

Process Guidelines For Development Review Applications

Approved by the Prince George's County Planning Board

Date: TBD

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Note: These amended guidelines apply to all development review applications accepted after January 1, 2019, which require a public hearing by the Planning Board.

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Process Guidelines

Introduction . . .

The Process Guidelines for Development Review Applications were adopted by the Prince George's County Planning Board on May 15, 2008 pursuant to PGCPB Resolution No. 08-71 and amended on ## by PGCPB Resolution No##-##. They serve as procedural instructions that require a variety of administrative responsibilities to be completed by staff and the applicant, in a sequential and timely manner, in conjunction with the acceptance, evaluation, and scheduling of development review applications for Planning Board hearing. These Process Guidelines supersede deadlines for submittal of information, including those contained in previously adopted guidelines such as the Transportation Review Part 1 and Part 2, and Archeological. These Guidelines supplement other current requirements and procedures such as those provided in the Planning Board's Rules of Procedure, and the Planning Board's Administrative Practice for the Planning Department. These amended Guidelines are intended to improve the transparency, effectiveness, and certainty of the process with strict adherence to mandatory review periods. They apply to development review applications which require a public hearing before the Planning Board, and other development review applications where staff makes a formal recommendation to the Planning Board for consideration by the Zoning Hearing Examiner or District Council. Expedited Transit Oriented Development applications are reviewed pursuant to the requirements and time frames established in Subtitle 27, Division 9, Subdivision 4.

Guidelines Disclaimer

It is the sole responsibility of applicants to comply with all applicable authority and to submit, in a timely manner, all information and materials necessary for the Commission's Technical Staff and the Planning Board to complete an adequate review in accordance with the Prince George's County Code. It shall not be the Commission's responsibility to remind applicants of this obligation.

Pre-Application Meeting

A pre-application meeting is recommended and may be at the request of an applicant or staff. Pre-acceptance coordination will assist in identifying additional submittal requirements above those already required by application type that may be the result of unique site characteristics or the site's location within the Regional District. The mandatory action time frames set forth in Subtitle 27 and The Land Use Article may make the review of additional or amended information for both Zoning and Subdivision applications difficult because the Planning Board is required (27-125.05) to publish on its website a copy of the technical staff report (TSR) no less than two (2) weeks prior to the scheduled public hearing on the zoning application (14 days) and one (1) week on the subdivision application (7 days). Subdivision applications do not have that same requirement however, for consistency the technical staff reports are also published two (2) weeks prior to the scheduled public hearing.

Therefore, to provide adequate time to review and process the application and produce a technical staff report, which is dependent on internal and external agency review and coordination, the submittal of additional or amended information after the acceptance of the application must be no less than 65 days prior to the public hearing. Substantial revisions to the plan set or the written justification may result in the need for additional time beyond the 65 days

and may require additional or supplemental informational mailings. Several application types including Expedited Transit Oriented Development and Special Exception cases have a more restrictive processing requirement that will be coordinated with the case reviewer. Posting of the property for public hearing or placing the application on the final Planning Board agenda is not recommended until all required information is filed and found acceptable with adequate review time.

Pre-Application Requirement...

A Pre-Application Form with a Zoning Sketch Map (purchased at M-NCPPC Planning Information Services Office) is used to generate a mail list and is required for all cases that require a public hearing or are subject to a notice requirement. It is the applicant's responsibility to ensure that the sketch map matches the boundary of the site and be "to scale". The mail list for each application is dependent on the zoning sketch map being a correct depiction of the outline of the application. Failure of the zoning sketch map and the site boundaries to match may result in the need for a new or supplemental mailing that may delay the public hearing to allow for sufficient notice of an application (27-125.01, 24-119.01). The zoning sketch map is also used to identify the application in PGAtlas which is another notice opportunity for the public that must be correct.

