



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 4-08019

## Commons at Addison Road II

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

<b>Location:</b> On the west side of Addison Road, 1,000 feet south of its intersection with MD 214 (Central Avenue).	
Gross Acreage:	1.00
Zone:	C-S-C/D-D-O
Gross Floor Area:	N/A
Parcels:	1
Lots:	0
Outlots:	0
Planning Area:	75A
Council District:	07
Election District:	18
Municipality:	N/A
200-Scale Base Map:	201SE06
<b>Applicant Address:</b> 6301 Central Avenue, LLC 1738 Elton Road Silver Spring, MD 20903	
<b>Staff Reviewer:</b> Mridula Gupta <b>Phone Number:</b> 301-952-3504 <b>Email:</b> Mridula.Gupta@ppd.mncppc.org	



Planning Board Date:	02/17/2022
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Memorandum Date:	02/02/2022
Date Accepted:	12/29/2021
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)

February 2, 2022

## MEMORANDUM

TO: The Prince George's County Planning Board

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

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

SUBJECT: **Preliminary Plan of Subdivision 4-08019  
Commons at Addison Road II  
Extension Request**

This Preliminary Plan of Subdivision (PPS), 4-08019, was approved by the Prince George's County Planning Board on September 4, 2008, and the resolution of approval was adopted on September 25, 2008 (PGCPB Resolution No. 08-124). The PPS was approved for one parcel for development of a private parking garage. PPS 4-08019 is valid through December 31, 2021, due to prior legislative extensions of the validity period. By letter dated December 29, 2021 and supplemental letter dated January 28, 2022, Christopher Hatcher of CLHatcher, LLC, representing 6301 Central Avenue, 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 29, 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 Commons at Addison Road II and concluded that the PPS remains in conformance with all requirements of Subtitle 27 of the Prince George's County Code.

The applicant is the owner of the subject property (Parcel 87) and adjoining properties, Parcel A and Lot 5, Block B. While development of Parcel 87 is the subject of PPS 4-08019, adjoining Parcel A is the subject of PPS 4-05068. PPS 4-08019 was approved for one parcel for a parking garage on the subject property and required that any parking shown within this parcel be ancillary to the uses within PPS 4-05068. The combined properties form the development site and are the subject of Detailed Site Plan DSP-06001 and its associated amendments which propose to construct a mixed-use building including 193 multifamily dwelling units and commercial use, and parking on the subject properties. More specifically, the development is in accordance with the most recent DSP-06001-03 amendment, which was approved by the Prince George's County District Council on October 26, 2020 and found to be in conformance with the applicable PPS and Subtitle 27. Therefore, this criterion is satisfied.

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

The District Council's approval for DSP-06001-03 includes the following condition:

**5. Prior to approval of any building permits, the applicant shall:**

- d. Submit a final plat that consolidates the entirety of the land areas that comprise Preliminary Plans of Subdivision (PPS) 4-05068 and 4-08019 for approval. The plat shall be filed in accordance with PPS 4-08019 and incorporate Parcel A from PPS 4-05068, in accordance with Section 24-108 of the Subdivision Regulations.**

**Notes shall be added to the final plat that clearly delineate the underlying approvals and their applicability to each of the land areas.**

Staff finds that litigation surrounding the development approvals for the site have taken time to resolve, and therefore, have extended the normal time need to prepare the final plats. Further details and timeline of these litigations are documented under criterion four (iv) below.

As previously stated, PPS 4-08019 approved one parcel for a parking garage on the subject property and required that any parking shown within this parcel be ancillary to the uses within PPS 4-05068. In addition, staff notes that Condition 5 of the District Council's approval of DSP-06001-03 requires that the land areas comprising PPS 4-08019 and PPS 4-05068 be consolidated. Such a final plat could not be filed until the litigations associated with PPS 4-05068 and DSP-06001-03 ended, given the consolidation of the properties was dependent on the plan approval which proposed the properties be developed together.

In addition, given the earnest efforts to proceed toward gaining development approvals and preparation of the final plat since 2008, staff finds that the above criterion has been met.

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

Staff found that since approval of PPS 4-08019 in 2008, the applicant has not delayed the filing of the final plats and that they have been proceeding in a timely manner to file the final plat. The subject property has been in possession by the current owners since 2007, either as individuals or as sole partners of a limited liability company. Lot 5, Block B was acquired by the then owner and developer of Parcel A (Dawn Limited Partnership) in June 2009. The applicant then filed an amendment to DSP-06001-01 seven months later in January 2010, to incorporate Lot 5, Block B and the subject property (Parcel 87) into the development design. Based upon staff research, various applications filed by the applicant, which were approved by the Planning Board and the District Council, have not moved to certification due to objections/appeals filed with the Planning Board and petitions for judicial review filed with Prince George's County Circuit Court opposing their approval.

- DSP-06001-01 was filed on January 21, 2010, to incorporate the subject property into the DSP. The DSP was approved by the Planning Board on April 8, 2010, and by the District Council on October 4, 2010. An appeal to the Planning Board's approval for this case was filed on March 10, 2010 and a petition for judicial review was filed with the District Council on November 8, 2010.

- DSP-06001-03 was filed on April 19, 2019, to revise the quantities of use on the combined properties (Parcel A, Parcel 87, and Lot 5, Block B). This DSP was approved by the Planning Board on April 9, 2020 and by the District Council on October 26, 2020. An appeal to the Planning Board's approval for this case was filed on June 2, 2020 and a petition for judicial review was filed with the District Council on November 23, 2020. On July 9, 2021, the District Court affirmed the approval of the DSP amendment.
- On December 18, 2019, a reconsideration request was filed for PPS 4-05068, relating to access of Parcel A, and was approved by the Planning Board on April 9, 2020. A petition for judicial review was filed with the District Council on July 30, 2020, and on November 2, 2021, the Circuit Court affirmed the approval of the PPS reconsideration.

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. The enactment of CB-74-2020 followed thereafter and further extended the validity of preliminary plans of subdivision, considering the COVID-19 pandemic. These legislative extensions were enacted during the time between the initial development approval in 2010 and the amendments to that approval filed in 2019.

Considering this evidence of continuous litigation which has lengthened the normal development process of the property, and the delays cause by the nationwide recession and COVID-19 pandemic, 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 September 25, 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.