

Comprehensive Amendment to Zoning and Subdivision Regulations

Community Meeting #3 – Thursday, October 22, 2009

Final Comment Sheet Summary (11/2/09)

1) Pre-Application and Public Notice Exercise

Please refer to the “Pre-Application and Public Notice” Handout

1. Do you have enough opportunity to learn about projects and provide meaningful comments early in the development review process?

- No
- Staff & applicant may meet and modify application
- The public isn't clued in (public should be aware of sidebar conversations or development review conferences)
- We're giving you this input. Will we ever see any of this stuff? We never see our impact on this
- It is important to note that participants are skeptical of the inclusion and acceptance of our ideas
- We work on sector and master plans, and when we go to the planning board, it doesn't look like our input
 - Ex: Largo Sector Plan, they approved it but it doesn't conform
- There should be an education effort for the community to understand the process
- No. 30 days notice is too late
- No. Public is involved too late – there should be community meetings pre-app

2. How would you suggest improving community notification and involvement early in the development review process?

- Pre-App meeting for the public to explain project
- Referral packets should go to community groups
- Process for signs too long/complex
- Approvals take more time than construction
- Tailor approval process to size/substance of project instead of having uniform procedures
- Including neighbors before having hearing so they feel informed/involved
- Encourage neighbors to meet w/ developers
- Sign should go up early in pre-application
- At charrettes -- public input taken and ignored. What purpose did it serve?
- For charrettes, it should be written in law how input will be used
 - The community is not part of the agenda
- We would like to see a blank slate
 - Not what has already been decided

- Ex: Landover Gateway
- Don't just give us predetermined options
- Problems with registered party of record list, the awareness of this needs to be elevated with the general public
- There should be public notice on any project
- We have seen a major shopping district (Boulevard @ the Capital Center) that was brought into our community, negotiated in private, now a white elephant. No public input -- but now they want help to fix this.
- Too many political wills in play
- Once you're at site plan stage it's too late to talk about transportation
- Issues of transportation adequacy are not addressed at site plan
- Needs to be a public meeting before permits are issued
- Agencies are not informed about community concerns due to the late stage of public involvement
- Send referral packets to community
- Should be published in newspapers
- Web announcements should be made earlier in the process
- Put web address on public notices/signs
- Libraries should have packets available
- Short-sighted to only mail to those within one mile, especially in rural area
- Confusion about purpose of this meeting
- Everyone in master plan where development is to occur should be included in outreach
- Use non-traditional vehicles to reach people (libraries and churches in addition to email and snail mail)
- Association leadership needs to distribute

3. When you receive a notice of a development proposal, is there sufficient detail in the application materials for you to have a good understanding of what is being proposed?

- Better description of project in letter
- Phone number, website, email should be on sign
- Notices are not intended for public comprehension (Ex: acronyms & numbers)
 - The first notice you get comes from an engineering firm
 - That's fine for active communities
 - But if you are next door, you might not see the hearing sign before the hearing
- For notice, add the common name and a description
- For "lot" references, give us addresses so we really know
- No, the letters are unclear and lack useful information
- Planning department currently writes a brief description of the project and that should be included in materials
- Maps should be included in outreach

- Include new and current zoning

2) Streamlining

A: Application Submission and Evaluation:

1. Do the regulations address the concerns that you want addressed?

What issues are missing?

- Noise
- Architectural design
- Traffic impacts on local streets
- Light pollution (type, foot candles-brightness)
- Construction run-off/erosion (mud/gravel)
- Road debris & mud
- Transit-oriented development to narrow/suburban in scope
- Mixed use had become a catch-all
 - Often disguised as mixed use when really residential with token retail
 - If the intention for mixed use is really residential; you should just zone it residential
- I don't understand how this project can move in parallel with form-based and haven't been brought together
- If we consolidate zones, don't go as far as only 3-4 categories
- When you are thinking of a mixed-use category you should be honest about the intent (ex: residential focus with token retail -- most mixed-use are waiting for other uses besides residential)
- In Form Based zoning, they are talking about percentages of the mix.
- There needs to be an appreciation for quality of life. Ex: homes next to a concrete plant
- Difficulty in applying which regulation to an area
- Amendments are difficult to apply
- Regulations are complete but not always clear
- Water use in rural areas
- Standards for "garages" (even as a part of a residential project) and their impact on neighbors
- Noise standards – from any source or development (impacts on neighbors – consistent with state laws / standard)

2. Are there any regulations that are unnecessary or serve no purpose?

What are they?

- Yes
- Too many public hearings slow down project (inefficient but needed for fairness)
- Too many things mandatory
- Don't include signs on the detailed site plan (incentives for going through design review)
- Probably
- Take out text amendments

- Text amendments do have purpose of clarification. Regulations need a process.
 - Some voting regulations written to allow Council to make changes without citizen input
- 3. Are there people or agencies that are not involved in the evaluation process that should be included? Are there levels of agency review or approval that could be eliminated or considered unnecessary?**
- Should have a list
 - WSSC
 - Community outreach/dialogue “bonus” for developers (incentives)
 - Home owners groups
 - Police Departments (crime prevention for new development)
 - Civic Associations (tenant groups, neighborhood associations)
 - Elected Officials in project area (local and state level)
 - Representatives from school system are missing
 - In rural area county agricultural representatives
 - Zoning regulations do not identify agricultural representatives

B: Development Review Process

Please refer to the “Development Review Process” Handout

- 1. Have you ever been the applicant for one of the development review procedures listed on the handout?**
- No
- 2. If yes, do you believe the review process proceeded smoothly and efficiently?**

No responses submitted

- 3. If no, can you identify where the problem(s) occurred?**
- It takes a long time
 - Disconnect with staff on the process
 - Requirements that popped up without notice during the staff review
- 4. Was there any information or requirements that you believe were unnecessary?**

No responses submitted

- 5. Do you believe the overall process is consistent and predictable? If no, why?**

- Process is predictable: it will be approved “subject to conditions”-which are unenforceable and not enforced
- Citizens are not always able to challenge the application. The developer is not properly contacting all those impacted.

