



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 Woodmore Towne Centre

4-06016

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

<b>Location:</b> In the northeast quadrant of I-95/I-495 (Capital Beltway) and MD 202 (Landover Road).	
Gross Acreage:	244.67
Zone:	M-X-T
Gross Floor Area:	1,750,000 sq. ft.
Dwelling Units:	1,079
Hotel Rooms:	360
Lots:	414
Parcels:	17
Planning Area:	73
Council District:	05
Election District:	13
Municipality:	Glenarden
200-Scale Base Map:	204NE08
<b>Applicant/Address:</b> Woodmore Towne Centre 1300 Caraway Court, Suite 102 Largo, MD 20774	
<b>Staff Reviewer:</b> Antoine Heath <b>Phone Number:</b> 301-952-3554 <b>Email:</b> Antoine.Heath@ppd.mncppc.org	



Planning Board Date:	01/27/2022
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Memorandum Date:	01/07/2022
Date Filed:	11/09/2021
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/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301-952-3530 for additional information.

January 7, 2022

**MEMORANDUM**

TO: The Prince George's County Planning Board

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

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

SUBJECT: **Preliminary Plan of Subdivision 4-06016  
Woodmore Towne Centre  
Extension Request**

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on September 9, 2006, and the resolution of approval was adopted on October 26, 2006 (PGCPB Resolution No. 06-212). This PPS was approved for 414 lots and 17 parcels and is valid through December 31, 2021, due to prior legislative extensions of the validity period. By letter dated November 9, 2021, Edward C. Gibbs, Jr of the Law Offices of Gibbs and Haller, requests a six-year extension until December 31, 2027. 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. 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 is over 150 acres and was approved for 1,750,000 square feet of commercial development and 1,079 dwelling units in the Mixed Use-Transportation Oriented Zone. Therefore, this PPS is eligible for a six-year validity period and 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 development; or**

Staff finds that this criterion has been met. In accordance with the PPS, the applicant was required to fund \$8.37 million for road improvements or make actual road improvements prior to issuance of any building permits. The applicant chose to make actual improvements, as determined by Maryland-National Capital Park and Planning Commission's 1997 *MD 202 Corridor Study*. These improvements exceeded the \$8.37 million. Aerial imagery confirms that the applicant has constructed the public roadway improvements needed to accommodate all stages of development.

- (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**

Litigation, in part, has prevented the completion of the development. Following the approval of the associated Detailed Site Plan DSP-07011, a petition for judicial review in the Circuit Court for Prince George's County in opposition to the proposed development was filed in October 2007. The Prince George's County District Council and the Planning Board's decision was upheld by the court in December 2008, after over a year of litigation. Environmental issues associated with wetlands on the site have also played a part in delaying the development. In accordance with the findings and

conditions of PPS 4-06016, Ruby Lockhart Boulevard is one of the major points of access into the site. This proposed right-of-way location disturbed wetland area, which required a joint permit to be approved by the Maryland Department of the Environment and the United States Army Corps of Engineers. This joint permit was approved in 2010, however, the Patuxent Riverkeeper filed challenges to approval with the Circuit Court for Prince George's County and the United States District Court for the District of Maryland. A settlement was eventually reached, and the cases dismissed, but not until August 2014. The litigation of the DSP and wetland permits lasted approximately six years.

Approximately 721,609 square feet of commercial development and the majority of the approved residential development has been constructed. Development has steadily proceeded on the site since at least 2010. However, the applicant alleges that due to the effects of the 2008 recession and the COVID-19 pandemic on the demand for new commercial development, it has been difficult to complete a development of this size. The demand for commercial offices has weakened due to telework necessity brought on by the COVID-19 pandemic and some retailers have been forced to close, including a major retailer at this site.

In light of this information, staff finds that the applicant has been proceeding in a diligent manner to complete the development and delays in completing the development have been to no fault of their own. Therefore, the criterion above has been satisfied.

**(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.**

Staff finds that the requisite criteria for granting the extension has been met and therefore, the PPS 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. Pursuant to the findings presented above, staff finds the criteria of Sections 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.