A case number will be assigned and a list, if any, of prior parties of record will be provided to the Applicant. The applicant must prepare and mail an informational letter to all adjacent property owners, municipalities within one mile of the subject property, registered associations (obtained from the Planning Information Services Office) and all parties of record (obtained from the Applications Section), which shall include the applicants contact information and availability to meet with interested parties. Once the informational letter is mailed, the applicant must prepare an Affidavit and submit it with a copy of the information letter, the list of addressees, the M-NCPPC receipt for mailing list, a completed Application and a complete set of all documents that are required for pre-acceptance assessments. See the website for all forms, instructions and checklists at <http://www.pgplanningboard.org/793/Development-Review-Information>.

Pre-Acceptance Assessment Documents Required

All development review applications proposing improvements to undeveloped land, expansion of existing development, or extensive redevelopment require pre-acceptance assessment. The assessments are used to determine the extent of environmental constraints and the need for additional information or studies addressing environmental, transportation, market considerations, and other information determined necessary to make the required finding for the application type. Studies required for the specific type of application must be prepared in accordance with written scoping agreements or other requirements from the respective assessments and submitted for acceptance along with any study or additional information. Contact the Applications Section of the Development Review Division at 301-952-3530 or the appropriate office listed below for more specific information.

Environmental Assessment, which may include:

- Stormwater Management Concept Plan; or Final Plan Approval
- Natural Resources Inventory
- Tree Conservation Plan - Type 1 or 2; or Exemption
- Scoping Agreement for Noise Study; or Exemption

- Geo-Technical Study with grading plan and Slope Stability Analysis

Note: The timing of submittal of a Phase 1 and 2 noise study may depend on the mitigation measures proposed. A Phase 2 may be required at the time of preliminary plan of subdivision if the lotting pattern or subdivision layout could be affected by the proposed mitigation measures.

For assistance with stormwater management plans contact the Department of Permits, Inspection, and Enforcement at 301-883-5710. For other environmental matters contact the Environmental Planning Section of M-NCPPC at 301-952-3650.

Transportation Assessment, which may include:

- Scoping Agreement for Transportation Impact Study
- Updated Traffic Counts; or Exemption
- Scoping Agreement for Bike and Pedestrian Study (BPIS)

For assistance contact the Transportation Planning Section of M-NCPPC at 301-952-3084.

Archeological Assessment...

- Archeological Investigation

Note: The timing for the submittal of archeological investigations (Phase I, II, and III) is depended on the recommendations of the Phase I and the on-site location of the additional investigation area(s). Applicants should proceed at their earliest convenience if the pre-assessment determines that a Phase I archeological investigation is warranted. Phase II and recommendations of a Phase III investigation (recovery or preservation in place) may need to be determined at the time of preliminary plan of subdivision if the lotting pattern or subdivision layout is determinant on the outcome of the study.

For additional information contact the Historic Preservation Section of M-NCPPC at 301-952-3520.

Economic Assessment...

- Scoping Agreement for Market Study or Needs Assessment

For assistance contact the Research/Special Projects Section at 301-952-3065

Pre-Acceptance Review...

Staff shall review completed applications within 15 business days for conformance with submittal requirements. Staff shall notify the applicant in writing or by e-mail, when the review is complete and provide a list of deficiencies that must be corrected including major issues and a list of additional information that is necessary to complete the review and make all required findings prior to formal acceptance. The major components of the pre-acceptance review include the following:

- **Statement of Justification**—A written statement of justification (SOJ) from the applicant shall be provided describing the proposed development, why the application is required, and how the proposed development conforms to all the required findings for

approval. The SOJ shall address the applicable master plan guidelines, sector plan standards, the legal criteria for approval and shall provide sufficient detail to enable staff to complete a thorough evaluation of the application. This requirement may be waived for some minor application types which have limited potential for adverse impacts as determined appropriate by the section Supervisor. The SOJ shall include a thorough analysis of any variance or variation required for approval of the application in accordance with the required findings, which may also require supporting exhibits.

