



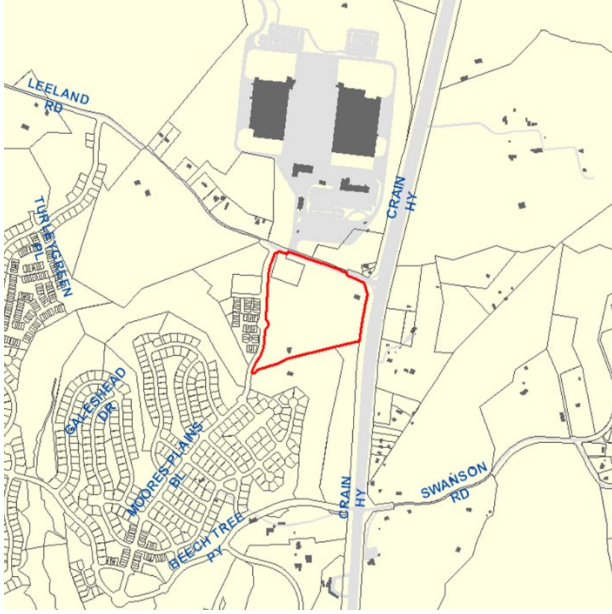
The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Preliminary Plan

4-09041

Waiver of the Rules of Procedure and Reconsideration Request Beech Tree C-S-C Parcel

REQUEST	STAFF RECOMMENDATION
Waiver of the Rules of Procedure Reconsideration Request	DISCUSSION

Location: South of Leeland Road, west of US 301 (Robert Crain Highway)			
Gross Acreage:	28		
Zone:	C-S-C		
Gross Floor Area:	300,000 sq. ft.		
Lots/Dwelling Units:	N/A		
Parcels:	19		
Planning Area:	79		
Council District:	06		
Election District:	03		
Municipality:	N/A		
200-Scale Base Map:	203SE14	Planning Board Date:	10/10/19
Applicant/Address: VOB Limited Partnership 7500 San Felipe Street, Suite 400 Houston, TX 77063		Planning Board Action Limit:	10/20/19
		Memorandum Date:	09/25/19
Staff Reviewer: Eddie Diaz-Campbell Phone Number: 301-952-3665 Email: Eddie.Diaz-Campbell@ppd.mncppc.org		Date Received:	09/20/19
		Previous Parties of Record (Applicant)	09/20/19
		Previous Parties of Record (M-NCPPC)	09/27/19

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

September 25, 2019

MEMORANDUM

TO: The Prince George's County Planning Board

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

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

SUBJECT: Preliminary Plan of Subdivision 4-09041
Waiver of the Rules of Procedure and Reconsideration Request
Beech Tree C-S-C Parcel

By letter dated September 20, 2019, Robert J. Antonetti, Jr, representing VOB Limited Partnership, requested a waiver of the Prince George's County Planning Board's Rules of Procedure (Section 10(a)), which requires that a reconsideration request be submitted no more than 14 calendar days after the date of notice of the final decision. In this case, the resolution of approval (PGCPB No. 11-02(C)(A)) was adopted by the Planning Board on February 10, 2011 and mailed out on February 15, 2011. If the Planning Board grants the requested waiver, the applicant specifically requests reconsideration of Condition 31(c) and Finding 18 of the resolution. Per Section 10(e) of the Rules of Procedure, reconsideration may only be granted if, in furtherance of substantial public interest, the Board finds that an error in reaching the original decision was caused by fraud, surprise, mistake, inadvertence, or other good cause.

Condition 31(c) pertains to denial of access and reads, as follows:

31. The following notes shall be placed on the final plat:

- c. Label denial of access along Leeland Road, Moores Plains Boulevard, and US 301.**

The applicant is requesting that the condition be amended, as follows:

31. The following notes shall be placed on the final plat:

- e. Label denial of access along Leeland Road, Moores Plains Boulevard, and US 301, unless access is otherwise allowed by the appropriate permitting agency.**

The applicant is further requesting that Finding 18 be changed to reflect the potential for an additional right-in/right-out access point in the northeast quadrant of the site (the corner of Leeland Road and US 301), subject to approval by the appropriate permitting agency.

As set forth in the request, the applicant states that they have been largely unsuccessful in finding end users for the 300,000-square-foot shopping center originally contemplated for the site. However, they have received some interest from smaller commercial pad site users, who have insisted that right-in/right-out access be allowed onto Leeland Road, in order to facilitate the users desired retail development. Further, the applicant states that their traffic engineer has prepared findings demonstrating direct access to Leeland Road can be obtained safely and efficiently, without interfering with traffic along the Leeland Road corridor. Finally, the applicant states they have met with representatives from the Prince George's County Department of Permitting, Inspections and Enforcement and the Maryland State Highway Administration regarding the proposed access, and both agencies have indicated willingness to consider allowing such access, subject to their completing review of additional studies prepared by the applicant's traffic engineer. The applicant wishes to have this information recognized as "other good cause," allowing the Planning Board to grant their requested reconsideration of Condition 31(c) and Finding 18.

If the Planning Board grants the applicant's request for a waiver and reconsideration, staff will provide an analysis on the merits of the request at a later Planning Board hearing.