



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

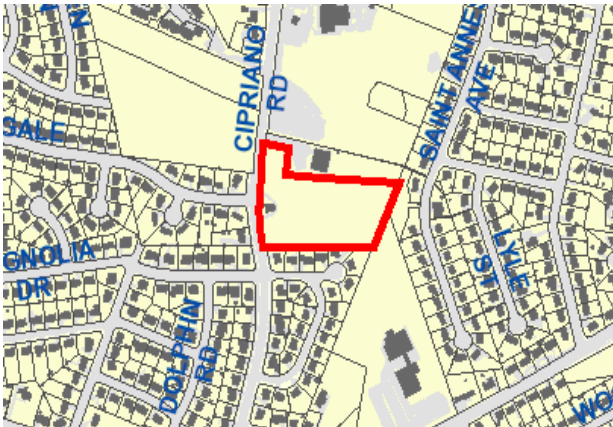
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Preliminary Plan of Subdivision Bhagya Village

4-15007

REQUEST	STAFF RECOMMENDATION
Extension of the preliminary plan of subdivision validity period.	APPROVAL of a one-year extension

Location: On the east side of Cipriano Road, approximately 175 feet north of Magnolia Drive.	
Gross Acreage:	6.01
Current Zone:	RSF-95
Prior Zone:	R-80
Reviewed per prior Subdivision Regulations:	Section 24-1704
Gross Floor Area:	N/A
Dwellings:	118
Lots:	0
Parcels:	1
Planning Area:	70
Council District:	04
Municipality:	N/A
Applicant/Address: AD and C Management Company 8715 Greenbelt Road Greenbelt, MD 20770	
Staff Reviewer: Antoine Heath Phone Number: 240-245-5251 Email: Antoine.Heath@ppd.mncppc.org	



Planning Board Date:	02/09/2023
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Memorandum Date:	01/23/2023
Date Filed:	12/20/2022
Informational Mailing:	N/A
Acceptance Mailing:	N/A
Sign Posting Deadline:	N/A

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

January 23, 2022

MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Antoine Heath, Planner II, Subdivision Section AH
Development Review Division

VIA: Sherri Conner, Supervisor, Subdivision Section SC
Development Review Division

SUBJECT: **Preliminary Plan of Subdivision 4-15007
Bhagya Village
Extension Request**

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on September 10, 2015, and the resolution of approval was adopted on October 1, 2015 (PGCPB Resolution No. 15-93). The PPS was approved for one parcel, and is valid through December 31, 2022, due to prior legislative extensions of the validity period. By letter dated December 7, 2022, Abdullah Hijazi, of Hijazi Law Group, LLC, requests a one-year extension until December 31, 2023. This is the applicant's first extension request.

In accordance with Section 24-1704 of the Prince George's County Subdivision Regulations, subdivision approvals of any type remain valid for the period of time specified in the Subdivision Regulations, under which the subdivision was approved. Extensions of time, which were available under those Subdivision Regulations, shall remain available. Section 24-119(d)(5)(A), of the prior Subdivision Regulations, authorizes the Planning Board to grant an extension to the normal expiration of a PPS. The criteria which must be considered are shown in **BOLD** text, and staff analysis of conformance to each criterion is provided in plain text.

Section 24-119(d)

- (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;

Staff find the above criterion (i) to be met, as the extension request was filed on December 20, 2022, prior to the PPS expiration date on December 31, 2022.

(ii) The preliminary plan remains in conformance with all the requirements of Subtitle 27 applicable to the subject property;

Staff find the above criterion (ii) to be met, as the subdivision was approved, in accordance with the prior One-Family Detached Residential (R-80) zoning of the subject property, which remains applicable under the prior Prince George's County Zoning Ordinance.

(iii) Two (2) years is not sufficient time to prepare the final plat(s);

Staff find that the applicant, AD and C Management Company, purchased the property in 2019, just prior to the COVID-19 pandemic.

From the time of PPS approval until now, the previous property owner benefited from multiple legislative extensions via the Prince George's County Council. This includes Council Bills CB-80-2015, CB-98-2017, and CB-60-2018. The current applicant benefitted from CB-74-2020. These extensions were enacted to allow a PPS to remain valid for an extended period of time, due to a weakened market from the nationwide 2007–2009 recession, the poor market conditions that followed, and the COVID-19 pandemic.

The enactment of CB-74-2020 extended the validity of PPS, in light of the COVID-19 pandemic. The legislative extension was determinative that two years was not sufficient time to prepare the final plats. Therefore, staff find that this criterion has been met.

(iv) The applicant is not unduly delaying the filing of the final plat(s);

Staff find that the applicant has not delayed the filing of the final plats and that factors outside their control have led to their inability to proceed with preparation of the final plats. As stated above, the applicant purchased the property in 2019, just prior to the COVID-19 pandemic, which delayed the project. The applicant proceeded to submit the draft plat in September 2022, in order to vest the PPS approval and has been working through the revisions necessary, in order to file the final plat. In accordance with condition 10 of the PPS resolution, the applicant is required to submit a recreational

facilities agreement to the Development Review Division, for construction of recreational facilities on-site, prior to submission of final plats, which the applicant prepared and filed for review in November 2022.

Staff find that the applicant has prepared and submitted the documents necessary to complete the subdivision and that this extension was necessary, in order to complete the review and approval process. Therefore, staff find that the above criterion has been met.

- (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;**

This is the first extension requested by the applicant, which is not more than one year. It is noted that the normal expiration of two years was deferred, from October 1, 2017 to December 31, 2022, in accordance with legislative extensions approved by the County Council.

Pursuant to the findings presented above, staff recommend that the Planning Board approve the requested one-year extension.