



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 4-05058 Waiver of the Rules of Procedure and Reconsideration Request Banan Forest

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

Location: On the north side of Edison Lane, approximately 550 feet east of the intersection of Cheltenham Road and Edison Lane.	
Gross Acreage:	10.00
Zone:	R-R
Gross Floor Area:	N/A
Lots:	19
Parcels:	0
Planning Area:	81A
Council District:	09
Election District:	09
Municipality:	N/A
200-Scale Base Map:	212SE08
Applicant/Address: Timberlake Banan Forest, LLC 304 Harry S. Truman Parkway, Suite M Annapolis, MD 21401	
Staff Reviewer: Antoine Heath Phone Number: 301-952-3554 Email: Antoine.Heath@ppd.mncppc.org	



Planning Board Date:	03/10/2022
Planning Board Action Limit:	03/20/2022
Memorandum Date:	02/24/2022
Date Received:	02/18/2022
Previous Parties of Record (Applicant)	02/18/2022
Previous Parties of Record (M-NCPPC)	02/23/2022

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/.
Please call 301-952-3530 for additional information.

February 24, 2022

MEMORANDUM

TO: The Prince George's County Planning Board

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

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

SUBJECT: **Preliminary Plan of Subdivision 4-05058**
Waiver of the Rules of Procedure and Reconsideration Request
Banan Forest

By letter dated February 18, 2022, Thomas H. Haller, representing Timberlake Banan Forest, LLC, 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)). In this case, the resolution of approval (PGCPB Resolution No. 06-29) was adopted by the Planning Board on February 23, 2006. If the Planning Board grants the requested waiver, the applicant specifically requests reconsideration of Condition 4.a. 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.

Condition 4.a. pertains to requirements for off-site road improvements and reads as follows:

4. **Prior to the issuance of any building permits within the subject property, the following road improvements shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with SHA and/or DPW&T:**

- a. **Lengthen the westbound right turn lane on MD 223 to remove the westbound right turns from the through lane. This also will involve some re-striping along the MD 223 east leg of the intersection.**
- b. **Restripe the northbound turn lanes on Dangerfield Road to provide separate left-turn, through, and right-turn lanes.**

The applicant is requesting that Condition 4.a., which requires that certain road improvements be constructed, be reconsidered, and deleted. Condition 4 requires two improvements to the intersection of MD 223 and Dangerfield Road. While the improvement required by Condition 4.b. has been completed by others, thus satisfying the condition, the improvement required by Condition 4.a. remains.

As set forth in the applicant's request, there were inadvertent errors made in the traffic analysis conducted at the time of approval of the preliminary plan of subdivision (PPS), which resulted in inflated and inaccurate traffic projections. The transportation improvements required by Condition 4 were based on those traffic projections. Further, the applicant has submitted an analysis from their traffic engineer outlining the factors contributing to the inaccuracy of the traffic information provided at the time of the PPS approval. The analysis provides that two nearby applications (PPS 4-03118 and PPS 4-05027) were recently reconsidered based on the same inaccurate traffic projections. Finally, the applicant concludes that the required improvement is not necessary for adequate transportation findings for the subdivision, and that the requested reconsideration is in furtherance of substantial public interest, and an error in reaching the original decision is good cause to support the reconsideration request.

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