- **Application Form and Site Plan**—A completed application form and site plan, preliminary plan of subdivision or other required plan of development shall be provided by the applicant and include all information indicated on the submittal check lists available on the Development Review Division web site, Application Section.
- **Informational Mailing Affidavit**—The applicant shall file an affidavit for the record to document completion of the informational mailing to adjoining property owners, previous persons of record, registered civic associations and municipalities in accordance with the provisions of Section 24-119.01 of the Subdivision Regulations and Section 27-125.01 of the Zoning Ordinance.
- **Required Studies**—Electronic submittal of the required reports, studies, plans, drawings, assessments or other information deemed necessary to provide a legal basis for approval shall be provided by the applicant and found acceptable prior to acceptance of the application. These may include but not be limited to a floodplain waiver, traffic impact study, viewshed study, turning movement exhibits, architectural renderings, and grading plan, including conceptual layouts.
- **Required Referrals/Documents**—Prior to acceptance the applicant shall provide appropriate pre-assessment referrals as identified during pre-assessment including but not limited to Fire Department approval of the access and circulation, a waiver letter from DPW&T for non-standard public rights-of-way, turning movement exhibit for access and on-site circulation, State Highway Administration access approval to arterial or higher classification roadways if the applicant filed a variation with a PPS for access, and utility company approvals for non-standard public utility easements.
- **Companion Cases**—Additional companion cases that are relied on for approval are required to be filed and accepted concurrently with the parent case, such as Alternative Compliance for subdivision and zoning cases.
- **Expedited Transit Oriented Development (ETOD) Community Outreach Affidavit**—The applicant shall file with an application for an ETOD an affidavit for the record documenting written substantiation of outreach efforts to garner public input, to include any civic association registered with the Planning Board for the area where the project is located and any municipality within a one mile radius of the Expedited Transit-Oriented Development Project, including responses to requests for clarification, additional information, meetings, etc. for all Expedited Transit Oriented Development Applications per Section 27-290.01(a)(8).

Formal Acceptance and Processing...

- **Notice to Applicants and Parties of Record**—Staff shall notify the applicant in writing, preferably by e-mail, when the application is ready to be formally accepted for processing. Thereafter, the applicant shall notify in writing and via first class mail, all parties currently entitled to receive informational mailings that the application is ready to be accepted. The name and contact information for the staff member assigned to the case shall be included in both forms of notice.
- **Application Fees, Referral Copies, and Acceptance Affidavit**—The applicant shall pay the application and sign posting fees in full, provide a full application package, including all plans and documents identified in the pre-acceptance process in digital and hard copy format for referral distribution. The applicant shall also file evidence of the completion of the required mailings including affidavits. The acceptance date shall be the same day the complete application is submitted, with the following day being day one of the mandatory action time frame. This date shall be used to calculate the mandatory action time frame for all application types.
- **Subdivision and Development Review Committee (SDRC)**—The SDRC meets bi-weekly on Friday. Preliminary plan of subdivision applications shall be reviewed at the SDRC meeting within four weeks after acceptance (24-119(d)(2)). Other applications may be referred to the SDRC, at the discretion of the section Supervisor or at the request of the applicant.

Applications are generally scheduled for a SDRC meeting within three weeks of acceptance. Applications shall be referred out with a 15-day major issue referral response deadline which generally corresponds with the SDRC meeting. Additional major issues can result if the application has been modified or altered after the initial filing, and as external agencies are brought into the review process. The results of these reviews shall be provided to applicants in writing. It is the applicant's responsibility to bring potential major issues to the attention of staff which have not already been identified through the review process.

- **Referral to Other Agencies, Organizations, and Jurisdictions**—Applications shall be referred to various agencies, organizations, utility companies and jurisdictions for review and comment upon acceptance. The referral shall indicate the major issue due date of 15 days, the date of the SDRC meeting, and a 30-day final referral due date from acceptance to ensure its inclusion in the record. The referral due dates may be modified if additional or amended information is required. The referral replies shall be provided to applicants, preferably by e-mail as they are final. However, the final departmental position will be as published in the TSR.

