process, zones, uses, and involvement in the development review process. Responses to questions and additional presenter comments are identified by *italicized text*.

- Why would we want to eliminate “call-up” (the ability of the District Council to elect to review certain development applications)? It may be unique to this County but it works. *It has been criticized as an unpredictable process, and there are negative perceptions of “call-up” held by developers and other residents of the County alike. It’s not just the development community that views “call-up” as problematic. There is also a perception that has been expressed on a number of occasions that a lot of good developers and projects do not come to Prince George’s County because the process is unpredictable.*
- There was a discussion of “by-right” zone recommendations where the standards of development are clearly established by the Zoning Ordinance, and if the development application meets those standards they could proceed to the permit office without a discretionary review. A participant asked the question: “As established by who? The Planning Board?”
- In the context of this project, “streamlining” seems to mean providing for citizen input early then getting them out of the process. *This is not the case. For discretionary review projects where the Planning Board or the District Council make the final decision, there will still be public hearings and ongoing citizen input opportunities.*
- Will this apply to Laurel? Bowie? New Carrollton (editor note: by “this,” it was understood to refer to the new Zoning Ordinance). *The new Zoning Ordinance will apply to all of Prince George’s County, with the exception of the municipal boundaries of the City of Laurel, which is subject to its own planning and zoning authority.*
- So is the idea to change the Zoning Ordinance at the same time as rezoning the County? *Essentially, yes. It will be necessary to rezone the County to implement the new Zoning Ordinance.*
- Will this raise our taxes much? *We think the most likely result is that this effort may actually lower our taxes. Today, the County’s tax burden falls largely on residential property owners*



because we have little commercial tax base to speak of. One of the key purposes of this effort is to diversify the County's tax base.

- You mentioned that approximately 90 percent of the County would essentially remain the same – single-family residential today remains single-family residential tomorrow. It's that other ten percent around transit and commercial properties that worry us.
- So the R-R Zone would be transitioned to something very similar, but transit and corridor zoning may not necessarily exist anymore. What about today's footnotes in the use tables? What do we do with these? *Having the District Council sign off on the zoning "conversion chart" is a very important first step.*
- There was some discussion of "call-up" and related issues of major State laws and court decisions over the last five years "put in by developers, for developers" that reduce the ability of citizens to have input in the development process. There seems to be a perception that the Planning Board as an administrative body having the control/decision making is a good thing but if the Council as an elected body having the control/decision making is a bad thing. The Planning Board is appointed by the County Executive subject to Council approval. The Planning Director is seen as the "director for life." The nature of these relationships seems biased toward developers, and there are concerns there is no accountability for the Planning Director and Planning Board.
- The Zoning Ordinance Rewrite needs to accommodate these issues. Having a Planning Board appointed by the County Executive leads to a loss of "trust and belief" in the Planning Board. *To what extent is "call-up" effective for residents?* The simple answer is that sometimes residents are not paying attention, and there is a strong belief that the Planning Board runs a "loose" hearing, and as a result residents don't feel they get a fair hearing. This is a big reason why the Council Member chooses to exercise their "call-up" right. The allegation is that the Council could call up cases to "extort" developers, but the main value is helping residents be more aware of development.
- *If the Planning Board's handling of applications were more even-handed, would this increase equity?* The Planning Board hearing was viewed by attendees as extremely predictable in terms of outcome – if an application met the minimum standards, the Planning Board feels it has to approve it. We believe there is more leeway to deny applications, but the Board will never take that position. The viewpoint should be "should something happen" rather than "how it should happen."
- The Planning Board of Montgomery County seems to have a broader set of interests represented in its makeup. Some attendees had strong personal feelings about members of the Prince George's County Planning Board.



