

PRINCE GEORGE'S COUNTY COUNCIL
COMMITTEE REPORT
2025 Legislative Session

Reference No.: CB-042-2025

Draft No.: 2

Committee: PLANNING, HOUSING, AND ECONOMIC DEVELOPMENT

Date: 9/18/2025

Action: FAVORABLE WITH
AMENDMENTS

REPORT: Committee Vote: Favorable with amendments, 3-0 (In favor: Council Members Dernoga, Adams-Stafford, and Olson)

Committee Meeting – June 5, 2025

Overview

The Planning, Housing, and Economic Development (PHED) Committee met on June 5, 2025, to consider CB-042-2025. PHED Committee Chair Dernoga summarized the purpose of the legislation. As presented on Tuesday, May 6, 2025, Draft-1 of the bill aims to amend the decision standards for approving detailed site plans and special exception applications to include master plan consistency as a required standard for site plan approval.

Council Member Dernoga, the PHED Committee Chair and one of the bill's sponsors, spoke on behalf of the other sponsors. It was conveyed to Council Member Dernoga by Vice Chair Oriadha that incoming County Executive Braveboy would like some time to review the proposed legislation and requested the legislation be held in committee.

Ms. Hightower discussed agency and public comments. The Planning Board voted to take no position on the bill. During the Planning Board public hearing, testimony was given in support of and in opposition to the legislation. Two public comment letters were submitted to the County Council opposing the proposed bill by the Maryland Building Industry Association (MBIA) and Mr. Nathaniel Forman of O'Malley, Miles & Gilmore.

Council Member Dernoga explained that the legislation is identical to CB-003-2023 (DR-2), which the County Council decided to add to CB-015-2024 (DR-4) which removed the language from the Zoning Ordinance. The proposed legislation restores the language with a commitment to the citizens across the County who have complained for decades that the County completes master plans that are not followed, resulting in substandard development. There was a mention that the Planning Board comments stated that the conformance with the master plan should occur at the zoning stage; however, comprehensive rezonings are not conducted regularly. The legal opinion of the Planning Board and the zoning industry is that master plans serve as guides with no legal force or effect unless they are enacted into statute.

Ms. Sakinda Skinner explained that the Administration opposes the legislation.

Ms. Dinora Hernandez stated the Office of Law found the bill to be in proper legislative format with no legal impediments to its enactment.

Council Member Harrison thanked Council Member Dernoga for his work on the legislation and stated that there is a loophole in the process because no health impact study or health atlas is conducted, despite the application approval process. Currently, the applications only evaluate the environmental impacts. Council Member Harrison said he is not sure if this is the correct mechanism to address the concern, and that a balance should be struck because 38 master plans are outdated. The master plans for Council District 9 were written in 1993, 2008, and 2013. The legislation appears to be a comprehensive strategic approach rather than a legislative one, and the County Council should strive for a legislative balance before enactment.

Council Member Dernoga responded that this legislation is also about quality stores, even though the over-saturation of fast-food establishments is often used as an analogy. In the Zimmer case, a set of shops were planned; the application proposed a CVS, followed by a WAWA. He further explained that he along with Council Member Franklin had been trying to get the Planning Department to complete more master plans for many years; however, the existing master plans still need to be updated.

Council Member Harrison stated that the County Council is tired of the oversaturation of fast-food restaurants and change is coming.

Vice Chair Oriadha thanked PHED Committee Chair Dernoga for working on the legislation and she believes that there is value on both sides. Still, every day, District 7 citizens complain about what development is promised and what development is built. Everyone is trying to figure out how to ensure that the vision all council members have for their communities comes to fruition.

Council Member Olson requested that the County Council collaborate with the Planning Department to obtain a list of all master plans and sector plans, including information on how and when these plans can be updated. There should be a separate discussion to determine how we move forward, as things change consistently.

Director Lakisha Hull from the Planning Department mentioned that she wants her department to be transparent and responsive, and that she will send an updated list showing the master plans and sector plans. With the budget approved, five subregion master and sector plans were added, and almost every council member will have something completed during the fiscal year. The Planning Department is hiring 20 new planners.