45 Days Prior to Hearing...

- **Hearing Date Established**—After the application is reviewed to identify potential major issues, the applicant may request in writing to schedule the application for hearing. The actual date must be established at least 35 days in advance, and the Planning Director shall determine the appropriate date, consistent with mandatory action dates. Furthermore, the applicant should recognize that staff's evaluation of the application will be based solely upon the evidence contained in the record 45-days prior to the hearing.

- **Revised or Additional Information**—When additional or revised information is determined necessary for review after an application is accepted, the applicant shall submit that information a minimum of 65 days prior to the hearing to ensure its evaluation as part of the Technical Staff Report. Based on the complexity of the new or amended material, additional time may be required to allow for adequate review time, coordination, and writing of the technical staff report prior to publication. Information provided later may not provide enough time for referral, if necessary, and review and analysis. Information required after acceptance for the analysis of an application for conformance to the required findings submitted less than 65 days prior to the hearing may result in the need for an applicant to waive the mandatory action time frame. This waiver must accompany the submittal of the revised and/or new information.

30 Days Prior to Hearing...

- **Sign Posting**—The applicant is responsible for posting and maintaining the required public hearing sign(s) on the subject property at least 30 consecutive days prior to the Planning Board’s hearing, in the accordance with the general location and legibility requirements specified in Section 27-125.03 of the Zoning Ordinance. Hearing signs shall be prepared by staff and released to applicants for posting no less than 31 days prior to the hearing. The applicant is also responsible for removing the signs within 15 days after the hearing.
- **Written Notice**—The Planning Board shall mail written notice of the date, time, and place of the public hearing on any zoning application to all persons of record at least thirty (30 days) prior to the hearing. The application number, description of the property and the applicants request shall also be included in the notice (Section 27-125.04(b)(1)). This is not statutorily required for a subdivision application but is done as a matter of curtesy and consistency.
- **Request for Continuance**—When an applicant sends a request for a continuance of an application which has been posted for the Planning Board public hearing, the applicant shall specify a continuance date and send a copy of that request to all parties of record at the same time for informational purposes. If the continuance date extends beyond the mandatory action time frame the continuance request shall include a waiver of the action time frame. Once a site is posted it will remain on the Planning Board agenda until the Planning Board takes an action on the application at the public hearing.
- **Tentative Long-Range Agenda**—Applications tentatively scheduled for public hearing within 30 days shall be listed on the Planning Board’s Long-Range Agenda and posted on the Planning Department web page (www.pgplanning.org).

14 Days Prior to Hearing...

- **Sign Posting and Inspection Affidavit**—The applicant shall file an affidavit for the record indicating the required public hearing signs were posted on the property at least 30 days prior to the Planning Board’s hearing. The affidavit shall be accompanied by a close-up, legible photograph of each sign and an additional long-distance photograph depicting the sign with unique, identifiable features of the subject property. The affidavit

shall also indicate that the posted signs were inspected at least one time no later than the 15th day of posting to ensure that required signs are maintained.

- **Technical Staff Reports (TSR)**—The Planning Board shall publish on its website a copy of the TSR no less than two weeks prior to the scheduled public hearing on zoning applications (Section 27-125.05(a)). This is not required for a subdivision application but is done as a matter of courtesy and consistency

Staff shall send Technical Staff Reports via first class mail to all persons of record and other individuals who have requested a copy in writing at least 14 days prior to the hearing, in accordance with Section 27-125.05 of the Zoning Ordinance. This requirement does not apply to reports for Subdivision applications, which are mailed one week in advance of the hearing upon request.

7 Days Prior to Hearing...

- **Final Agenda Web Posting**—The Planning Board’s Final Agenda shall be posted on the Planning Department web page (www.PGPlanning.org) one week prior to the hearing.

M-NCPPC Contact Information...

Please contact the Development Review Division, Application Section at 301-952-3530 if you have questions regarding the above guidelines.