- *It has been our experience and the vast majority of cases that were either “called-up” or appealed were not significantly changed. A former County Council Member indicated “call-up” would be used to get real changes made to the project, such as implementing more robust stormwater management approaches, reducing or revising the parking plan, dealing with climate change, etc., and another Council Member of that time would use the same approach.*
- *Nonetheless, it seems that the vast majority of development projects do not get appealed or “called-up,” or won’t change very much if they do. This is one of the potential benefits of a major Clarion Associates recommendation with the pre-application conference for discretionary review cases, and the benefits of the developer being much more willing to make changes to their project at that early stage of the process. The uncertainty of “final” decisions being overturned drives developers away from the County.*
- There is a flaw in this recommended approach; developers can come and speak to Council Members before they start the development process in Prince George’s County. Because there are ex parte communication rules in place, as a Council Member one could talk to professional planning staff, but then it was decided that this put staff in an awkward position where the Council Member could say something at odds with the Planning Board. This was viewed as a helpful path of communication that could reduce “call-up,” but it was put to a stop.
- The development example photographs in the executive summary of Module 1 seem too predicated on “Texas Doughnut” development – more intense than desired. Worried about incursions into the Rural and Agricultural areas of the County. *Are there any additional desired protections for rural areas you have in mind?*
- It’s difficult to evaluate the recommendations of Module 1 (zones and uses) without having the process (which will come with Module 3) and understanding how zoning will change.
- The locational criteria suggested with the Planned Development Zones are still problematic. There is too much sprawl in the County, and we’ve kept upzoning the County. Add more limitations on locations where these zones can be applied.
- The current public hearing process for the Planning Board is not codified. It’s in their rules of procedure. This leads to a sense of inequality. This should be more evidentiary in approach, with more robust procedures for things like entering exhibits into the record, more similar in approach to the Zoning Hearing Examiner hearings.



- Today's staff reports for development applications are cut and pasted from the applicant's statement of justification and application materials. *It seems that staff sometimes takes a position and only offers information in response to that position. In other jurisdictions, staff lays out all the viewpoints and then pulls together their recommendations.* This type of approach was viewed as very helpful in rebuilding trust in the process by the attendees.
- Residents believe the process is very corrupt, as resident input and letters never make it into the staff report, or even the backup package of materials. Conditions of approval are often negotiated on the fly after testimony is taken, and conditions are often worked out in advance. This is not due process, and it reinforces the perception of bias.
- We are supportive of robust community input at the front of the process, as recommended by Clarion Associates, but also want input throughout the process.
- *What would you think of the Planning Board scheduling public hearings for large and controversial cases in the evening?* Attendees were very supportive of this suggestion.
- Clarity in signs (development signs posted on sites subject to hearings) would help.
- Disappointment was expressed that Clarion Associates didn't further reduce the number of proposed zones. A suggestion was made that the transit-oriented/activity center should function more like the Planned Development zones, which could lead to more consolidation. Should the Planned Development zones be zones, or an optional method of development approach?
- *The project team and Clarion Associates are pursuing approaches to enhance trust in the process, but we recognize we also need trust in how the process is proceeding.*
- Is the composition of the Planning Board up for discussion in this project? There need to be more checks and balances. "The Board is in the pocket of the County Executive." Would like to get the Planning Board assigned differently than it is today.
- *We are working with Clarion Associates to identify the best practices for public input at every step, and with every recommended review party (staff, the Planning Board, the Council). Some of this could be codified in the Zoning Ordinance, some could be in the process manual. What would the "platinum package" of community input look like?*
- This all generally sounds great and should be done, but part of the things we need are outside our control.



- We do need to update the Zoning Ordinance, but the problem is with the decision makers. Regarding comprehensive plans, where they support the developer they seem ok and are used in staff reports. Where they are not in support, they are viewed as just a guide. The Council at least has the chance to change how the case goes with “call-up.”
- “The Council at least pretends to listen.” Love the idea of identifying and incorporating best practices for community input.
- We could have a beautiful Zoning Ordinance but if it’s murky or someone is in someone else’s pocket, it doesn’t change.
- What can this do regarding churches in the R-R Zone?