



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

4-15011

Waiver of the Rules of Procedure and Reconsideration Request

Stephen's Crossing at Brandywine, Outlot W

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

Location: Southeast of the intersection of US 301 (Robert Crain Highway) and MD 381 (Brandywine Road).	
Gross Acreage:	7.12
Zone:	M-X-T
Gross Floor Area:	N/A
Dwelling Units:	56
Lots:	56
Parcels:	9
Outlots	0
Planning Area:	85A
Council District:	09
Election District:	11
Municipality:	N/A
200-Scale Base Map:	218SE08
Applicant/Address: Route 301 Industrial CPI LTD Partnership PO Box 740 Warrenton, VA 20188	
Staff Reviewer: Eddie Diaz-Campbell Phone Number: 301-952-3665 Email: Eddie.Diaz-Campbell@ppd.mncppc.org	



Planning Board Date:	12/16/2021
Planning Board Action Limit:	12/22/2021
Memorandum Date:	12/02/2021
Date Received:	11/22/2021
Previous Parties of Record (Applicant)	11/19/2021
Previous Parties of Record (M-NCPPC)	12/02/2021

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

December 2, 2021

MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Eddie Diaz-Campbell, Senior Planner, Subdivision Section *EDC*
Development Review Division

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

SUBJECT: **Preliminary Plan of Subdivision 4-15011
Waiver of the Rules of Procedure and Reconsideration Request
Stephen's Crossing at Brandywine, Outlot W**

By letter dated October 29, 2021 (submitted November 22, 2021), Edward C. Gibbs, Jr, representing Route 301 Industrial CPI Partnership, requested a waiver of the Prince George's County Planning Board's Rules of Procedure (Section 12(a)), which requires that a reconsideration request be submitted no more than 14 calendar days after the date of notice of the final decision (Section 10(a)). The request pertains to Preliminary Plans of Subdivision (PPS) 4-11004 and 4-15011, however, separate action is required on each case, and so staff has prepared a separate memo for PPS 4-11004. In the case of PPS 4-15011, the PPS resolution of approval (PGCPB Resolution No. 15-129) was adopted by the Planning Board on January 7, 2016 and mailed out on January 12, 2016. If the Planning Board grants the requested waiver, the applicant specifically requests reconsideration of Conditions 3, 4, 8, and 9 of the resolution, as well as any relevant findings associated with those conditions. 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.

Conditions 3, 4, 8, and 9 currently state as follows:

3. **Prior to the issuance of the 100th residential building permit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively or prior to April 1, 2017) whichever comes first, the applicant, his successors, and/or assignees collectively shall design and construct a half-section of**

Cattail Way and an eight-foot-wide trail/sidewalk within the public right-of-way along the entire frontage of Brandywine Park. This work, as well as all other improvements associated with Cattail Way construction, must meet the requirements of the Prince George's Department of Permitting, Inspection and Enforcement ("DPIE"). In addition, the applicant shall construct a 30-foot-wide asphalt driveway and an eight-foot-wide concrete trail connector from Cattail Way to the SAARC parking lot within Brandywine Park. Construction of these improvements shall be deemed complete upon the opening of at least one lane of the road in each direction to traffic and provision of access to the SAARC from Cattail Way. In the event that the DPR determines that the timing of the completion of these improvements can be delayed based upon the construction schedule associated with the SAARC project, DPR may, at its sole discretion, adjust the completion date. Any such revision to the completion date shall be communicated in writing to the applicant.