Mr. Thomas Haller spoke in opposition to CB-042-2025, stating that there is a problem with finding conformance with old and outdated master plans. He also said that there is a test in the special exception (SE) regulations related to master plans, which requires the Council to determine that the SE will not substantially impair the integrity of the master plan. There is an established body of case law, and the legislation changes that standard. The new Zoning Ordinance's site design guidelines would address the concerns raised by the proposed bill. There was a discussion that the legislation creates a conflict between subdivision approvals and detailed site plans due to a provision in the master plan. He also requested that the bill be prospective only.

Mr. Ed Gibbs spoke in opposition to CB-042-2025. Mr. Gibbs testified that the bill requires consistency with the General Plan, a term that is not defined. It then requires that any detailed site plan conform to the relevant goals, policies, and strategies outlined in the applicable master plan, sector plan, or functional master plan. The word “conform” is not defined. Mr. Gibbs requested more specificity regarding how the legislation will be interpreted and applied due to the bill's broad nature.

Mr. Nathaniel Foreman spoke in opposition to the bill. Mr. Foreman testified that the bill creates more uncertainty, and it encourages national food chains to enter Prince George's County because they are the only businesses that can absorb the economic risk associated with the uncertainty the proposed legislation will create. Mr. Foreman explained that detailed site plans are not supposed to be a zoning tool; they are a design tool. Requiring detailed site plans to be consistent with a master plan elevates them beyond their intended purpose. He believes it is inappropriate to elevate planning above zoning.

Council Member Dernoga discussed the Behnke's property on Route One, which was supposed to be an upscale development. However, because the master plan lacked teeth, it instead became a 7-Eleven gas station. The 13-year-old master plan was particular about how the property was to be developed.

Council Member Harrison asked if the Planning Department in the past had the required master planners on staff for creating effective master plans? Council Member Dernoga responded that the planners were excellent. Director Hull stated that the profession is shifting toward more performance-based planning, as opposed to prescriptive planning. Performance-based planning emphasizes the form and aesthetic of a building.

Ms. Maurene McNeil, Chief Zoning Hearing Examiner, noted that when the Capital Shopping Center was in operation, the master plan required the project to feature high-quality businesses. The problem between zoning and planning: What does high quality mean? The plans need to be more specific and give examples.

On motion of Council Member Dernoga, seconded by Vice Chair Oriadha, the PHED Committee voted 5-0 to hold CB-042-2025.

Committee Meeting – July 3, 2025

Overview

The Planning, Housing, and Economic Development (PHED) Committee met on July 3, 2025, to consider CB-042-2025 (Proposed DR-2). PHED Committee Director Rana Hightower summarized the purpose of the legislation and explained that a proposed Draft-2 of the bill is available.

Council Member Dernoga explained that additional discussion was needed with the County Executive's staff, so the bill was held pending further review. He then discussed several amendments, which included adding standards of approval, factors to be considered for special exceptions and detailed site plans, and language to be added to formalize the meeting with council members on development projects and to specify master plan conformance during discussions.

Council Member Dernoga explained that the County Executive's staff and the zoning bar may still have comments.

Vice Chair Oriadha thanked Council Member Dernoga for the legislation, which aims to create a process that allows the community to have a say on the quality of development and for the Council to have meaningful input, while not prohibiting quality development. It was also explained that the County Council wants the determination made early in the development process, if a particular project were not something the community would like, which is why the pre-application conference with the County Council member was added to the bill.

Mr. James Hunt, Deputy Planning Director, had no additional comments.

Ms. McNeil asked if the pre-application conference was binding. Ms. McNeil explained to the committee that we must be careful not to violate ex parte communication requirements, as this could lead to the need for recusal later in the development review process. Council Member Dernoga stated that all the applicants in the room had already visited with council members in conformance with the ex parte regulations before an application was filed. Ms. McNeil explained that requiring consistency with the master plan suggests that the council member may know more about the project than they should. She said that the Council may want a legal ombudsman who would be involved from the beginning and would not be involved in decision-making on a project. Council Member Dernoga said the Council listened to the concerns of the zoning bar about being blindsided late in the development process; therefore, Vice Chair Oriadha has pushed for discussions early in the process, before the application, to gain an understanding of the council members' thoughts. Ms. McNeil explained that traditionally, the Chief of Staff meets with the developer.

Council Chair Burroughs, who attended the meeting, stated that he looks forward to working with everyone and requested that Ms. McNeil participate in the meeting, citing the valuable insights raised, and believed a compromise would be reached in September.

On motion of Council Member Dernoga, seconded by Vice Chair Oriadha, the PHED Committee voted 5-0 to hold CB-042-2025.

