



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 4-09041

Waiver of the Rules of Procedure and Reconsideration Request

Beech Tree C-S-C Parcel

REQUEST	STAFF RECOMMENDATION
Waiver of the Rules of Procedure and 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		
Applicant/Address: VOB Limited Partnership 7500 San Felipe Street, Suite 400 Houston, TX 77063		Planning Board Date:	07/09/2020
Staff Reviewer: Thomas Sievers/Antoine Heath Phone Number: 301-952-3994 Email: Thomas.Sievers@ppd.mncppc.org/ Antoine.Heath@ppd.mncppc.org		Planning Board Action Limit:	07/17/2020
		Memorandum Date:	06/30/2020
		Date Received:	06/17/2020
		Previous Parties of Record (Applicant)	06/10/2020
		Previous Parties of Record (M-NCPPC)	06/25/2020

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

June 30, 2020

MEMORANDUM

TO: The Prince George's County Planning Board

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

FROM: Thomas Sievers, Senior Planner, Subdivision and Zoning Section
Antoine Heath, 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 June 10, 2020, 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/2)) 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 transportation related Conditions 7, 12, and 13 (a) through (d) 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 Planning Board finds that an error in reaching the original decision was caused by fraud, surprise, mistake, inadvertence, or other good cause.

Said Conditions 7, 12, and 13 (a) through (d) currently state as follows:

7. **The total development within the subject property shall be limited to uses which generate no more than 105 (64 in, 41 out) AM peak-hour trips and 672 (336 in, 336 out) PM peak-hour trips, in consideration of the approved trip rates and the approved methodologies for computing pass-by and internal trip capture rates. Any development generating an impact greater than that identified herein above shall require a new Preliminary Plan of**

subdivision with a new determination of the adequacy of transportation facilities.

- 12. Prior to the issuance of a building permit for each of the following stages of development, in lieu of construction along US 301, the applicant shall pay to DPW&T an amount calculated as \$1,165,325.00 x (Engineering News Record (ENR) Construction Cost Index at time of payment) / (ENR Construction Cost Index for 2nd quarter, 1989).**

The aforementioned fee shall be prorated for each of the proposed development stages as follows:

**Stage I – 125,000 square feet
Stage II – 75,000 square feet
Stage III – 25,000 square feet
Stage IV – 25,000 square feet
Stage V – 50,000 square feet**

- 13. Prior to the issuance of any building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant, his heirs, successors and/or assignees:**

Leeland Road/Moores Plains Boulevard

- a. Construct a right turn lane at the eastbound approach**
- b. Construct a left turn lane at the westbound approach**
- c. Install a traffic signal if deemed necessary by DPW&T**

Oak Grove Road/Church Road

- d. Construct a separate left lane and a shared through and right turn lane on the eastbound approach**

The subject preliminary plan of subdivision (PPS) was approved based on a mix of retail uses totaling 300,000 square feet, which included a concept proposal for a food, or beverage store (convenience store) and gas station. However, the traffic study at that time mistakenly excluded trips for a food, or beverage store (convenience store) and gas station, which would generate more trips than an average commercial/retail use. Development continues to be proposed at a maximum of 300,000 square, however, the existing trip cap will not support the food, or beverage store (convenience store) and gas station.

The applicant requests that the Planning Board waive the appropriate portion of Section 10(a) of its Rules of Procedure, and to allow reconsideration of Conditions 7, 12, and 13 (a) through (d) of PPS 4-09041, as well as Finding 8 as appropriate (to reflect any revisions to the aforementioned conditions), to include a corrected trip cap and the resulting modified transportation improvements. The applicant's June 10, 2020 reconsideration request letter sets forth the proposed revised conditions based on a May 5, 2020 traffic study, which reanalyzes the 2010 traffic study, which was part of the record and approval of PPS 4-09041, to include the food, or beverage store (convenience store) and gas station uses. The applicant wishes to have this

information recognized as “inadvertence or other good cause,” allowing the Planning Board to grant their requested reconsideration.

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.