



Note: Staff reports can be accessed at www.mnccppc.org/pgco/planning/plan.htm.

Preliminary Plan 4-09041 Extension Request

Application	General Data	
Project Name: Beech Tree C-S-C Parcel Location: South of Leeland Road, west of Robert S. Crain Highway (US 301). Applicant/Address: VOB Limited Partnership Tysons Office Center 8133 Leesburg Pike, Suite 300 Vienna, VA 22182 Property Owner: Bill Anthony Tysons Office Center 8133 Leesburg Pike, Suite 300 Vienna, VA 22182	Planning Board Hearing Date:	02/07/13
	Memorandum Date:	01/29/13
	Plan Acreage:	28.00
	Zone:	L-A-C
	Parcels:	19
	Planning Area:	79
	Tier:	Developing
	Council District:	06
	Election District	03
	Municipality:	N/A
	200-Scale Base Map:	203SE14

Purpose of Application
EXTENSION REQUEST: This preliminary plan of subdivision was approved by the Planning Board on January 13, 2011 and is valid through February 10, 2013. Robert Antonetti, Jr. of Shipley & Horne P.A., by letter dated December 17, 2012, requests a one-year extension. Staff recommends approval of that request. If approved the plan will be valid through February 10, 2014. Staff Recommendation: 1-year extension

Staff Recommendation		Staff Reviewer: Whitney Chellis Phone Number: 301-952-4325 E-mail: Whitney.Chellis@ppd.mnccppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
ONE-YEAR EXTENSION			

January 29, 2013

MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Whitney Chellis, Supervisor, Subdivision Section, Development Review Division

SUBJECT: Preliminary Plan of Subdivision 4-09041 Extension Request
Beech Tree C-S-C Parcel

This preliminary plan of subdivision (PPS) was approved by the Planning Board on January 13, 2011 and the resolution of approval was adopted on February 10, 2011; therefore, the PPS is valid through February 10, 2013. Robert Antonetti, Jr. of Shipley & Horne P.A., by letter dated December 17, 2012, requests a one-year extension until February 10, 2014.

The 2009 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA) rezoned the property from Local Activity Center (L-A-C) to Commercial Shopping Center (C-S-C). At the time of approval of the PPS, the property was zoned C-S-C and the PPS was found at that time to conform to the master plan recommendations for commercial uses.

The Subregion 6 Master Plan and SMA is the subject of a recent Circuit Court decision, *Accokeek, Mattawoman, Piscataway Creeks Communities Council, et. al. v. County Council of Prince George's County, Maryland, Sitting as the District Council, et. al.* (Case numbers CAL 09-31402 and CAL 09-32017). That court case affects the rezoning of the subject property from the L-A-C Zone to the C-S-C Zone. A court order dated October 26, 2012 voided the Subregion 6 Master Plan and SMA; therefore, the subject property will retain the L-A-C Zone.

Section 24-119(d) of the Subdivision Regulations authorizes the Planning Board to grant an extension to the normal expiration of a PPS:

- (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;**

- (ii) **The preliminary plan remains in conformance with all the requirements of Subtitle 27 applicable to the subject property;**
- (iii) **Two (2) years is not sufficient time to prepare the final plat(s);**
- (iv) **The applicant is not unduly delaying the filing of the final plat(s);**
- (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;**

In the letter dated December 17, 2012 (Antonetti to Chellis), the applicant states that they have proceeded to record plat for a portion of the property, but have not yet platted the entire area which is the subject of the approved PPS and therefore requests the extension. The request was filed prior to expiration of the PPS, and the applicant does state that they have been proceeding with resolving issues of delay which relate to the downturn in the economy and resolution of issues with the Maryland Historic Trust and the Maryland State Highway Administration.

However, development in the L-A-C Zone requires the approval of a comprehensive design plan (CDP) and specific design plan (SDP). The Zoning Ordinance requires the approval of a CDP prior to or concurrent with the approval of a PPS. This requirement of Subtitle 27, which is now applicable to the property, has not been initiated by the applicant, and was not required prior to approval of the PPS when the property was zoned C-S-C. Staff believes that the Circuit Court action of October 26, 2012 which voided the 2009 Subregion 6 Master Plan and SMA, and reverted the zoning from the C-S-C Zone to the L-A-C Zone, created a timeframe which would not allow the applicant sufficient time to file and have approved a CDP before the expiration of the PPS. Staff recommends that a one-year extension be granted to allow sufficient time for the applicant to address fully the implications of the Court action on the development of this property.

Staff recommends approval of a one-year extension and if approved, the PPS will be valid through February 10, 2014.