Committee Meeting – September 18, 2025

Overview

The Planning, Housing, and Economic Development (PHED) Committee met on September 18, 2025, to consider CB-042-2025 (Proposed DR-2C). PHED Committee Director Rana Hightower summarized the purpose of the legislation and explained that a proposed Draft-2C of the bill is available. The PHED Committee received a public comment in support of the legislation from Mr. Weiss and a letter of opposition from MBIA.

Council Member Dernoga stated that there were meetings with the County Executive's staff and the Planning Department staff over the summer on the legislation. As a result of discussions, LDR-89-2025, LDR-111-2025, and LDR-113-2025 were added to the bill.

Mr. Eric Irving, Legislative Attorney, gave an overview of the changes to the legislation. The first significant change was the removal of references to consistency with the General Plan from the title and throughout the bill. The bill now focuses on conformance with applicable master plans and sector plans.

Council Member Dernoga stated that in 2023, he believed the Planning Department wanted the General Plan language included, which is why it was in CB-003-2023 (DR-2). The County Executive objected to the General Plan language because she felt it was too vague. The decision standards for special exceptions and detailed site plans also removed the language that discussed general policies taking precedence over master plans and sector plans.

The second change was to the pre-application stage, where mandatory meetings with council members have been removed and replaced with an informational meeting, now referred to as a "pre-application consultation." Additionally, the requirement that a council member make a statement affirming the proposed development project's conformance with the master plan was removed from the bill.

Council Member Dernoga then discussed the language in proposed DR-2, that required applicants to attend a community meeting hosted by the county council member. The County Executive requested that language and all mandatory requirements be removed from the bill, so Council Member Dernoga proposed a motion to delete any mandatory requirement language. The development industry also wanted any mandatory language deleted.

Mr. Irving explained that there was language added, requiring the Planning Department to publish a searchable database with all the neighborhood meetings notifications to incorporate CB-076-2025 into the legislation. Council Member Adams-Stafford stated that the goal is to consolidate all pre-application requirements into a single bill. This approach makes sense, benefits all stakeholders, and fosters greater transparency.

Mr. Irving explained that language was added to ensure that the neighborhood meeting notifications are accessible in accordance with the Americans with Disabilities Act (ADA). The last amendment to the bill added a requirement that a participant in a neighborhood meeting who provides contact information must be considered a person of record.

Council Member Hawkins inquired about the maximum number of meetings an applicant must hold before submitting a development application. Mr. Irving responded that currently, the process includes a pre-application conference with the Planning Department and a neighborhood meeting. The proposed legislation would introduce an additional informational consultation. He noted that the decision to hold an informational consultation is up to each council member, and not every council member will require one.

Mr. David Waner, Principal Counsel for the Planning Board, stated he was wondering how many information consultation meetings would be necessary. He mentioned that any council member representing the area where the development is proposed can request an informational consultation. However, the legislation does not specify a timeline for when these meetings must occur.

Council Member Dernoga pointed out that this process of meeting with council members already exists. Developers often request meetings with council members to discuss proposed projects.

During these meetings, if a council member suggests that the community may not favor the proposal, developers typically return with a revised proposal.

Council Member Hawkins discussed that the legislation stipulates that if an applicant does not meet with a council member, their application can be denied. Council Member Adams-Stafford noted that the bill is non-binding. Mr. Warner stated that the meetings are mandatory if a council member initiates the informational consultation meeting. Additionally, the language requires a written affidavit certifying that the consultation took place; if this is not provided, the application will be considered incomplete and cannot proceed. Council Member Dernoga pointed out that the language states that a consultation "may" be requested before the application, which eliminates the mandatory requirement.

Mr. Irving explained that the bill would be amended to require an affidavit if a council member requests an informational consultation. Council Member Dernoga stated that he is not opposed to removing the incomplete application language from the bill.

Council Member Ivey inquired why a law is being enacted if a process is already occurring. Council Member Dernoga stated that other council members wanted to formalize the process. He noted that CB-042-2025 (DR-1) was very formal; DR-2 was less formal, and DR-2C was even less formal. Council Member Ivey asked whether the legislation would add more time to the development process.

