



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.igm2.com/Citizens/Default.aspx>

## Preliminary Plan of Subdivision 4-05027 Waiver of the Rules of Procedure and Reconsideration Request Willow Ridge Estates

REQUEST	STAFF RECOMMENDATION
Waiver of the Rules of Procedure and Reconsideration Request	Discussion

**Location:** Approximately 0.5 mile west of the intersection of Dangerfield Road and MD 223 (Woodyard Road), at the end of Canberra Place.

Gross Acreage: 18.51

Zone: RR

Prior Zone: R-R

Reviewed per prior Subdivision Regulations: Section 24-1704(e)

Gross Floor Area: N/A

Dwelling Units: 28

Lots: 28

Parcels: 3

Planning Area: 81A

Council District: 09

**Party of Record (Requester)/Address:**  
Gloria Sheppard  
8715 Daniel Lane  
Clinton, MD 20735

**Staff Reviewer:** Antoine Heath  
**Phone Number:** 301-952-3554  
**Email:** Antoine.Heath@ppd.mncppc.org



Planning Board Date: 05/04/2023

Planning Board Action Limit: 05/12/2023

Mandatory Action Timeframe: 30 days

Memorandum Date: 04/25/2023

Date Received: 04/12/2023

Previous Parties of Record: (Applicant) 04/12/2023

Previous Parties of Record: (M-NCPPC) 04/20/2023

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.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301-952-3530 for additional information.



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Upper Marlboro, Maryland 20772  
[www.pgplanning.org](http://www.pgplanning.org)

April 25, 2023

## MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Antoine Heath, Planner II, Subdivision Section *AH*  
Development Review Division

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

SUBJECT: **Preliminary Plan of Subdivision 4-05027**  
**Waiver of the Rules of Procedure and Reconsideration Request**  
**Willow Ridge Estates**

By letter dated April 12, 2023, Traci R. Scudder, representing party of record Gloria Sheppard, requested a waiver of the Prince George's County Planning Board's Rules of Procedure (Section 12(a)), which requires that a reconsideration request be submitted no less than 14 calendar days after the date of notice of the final decision (Section 10(a)). Ms. Sheppard is the adjoining property owner to the south of the property associated with Preliminary Plan of Subdivision (PPS) 4-05027. The resolution of approval for PPS 4-05027 (PGCPB Resolution No. 06-65) was adopted by the Planning Board on March 30, 2006, and amended on October 1, 2020. If the Planning Board grants the requested waiver, Ms. Sheppard specifically requests reconsideration of Condition 17 of the resolution. Per Section 10(e) of the Rules of Procedure, reconsideration may only be granted if, in furtherance of substantial public interest, the Planning Board finds that an error in reaching the original decision was caused by fraud, surprise, mistake, inadvertence, or other good cause. The Maryland Supreme Court has interpreted good cause to include subsequent new or different factual information that would justify a different conclusion, but not a mere change of mind.

Condition 17 required the signature approved PPS to show a note proposing the conveyance of Parcel C to the owner of Parcel 128, an abutting property belonging to Ms. Sheppard. Regarding this reconsideration, the party of record requests to modify this condition, to establish specific timing for implementation of the conveyance of Parcel C. For reasons discussed in this staff memorandum, staff do not find that the reconsideration request should be granted.

Condition 17 of the PPS resolution is as follows:

**17. Prior to signature approval, the preliminary plan shall be revised to show a note proposing the conveyance of Parcel C to the owner of Parcel 128.**

At the time of the PPS approval, the applicant proffered to convey Parcel C to Ms. Sheppard, as owner of Parcel 128 which is landlocked, in order to have access to the future public right-of-way of Canberra Place. The purpose of Ms. Sheppard's request for a waiver and reconsideration is to establish a specific time in which this conveyance should take place. The statement of justification (SOJ) prepared by the party of record's representative states this request for reconsideration is in furtherance of substantial public interest, and that an error in reaching the final decision was caused by mistake, inadvertence, or other good cause. Specifically, the SOJ identifies the omission of definitive timing for the conveyance to occur was an error.

However, staff do not agree that the omission of a trigger for the conveyance of Parcel C was an error. Staff understand the need for Ms. Sheppard's property to have access to a public road, which is why Condition 17 was authored, as proffered by the applicant. However, staff find that a condition for timing of the conveyance of Parcel C would not be appropriate for various reasons. As stated in the resolution, conveyance of Parcel C was proffered as a courtesy by the property owner and applicant of the PPS at the time, A.G.I. Devco, LLC, and was not necessary for the approval of the PPS, as it is outside of land required to be conveyed to achieve public facilities adequacy. Secondly, as shown on the approved plans, it is anticipated that grading and the installation of infrastructure for the subject subdivision will include work on Parcel C, and so it will likely need to be retained by the applicant for an unspecified period of time in order to complete that work before the conveyance is completed.

In addition, the timing may be affected by the terms of the conveyance of land, which should be established via a private agreement between the two parties. Private agreements for land conveyance may include provisions for rights, restrictions, compensation, and other factors not readily under the review of the Planning Board. The terms of conveyance would need to be agreeable to both parties to complete the conveyance, and these factors should not prevent the development from proceeding. It is noted that similar proffers for the conveyance of land to abutting property owners have also not been enforced with timing specification by the Planning Board, including for PPS 4-05109, 4-20006 and 4-17034. This ensures the necessary flexibility to accommodate unexpected events that may delay conveyance and that all stages of development for the subject subdivision can be achieved.

The party of record's representative also provided correspondence from former Maryland-National Capital Park and Planning Commission staff, dating from March-June 2008, which is included in the backup and incorporated by reference herein. In this correspondence, staff acknowledge that specific requirements for the timing of the conveyance are not conditioned, but that staff holds a responsibility in ensuring compliance with the PPS and final plat, including the notes for the conveyance of Parcel C, which can be accomplished by placing permits on hold for proof of conveyance to be submitted. However, in this correspondence, staff also acknowledged that development of the property may take a while to move forward, due to housing market issues at the time. The applicant has platted the lots and parcels that were approved with PPS 4-05027, but development has not yet taken place. It is still the expectation that Parcel C will be conveyed to the owner of Parcel 128, as denoted on the final plat, and in accordance with Section 24-121(7) of the prior Prince George's County Subdivision Regulations, to ensure the eventual ownership of

Parcel C. Staff continue to maintain notes in the case files, to ensure the review of the status of the land conveyance at the time building permits are submitted.

The SOJ provided also focuses on the intentions to develop Parcel 128 and the negative impact the delay of the conveyance of Parcel C has caused. However, these factors are not relevant to PPS 4-05027, which governs development of the subject property and not the abutting property. The circumstances of Parcel 128 being landlocked were pre-existing and not exacerbated by the subject PPS. The right-of-way of Canberra Place is to be extended for development of the subject subdivision, including to provide access to Parcel C, and so the mere conveyance of Parcel C does not ensure access. The benefits of the development of the subject subdivision have not been realized by either party. Based on the material submitted by the party of record suggesting that the PPS condition was in error, and staff's analysis above, staff do not find the applicant's request for reconsideration is justified in accordance with the required criteria. While staff understand that timing may be an issue for the development of Parcel 128, the conveyance of Parcel C should occur at an appropriate stage of development for the subject subdivision, when determined practical to do so by the owner or developer, and pursuant to private agreement of the involved parties.

If the Planning Board nevertheless grants the applicant's request for a waiver and reconsideration, staff will provide further analysis on the merits of the request at a later Planning Board hearing.