



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

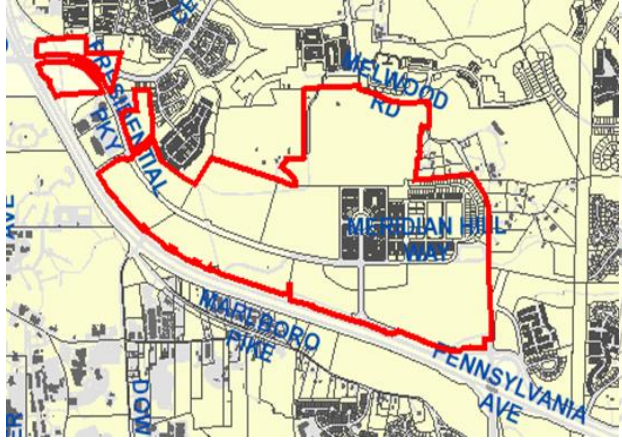
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Preliminary Plan of Subdivision Westphalia Center

4-08002

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

Location: North of MD 4 (Pennsylvania Avenue), from the Suitland Parkway interchange to the Woodyard Road interchange.	
Gross Acreage:	482.57
Zone:	M-X-T
Gross Floor Area:	5,900,000 sq. ft.
Lots:	1,352
Parcels:	211
Planning Area:	78
Council District:	06
Election District:	15
Municipality:	N/A
200-Scale Base Map:	206SE08, 207SE08, 206SE09, 207SE09
Applicant/Address: Sandler at Westphalia, LLC 4110 Melwood Road Upper Marlboro, Maryland 20772	
Staff Reviewer: Antoine Heath Phone Number: 301-952-3554 Email: Antoine.Heath@ppd.mncppc.org	



Planning Board Date:	12/09/2021
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Memorandum Date:	12/02/2021
Date Filed:	10/27/2021
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.

December 2, 2021

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 4-08002
Westphalia Center
Extension Request**

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on June 4, 2009, and the resolution of approval was adopted on June 25, 2009 (PGCPB Resolution No. 09-93). This PPS was approved for 1,352 lots and 211 parcels and is valid through December 31, 2021, due to prior legislative extensions of the validity period. By letter dated October 26, 2021, William M. Shipp of O'Malley, Miles, Nylén & Gilmore, P.A., 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. In the instance of the subject PPS, the following criteria apply given the recent adoption of Prince George's County Council Bill CB-93-2021:

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 exceeds the minimum development requirements to have been valid for six years and to be eligible for extension subject to the criteria below. This project has remained valid for 12 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 a significant amount of the public infrastructure, which the developer is responsible for in accordance with the PPS approval, and pursuant to the requirements of Section 24-122.01 and Section 24-124 of the Subdivision Regulations, has been constructed for some areas and is progressing toward completion. This includes Presidential Parkway and the Woodyard Road interchange at MD 4, and roadways and stormwater management facilities internal to the subdivision. These major roadway improvements form the main access to Westphalia Center and accommodate all stages of development. Therefore, staff finds 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**

Staff finds that the applicant has been proceeding with platting of the PPS since 2013, and portions of the development have been completed on the southern portion of the property. Namely, development of Phase 1 of the Westphalia Town Center has been completed, Town Center East has an approved detailed site plan (DSP) and has been partially platted, and Town Center North has an approved DSP. The applicant provides that the size and complexity of the project, and fluctuations in the private market, have caused delays beyond their control. However, the applicant has not elaborated on the causes of their inability to complete development within the time frame specified, given the legislative extensions granted to account for market conditions which have enabled this PPS to remain valid for 12 years, and have not clearly demonstrated that delays have been through no fault of their own. Therefore, staff does not find that the criteria 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 put forth any information that would indicate that the staging plan cannot be met as a result of government failure to extend necessary services or infrastructure. This criterion has not been met.

- (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.**

A six-year extension is not available to the applicant, as this cannot be granted until January 1, 2022, and thereafter. Therefore, an extension up to two-years is the only option available to the applicant.

Although justification for each of the criteria is indicated 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 criterion under subsection (B)(i) has been met, and pursuant to the findings presented above, staff recommends that the Planning Board approve a two-year extension.