



**Zoning Ordinance and Subdivision Regulations Rewrite
 Combined Focus Group Worksession on Module 2 with Clarion Associates
 Wednesday, June 8, 2016**

- Is there anything in the standards that would distinguish between established communities and building new communities? Is there any slack? Setback standards in the proposed Neighborhood Commercial Zone would not allow for development in the same location as an existing building. The inner-Beltway distinction would not work for them (representative of the Town of Upper Marlboro). This distinction could help with updating the buildings and adaptive re-use.
- What is the reason for citing Greenbelt as part of the distinction between inside the Beltway and outside the Beltway? It is premature to make a mapping decision when the standards are not fully vetted.
- There was a question about whether parking adjustments have been deleted.
- There is concern when mentioning that we are setting standards here, and banks may have different ideas. It is not Clarion's job to deal with this. It is not so much the banks but the tenants that have the requirements for the additional parking. It could easily lead to a disconnect that would prohibit the kind of development we want to see. Speaker hopes there will be enough flexibility in the proposal to address this.

Clarion Associates: The amount of "totally unpredictable" waivers and adjustments are a big problem in this County. People are very distrustful as a result. Best practice is to circumscribe the ability of staff to X, the Planning Board to Y, and beyond that you will have to get a zoning change. You cannot expect residents to vote for something that would negatively impact them to this degree.

- When standards and processes are being put in place, how are the municipalities being brought into the dialogue? The town is all about redevelopment, but they don't know what they want to be when they grow up. How are we incorporating the unknown at this point?

Clarion Associates: We have had a number of meetings with municipal representatives throughout.

- Would the Commission support municipal authority and expansion?

Planning Department Staff: Municipal authority is controlled by the state legislature. Any change to this authority would be a state discussion.

- Would medical office just be general office in the schedule? Yes.



Clarion Associates: Some other places evaluate office centers. When they come in, you figure out their needs based on square footage and potential tenants. After that point, they only require additional new parking for high traffic generators. For the rest, they let the market dictate.

- Question about loading space requirements. Retail sales and service, could we bump up from 2,000 square feet to 5,000 for the trigger to require a loading space? This has generated a lot of departure requests. Refer to Page 27-5—67 of Module 2.
- Noticed there were some references that touch on more traditional engineering such as stormwater management and public streets, for example. One of the traditional frustrations with the process is the relationship between entitlement and engineering, and having to provide entitlement comments before engineering. The best we get now is to try to get something and see what happens. Some regulations today prohibit private lights in the public right-of-way. If you preclude the type of flexibility we are getting now, it will be difficult to create really great places. How is Clarion addressing the relationship between the agencies and the entitlement process contained in the codes?

Clarion Associates: Trying to align entitlement and engineering and making sure we are not double-dipping. Some have raised the belief that some of these may be inconsistent with what we have in other regulations. We do not want to be inconsistent.

- Neighborhood compatibility standards—do these apply to single-family attached or single-family detached dwellings?

Clarion Associates: In the current draft, it would apply to both.

- What is the definition of adjacency or abutting?

Clarion Associates: Property lines and streets of four lanes or less. Not streams, not railroads, and not rivers.

- A lot of new standards. Does this grandfather existing things when they do renovations?

Clarion Associates: That applies prospectively, not to existing development; it also applies to major renovations (50 percent or more), but we've been asked to think about the trigger. It may need more nuance and perhaps even consideration for major monetary investment.

- I do not believe Plan 2035 is a great document, and see it as moving a lot of development into rural areas. I am concerned with the emphasis on multifamily, such as 1960s garden apartments. Parking is insufficient. With the parking ratio set at 1.5 spaces/unit in higher-density areas, where do guests park? Along the US 1 Corridor with residential above retail, there is insufficient parking. What about the Americans with Disabilities Act and handicapped spaces—take a look at the number that have



been issued, and I feel many were issued in error and there are not enough handicapped spaces. Stormwater management and open space—in general, we have built a lot of large open holding ponds. Collect and hold stormwater on-site in smaller facilities. Health reasons in addition to the failure issues. Breeding areas for mosquitos.

- Would like clarification regarding roadways and connections. Looking at residential, but does it also apply to commercial? What about non-interconnected parking lots. Has Clarion looked at requiring access roads to move traffic off the main roads?

Clarion Associates: somewhat easier to control cross-access in new developments.

- Citizen distrust. This whole process is taking a very long time, is very complex, not set in stone yet. Municipal representatives are asked by citizens and they don't have the answers. This has come to a head in Greenbelt because of the proposed Hillman complex. Some people think we're going through this process so we can rezone Greenbelt to put in a lot of high-rise development.
- Regarding open space set-asides, would community gardens or urban farms be included in open space set-asides? There is an urban farm in Bladensburg. These features should count towards set-asides.

