



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

Reconsideration Hearing

Preliminary Plan of Subdivision

The Vineyards II

4-10020

REQUEST	STAFF RECOMMENDATION
Reconsideration Hearing	APPROVAL with conditions

Location: One-half mile west of MD 381, (Brandywine Road), west of the terminus of Summersweet Drive.

Gross Acreage: 90.69

Zone: R-80

Gross Floor Area: 0

Lots: 64

Parcels/Outparcels: 5/1

Planning Area: 81A

Council District: 09

Election District: 09, 11

Municipality: N/A

200-Scale Base Map: 215SE05, 215SE06

Applicant/Address:

The Ryland Group, Inc.
14280 Park Meadow Drive, Suite 108
Chantilly, VA 20151

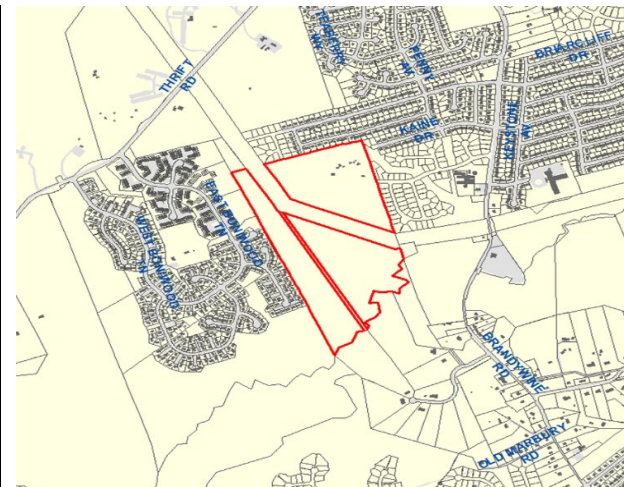
Property Owner:

Same as applicant

Staff Reviewer: Christopher Davis

Phone Number: 301-952-4487

Email: Christopher.Davis@ppd.mnccppc.org



Planning Board Hearing Date:	10/03/19
Memorandum Date:	09/16/19
Date Received:	07/01/19
Planning Board Action Limit:	N/A
Previous Parties of Record (Applicant)	06/28/19
Parties of Record (M-NCPPC)	07/12/19 09/20/19

September 16, 2019

MEMORANDUM

TO: The Prince George's County Planning Board

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

FROM: Christopher Davis, Senior Planner, Subdivision and Zoning Section
Development Review Division

SUBJECT: Preliminary Plan of Subdivision 4-10020, The Vineyards II
Reconsideration Hearing

By letter dated June 28, 2019, Thomas Haller, representing The Ryland Group, Inc., requested a waiver of the Planning Board Rules of Procedure (Section 10(e)) and a reconsideration of Preliminary Plan of Subdivision (PPS) 4-10020, which was approved by the Prince George's County Planning Board on November 8, 2012. The resolution (PGCPB No. 12-107) was adopted on November 29, 2012.

On July 25, 2019, the Planning Board granted a waiver of the Planning Board Rules of Procedure for a reconsideration request being submitted more than 14 days from the adoption of the resolution. The Planning Board also granted the applicant's request for a reconsideration, in furtherance of substantial public interest, due to other good cause or inadvertence, which resulted in an error (Section 10(e)). Specifically, the applicant requests reconsideration of Condition 15(e) related to the timing trigger for completion of a master plan trail.

PPS 4-10020, known as The Vineyards II, is a residential subdivision, which was approved by the Planning Board in 2012 for a total of 64 lots, 5 parcels, and 1 outparcel for development of 64 single-family homes. As detailed in the applicant's request, the subject subdivision is bisected by a 250-foot-wide Potomac Electric Power Company (PEPCO) right-of-way which, at the time of the 2012 review of PPS 4-10020, created two separate development pods, with the northeastern pod located in the One-Family Detached Residential (R-80) Zone and the southwestern pod located in the Townhouse (R-T) Zone. The 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA) rezoned 24 acres southwest of the PEPCO right-of-way from the R-80 Zone to the R-T Zone. PPS 4-10020 originally proposed 64 single-family