Council Member Hawkins inquired about the impact of CB-042-2025 (DR-2) on the role of the District Council. Mr. Irving stated that there were concerns that holding consultations would infringe upon ex parte communications. However, CB-042-2025 (DR-2C) removed some of the findings that were required in earlier drafts of the bill. Mr. Warner expressed his discomfort in commenting on the rules of the District Council but suggested that this could be an issue worth considering. At the Planning Board, this type of contact is prohibited because it would constitute ex parte communication; if such a conversation occurs, it must be reported. Council Member Dernoga explained that since 2002, if a council member meets with the applicant and their attorney before accepting the application, it is not regarded as ex parte communication.

Mr. Warner provided a general comment regarding the process of combining three different Legislative Drafting Requests (LDRs) into a single bill. He noted that when the Planning Board reviews an LDR, it focuses solely on that specific request, rather than considering it in relation to other LDRs. Council Member Dernoga mentioned that the decision to consolidate all the LDRs into one bill was made with the involvement of Chairman Barnes and Director Hull.

Mr. Warner reiterated that the informational consultation would be interpreted as mandatory in the CB-042-2025 (DR-2C) version of the bill. However, Council Member Dernoga cautioned that interpreting the language in this way would be unwise.

Mr. Raj Kumar, Principal Counsel, explained that under Maryland State law, the exparte rule is not triggered by pre-application acceptance, which is a term of art in the County. When an application is submitted, it is not accepted for filing, so State law recognizes that prior to acceptance for filing, there is no ex parte communication trigger between the applicant and the council member.

Ms. Owens, County Executive Liaison to the County Council, stated the County Executive supports the bill as amended and recommends favorable consideration of the bill.

Mr. Edward Gibbs stated that he wanted to endorse Council Member Dernoga's comments, which noted that it is a normal practice for members of the land use bar to reach out to council members before submission of an application. He also agreed with Mr. Kumar's comments that ex parte communication is not triggered until after the application is accepted.

Mr. Gibbs raised a concern about the impact of time on the application process. As currently drafted, the bill mandates that meetings must occur before a development application can be submitted for pre-application review. This means that an applicant cannot move forward until all the steps outlined in the bill have been completed. He questioned what would happen if multiple meetings were needed to create a public engagement plan with the council member, as this could significantly extend the time required to submit an application for pre-acceptance review. Notably, there are no regulations specifying the time requirements for each step within the bill. He also noted that if a project spans two council districts, there could be up to three different informational consultation meetings if an at-large member requests one. Council Member Dernoga mentioned that he is uncertain whether applicants meet with at-large members. Mr. Gibbs proposed adding a provision to the bill that would require an applicant's statement of justification to include a section detailing interactions with the council member prior to filing the application.

Furthermore, he suggested incorporating a section on community contact, which would help address many concerns raised by the County Council. Council Member Adams-Stafford emphasized that the public engagement plan aims to include neighborhood meetings, and the accompanying report filed. The intent is to enhance communication with the council member regarding developers' efforts to engage with the community.

Council Member Ivey explained that at-large members receive calls regarding development projects and do meet with applicants. Council Member Dernoga explained that he encourages applicants to meet with at-large members.

Mr. Peter Goldsmith raised a question about the definition of a public engagement plan, noting that it is not defined. He pointed out that there are no time limits for creating this plan and asked what happens if a council member and an applicant cannot reach an agreement on it. He expressed concerns regarding the requirement for the application to conform to relevant goals, policies, and strategies. He questioned who is responsible for defining these appropriate goals, policies, and strategies, as they may be determined by the Planning Department, the District Council, or the developer. Following the current master plan process in place is the correct way to ensure conformance.

Mr. Nathaniel Foreman expressed his agreement with the concerns raised by other members of the land use bar regarding CB-042-2025 (DR-2C). He highlighted that the primary issue with the bill is that it merges two distinct concepts into a single piece of legislation. First, the bill formalizes an informal procedure, and second, it introduces significant changes to the regulations surrounding detailed site plans and special exceptions.

Mr. Foreman objected to the requirement that detailed site plan applications must conform to the master plan, arguing that this prioritizes the master plan over zoning regulations.

He pointed out that the purpose of a detailed site plan is to assess the natural elements of a property. The permitted use, adequacy of public facilities, and zoning issues should have already been addressed prior to this stage. He believes it is counterproductive to demand alignment with relevant goals, policies, and strategies during the detailed site plan phase.

While Mr. Foreman emphasized the importance of transparency, he questioned what materials are necessary for the informational consultation with council members.

