



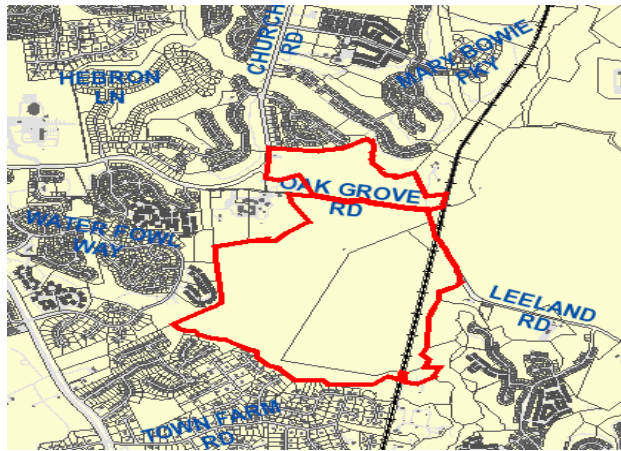
The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

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

Preliminary Plan of Subdivision

Locust Hill

4-06075

REQUEST		STAFF RECOMMENDATION	
Extension of preliminary plan of subdivision validity period.		APPROVAL of six-year extension	
Location: On the north and south sides of Oak Grove Road, east of Church Road, and east and west of the Popes Creek Branch Railroad Crossing with Oak Grove Road.			
Gross Acreage:	503.53		
Zone:	R-L		
Gross Floor Area:	N/A		
Dwelling Units:	554		
Lots:	554		
Parcels:	24		
Planning Area:	79		
Council District:	06		
Election District:	03		
Municipality:	None		
200-Scale Base Map:	201SE13, 202SE12, 202SE13, 203SE12, 203SE13		
Applicant: WBLH, LLC 19775 Belmont Executive Plaza, Suite 250 Ashburn, VA 20147			
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:		01/05/2022	
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 5, 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 4-06075
Locust Hill
Extension Request**

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on January 25, 2007, and the resolution of approval was adopted on March 15, 2007 (PGCPB Resolution No. 07-28(C)(A)). The PPS is approved for 24 parcels and 554 lots and is valid through December 31, 2021, due to prior legislative extensions of the validity period. By letter dated November 3, 2021, and supplemented by letter dated December 29, 2021, Robert J. Antonetti, Jr. of the Law Offices of Shipley & Horne, P.A., requests a six-year extension until December 31, 2027. This is the applicant's second extension request, with the first having been a two-year extension approved by the Planning Board in June 2013, during the period of legislative extensions.

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 a 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 that must be considered are shown in **bold** text and staff's analysis of 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 was approved for 554 residential dwelling units and is therefore, eligible for a six-year validity period and eligible for an extension, subject to the criteria below. Nonetheless, this project has remained valid for 14 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, the applicant is in the process of obtaining approvals for infrastructure, including reconstruction of Leeland Road and a future 10-acre park. However, in order to meet this criterion, the applicant needs to have actually constructed infrastructure to serve the development. Infrastructure has not been constructed thus far, and therefore, staff does not find that this criterion has been 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. Maryland-National Capital Park and Planning Commission (M-NCPPC) applications which have been submitted and/or approved from 2016 to present, include a natural resource inventory, a Type 2 tree conservation plan, reconsideration of the subject PPS, specific design plans, a basic plan amendment, a comprehensive design plan amendment, and a record plat. Applications to other agencies include site development concept plans and grade establishment plans submitted to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), and an erosion and sediment control plan submitted to the Prince George's Soil Conservation District. The projects listed have been

approved, are currently in process, or have been submitted for pre-acceptance.

The inactivity of the project between 2007 and 2016 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. However, since 2016, the applicant has continued to pursue development of the project.

The applicant has been working with DPIE to obtain approval of an acceptable road section for master planned roadway MC-600 (Leeland Road). This road will replace Oak Grove Road where it passes through the property and provide a new connection between the existing Leeland Road east of the property and the fully dedicated portion of Oak Grove Road west of the property. The applicant provides that final agreement with DPIE on the location of the new road was critical for determining the ingress/egress points to the project, as well as the boundaries of the public and private open space, and that plats could not be processed, nor site development permits issued, until such agreement was reached. Due to the need to finalize this major design feature with DPIE before further applications could be processed, in addition to the length of time needed to proceed through the application processes of both DPIE and M-NCPPC, staff finds that it has not been the fault of the developer that they were unable to complete development within the validity time frame.

(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.

By virtue of the positive findings given above for Section 24-119(d)(6)(B)(ii), staff finds that the applicant is eligible for a six-year extension, as requested.

Although an analysis of 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 six-year extension. If a six-year extension is approved, the PPS will be valid through December 31, 2027.