



The Maryland-National Capital Park and Planning Commission

 **PRINCE GEORGE'S COUNTY**
Planning Department

1616 McCormick Drive, Largo, MD 20774 • pgplanning.org • Maryland Relay 7-1-1

August 5, 2025

MEMORANDUM

TO: Prince George's County Planning, Housing, and Economic Development (PHED) Committee

FROM: Natalia Gomez, AICP, Planner IV

VIA: Lakisha Hull, AICP, LEED AP BD+C, Planning Director

SUBJECT: CB-42-2025 (DR-2A)

Background

Upon receipt of the updated draft bill DR-2A, the Planning Department offers the following comments on the proposed CB-27-2025 (DR-2A), at the request of PHED, post-Planning Board's recommendation. As part of the Prince George's County adopted code, the Planning Board voted with 'No Position' on CB-42-2025. CB-42-2025 (Draft 1) was scheduled to be presented at PHED on Thursday, July 1, 2025. The Planning Department is in alignment with the Planning Board and takes 'No Position' on CB-42-2025.

AN ORDINANCE CONCERNING APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS - DETAILED SITE PLANS AND SPECIAL EXCEPTIONS for the purpose of amending the decision standards for approval of detailed site plan and special exception applications to include master plan consistency as a required standard for site plan approval.

The Department's primary legal concern with the proposed Bill is its lack of clear guidance to the Planning Board on resolving conflicts between various planning documents. Specifically, the Bill mandates that a Detailed Site Plan must conform to "the General Plan and to relevant goals, policies, and strategies of the applicable Area Master Plan, Sector Plan, or Functional Master Plan for the subject property and its surrounding area." However, these documents often contain

conflicting provisions, and the Bill does not provide a coherent framework for resolving such conflicts.

As will be explained in this memorandum, Master Plans often conflict with the General Plan for several reasons including:

1. A Master Plan adopted after approval of the General Plan may formally amend portions of the General Plan. See Section 27-3502(j) of the Zoning Ordinance.
2. Plan 2035 only amended prior Master, Sector and Functional Master Plans to the extent of Tiers, Corridors, and Centers leaving prior approved Plans in “full force and effect.” (Plan 2035, Page 270).
3. “Area master plans govern typically specific, smaller portions of a county and are usually more detailed than general plans overlapping the same area.” *MNCPPC v. Greater Baden-Aquasco*, 412 Md. 73, 89 (2009).

The General Plan provides broader, long-term goals and objectives for the entire County while the Master/Sector Plans provide more detailed and specific recommendations in a smaller area. Therefore, that Master and Sector Plans are better designed to impose relevant recommendations and policies than the General Plan in most cases.

Instead, in determining what plan to apply, the proposed bill (i) asks applicants, staff, the Planning Board, and the Council to determine which Plan is more “specific.” That is a term open to widely different interpretations that can result in arbitrary outcomes. (ii) the bill also requires the Planning Board and the Council to consider the ages of Plans (but does not say what that means – should older Plans be considered more important than recent plans – presumably not but the list does not say). (iii) the list gives precedence to the General Plan over prior Master and Sector Plans which conflicts with the language in the current General Plan and is not likely valid until the Council amends the General Plan. (iv) the Bill does not indicate which of these three provisions (which may well conflict) carry more weight.

The Department recommends the bill should give preference to the most recently approved Master or Sector Plans and only incorporate the General Plan when such Plans are silent. The bill appears to undermine the Zoning Code, which the Zoning Code implements the General Plan and Master Plans. Additionally, this bill creates more complexity to the development review process. Under Maryland Case Law and in the [planning profession, Master Plans provide guidance](#). The Zoning Code and Sector Plans are where standards are mandated. Montgomery County follows the plans as guides. Lastly, it is important not to create a conflict of interest in including a meeting conference with a Council member as part of a zoning application process. As a courtesy, there is a chart provided that lists how neighboring jurisdictions effectively coordinate with the community in the development review process. These jurisdictions do not require mandatory consultations with elected officials through their zoning regulations or codes as part of the land use planning process. Introducing a required step outside the general stakeholder engagement could blur the traditional separation between legislative oversight and

administrative review.

Table 1: Peer Jurisdictions Review

Jurisdiction	Source	Zoning
Anne Arundel County, MA	https://www.aacounty.org/planning-and-zoning/development/community-meetings	Members of the deciding body for an application must refrain from communication about the application with interested parties outside of a public meeting. Making decisions based on a common public record ensures a fair and orderly process for considering and acting on a particular matter.
Fairfax County, VA	https://www.fairfaxcounty.gov/planning-development/zoning/application-development-review-process	Offers staff-led pre-application consultations, available at the applicant's discretion, to advise what issues might be necessary for the applicant to address and if any additional meetings are recommended.
Rockville, MA	https://www.rockvillemd.gov/179/Development-Watch	The process is highly detailed and provides clarification regarding any communication sent through email or in writing on applications to the decision-making body. This communication is forwarded to city staff, who will respond to inquiries and provide information regarding regulations pertaining to communication with members of the deciding body.

