

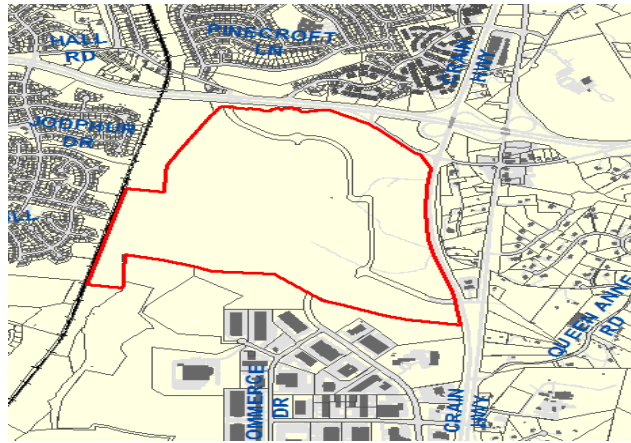


The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Development Review Division  
301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

# Preliminary Plan of Subdivision South Lake (Formerly Karington)

4-04035

REQUEST		STAFF RECOMMENDATION	
Extension of preliminary plan of subdivision validity period		APPROVAL of two-year extension request	
<b>Location:</b> At the southwest corner of the intersection of MD 214 (Central Avenue) and US 301 (Robert Crain Highway).			
Gross Acreage:	381.52		
Zone:	E-I-A		
Gross Floor Area:	675,000 sq. ft.		
Dwelling Units:	1,294		
Lots:	800		
Parcels:	110		
Planning Area:	74A		
Council District:	04		
Election District:	07		
Municipality:	Bowie	Planning Board Date:	
200-Scale Base Map:	201NE13, 201NE14, 201SE13, 201SE14	01/13/2022	
<b>Applicant:</b> South Lake Partnership, LLC 4750 Owings Mills Boulevard Owings Mills, MD 21117		Planning Board Action Limit:	
<b>Staff Reviewer:</b> Eddie Diaz-Campbell <b>Phone Number:</b> 301-952-3665 <b>Email:</b> Eddie.Diaz-Campbell@ppd.mncppc.org		N/A	
		Mandatory Action Timeframe:	
		N/A	
		Memorandum Date:	
		01/03/2022	
		Date Filed:	
		10/27/2021	
		Informational Mailing:	
		N/A	
		Acceptance Mailing:	
		N/A	
		Sign Posting Deadline:	
		N/A	



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
[www.pgplanning.org](http://www.pgplanning.org)

January 3, 2022

## MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Eddie Diaz-Campbell, Senior Planner, Subdivision Section *SC* for EDC  
Development Review Division

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

SUBJECT: **Preliminary Plan of Subdivision 4-04035**  
**South Lake (Formerly Karington)**  
**Extension Request**

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on October 21, 2004, and the resolution of approval was adopted on November 18, 2004 (PGCPB Resolution No. 04-247(C/3)(A/2)). The PPS is approved for 110 parcels and 800 lots and is valid through December 31, 2021, due to prior legislative extensions of the validity period. By letter dated October 29, 2021 (revised December 30, 2021), Arthur J. Horne, Jr. of the Law Offices of Shipley & Horne, P.A., requests a two-year extension until December 31, 2023. This is the applicant's first extension request.

Section 24-119(d)(5) and (6) of the Prince George's County Subdivision Regulations authorizes the Planning Board to grant an extension to the normal expiration of a PPS. In the instance of the subject PPS, the criteria below apply given the recent adoption of Prince George's County Council Bill CB-93-2021.

The criteria that must be considered are shown in bold text and staff 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.**

This PPS was approved for 1,294 dwelling units and 675,000 square feet of commercial development in the Employment and Institutional Area Zone. The subject PPS is therefore eligible for a six-year validity period and is eligible for an extension, subject to the criteria below. Nonetheless, this project has remained legally valid for 17 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**

Related to the subject PPS, several permits have been approved by the Prince George's County Department of Permitting, Inspections and Enforcement, the Prince George's County Soil Conservation District, the Washington Suburban Sanitary Commission (WSSC), the City of Bowie, and the Maryland Department of the Environment. The permits collectively show that construction on the site is ongoing. Aerial imagery further shows that the site has been graded and cleared, and that stormwater infrastructure as well as part of one road (Marketplace Boulevard) has been completed. Despite this ongoing activity, it is not clear, to date, that infrastructure has been constructed in order to accommodate all stages of the development. The recent approval dates (within the past year) of many of the permits suggests that work on them has yet to be concluded, and the applicant's letter does not describe any infrastructure which has been brought fully to completion. For this reason, staff does not find this criterion to be met.

- (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 the developer has been proceeding in a diligent manner to complete the development. In processing this application, staff reviewed a timeline of submissions and approvals related to the project, which have occurred between 2002 and the present. The timeline lists of over 50 application submissions. These cases can be divided into those which occurred before the PPS (2002–2004), those which occurred in the years immediately following approval (2004–2007), and those which occurred in recent years (2016–2021). Though there is a large gap in the timeline between 2007 and 2016, this may be accounted for by weakened market conditions caused by the nationwide 2007–2009 recession. Legislative extensions via CB-8-2009, CB-7-2010, CB-8-2011, CB-70-2013, CB-80-2015, CB-98-2017, and CB-60-2018, which specifically affect this project, were enacted to address delays caused by the recession. The timeline shows that since 2016 the applicant has continued to pursue development of the project, first with approval of tree conservation plans and natural resource inventory plans, then with approval of detailed site plans and final plats.

The applicant further engaged in extensive negotiations which were required by the Maryland State Highway Administration and WSSC before the first final plat could be recorded in Plat Book ME 254 page 54, in June 2020. Additional applications and permits were required and approved by the City of Bowie. Due to the length of time needed to proceed through these application processes, in addition to those needed to obtain Maryland-National Capital Park and Planning Commission approvals, staff finds that it has not been the fault of the developer that they were unable to complete the development within the validity time frame. As a result, the PPS is eligible for a two-year extension.

**(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.**

The applicant has requested a two-year extension.

Although an analysis for each of the criteria is provided, 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 criterion of Section 24-119(d)(6)(B)(ii) has been met and recommends that the Planning Board grant a two-year extension. If a two-year extension is approved, the PPS will be valid through December 31, 2023.