He objected to the requirement that participants attending a neighborhood meeting be designated as a "person of record," for practical reasons especially in cases where the applicant might not be able to read the participant's handwriting. He suggested creating a QR code that links to the Planning Department's website. Council Member Dernoga explained that the "person of record" designation was added to address a concern that, according to Maryland State case law, individuals who attend a neighborhood meeting should be considered persons of record. However, this was not reflected in the Planning Department's regulations, which created a loophole.

Mr. Robert Antonetti thanked Council Member Dernoga for sharing the different drafts of the bill with the land use bar. He supports discussing the project with the community and seeking guidance from council members but agrees with Mr. Gibbs's comments regarding allowing applicants to file a pre-application. He is concerned with the requirement to ensure a development application conforms to the master plan's goals, policies, and strategies. The question is which goals, policies, and strategies within the master plan are relevant? The statement of justification is typically 120 to 150 pages; adding master plan requirements would likely result in additional pages, time delays, and increased uncertainty. The proposed legislation does not resolve any conflict between the master plan and the zoning ordinance. He also briefly reviewed how other Maryland counties handle conformance with master plans. In Montgomery County, they focus on substantial conformance, while in Howard County, they prioritize conformance in harmony with the master plan.

Mr. Jeffery Collins, Vice Chair of the Prince George's County Sierra Club, testified in strong support of CB-042-2025, noting that the bill strengthens the implementation of Plan Prince George's 2035 and master plans, which are the basis of implementing land use policy. The bill requires site plan conformance to master plans as a necessary aspect and ensures early County Council and community involvement, community notices are accessible and trackable, and the master plan vision is not bypassed. Additionally, the bill permits individuals of record to hold a status. The pre-application process enhances transparency and fosters greater public accountability.

Mr. Greg Smith asked to adopt by reference the Sierra Club's comments as part of his testimony. He requested that the language requiring conformance with the General Plan be reinstated in the bill. He stated that developer attorneys argue that the goals, purpose, and policies are too vague. Still, they want to use vaguer terms for conformance, such as substantial conformity or in harmony with the master plan and make the language as straightforward as possible. Council member pre-application consultation records, information materials submitted by the applicant, the constituents, and the applicant's attorney should be readily available. The public database is a great idea; it should be more competent than the current development and permitting databases offered by the Department of Permitting, Inspection and Enforcement (DPIE) and the Planning Department.

The databases, including the Development Review Tracking System (DARTS), the Development Activity Monitoring System (DAMS), the DPIE's permitting database, the Planning Department's permitting database, and the Office Technology's permitting database, contain discrepancies due to incomplete and obsolete data. The databases should be searchable by the project name, property owner, and developer. Mr. Smith says the DARTS database is badly broken; the information is incomplete. Regarding the concern about the legislation extending the time, Mr. Smith believes that too many applications are being reviewed by too few staff members with insufficient resources.

Furthermore, the Planning Department reported that, as of August 2024, there are over 48,000 approved dwelling units that have yet to be constructed, along with nearly 39 million square feet of non-residential development that has also been approved but is not yet underway.

Mr. Smith supports the recommendation regarding the "persons of record" as it is consistent with the existing operations of the Planning Department. Additionally, he has requested an amendment to the legislation to replace the word "or" with "and" thereby requiring both master plans and functional master plans to be considered when reviewing special exception and detailed site plan applications.

Council Member Watson asked a question about the mailing list that the developers send out. She explained that no one attends the meetings because the lists are outdated. Hopefully, this legislation will resolve that concern. Council Member Dernoga stated that Council Member Adams-Stafford's legislation, which includes a public engagement plan, would facilitate developers in collecting the correct contacts to inform citizens about development information better.

On motion of Council Member Dernoga, seconded by Council Member Olson, the PHED Committee voted 3-0 to amend CB-042-2025 (DR-2C).

The amendments were to delete the language on page 3, line 31, and page 4, lines 1 through 5. Also, Council Member Dernoga requested that before Council introduction of the bill, language should be drafted to address Mr. Edward Gibbs' comments. The language would: (1) permit applicants to conduct their pre-application conference without being affected by the requirement to have a council member pre-application consultation if requested, and (2) require, as part of the submission application requirements, a public engagement plan and consultation with council members.

On motion of Council Member Dernoga, seconded by Council Member Olson, the PHED Committee voted 3-0 in favor of CB-042-2025 (DR-2).