On January 12, 2023, the Planning Board provided the District Council with analysis of CB-3-2023, an earlier bill to require plan conformance for special exception and detailed site plan applications. The District Council may consider the following, as stated in the Planning Board's 2023 analysis, "The best way for the Council to ensure that detailed site plans conform to the Comprehensive Plan is to always implement the zoning recommended in the Council's Comprehensive Plans, and to avoid text amendments that allow development to occur in ways that contradict the applied zone." (emphasis added) This proposed legislation strengthens the master plan conformance requirements and focuses an applicant's attention on the need to ensure such conformance before applying to develop land.

The Department also recommends that the District Council carefully consider the addition of procedural requirements to the entitlement process to ensure that what is, as identified during the legislative consideration of the Zoning Ordinance (2018-2022), already one of the most unpredictable, time- consuming, and costly entitlement processes in the region does not become even more of a deterrent to investment. Conformance to Plan 2035's vision and goals is contingent on private investment, development, and redevelopment, all of which is dependent on, in part: a) the predictability of the entitlement process and b) the ease of securing permits relative to competing, neighboring jurisdictions.

Several existing provisions of the Zoning Ordinance regulating the entitlement process may not be consistent with the vision, goals, and Strategy LU1.2 of Plan 2035, but as original text, were

not subject to review under Section 27-3501(c)(2)(B)(i) contained within the Ordinance.

Similarly, the Department recommends the District Council carefully consider the impact of additional procedural requirements on the ability of the private sector to address identified community needs. Access to health care, access to healthy and affordable food, and access to jobs are three commonly identified community needs dependent on new investment and redevelopment in Prince George's County. Such investment and redevelopment are more likely in a predictable regulatory environment.

In addition, the Department reaffirms the comments and recommendations offered on LDR-61-2025 on the following:

- a) The recommendations offered in any of Plan 2035, eight active functional master plans since 1983, and 38 active master, sector, and transit district development plans since 1989, enhance, but may not be covered by, the general requirements in the Zoning Ordinance.
- b) A general or master plan is a policy document and should not have the legal weight of a zoning law; where inconsistencies exist between older plans and the current Zoning Ordinance, conformance to a master plan should be evaluated within the context of the current applicable zoning regulations.
- c) Transit District Overlay and Development District Overlay Zones were historically printed in the same document as area master plans, sector plans, and transit district development plans for user convenience only. Except for developments approved pursuant to the transitional provisions of the Zoning Ordinance, they are null and void pursuant to the 2021 adoption of the Countywide Sectional Map Amendment and should not be referenced in any analysis or finding of master plan conformance.

Lastly, the Department proposes two amendments for consideration:

1. **Page 1, Lines 11 -12, Pages 2-3, Lines 23 – 33, 1- 8,** Delete “And providing for a pre-application conference between the applicant and relevant Council member “and “ (E) Conference with District Council Member” - An applicant may seek a pre-application conference...the Council member should submit their concerns to the Planning Director prior to the determination of completeness of the application.”

Reasoning:

No justification or conformance to the current General Plan (i.e. Plan 2035) provides reasoning for this legislation for mandating District Council meetings with applicants. As shared above, no other jurisdictions in the region mandate meetings with Council members as part of the development review process. It is important not to create a conflict of interest in including a meeting conference with a Council member as part of a zoning application process. There may also be jurisdictions that have Council members in incorporated areas that may want to require meetings as well, that is not considered as part of this process. Lastly, any comments submitted should be in alignment with issues as related to County adopted Plans and Policies, which is not clear in this draft bill.

2. **Page 4, Lines 25 -31 and Page 5, Lines 22-24.** Delete “(II) The age of the comprehensive plan, but recognizing that comprehensive plans typically have a 20- to 25-year development horizon; and”

Reasoning:

The age of a master, sector, or transit district development plan does not render it any more or less relevant to a conformance finding. A master, sector, or transit district development plan is the County’s official policy on land use, economic prosperity, transportation and mobility, the natural environment, housing and neighborhoods, community heritage, culture, and design, healthy communities, and the provision of public facilities for the subject area of the County until the County Council approves a new plan, or amends the existing plan, for that area.

While plans may generally have a 20-25 year horizon, most of the County’s 38 approved master, sector, and transit district development plans do not have an explicit horizon year, which makes determining whether or not the age of a plan renders it more or less applicable highly subjective. For example, the 2007 *Approved Westphalia Sector Plan* does not have an explicit horizon year, in part because its recommendations would take more than 25 years to come to fruition

Conversely, the 2016 *Approved Prince George’s Plaza Transit District Development Plan* has an explicit horizon year of 2035. Retroactively establishing a legal sunset date of 20-25 years based on a generalization (“typically”) may create conflicts between the plan’s intent and a contemporary, subjective finding.

3. **Page 4, Lines 28 – 30 and Page 5, Lines 25-27** Delete “(III) general plan policies should take precedence over policies in area master plans or sector plans adopted prior to the general plan.” and amend Section 27-3502(j) to codify the language in page 270 of Plan 2035.

Reasoning:

Page 270 of Plan 2035 states that: “All planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035 shall remain in full force and effect, except the designation of tiers, corridors, and centers, until those plans are revised or superseded by subsequently adopted and approved plans”. This language has been upheld in the courts and is the applicable language on plan relationships in Prince George’s County, and staff considers that it should be considered at the time of reviewing DR-2A. Lastly, in accordance with State Law, General Plans are the foundation for creating master plans and sector plans, which requires precedence which Plan 2035 is in accordance with State Law as administered.

As always, the Planning Department is happy to assist with any questions or revisions the Committee may wish to discuss.