



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 Grande Vista

4-08060

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

Location: On the west side of Clay Drive, approximately 500 feet north of its intersection with Potomac Valley Drive.

Gross Acreage: 18.36

Zone: R-R

Gross Floor Area: N/A

Dwelling Units: 19

Lots: 19

Parcels: 3

Planning Area: 80

Council District: 08

Election District: 12

Municipality: N/A

200-Scale Base Map: 211SW01

Applicant/Address:

Grande Vista, LLC
1474 Belmont Street, NW
Washington DC, 20009

Staff Reviewer: Eddie Diaz-Campbell

Phone Number: 301-952-3665

Email: Eddie.Diaz-Campbell@ppd.mncppc.org



Planning Board Date: 02/17/2022

Planning Board Action Limit: N/A

Mandatory Action Timeframe: N/A

Memorandum Date: 02/03/2022

Date Filed: 12/28/2021

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.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

February 3, 2022

MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Eddie Diaz-Campbell, Senior Planner, Subdivision Section
Development Review Division

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

SUBJECT: **Preliminary Plan of Subdivision 4-08060
Grande Vista
Extension Request**

This preliminary plan of subdivision (PPS), 4-08060, was approved by the Prince George's County Planning Board on April 8, 2010, and the resolution of approval was adopted on April 29, 2010 (PGCPB Resolution No. 10-51). The PPS was approved for 19 lots and 3 parcels and was valid through December 31, 2021, due to prior legislative extensions of the validity period. By letter dated December 28, 2021, Thomas H. Haller of Gibbs and Haller, Attorneys at Law, requests a one-year extension until December 31, 2022. This is the applicant's first extension request.

Sections 24-119(d)(5) and (6) of the Prince George's County Subdivision Regulations authorize the Planning Board to grant an extension to the normal expiration of a PPS. Specifically, for the subject PPS, Section 24-119(d)(5)(A)(i) through (v) provides the required findings for the Planning Board to grant an extension of the plan's validity period because the PPS consists of less than 100 residentially zoned lots. 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):

- (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 28, 2021, prior to the expiration of the plan on December 31, 2021. Therefore, this criterion is met.

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

The PPS was approved with conditions which would bring it into conformance with the regulations of the Rural Residential (R-R) Zone, and these conditions are still applicable. The property has remained in the R-R Zone since the PPS was approved in 2010. The 2014 *Chesapeake Bay Critical Area Sectional Map Amendment* may have placed approximately 780 square feet of the property at its western end, into the Limited Development Overlay Zone of the Chesapeake Bay Critical Area (CBCA). However, this cannot not be confirmed without a survey showing the property's distance from the mean high tide line of the Potomac River. In addition, this area does not include any dwellings, only a proposed footpath, which would provide less than 500 square feet of disturbance within the CBCA; therefore, a Subtitle 5B conservation plan would not be required. Based on these findings, the plan remains in conformance with all the requirements of Subtitle 27. It is noted that the PPS must be certified, and a detailed site plan (DSP) approved; these approvals will ensure conformance with the conditions of the PPS approval.

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

Staff finds that there has not been sufficient time to prepare final plats for the subject property. Though the plan has remained valid for the past 11 years due to prior legislative extensions of the plan's validity period, between 2010 and 2015, the applicant was unable to move forward with development due to weakened market conditions arising from the 2007 to 2009 nationwide recession. Legislative extensions via Prince George's County Council Bills 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 recession, and to allow adjustment to current market conditions. The enactment of CB-74-2020 followed thereafter, and further extended the validity of PPS, in light of the COVID-19 pandemic.

The applicant resumed work on the project in 2015 by gathering the necessary information to allow it to market the lots. However, in April 2017, a District of Columbia Air National Guard fighter jet crashed near Joint Base Andrews, resulting in a debris field

stretching from the crash site to National Harbor, which included the subject site. A tank containing 1,000 pounds of jet fuel crashed into the property, contaminating the soil. Since this unforeseeable event, the United States Department of the Air Force has performed some cleanup on the property (in 2018), but the applicant found it was insufficient. The applicant needed to perform additional work on their own to document the remaining contamination, as well as pursue a lawsuit against the United States Air Force in order to have them complete the needed mitigation. The applicant has focused their efforts since 2018 to address the effects of the crash, and so has not been able to move forward to certification of the PPS or the filing of a DSP, both of which are required before a plat can be approved. Approval of a one-year extension will allow the applicant additional time to address the contamination and gain the approvals necessary to file a final plat.

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

Staff finds that the applicant is not unduly delaying the filing of the final plats. As stated above, the applicant has needed to focus their efforts over the past four years to address the environmental issues caused by the soil contamination. The crash was an event outside of the applicant's control, and its effects must be addressed before the applicant can take the necessary steps to file a final plat.

(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, and it is for not more than one year. Therefore, this criterion is met. The normal expiration of two years was deferred from April 8, 2012 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 the requested one-year extension. If a one-year extension is approved, the PPS will be valid through December 31, 2022.