



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

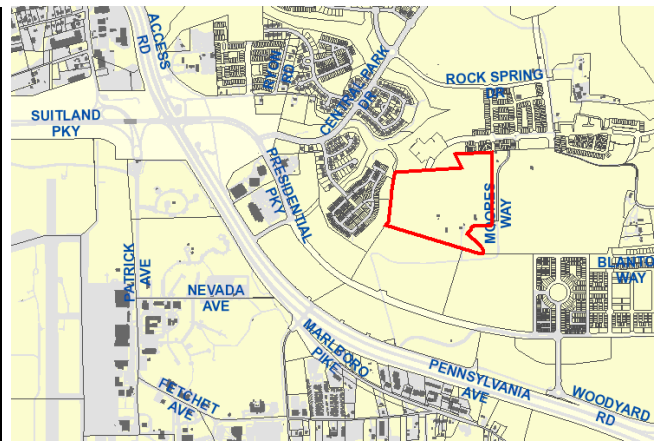
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

# Preliminary Plan of Subdivision 4-08018

## Moore Property

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

<b>Location:</b> Approximately 5,000 feet southeast of the intersection of Suitland Parkway and MD 4 (Pennsylvania Avenue).	
Gross Acreage:	47.70
Zone:	M-X-T
Gross Floor Area:	3,000 sq. ft.
Dwelling Units:	640
Lots:	375
Parcels:	52
Planning Area:	78
Council District:	06
Election District:	15
Municipality:	N/A
200-Scale Base Map:	206SE08 and 206SE09
<b>Applicant Address:</b> Evangel Cathedral, Inc. 13901 Central Avenue Upper Marlboro, MD 20772	
<b>Staff Reviewer:</b> Mridula Gupta <b>Phone Number:</b> 301-952-3504 <b>Email:</b> Mridula.Gupta@ppd.mncppc.org	



Planning Board Date:	01/20/2022
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Memorandum Date:	01/06/2022
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/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301-952-3530 for additional information.



January 6, 2022

TO: The Prince George's County Planning Board

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

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

SUBJECT: **Preliminary Plan of Subdivision 4-08018  
Moore Property  
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 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 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 approval includes 640 dwelling units and therefore, 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 more than 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 the development; or**

The applicant is in the process of securing the remaining entitlements that will lead to the construction of public infrastructure as part of the Moore Property development. Said infrastructure includes the master plan road MC-637 (Dower House Road) connection that is planned to traverse the property. Condition 32 of PGCPB Resolution No. 09-95(A), for PPS 4-08018, includes conditions of approval which list the critical on-site and off-site public road infrastructure which were determined to be the developer's responsibility. The developer is also required to make financial contributions, pursuant to the Public Facilities Financing and Implementation Program, for the funding of critical transportation improvements in the Westphalia area.

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**

The applicant cites two events which have significantly slowed the development progress for the project since its initial approval in 2009: the economic downturn and the COVID-19 pandemic. The applicant claims that the economic downturn led the project to pause development, and that the disruptions caused by the pandemic to the real estate economy and labor and material shortages continue to impact the project's development. These two events have hindered the developer's ability to complete the project within the original validity period, and per the applicant, are not the fault of the developer.

Staff finds that legislative extensions via 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 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 preliminary plans of subdivision, in light of 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.

However, staff finds that approval of PPS 4-08018 conditioned that prior to a final plat for the Moore Property, adequate access roads to serve the Moore Property must be dedicated to connect to the public street system either through the Smith Home Farm (also known as Parkside) property or Westphalia Center development. This requirement is included as Condition 16 of PGCPB Resolution No. 09-95(A), and is provided below:

**16. Prior to any final plats for the Moore property, adequate access roads to connect the Moore property to the public street system shall be dedicated.**

The Moore Property is sandwiched between the developing portions of Parkside (Section 5 and 6) to the north and the Westphalia Town Center to the south and east. The Moore Property has no independent access to any existing public road network and is essentially land locked. A portion of MC-637 (Dower House Road), located south of Moore Property, and which will connect to Presidential Parkway and MD 4 (Pennsylvania Avenue), will be dedicated with the final plats for Westphalia Town Center, Phase 1. The portion of MC-637 located north of Moore Property, and which will connect to future MD 223 (Woodyard Road), has been dedicated with the final plats for Smith Home Farm. Adequate roads have yet to be dedicated or constructed to allow for access to the Moore Property. Right-of-way for MC-637 located in Westphalia Center has not been dedicated, while the right-of-way for portion of MC-637 located within Parkside was dedicated in

a series of plats recorded in the Prince George's County Land Records in July 2021.

In their letter dated December 29, 2021, the applicant anticipates that the roads through Parkside will be fully constructed and open for access in 2022–2023, thus providing the Moore Property adequate access to the public street system and satisfying Condition 16 of the resolution.

Since the Moore Property is completely dependent upon its neighbors to provide public road access, without access, the project cannot obtain plat approvals (per PPS Condition 16), and without plat approvals, it cannot obtain the necessary site development permits to construct the project. Therefore, the applicant is not able to unilaterally complete development until access across neighboring properties is assured. Staff finds that the issue with access is beyond the applicant's control and is preventing the development of the Moore Property from being completed.

Staff notes that Detailed Site Plans DSP-09015 and DSP-09033 for infrastructure were filed by the applicant in 2010 and 2011, respectively, covering the Moore Property. However, these DSPs have not moved forward and are currently inactive due to the project's dependency on neighboring infrastructure to proceed first. Staff finds that the DSPs filed by the applicant demonstrate diligence in pursuing the necessary development approvals and that the inability to develop the project has been to no fault of their own.

**(iii) The staging plan applied to the approval cannot be met as a result of government failure to extend necessary services or infrastructure.**

In their letter dated November 3, 2021, the applicant documents that funding for critical portions of Presidential Parkway, which when constructed will provide access to the Moore Property, were approved by the Prince George's County Council in 2017.

The traffic impact analysis, which was submitted with the PPS, was predicated on completion of Presidential Parkway between Pennsylvania Avenue and Woodyard Road, and completion of MC-637 between Presidential Parkway and entrance to the Moore Property. Condition 32.f. of PGCPB Resolution No. 09-95(A) requires that these two roads be constructed before building permits can be issued within the subject property. Demonstration of conformance with Condition 32 is required at the time of building permits and does not prohibit the applicant from proceeding to final plats for the property. Staff finds that the applicant has not justified a government failure to extend necessary services or infrastructure which has resulted in an inability to proceed with the project. Therefore, staff does not find that this criterion has 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.**

The applicant has expressed optimism about the positive economic trends in the local real estate economy and is confident that they are in a good position to complete the development of the Moore Property, if the PPS validity period is extended. The applicant is planning for phasing the development with 75–100 units per year in a good real estate market and asserts that a six-year extension of the PPS is the minimum necessary to allow sufficient time for the project to be platted commensurate with this anticipated pace of development. 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.

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.