



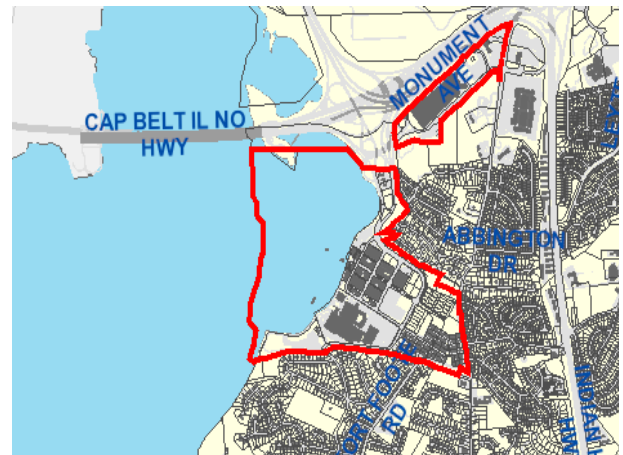
The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Preliminary Plan of Subdivision National Harbor

4-01048

REQUEST	STAFF RECOMMENDATION
Extension of preliminary plan of subdivision validity period	APPROVAL of six-year extension

Location: South of the Capital Beltway (I-95/I-495), at the Woodrow Wilson Bridge and west of Oxon Hill Road.	
Gross Acreage:	533.47
Zone:	M-X-T/R-M/R-R/I-D-O
Gross Floor Area:	3,243,000 sq. ft.
Hotel Rooms:	3,600
Lots:	98
Parcels:	8
Planning Area:	80
Council District:	08
Election District:	12
Municipality:	None
200-Scale Base Map:	209SW01, 209SE01, 210SW01, 210SE01, 211SW01, 211SE01
Applicant: The Peterson Companies 12500 Fair Lakes Circle, Suite 400 Fairfax, VA 22033	
Staff Reviewer: Eddie Diaz-Campbell Phone Number: 301-952-3665 Email: Eddie.Diaz-Campbell@ppd.mnccppc.org	



Planning Board Date:	01/27/2022
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Memorandum Date:	01/06/2021
Date Filed:	11/30/2021
Informational Mailing:	N/A
Acceptance Mailing:	N/A
Sign Posting Deadline:	N/A

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mnccppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

January 6, 2022

MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Eddie Diaz-Campbell, Senior Planner, Subdivision Section
Development Review Division

VIA: Sherri Conner, Supervisor, Subdivision Section
Development Review Division

SUBJECT: **Preliminary Plan of Subdivision 4-01048
National Harbor
Extension Request**

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on November 6, 2003, and the resolution of approval was adopted on November 20, 2003 (PGCPB Resolution No. 01-163(C)(A)). The PPS is approved for 8 parcels and 98 lots and is valid through December 31, 2021, due to prior legislative extensions of the validity period. By letter dated November 30, 2021, André J. Gingles of Gingles, LLC requests a six-year extension until December 31, 2027. The applicant also provided a supplemental letter dated December 20, 2021, with additional information in support of the request. This is the applicant's first extension request.

Sections 24-119(d)(5) and (6) of the Prince George's County Subdivision Regulations authorize the Planning Board to grant an extension to the normal expiration of a PPS. Subsection (d)(5) requires filing prior to the expiration of the PPS, which has occurred in this case. For larger subdivisions like the subject PPS, as recently amended by Prince George's County Council Bill CB-93-2021, subsection (d)(6) provides the required findings for the Planning Board to grant an extension of a PPS's validity period. The criteria which must be considered are shown in **BOLD** text and staff's analysis of conformance to each criterion is provided in plain text.

