



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

Preliminary Plan of Subdivision D'Arcy Park North

4-05113

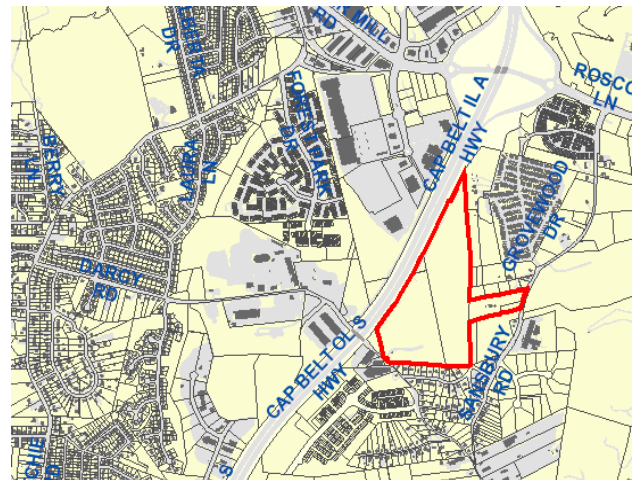
REQUEST	STAFF RECOMMENDATION
Extension of preliminary plan of subdivision validity period	APPROVAL of two-year extension

Location: At the northeast quadrant of the intersection of the Capital Beltway (I-95/I-495) and D'Arcy Road.

Gross Acreage:	72.00
Zone:	R-R/M-I-O
Gross Floor Area:	N/A
Dwelling Units:	497
Lots:	0
Parcels:	4
Planning Area:	78
Council District:	06
Election District:	15
Municipality:	None
200-Scale Base Map:	203SE08, 204SE08

Applicant:
GKG Partnership, LLC
10100 Business Parkway
Lanham, MD 20706

Staff Reviewer: Eddie Diaz-Campbell
Phone Number: 301-952-3665
Email: Eddie.Diaz-Campbell@ppd.mncppc.org



Planning Board Date:	01/20/2022
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Memorandum Date:	01/06/2022
Date Filed:	11/03/2021
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.mncppcapps.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 *EDC*
Development Review Division

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

SUBJECT: **Preliminary Plan of Subdivision 4-05113
D'Arcy Park North
Extension Request**

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on September 28, 2006, and the resolution of approval was adopted on October 26, 2006 (PGCPB Resolution No. 06-219(A)). The PPS is approved for 4 parcels and is valid through December 31, 2021, due to prior legislative extensions of the validity period. By letter dated November 2, 2021 (updated December 29, 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.

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 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 400 dwelling units in the Rural Residential 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 15 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**

On-site public infrastructure necessary to serve the development has not yet been constructed, as the site is still being graded pursuant to Maryland Department of the Environment (MDE) permit No. 93-S-0439P. The necessary fill material must be cut from the D'Arcy Park South site (located approximately 900 feet south of the subject property) and brought to the D'Arcy Park North site, a process expected to continue over the next two years. While permits for infrastructure construction have been issued by the Department of Permitting, Inspections and Enforcement (DPIE), construction cannot be completed while grading operations are ongoing.

At a December 27, 2021 meeting with staff, the applicant stated that the off-site transportation improvements necessary to serve the site have been constructed, as the improvements were also required prior to commencement of construction on the D'Arcy Park South site. However, while these improvements are necessary, they are not sufficient on their own to accommodate all stages of the development specifically for D'Arcy Park North. According to the PPS, a master-planned major collector (MC-634) must be constructed through the site, in order to provide access to the proposed residential uses.

Due to the lack of public infrastructure having been constructed to accommodate all stages of the development, 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**

The D’Arcy Park North project is one-half of a larger development together with D’Arcy Park South (PPS 4-05116; PGCPB Resolution No. 06-220(A), approved September 28, 2006). The two PPS were both approved on September 28, 2006, contain similar findings and conditions, and shared a traffic study. Staff believes it is through no fault of their own that the applicant has been unable to complete the D’Arcy Park North development within the validity timeframe, because of their need to focus their efforts on the D’Arcy Park South development. Due to the need to grade the North development using fill cut from the site of the South development, the applicant’s plan was always to obtain approvals for, and begin construction of, the South development first.

In processing this application, staff reviewed a timeline provided by the applicant showing plan approvals and permits issued by the Maryland-National Capital Park and Planning Commission, MDE, DPIE, and the Washington Suburban Sanitary Commission regarding both the D’Arcy Park North and South developments. The timeline shows that the applicant has been working diligently on the overall development since 2018. Prior to 2018 there are gaps in the timeline; one MDE permit dates to 2015, and one DPIE stormdrain, road, and stormwater management plan dates to 2010. For reference, the two PPS were approved in 2006, and the D’Arcy Park North detailed site plan was approved in 2008. The gaps in the timeline may be accounted for, however 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 D’Arcy Park South development is currently under construction. When it and the D’Arcy Park North development are considered to be one project as the applicant intended, it is clear that the applicant has been working diligently to reach the point where it will be possible to begin construction of the North development. For this reason, staff finds this criterion to be met.

- (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 of each of the criteria is provided above, only one of the criteria under Section 24-119(d)(6)(B) of the Subdivision Regulations 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.