6. Is the appeal process fair and reasonable? If no, why?

- There was an application for a trash storage yard. Community was opposed. Applicant said, “trucks will be clean,” so staff report recommended approval. Chairman said I was arrogant to say that the sanitation company couldn't operate properly. (Community views were not considered or included).
- Appeal process is not fair because you cannot bring in experts or any new information, although the applicant can proffer all over the place (which is new)
- Yes: allows time appropriate to appear
- No: The process is stacked against the citizen

C: Public Hearing

1. **Have you ever signed up as a party of record for any cases? Have you reviewed Technical Staff Reports before public hearings? Were the Technical Staff Reports useful? If no, how could they be more useful?**
 - Yes. They should include community group's comments
 - We don't get them in time
 - We know what the issues are, but the staff doesn't consult us on the issues
 - Technical Staff Reports have been changed extensively the night before the hearing without us getting access
 - At some point the record should be closed so that everyone can have the same data
 - Applications are not online
 - You can only review staff mistakes in the applications if you can go in person
 - Frequently, staff & applicants negotiate conditions that benefit Park & Planning
 - We need to see that our input is being considered
 - If there was dialogue before the staff to report, the public should have a channel to address these issues before staff report is written
 - Who would be notified and how?
 - Can they sign up, up front?
 - They don't tend to have public comments included in the documents
 - Release a draft of the report prior to hearing for review (make available for correction/comment)
 - Public does not have access to staff report with enough time to review
 - Reports are posted online, but need consistent alerts to public when things are posted

2. **How do you learn about proposed developments? Do you learn about them before or after the public hearing? How have you been notified about the public hearing on a proposed development? Do you have any suggestions on how to improve the public notification process for proposed developments and the corresponding hearings?**
 - Before if you're associated with a community group
 - We would like to see the actual implementation of the ideas that you have suggested today. We get frustrated because we see pre-conceived ideas and don't see our own ideas implemented
 - You have to know the specific numbers
 - You should be able to search with easy criteria without having to search through the agenda
 - Good to have geographic search criteria

- Re: notice, we hear about it because we are community activists, but that doesn't mean Joe Q Public will hear
- As president of citizens group you get a letter. Community members hear about development through their own community organization. If you aren't in a community group that gets the letter you hear too late

3. Do you believe that the public hearings are beneficial? Were all the issues of concern addressed before the project was discussed at the public hearing? Do you believe your concerns could have been handled by County staff without a public hearing if the regulations were more specific or do you think that County staff could be the decision-makers to address the concerns that you had? Are there improvements to the public hearing process that you would suggest?

- No- developer gets all kinds of time
- People don't get enough time to explain
- People aren't taken seriously. They are taken less seriously than the architects, engineers, & lawyers
- Public hearings are held during work hours, with no specified times for them to occur. This stymies public involvement. The published agenda is not specific or predictable enough. The perception is "if we keep you waiting long enough, you'll go away"
- Chair doesn't control dialogue about "sidetrack issues"
- Hearings could be better if they were in the evening or if they had specific times for discussions. But generally, the application is going to be approved according to staff recommendations
- No. Citizens don't have enough time to testify
- The presenter takes more than 30 minutes allowed
- Public testimony is viewed as less important than "professional testimony" (i.e. lawyers, engineers, etc.)
- We still need the public hearing process but should be improved
 - Design should be less adversarial
 - Respect community members time by sticking to agenda (timekeeping, enforcing time limits for presenters)
 - Earlier, clear, consistent, public involvement in development process so that hearing decisions reflect a broader and more complete public position
 - Room is cold and hearing too long
- Public hearings are vital and beneficial

3) Reformatting Exercise

Please refer to the “Reformatting Exercise” Handout

General Comments

- There should be a layman’s synopsis right up front in the code (short synopsis)
- Use bullets to list out special exceptions, perhaps under a “special exceptions” heading
- Group, bullet, or numbered list of like items
- Limit cross references or cite the special language if it is not extensive
- Use a flow chart for if yes/if no processes

Reformatting Exercise A

1. Reformatting Exercise A

2. Does this give adequate instructions to an applicant?

- Not readable (use graphics/charts when possible, white spaces, indents)

3. What does this tell a neighborhood resident?

No responses submitted

4. What changes in language are appropriate?

No responses submitted

5. Are there things we can put into lists or tables?

- Complete PDF file online – searchable

6. Are there things we can put in another part of the Zoning Ordinance? What are they?

- Power plant section doesn’t fit here

Reformatting Exercise B

1. Reformatting Exercise B

2. Does this give adequate instructions to an applicant?

- Title doesn’t reflect the nature of the code
- Order/organization of text is confusing
- Process sections (i.e. “appeals” & “hearings”)
- Redirecting people to other sections of code is confusing
- Too much legal language
- Process for application is unclear (steps)

- All of the steps should be included in the section (like a cookbook)
- Instructions are clear in general
- Vague statements concerning role of Planning Board allowing them too much room for adjustment
- Does not fully inform applicant of requirements
- Yes, statements are clear about departments

3. What does this tell a neighborhood resident?

- Too much “legalese”
- Process should consider citizens ability to fully know what the plans are from the developer
- Information about the development should be fully shared with those impacted

4. What changes in language are appropriate?

No responses submitted

5. Are there things we can put into lists or tables?

- A flow chart would be useful

**6. Are there things we can put in another part of the Zoning Ordinance?
What are they?**

No responses submitted