

*WORK SESSION OF THE GREENBELT CITY COUNCIL held Wednesday, August 17, 2016, to discuss the M-NCPPC Zoning Rewrite Module 2.*

*Mayor Jordan started the meeting at 8:03 p.m. The meeting was held in Room 201 of the Greenbelt Community Center.*

*PRESENT WERE: Councilmembers Judith F. Davis, Konrad E. Herling, Silke I. Pope, Edward V. J. Putens, Rodney M. Roberts and Mayor Emmett V. Jordan. Councilmember Leta M. Mach was unable to attend due to a family obligation.*

*STAFF PRESENT WERE: Celia Craze, Director of Planning & Community Development, and Cindy Murray, City Clerk.*

*OTHERS PRESENT WERE: Chad Williams, Maryland National Capital Park and Planning Commission; Kap Kapastin, Quantum Corporation; Nathaniel Forman, O'Malley, Miles, Nysten & Gilmore, P.A.; Molly Lester, Brian Almquist, Bill Orleans, and others.*

*Mayor Jordan said members of Council and City staff have been participating in the Maryland National Capital Park & Planning Commission (M-NCPPC) focus groups for Module 1 and Module 2 of the Prince George's County Zoning Ordinance Rewrite. He said that public comment on Module 2, Development Standards/Public Facility Adequacy, is due to M-NCPPC by September 1.*

*Mr. Williams provided a PowerPoint presentation on Module 2 of the Zoning Rewrite.*

*He said that the key themes of the Zoning Rewrite were: 1) make the regulations more user-friendly and streamlined; 2) modernize, simplify, and consolidate zones and zone regulations; 3) implement key goals, policies, and strategies of Plan Prince George's 2035; and 4) modernize the regulations and incorporate best practices.*

*Mr. Williams reviewed Development Standards proposed in Module 2.*

- *New Neighborhood Compatibility Standards*
- *New Green Building Standards*
- *New Green Building Incentives*
- *New Open Space Set-Aside Standards, Roadway Access, Mobility, and Circulation*
- *New Multifamily, Townhouse, and Three-Family Form and Design Standards*
- *New Nonresidential and Mixed-Use Form and Design Standards*
- *New Large Retail Development Standards*
- *Updates to Off Street Parking and Loading*
- *New Exterior Lighting Standards to Support Dark Skies*
- *New Agricultural Compatibility Standards*
- *Revised Fence and Wall Standards*
- *Revised Signage Standards*

*He then reviewed the Adequate Public Facility (APF) Regulations also included in Module 2.*

- *Applies to Transportation, Water, Sewer, Police, Parks and Schools (Fire/Rescue Discontinued)*
- *Consolidates APF review approval of Certificate of Adequacy by Planning Director*

- *Requires APF review for projects with approvals and old APF determinations that have not proceeded with development*

*Mr. Williams said following the review of Module 3, the new code will be tested to ensure that it makes it easy to approve the kind of development wanted in the places supported by Plan 2035 and makes it hard to approve development not wanted or in places not supported by Plan 2035. He said eight test cases would be monitored throughout the process.*

*He reported that all comments received during the public comment period will be reviewed and a new draft prepared for Module 2. He said the target date to provide Module 2 to the County Council is March 201. It is hoped the Module 3 will be approved about six (6) months later.*

*Mayor Jordan said the list of public services should be broader to include important factors such as social services and health. Mr. Williams said he would bring this up to Clarion. Ms. Craze said operating fund expenses were assumed to be covered by taxes.*

*Mr. Herling questioned how transportation adequacy is determined. Mr. Williams said this information will be available following the revision to the transportation review guidelines. Mr. Herling also asked if zero waste will be considered as a green point factor. Mr. Williams said no, not at this time.*

*Mr. Putens suggested that one of the eight cases be for a project in a municipality with zoning authority to review the process of working with the municipality.*

*Ms. Craze then reviewed the following major issues identified by Planning staff during their review of Module 2 and the APF Procedures.*

