



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

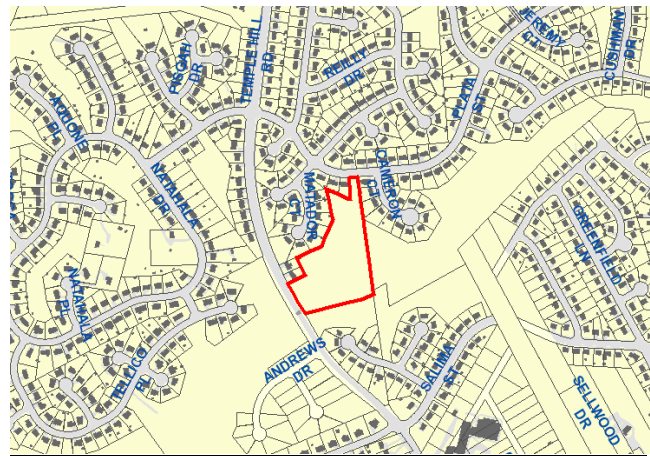
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

# Preliminary Plan of Subdivision Clinton View

## 4-07062

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

<b>Location:</b> Located on the east side of Temple Hill Road, 1,200 feet south of Plata Street	
Gross Acreage:	7.36
Zone:	R-80
Gross Floor Area:	N/A
Dwelling Units:	8
Lots:	8
Outlots:	1
Planning Area:	81A
Council District:	09
Election District:	09
Municipality:	N/A
200-Scale Base Map:	212SE04 & 212SE05
<b>Applicant Address:</b> 9111 Temple Hill Development, LLC 36 Alexandria Drive Oxon Hill, MD 20743	
<b>Staff Reviewer:</b> Mridula Gupta <b>Phone Number:</b> 301-952-3504 <b>Email:</b> Mridula.Gupta@ppd.mncppc.org	



Planning Board Date:	02/03/2022
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Memorandum Date:	01/14/2022
Date Accepted:	12/02/2021
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.



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
[www.pgplanning.org](http://www.pgplanning.org)

January 14, 2022

## MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Mridula Gupta, Planner Coordinator, Subdivision Section  
Development Review Division

VIA: Sherri Conner, Planning Supervisor, Subdivision Section  
Development Review Division

SUBJECT: **Preliminary Plan of Subdivision 4-07062  
Clinton View  
Extension Request**

This Preliminary Plan of Subdivision (PPS), 4-07062, was approved by the Prince George's County Planning Board on February 7, 2008, and the resolution of approval was adopted on April 3, 2008 (PGCPB Resolution No. 08-26). The PPS was approved for eight lots and one outlot for development of eight single-family detached dwellings. PPS 4-07062 is valid through December 31, 2021, due to prior legislative extensions of the validity period. By letter dated December 2, 2021, Mike Razavi of Raztec Associates, Inc., representing 9111 Temple Hill Development, LLC, requests a one-year extension until December 31, 2022. This is the applicant's first extension request.

Section 24-119(d) of the Prince George's County Subdivision Regulations authorizes the Planning Board to grant an extension to the normal expiration of a PPS. In the instance of the subject PPS, the criteria which must be considered are shown in **BOLD** text and staff analysis of conformance to each criterion is provided in plain text:

- (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;**

The applicant filed the extension request on December 2, 2021, before the application expired. Therefore, this criterion is satisfied.

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

Staff researched the prior approvals for Clinton View and concluded that the PPS remains in conformance with all requirements of Subtitle 27. Therefore, this criterion is satisfied.

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

Staff finds that since approval of the PPS, the property has changed ownership twice. The property underwent a tax sale in 2015, and then resold in 2017 to the current owner. Prior to 2017, the past property owners did not initiate any steps toward the development of the property.

The applicant states that the current property owner reinitiated the permitting process after buying the property in 2017. In their letter dated December 2, 2021, and supplemental information provided to staff on January 6, 2022, via email, the applicant documents the actions taken by the applicant in effort to obtain the required approvals from 2017 through 2021. The applicant also states that associated field work and engineering work was temporarily halted during the peak COVID-19 pandemic period. Staff has determined that this documentation is accurate and supports a decision to extend the validity date of the PPS.

Condition 17 of the resolution of approval of PPS 4-07062 requires approval of a detailed site plan (DSP) before final plats can be approved. The applicant submitted a DSP for review in 2018, however, several items which were required for acceptance of the DSP application expired in the intervening years between PPS approval in 2008 and 2017 given the lack of progress toward final development approvals during that time, prior to purchase by the current applicant. Staff finds that the applicant submitted an application for a new stormwater management (SWM) concept plan to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) in March 2019, but the case did not proceed to review until August 2019. As part of the permitting process with DPIE, the applicant obtained approval of the floodplain delineation on December 6, 2021. However, the SWM concept plan is still pending approval. A new Natural Resources Inventory (NRI) application was accepted for review in June 2017 and approved in October 2020. The NRI depicts a new boundary and topographical survey and a new wetland delineation performed in March and April

2017. The timelines corroborate the applicant's claim of efforts to develop the property, and that these efforts were set back by the COVID-19 pandemic.

Staff finds that legislative extensions via Prince George's County Council Bills CB-7-2010, CB-8-2011, CB-70-2013, CB-80-2015, CB-98-2017, and CB-60-2018, were enacted to allow a PPS to remain valid for an extended period of time, due to a weakened market from the nationwide recession, and to allow adjustment to current market conditions. The enactment of CB-74-2020 followed thereafter and further extended the validity of PPS, considering the COVID-19 pandemic. Staff finds this PPS has benefitted from several legislative extensions, which were enacted to address any delays caused by market conditions and the COVID-19 pandemic and that these extensions were determinative that two years from the original date of approval was not sufficient time to prepare the plats. In addition, given the earnest efforts to proceed toward gaining development approvals and preparation of the final plat have commenced since 2017, staff finds that the above criterion has been met.

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

The applicant has not delayed the filing of the final plats. Since buying the property in March 2017, the applicant has been proceeding in a timely manner to file the final plat. In order to preserve the development rights of the property, the applicant filed DSP-17028 in March 2018. The DSP has not yet been accepted and in order to address the pre-acceptance review comments generated by staff, the applicant has since been working to obtain the necessary approvals required for a resubmittal. The applications which have been either approved or are currently in review include a new NRI-119-2017 filed in 2017 and approved in 2020, floodplain delineation filed in 2019 and approved by DPIE in 2021, and a SWM concept plan application filed with DPIE in 2019. These applications, along with submittal of a DSP in 2018, do show that the applicant has been pursuing entitlement approvals since 2017.

The applicant stated that they are close to obtaining approval of their SWM concept plan through DPIE and will be able to resubmit the DSP application for review. The applicant expresses their confidence that a one-year extension of the PPS will serve to file the final plat. Staff notes that the DSP and Type 2 tree conservation plan (TCP2) cannot be completed until the site layout and location of SWM facilities are finalized. Approval of the floodplain delineation by DPIE in December 2021 will enable approval of the SWM concept plan, and in turn, submittal of the DSP and TCP2. Considering this evidence, staff finds that the applicant is not unduly delaying the filing of the final plat, and that the above criterion has 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;**

This is the first extension requested by the applicant which is not more than one year. It is noted that the normal expiration of two years was deferred from April 3, 2010 to December 31, 2021, in accordance with legislative extensions approved by the Prince George's County Council.

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