Clarion Associates: urban farms are not eligible for open space set-aside credits right now.

- How would fence regulations apply to urban farm and garden situations? Four-foot fences would not keep out deer.
- For signs, there have been issues with farm signage in rural areas. There are a lot of issues between the Department of Permitting, Inspections, and Enforcement (DPIE) and farmers. For urban farms with signs, one of the things they're looking at is the signage size.
- Prince George's Food Equity Council does not support any ban on front-yard gardening.
- The implementation of the new code is a very big trust issue. It's not the County or Clarion's intent not to have hidden gems; can't prevent bodies from doing what they want (comment refers to rezoning).

Planning Department Staff: If a dozen or two land owners look at this as an opportunity get rezoning, and this is allowed to happen, the Countywide Map Amendment will collapse and the new Zoning Ordinance will also collapse. We will do everything we can to stick to the purpose of the Countywide Map Amendment and not use it as an opportunity to upzone properties.



- With regard to industrial zones, a lot of uses formerly allowed in the I-1 Zone are now only allowed in the HI Zone. As a result of this, a lot of people will want to rezone to avoid non-conforming uses. This attorney already has clients lined up, especially in the industrial zones.

Clarion Associates: a decision rule (in the proposed Countywide Map Amendment) could also be based on the uses to allow for this conversion. Explain publicly why we do this.

- A lot of phrasing seems to apply to “new development,” so we need to be clear as to what is “new.” There is new development, and there is redevelopment. This also is really important in the adequacy of public facilities (APF) section.
- About “adjoining” and neighborhood compatibility: around Beltsville and Kenilworth/Alt US 1, there are a lot of I-2 zoned properties next to neighborhoods. Distance may be more of an issue for “adjoining” or “adjacent” than whether or not there is a stream.
- Regarding wayfinding signage, libraries cannot get signs because the State Highway Administration (SHA) does not want them cluttering the highways. If we are going to allow for urban farms to have signs (wayfinding, right-of-way), consider other uses.

Clarion Associates: We are not talking about wayfinding in rights-of-way because those are public. Most codes are trying to be more liberal on signage pursuant to case law.

- Transportation, in the more dense urban zones: why no APF standards? Can understand a relaxed standard, but no standard will cause angst.
- How did Clarion come up with 15 years for the proposed shared/joint parking agreement?

Clarion Associates: No magic number. If you have a better suggestion, please let us know.

- We have “ghost roads,” not sure it is being dealt with. Roads that have been in the Capital Improvement Plan (CIP) for a very long time and still sit in the out-year categories. Developers keep putting more capacity on the roads because they are still listed in the CIP and they are then able to meet one of the findings for approval of their project.
- Is Clarion suggesting there is an M-NCPPC review of water and sewer adequacy today? The category change system is not an adequacy change system.
- Being in the right water/sewer category is one thing, but being in an area in south County that has failing treatment plants and we still put more development leads to a question of whether the facilities can handle the load.



- School APF is often handled through school impact fee, and the police and fire/EMS adequacy through surcharges. Is Clarion suggesting a change in the surcharge system? Not having Fire/EMS APF is fine, but it may lead to a Council review down the road on the surcharge.
- Tired of having the developer costs passed on to me. Removing things on APF pertaining to this really makes me angry because I believe it will lead to a significant increase in resident financial burdens.

Clarion Associates: APF drives sprawl. If someone fails the transportation test, it forces people to develop outside urban areas. It is an imperfect compromise.

- Déjà vu all over again. Would add a footnote in the ordinance that would advise the Council to deal with this issue (or perhaps a letter). When the state passes pensions down to the County, which will increase costs—continuing maintenance of effort and funding for schools—this is just one more cost.
- One of the problems seen is that we are dropping transportation APF determination for the center zones. The problem with doing this is that you drop the pressure for the developers to put a TDMD into the mix.

Clarion Associates: Exempting APF and minimum parking standards in centers; when coming up with the transit-oriented development standards you come up with standards that would ensure/result in more connectivity and multimodal use. However, we have heard from several people not to exempt the transit areas, or to at least relax the standard.

- Have we met the standard for parks provision? If you make people come in for certificates of adequacy, can we demonstrate adequacy for parks?
- Can we have more transparent scoping analysis guidelines? Need to define “impact area” for APF.
- Prince George’s Plaza, 357 acres. If you apply a 10 acre for every 1,000 residents park dedication standard to the area, you are taking 80 acres. But on the other hand, if you go too low, it will drive people into the local neighborhoods and put more pressures there.

Clarion Associates: The 10/15 acre per 1,000 residents is a guideline. These numbers are typically used as guides, but with lots of caveats.