



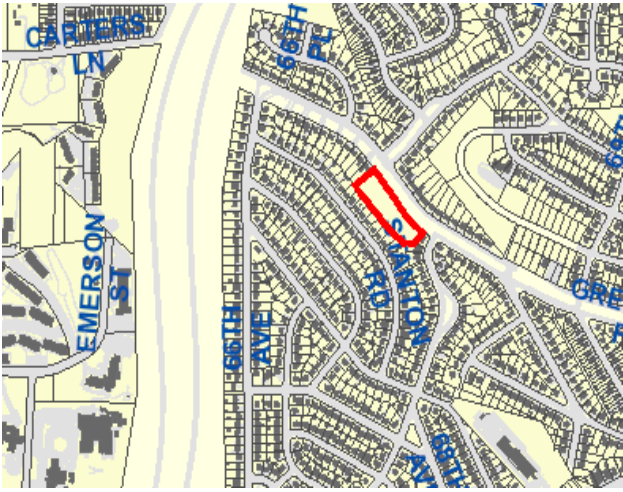
The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Development Review Division  
301-952-3530

Note: Staff reports can be accessed at <http://mncppc.ig2.com/Citizens/Default.aspx>

# Preliminary Plan of Subdivision Greenvale Parkway

4-06116

REQUEST	STAFF RECOMMENDATION
Extension of preliminary plan of subdivision validity period.	DISAPPROVAL of a one-year extension

<b>Location:</b> Along the west side of Greenvale Parkway, at its intersection with Furman Parkway.			
Gross Acreage:	2.14		
Zone:	RSF-65		
Prior Zone:	R-55		
Reviewed per prior Subdivision Regulations:	Section 24-1704		
Gross Floor Area:	N/A		
Dwelling Units:	8		
Lots:	8		
Parcels:	0		
Planning Area:	69		
Council District:	03		
Municipality:	N/A		
<b>Applicant Address:</b> Teabow Residential LLC Walter S. Bowman, Sr. 519 C Street, NE Washington DC 20002		Planning Board Date:	02/09/2023
<b>Staff Reviewer:</b> Eddie Diaz-Campbell <b>Phone Number:</b> 301-952-3665 <b>Email:</b> Eddie.Diaz-Campbell@ppd.mncppc.org		Planning Board Action Limit:	N/A
		Mandatory Action Timeframe:	N/A
		Memorandum Date:	01/23/2023
		Date Filed:	12/29/2022
		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.



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
www.pgplanning.org

January 23, 2023

## MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Eddie Diaz-Campbell, Planner II, Subdivision Section *SC* for EDC  
Development Review Division

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

SUBJECT: **Preliminary Plan of Subdivision 4-06116  
Greenvale Parkway  
Extension Request**

This Preliminary Plan of Subdivision (PPS), 4-06116, was approved by the Prince George's County Planning Board on May 3, 2007, and the resolution of approval was adopted on May 31, 2007 (PGCPB Resolution No. 07-95). The PPS was approved for eight single-family detached lots and was valid through December 31, 2022, due to prior legislative extensions of the validity period and a one-year extension approved by the Planning Board on February 10, 2022. By letter dated December 12, 2022, Walter S. Bowman, Sr, of TeaBow Residential LLC, requests a one-year extension until December 31, 2023. This is the applicant's second extension request.

In accordance with Section 24-1704 of the Prince George's County Subdivision Regulations, subdivision approvals of any type remain valid for the period of time specified in the Subdivision Regulations under which the subdivision was approved. Extensions of time, which were available under those Subdivision Regulations, shall remain available. Section 24-119(d)(5)(A) of the prior Subdivision Regulations authorizes the Planning Board to grant an extension to the normal expiration of a PPS provided criteria (i) through (v) are met. In the letter of request, the applicant does not address the criteria for approval. The criteria that must be considered are shown in **BOLD** text and staff's analysis is provided in plain text.

### **Section 24-119(d):**

- (5) **An approved preliminary plan of subdivision shall remain valid for two (2) years from the date of its approval unless an extension of the validity period is granted.**

**(A) Extensions of the validity of an approved preliminary plan may be granted by the Planning Board provided:**

**(i) The request is filed prior to the expiration of the preliminary plan approval;**

This extension request was filed on December 29, 2022, prior to the expiration of the plan on December 31, 2022. Therefore, this criterion is met.

**(ii) The preliminary plan remains in conformance with all the requirements of Subtitle 27 applicable to the subject property;**

Although the applicant did not address this criterion, staff finds the above criterion (ii) to be met, as the subdivision was approved in accordance with the prior One-Family Detached Residential (R-55) zoning of the subject property, which remains applicable under the prior Prince George's County Zoning Ordinance.

