



Preliminary Plan of Subdivision Reconsideration Hearing The Vineyards II

4-10020

REQUEST	STAFF RECOMMENDATION
Reconsideration Hearing	Approval with conditions

Location: At the terminus of Hunt Webber Drive, approximately 0.50 mile west of MD 381 (Brandywine Road).

Gross Acreage: 90.69

Zone: RSF-95

Prior Zone: R-80

Gross Floor Area: N/A

Dwelling Units: 64

Lots: 64

Outparcels: 1

Parcels: 5

Planning Area: 81A

Council District: 09

Municipality: N/A

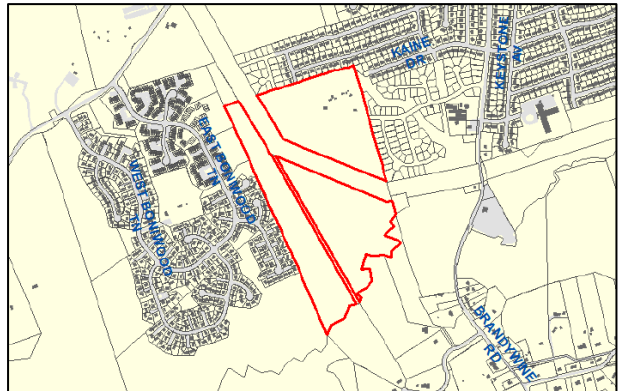
Requestor/Address:

US Home, LLC
7035 Albert Einstein Drive, Suite 200
Columbia, MD 21046

Staff Reviewer: Jason Bartlett

Phone Number: 301-780-2465

Email: Jason.Bartlett@ppd.mncppc.org



Planning Board Date: 03/27/2025

Planning Board Action Limit: N/A

Memorandum Date: 03/13/2025

Date Received: 12/13/2024

Notice to Previous Parties of Record (Applicant): 12/13/2024

Notice to Previous Parties of Record (M-NCPPC): 12/31/2024

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.



March 13, 2025

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Mridula Gupta, Acting Supervisor, Subdivision Section *MG*
Development Review Division

FROM: Jason Bartlett, Planner II, Subdivision Section *JB*
Development Review Division

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

By letter dated December 12, 2024 (submitted December 13, 2024), Thomas H. Haller, representing US Home, LLC, requested a waiver of the Planning Board Rules of Procedure (Section 10(a), Section 10(e) and Section 12(a)) 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 of approval was adopted on November 29, 2012 (PGCPB No. 12-107). The Planning Board adopted and amended the resolution on October 24, 2019 (PGCPB No. 12-107(A)), pursuant to prior reconsideration.

On January 16, 2025, the Planning Board granted a waiver of the Planning Board Rules of Procedure, to admit the subject reconsideration request submitted more than 14 days after the adoption of the resolution. The Planning Board also granted the applicant's request for this reconsideration, in accordance with Section 10(e) of the Rules of Procedure, which states that 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. The Planning Board granted the request for reconsideration based on inadvertence and other good cause, and in furtherance of substantial public interest. Specifically, the applicant requests reconsideration of Condition 15f related to the timing 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 for a total of 64 lots, five parcels, and one outparcel for development of 64 single-family homes. As detailed in the applicant's request, the subject property is bisected by a 250-foot-wide Potomac Electric Power Company (PEPCO) right-of-way (ROW) 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 ROW from the R-80 Zone to the R-T Zone. PPS 4-10020 originally proposed 64 single-family homes in the R-80-zoned portion of the subdivision and 142 townhomes in the R-T-zoned 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 in their request that their intention is to file a new PPS for Outparcel A, titled Vineyards III, under the provisions of the prior Subdivision Regulations, before April 1, 2025. 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 (M-NCPPC), 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 ROW and Outparcel A. However, the approval of a new PPS, to develop Outlot A, is necessary in order to access Parcel D to construct the trail.

In 2019, the applicant requested a reconsideration to PPS 4-10020 related to the same matter before the Planning Board with this 2025 reconsideration, regarding the timing for completion of the master plan trail construction. In the 2019 reconsideration, the Planning Board approved an amendment to Condition 15, which addresses the trail construction by specifically modifying Condition 15e and adding Condition 15f. Those amendments are reflected and memorialized in PGCPB Resolution No. 12-107(A), as noted below (* denotes an amendment, 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.**

In this subject 2025 reconsideration request, the applicant requests to further adjust the timing for the completion of the master plan trail construction, to allow the Prince George's County Department of Parks and Recreation (DPR) staff the ability to extend the deadline to complete the construction, subject to certain conditions. The applicant claims that the failure to include a flexible timing provision in Condition 15f, with the first reconsideration hearing in 2019, was an inadvertent error, and good cause exists to modify the condition. It was anticipated at that time that the environmental issues that have delayed the applicant from being able to file a new PPS for Outparcel A, necessary to access Parcel D and construct the trail, would have been resolved in accordance with the construction timing set by Condition 15f. However, resolution of the environmental issues has only recently been reached and the amendment to Condition 15f, as requested in the applicant's letter, would allow the applicant the additional time to file for and seek approval of the required PPS for the Vineyards III phase of development. The specific language of the requested amendment to Condition 15f is provided below († denotes the 2025 amendment, deletions shown with brackets and strikethrough, and additions shown with double underline; 2019 additions are shown with single 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:**

†*(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[-], unless the DPR Director or designee agrees to an extension of the trail construction, which extension shall be reflected in a revision to the RFA. In the event that the DPR Director or designee agrees to an extension of the trail construction, the applicant shall post a new performance bond, letter of credit, or other suitable financial guarantee adjusted for inflation.

The applicant provides justification for this reconsideration and amendment of Condition 15f, which is supported by staff, as set forth in the DPR memorandum (Thompson to Bartlett), dated February 21, 2025, incorporated herein by reference. Staff's analysis indicates that certain circumstances have occurred beyond the control of the applicant or the Planning Board, which present a conflict in completing the construction of the trail prior to issuance of the 60th building permit, as required by this condition. Specifically, the property on which the trail is located cannot be accessed without crossing Outparcel A. 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. The trail cannot be accessed or constructed until a PPS for intervening Outparcel A is approved, and the environmental impacts associated with the trail construction are approved. In lieu of these circumstances, the proposed amendment to Condition 15f will provide the applicant with additional time to complete the trail. Through the revision of the recreational facilities agreement (RFA) and the establishment of a new bond, the proposed amended

Condition 15f will also allow for an ultimate date to be established for completion of the trail. No amendments are required to any of the findings of PGCPB Resolution No. 12-107(a).

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(A)) to **amend Condition 15f**, on page 6, as follows († denotes 2025 amendment, deletions shown with brackets and strikethrough, and additions shown with double underline; 2019 additions are shown with single 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:

†*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[;], unless the DPR Director or designee agrees to an extension of the trail construction, which extension shall be reflected in a revision to the RFA. In the event that the DPR Director or designee agrees to an extension of the trail construction, the applicant shall post a new performance bond, letter of credit, or other suitable financial guarantee adjusted for inflation.