Section 24-119(d)(6):

- (A) **An approved preliminary plan shall remain valid for (6) years from the date of its approval, unless extensions of the validity period are granted, of subdivision consisting of:**

- (i) **more than four hundred (400) residentially zoned lots or dwelling units; or**
- (ii) **more than one hundred and fifty (150) gross acres of commercially or industrially zoned land or land designated for nonresidential uses in any CDZ or M-X-T Zone; or**
- (iii) **at least three hundred thousand (300,000) square feet or more of commercial or industrial development in any CDZ or M-X-T zoned project.**

The subject PPS includes more than 150 gross acres approved for over 300,000 square feet of commercial uses in the Mixed Use-Transportation Zone and therefore, is eligible for a six-year validity period and is eligible for an extension, subject to the criteria below. Nonetheless, this project has remained valid for 18 years, due to prior legislative extensions.

(B) An extension of up to two (2) years from the expiration of an approved preliminary plan or any extension thereof may be granted by the Planning Board provided:

- (i) **Public infrastructure which was determined to be the developer's responsibility in accordance with the requirements of Section 24-122.01 and Section 24-124 has been constructed by the developer in order to accommodate all stages of the development; or**

Staff finds that this criterion has been met. All of the transportation infrastructure needed to serve the development has been constructed. A stormwater pond, known as Betty Blume Pond, and utilities to serve the existing development are also constructed, with further connection to those utilities to occur, as additional development takes place. Aerial imagery supports the claim that the infrastructure needed to serve the development has been completed.

- (ii) **The developer has been proceeding in a diligent manner to complete the development and has been unable, through no fault of the developer, to complete development within the time frame specified; or**

Staff finds that this criterion has been met. Approximately 6 million square feet of development has occurred at National Harbor since the commencement of construction in 2004. Aerial imagery from 2005 to the present shows that development has proceeded out over the years since the project's beginning, with most years showing commencement or completion of a phase of development. Construction of the convention center and waterfront was complete by 2009; construction of the MGM casino and hotel took place between 2016 and 2017; and construction of the condominium townhouses has been ongoing since 2011. The applicant has also obtained detailed site plan approvals as recent as 2020 (DSP-07073-12) for additional development surrounding the MGM site for the remaining parcels to be

platted and ultimately developed. These construction activities show that the applicant has been proceeding in a diligent manner, since the project's approval, to complete the development.

Staff also finds that it has been through no fault of the applicant that they have been unable to complete the development within the timeframe specified. While it might have been possible to complete the development more quickly, there is a need with the National Harbor project for the applicant to be highly selective of all development taking place within it. This is driven by the overall vision for the project as an urban destination resort, which was established with the conceptual site plan (CSP-98012). As described in the CSP's Planning Board resolution, an urban destination resort features "a blend of hotels, shopping, dining and entertainment in an attractive, high-quality, people-pleasing environment with a colorful ambience of excitement, discovery and delight" (page 2, PGCPB Resolution No. 98-110). In order to fulfill this vision, the applicant may have needed to turn away many businesses, homebuilders, and other would-be tenants whom they judged would not enrich the community or contribute to the development's entertainment orientation. The approvals the applicant received entrusted them with a gatekeeping role unique to the National Harbor project, one which obligates them to prioritize high quality development over completion within any specific timeframe, and without such selectivity, the project risked not living up to the high expectations placed upon it at the time of its CSP and subsequent approvals. Approval of an extension would allow the applicant additional time to acquire tenants who will contribute positively to the development's vision and completion.

(iii) A staging plan applied to the approval cannot be met as a result of government failure to extend necessary services or infrastructure.

The applicant has not alleged that a government failure has caused any delay.

(C) Notwithstanding any provisions of this subsection to the contrary, from and after January 1, 2022, an extension of up to six (6) years from the expiration of an approved preliminary plan or any extension thereof may only be granted by the Planning Board subject to the provisions of Section (d)(6)(B)(i) through (iii) herein.

By virtue of the positive findings given above for Section 24-119(d)(6)(B)(i) and (ii) of the Subdivision Regulations, staff finds that the applicant is eligible for a six-year extension.

Although an analysis of each of the criteria is provided above, only one of the criteria under Section 24-119(d)(6)(B) is required to be met in order to grant the extension. Staff finds that the criteria of Section 24-119(d)(6)(B)(i) and (ii) have been met and recommends that the Planning Board grant a six-year extension. If a six-year extension is approved, the PPS will be valid through December 31, 2027.