**(iii) Two (2) years is not sufficient time to prepare the final plat(s);**

The current applicant does not address this specific criterion in the request now submitted, but does indicate they have recently purchased the subject property. The Planning Board previously granted a one-year extension of this PPS in finding the following:

Condition 7 of the PPS resolution (PGCPB Resolution No. 07-95) requires approval of a detailed site plan (DSP), prior to approval of the final plat. This DSP is required to include, but not be limited to review of screening through tree preservation and/or landscape bufferyards, any revisions resulting from the approval of the stormwater management (SWM) concept plan, and review of building materials and design to ensure compatibility with neighboring homes. As a result of these requirements, certain items needed for the DSP are to be redesigned, and re-approved, causing delays. Specifically, the applicant pursued and gained approval of a SWM concept plan in 2018 and filed the requisite DSP in 2019. The applicant received pre-acceptance review comments for the DSP in September 2019, and in September 2020, and in the process of working on those comments, further delays were caused by the COVID-19 pandemic. The applicant provides that the pandemic caused an uncertain environment which delayed their preparation of plans and progress of the project.

From the time of the PPS approval until now, the applicant has benefited from multiple legislative extensions via the Prince George's County Council. This includes Prince George's County Council Bills CB-7-2010, CB-8-2011, CB-70-2013, CB-80-2015, CB-98-2017, CB-60-2018, and CB-74-2020. These extensions were enacted to allow a PPS to remain valid for an extended period of time, due to a weakened market from the nationwide 2007–2009 recession, the poor market conditions that followed, and the COVID-19 pandemic. The market factors and legislative extensions were determinative that two years was not sufficient time to prepare the final plats.

Since the granting of the prior extension, staff did not find that further submission of the DSP has been made towards completing the requisite approvals to obtain final plat approval. Therefore, staff finds this criterion has not been met.

**(iv) The applicant is not unduly delaying the filing of the final plat(s);**

The current applicant does not address this specific criterion in the request now submitted, but does indicate they have recently purchased the subject property. The Planning Board previously granted a one-year extension of this PPS in finding the following:

The applicant has not delayed the filing of the final plats, and factors outside their control have led to their inability to proceed with preparation of the final plats. As described above, the market recession and COVID 19 pandemic are both factors outside of the applicant's control. The applicant states that they attempted to sell the property, but were unable to do so given the market conditions at the time following the PPS approval. After not being able to sell the property, the applicant decided to move forward with development.

They proceeded to prepare appropriate slope analysis to gain SWM concept plan approval in 2018. In 2019, the applicant filed the DSP for the project, prepared additional documents and plans required, including architectural elevation and landscape plans, and resubmitted the DSP package in 2020. During the pre-acceptance review of the DSP plans and documents, staff identified major issues which the applicant must address prior to moving forward with the DSP. Specifically, the current environmental conditions of the site must be recertified, and steep slopes on the property, resulting in the need for retaining walls, must be carefully designed to stabilize the property, meet height requirements, and be economically viable to construct and be maintained

by the future homeowners. The applicant intends to proceed to finalize the design and prepare the necessary plans should this extension request be approved. The applicant is not unduly delaying the filing of the final plat.

Since the granting of the prior extension, staff did not find that further submission of the DSP has been made towards completing the requisite approvals to obtain final plat approval. Therefore, staff finds this criterion has not been met.

- (v) The validity of a preliminary plan consisting of less than one hundred (100) residentially zoned lots or less than one hundred (100) gross acres of commercially or industrially zoned land or land designated for nonresidential uses in any CDZ or M-X-T Zone shall not be extended more than one (1) year from the normal expiration of the approved preliminary plan;**

The current applicant does not address this specific criterion in the request now submitted. This is the second extension requested, which would extend the validity of the PPS beyond one-year of the normal expiration. Therefore, this criterion is not met.

A sixth criterion provides circumstances under which the Planning Board may grant final extensions of the validity as follows:

**Section 24-119(d)(5)(A):**

- (vii) A final extension of up to two (2) years from the expiration of a previously approved extension(s) may be granted upon the applicant's submission to the Planning Board of a letter from a permitting agency (including, but not limited to the Washington Suburban Sanitary Commission, U.S. Army Corps of Engineers, Maryland Department of Water Resources Administration, Prince George's County Department of Permitting, Inspections, and Enforcement) indicating:**

- (aa) The date of application for the required permit;**
- (bb) That the issuance of the required permit is delayed due to circumstances beyond the control of the applicant; and**
- (cc) The approximate date of issuance of the required permit.**

The current applicant does not address this specific criterion in the request now submitted. It is noted that staff did correspond with the applicant regarding the required criteria that would need to be justified on December 9, 2022, and provided the applicant with an example of an extension request showing how the criteria should be outlined in their request on December 20, 2022. Staff finds the above criteria is not met.

Pursuant to the findings presented above, staff recommends that the Planning Board DISAPPROVE the requested one-year extension.