4. Prior to issuance of 50th residential building permit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively) the applicant, his successors, and/or assignees collectively, shall develop construction drawings and specifications for the construction of a half section of Cattail Way, an eight-foot-wide trail/sidewalk and any required improvements within public right-of-way (along Brandywine Park's road frontage) and submit them to the Prince George's Department of Permitting, Inspection and Enforcement ("DPIE").
8. Prior to the first final plat of subdivision the applicant, his successors, and/or assignees shall enter into an Agreement with DPR for the construction of the half-section of Cattail Way, the eight-foot-wide trail/sidewalk, and any required improvements within the public right-of-way along Brandywine Park's road frontage as well as the 30-foot-wide asphalt entrance and driveway and eight-foot-wide concrete trail connector from Cattail Way to the SAARC parking lot area. Six weeks prior to a submission of a final plat of subdivision, the applicant shall submit to DPR for review and approval three original, executed Agreements. Upon approval by the DPR, the Agreement shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
9. Prior to approval of the 50th residential building permit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively) the applicant, his successors, and/or assignees shall submit to the DPR a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DPR, for the construction of half section of Cattail Way, an eight-foot-wide trail/sidewalk and any other improvements within the public right-of-way along Brandywine Park's road frontage and for the construction of a 30 foot-wide asphalt entrance and driveway and an eight-foot-wide concrete trail connector from Cattail Way to the SAARC parking lot area.

The applicant's proposed revisions to these conditions are given in the October 29, 2021 letter requesting the reconsideration.

Cattail Way is an east-west oriented master-planned collector road which will connect between Mattawoman Drive, a master-planned arterial road, and Missouri Avenue, an existing primary road, crossing over the Timothy Branch stream on the way. The applicant has the responsibility to construct Mattawoman Drive, Cattail Way, and the stream crossing within the overall Stephen's Crossing development, of which this PPS is a part. The Southern Area Aquatics and Recreation Complex (SAARC) is a Maryland-National Capital Park and Planning Commission recreation center located within Brandywine Area Community Park abutting north of the subject site. The applicant also has a responsibility to provide an entrance to this facility from the development. As set forth in the request, the applicant states that all of the requested revisions relate to the construction of Cattail Way; an 8-foot-wide trail along Cattail Way; and a 30-foot-wide driveway and 8-foot-wide trail from Cattail Way into SAARC.

The applicant states that they have not been able to move forward with construction of the project due to the cost of installing the development's road infrastructure. In particular, the applicant found that the wetland impacts of Cattail Way are greater than originally anticipated near where it intersects with Missouri Avenue. When the development's original PPS 4-11004 was approved, the applicant anticipated that construction would commence with the dwellings proposed at the east end of the development near this intersection, and construction of Cattail Way would accordingly proceed westerly from the intersection, in order to serve the dwellings. However, upon finding the larger-than-anticipated wetland area, the area of these dwellings was instead platted as Outlot W, and further subdivision for the dwellings was deferred to the subject PPS. Due to the increased costs of starting development at the previously intended starting point, the applicant wishes to instead begin construction near where Mattawoman Drive will intersect MD 381. Construction would then proceed northeasterly, as illustrated on Exhibit K attached to the applicant's reconsideration request. As a result of this change, the trail and driveway improvements intended to provide access to SAARC would be among the last infrastructure improvements to be installed rather than the first.

The above conditions are written to require that the trail and driveway improvements be provided following the early phases of the development. The applicant contends it was a mistake to impose the conditions as written, and that the mistake resulted from a misapprehension as to the full impact of the wetland intrusions. The applicant further contends that the information they have submitted represents good cause for the reconsideration, and that substantial public interest will be served because successful completion of the Stephen's Crossing development is necessary to construct Mattawoman Drive between MD 381 and US 301.

If the Planning Board grants the applicant's request for a waiver and reconsideration, a hearing on the merits of the request will be scheduled at a later Planning Board hearing. However, it is noted that the subject PPS is due to expire on December 31, 2021. The PPS has a pending extension request currently scheduled to be heard by the Planning Board on January 20, 2022, alongside a parallel extension request for PPS 4-11004. If the subject waiver and reconsideration request are granted, the hearing on the merits will be scheduled for a date following the hearing of the extension request and staff will provide an analysis of the merits. If the extension is not granted, the merits hearing will not be necessary, as the PPS will have expired.