homes in the R-80 Zone portion of the subdivision and 142 townhomes in the R-T portion. On October 26, 2012, the Circuit Court for Prince George's County issued a decision, which voided the Subregion 5 Master Plan and SMA and reverted the entirety of the area included in the subdivision back to the R-80 Zone. The applicant subsequently elected to proceed with, and the Planning Board approved, the subdivision of the 64 single-family residential lots in the R-80 Zone and placed the property for the proposed townhomes in an outparcel (Outparcel A) for future development. The applicant has indicated to staff their intention to file a new PPS for Outparcel A. PPS 4-10020 required Parcel D, located in the southernmost portion of the site, to be dedicated to the Maryland-National Capital Park and Planning Commission, in accordance with the mandatory parkland dedication requirements for the subdivision, and the dedication has subsequently occurred. PPS 4-10020 also required the applicant to construct the master-planned Piscataway Creek Trail on Parcel D. The PPS showed that access to the trail was to be provided from the subdivided lots in the northern part of the site to the southern part of the site, across the intervening PEPCO right-of-way and Outparcel A.

The applicant's request is specific to a single condition of approval that requires the applicant to complete construction of the master plan trail prior to approval of the 60th building permit. The applicant requests that the timing trigger for completion of the trail be amended, as set forth in their letter dated June 28, 2019, incorporated by reference herein. Upon review of the applicant's request, staff recommended to the applicant that the condition be further revised to ensure trail completion and revision of the recreational facilities agreement (RFA) associated with the subdivision, to reflect the change in timing for completion of the master plan trail. The applicant indicated their agreement to the requested staff revisions.

The applicant provides justification for a reconsideration and amendment of Condition 15(e), which is supported by staff, as set forth in the Transportation Planning Section memorandum (Barnett-Woods to Davis) and the Prince George's County Department of Parks and Recreation memorandum (Sun to Davis), both dated September 4, 2019, and incorporated by reference herein. The staff analysis indicates that certain circumstances have occurred beyond the control of the applicant or the Planning Board, which present a conflict in completing the trail prior to issuance of the 60th building permit. Specifically, the property on which the trail is located cannot be accessed without crossing Outparcel A, which the applicant plans to further subdivide. In addition, a new wetlands delineation was required in 2012, which resulted in portions of the proposed trail and Outparcel A being impacted by wetlands. As indicated by the applicant in their request, the trail cannot be accessed or constructed until the intervening Outparcel A is subdivided and the environmental impacts associated with the trail construction can be approved. In lieu of these circumstances, the proposed amended Condition 15(e) will provide the applicant with additional time to complete the trail. A revision to the RFA is recommended to revise the current timing for completion of the trail found in the RFA, to reflect the timing proposed in the amended Condition 15(e). Through the revision of the RFA, the proposed amended Condition 15(f) will also allow for an ultimate date to be established for completion of the trail.

If the Planning Board approves the reconsideration, staff will prepare an amended resolution, which will be placed on a future Planning Board agenda for adoption.

RECOMMENDATION

APPROVAL of a reconsideration of Preliminary Plan of Subdivision 4-10020 (PGCPB Resolution No. 12-107) to **amend Condition 15(e) and add Condition 15(f)**, as follows (deletions shown with brackets and strikethrough, and additions shown with underline):

15. The applicant and the applicant's heirs, successors, and/or assignees shall design and construct the master-planned Piscataway Creek Trail as shown on Parcel D (M-NCPPC) on the preliminary plan of subdivision:
 - e. The ten-foot master-planned trail shall be completed and ready for use either (i) prior to [issuance] approval of the [60th] 64th building permit[,] or (ii) the applicant shall obtain approval of a preliminary plan of subdivision for Outparcel A, as depicted on the plat of subdivision recorded at Plat Book 243-52, with a condition requiring construction of the trail, whichever occurs first.
 - f. Prior to approval of the 60th building permit, the applicant shall revise the recreational facilities agreement (RFA) recorded at Liber 37376 Folio 566 to (i) reflect the triggers for completion of the trail and (ii) add a provision that failure to complete construction of the trail within five years following recordation of the revised RFA shall be considered a default, which allows the Prince George's County Department of Parks and Recreation (DPR) to send notice of default to the surety company and to require payment of the bond that has been posted with DPR.