- 1. Lack of recognition of municipal interests and municipal authority.*
- 2. Status of DSDS, DPLS, DDS and Variance – Provisions seem to give authority to waive or modify requirements of the zoning ordinance to the Planning Director. These are currently, for Greenbelt, College Park and Bowie, with the municipalities. It would also make the evaluation of waiver requests an administrative process, instead of an open, public process.*
- 3. Traffic calming provisions are made part of the development review process – Because traffic calming is part of a public street, decisions on when, where and what traffic calming to be implemented are made by the public agency with operational and maintenance responsibility over the individual road. If traffic calming becomes part of the development review, it could result in requirements being placed on municipal streets, without concurrence of the affected municipality. It is questionable whether this would be enforceable. This is one example within Module 2 of zoning provisions being proposed which overlap with existing authority and jurisdiction held by another agency of the government or another governmental entity. Such requirements should not be part of the zoning ordinance.*
- 4. Recommends stop signs at all intersections as a traffic calming device – As with #3 above, the zoning ordinance seeks to extend authority over the designation of*

*traffic control devices in areas under another department or another government entity. Further, placement of stop signs at all intersections could be in conflict with the guidance of the Manual of Uniform Traffic Control Devices. The zoning ordinance oversteps its proper authority in this instance.*

5. *Exempts the requirement for sidewalks for 1 and 2 family developments – This is contrary to goals to increase walkability and to provide safe pedestrian passage.*
6. *Entire City of Greenbelt considered inner Beltway – This is significant when applying zoning regulations to those areas in the city outside the Beltway. Those areas have been developed based on suburban design standards. Under the new zoning ordinance, the development regulations applied to inner Beltway areas reflect a more dense form. This would be inconsistent with maintaining the character of those areas outside the Beltway.*
7. *Inclusion of property standards – The proposed regulations includes language requiring the proper maintenance of paved areas. This is a property standard requirement. Overlapping provisions for property maintenance create the opportunity for conflicts between government agencies, as well as potential Tillie Frank issues. Finally, in adopting property maintenance regulations as part of the zoning ordinance, confusion is created over the applicability of the city's police power with respect to code enforcement. There is no need for the zoning ordinance to include property maintenance requirements.*
8. *Exempts the open space set asides for 1 and 2 family developments – This seems to assume that open space is not a necessary element of single-family development.*
9. *Includes erosion and sediment control requirements – As with #7, this is a governmental authority already addressed within other agencies and levels of government. Including sediment and erosion control raises issues of delegation of authority from the State of Maryland. This is not a zoning ordinance authority.*
10. *Includes townhouses as a multi-family dwelling – Why are these not considered single-family dwellings?*
11. *APF review is to become an administrative process under the proposed regulations and procedures. This will deprive the public of a critical opportunity to participate in and be aware of the impact of new development on the community. Exclusion of the public from the development review process is not the way to ensure quality development and to protect neighborhoods.*
12. *APF regulation does not address mandatory dedication of park land.*
13. *The proposed APF regulations do not recognize the independent authority of the City of Greenbelt, nor does it discuss the impact of the Metropolitan District in planning for parks and recreation.*

14. *The APF regulations ignore municipal police in both the evaluation of adequacy and the mitigation of impacts.*

*Regarding #6, Council asked staff to determine the pros and cons of being considered an inner and outer Beltway area.*

*Ms. Craze added that Planning staff had prepared a detailed list of issues, concerns and questions about Module 2 and the APF that was provided in the work session packet.*

*In response to a question from Ms. Davis, Ms. Craze said the development regulations proposed in Module 2 were very good.*

*Ms. Davis suggested “incentives for affordable housing” and “requirement for public art” be included. Mayor Jordan suggested “broadening public services to include social services and health.” It was also suggested “dimming of lights in parking lots” and “consideration of the provisions of condominium, cooperative and homeowner associations” be included.*

*Ms. Davis mentioned the successful use of vacant office space in Washington, DC, to residential and business mix. Mr. Williams said this type of mix, “multiple principal uses,” has been included in the Zoning Rewrite.*

*In response to a question from Mayor Jordan, Mr. Williams said they had not received comments from developers on Modules 1 or 2. Nathaniel Forman, O'Malley, Miles, Nylan & Gilmore, P.A., said his office feels it would be premature to comment until Module 3 is available.*

*Bill Orleans, Greenbelt, asked and was provided answers to several questions.*

*Mayor Jordan asked if there was anything in Module 2 that applies to by-right versus discretionary projects. Mr. Williams said no, adding that this is covered in Modules 1 and 3.*

*Ms. Craze said she anticipates the City letter of comment on Module 2 will be on Council's agenda for a meeting in September.*

*Council thanked Mr. Williams for attending. Mr. Williams remarked on how helpful City staff has been throughout the review process. He said a lot of very good comments had been received.*

*Informational Items*

*The meeting ended at 10:45 p.m.*

*Respectfully submitted,*

*Cindy Murray  
City Clerk*