

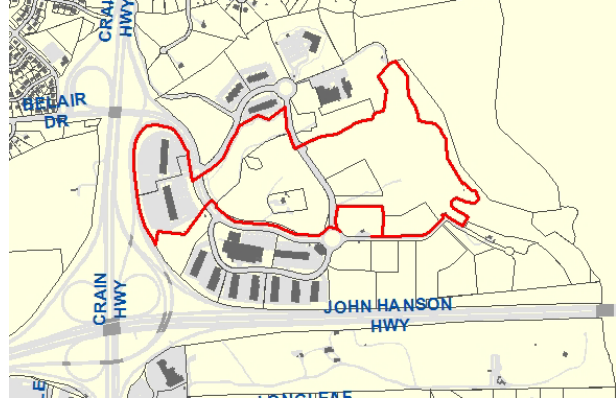


The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Development Review Division  
301-952-3530

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

## Preliminary Plan of Subdivision 4-16006 Melford Town Center (formerly Melford Village)

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

<b>Location:</b> At the intersection of Melford Boulevard and Curie Drive																		
Gross Acreage:	129.16																	
Zone:	TAC-E																	
Prior Zone:	M-X-T																	
Reviewed per prior Subdivision Regulations:	Section 24-1704(a)																	
Gross Floor Area:	359,500 sq. ft.																	
Dwelling Units:	1,793																	
Lots:	256																	
Parcels:	50																	
Planning Area:	71B																	
Council District:	04	<table><tr><td>Planning Board Date:</td><td>03/23/2023</td></tr><tr><td>Planning Board Action Limit:</td><td>N/A</td></tr><tr><td>Mandatory Action Timeframe:</td><td>N/A</td></tr><tr><td>Memorandum Date:</td><td>03/01/2023</td></tr><tr><td>Date Filed:</td><td>02/06/2023</td></tr><tr><td>Informational Mailing:</td><td>N/A</td></tr><tr><td>Acceptance Mailing:</td><td>N/A</td></tr><tr><td>Sign Posting Deadline:</td><td>N/A</td></tr></table>	Planning Board Date:	03/23/2023	Planning Board Action Limit:	N/A	Mandatory Action Timeframe:	N/A	Memorandum Date:	03/01/2023	Date Filed:	02/06/2023	Informational Mailing:	N/A	Acceptance Mailing:	N/A	Sign Posting Deadline:	N/A
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Acceptance Mailing:	N/A																	
Sign Posting Deadline:	N/A																	
Municipality:	Bowie																	
<b>Applicant/Address:</b> St. John Properties, Inc. 2560 Lord Baltimore Drive Baltimore, MD 21244																		
<b>Staff Reviewer:</b> Eddie Diaz-Campbell <b>Phone Number:</b> 301-952-3665 <b>Email:</b> Eddie.Diaz-Campbell@ppd.mncppc.org																		

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/](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](http://www.pgplanning.org)

March 1, 2023

## MEMORANDUM

TO: The Prince George's County Planning Board

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

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

SUBJECT: **Preliminary Plan of Subdivision 4-16006**  
**Melford Town Center (formerly Melford Village)**  
**Extension Request**

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on March 9, 2017, and the resolution of approval was adopted on April 6, 2017 (PGCPB Resolution No. 17-45). This PPS was approved for 256 lots and 50 parcels for 359,500 square feet of commercial development and 1,793 dwelling units, and it is valid through April 6, 2023. By letter dated February 6, 2023, Robert J. Antonetti, Jr., representing St. John Properties, Inc., requests a six-year extension until April 6, 2029. This is the applicant's first extension request.

PPS 4-16006 was approved under the provisions of the prior Prince George's County Zoning Ordinance and Subdivision Regulations. Pursuant to Section 24-1704(a) of the Subdivision Regulations, the subdivision approval is valid for the period of time specified under the prior Subdivision Regulations. Extensions of time available under the prior Subdivision Regulations remain available. Therefore, the applicant's request for an extension to April 6, 2029 may be approved, if the relevant criteria in the prior Subdivision Regulations are met.

Sections 24-119(d)(5) and (6) of the prior Subdivision Regulations authorize the Planning Board to grant an extension to the normal expiration of a PPS. In the instance of the subject PPS, the criteria below apply. The criteria, which may be considered, are shown in **bold** text and staff analysis of conformance to each criterion is given in plain text.

**Section 24-119(d)(6):**

**(A) An approved preliminary plan shall remain valid for (6) years from the date of its approval, unless extensions of the validity period are granted, of subdivision consisting of:**

- (i) more than four hundred (400) residentially zoned lots or dwelling units; or**
- (ii) more than one hundred and fifty (150) gross acres of commercially or industrially zoned land or land designated for nonresidential uses in any CDZ or M-X-T Zone; or**
- (iii) at least three hundred thousand (300,000) square feet or more of commercial or industrial development in any CDZ or M-X-T zoned project.**

The subject PPS exceeds the minimum development requirements to have been valid for six years and to be eligible for extension, subject to the criteria below, because it consists of more than 400 dwelling units and more than 300,000 square feet of commercial development in the Mixed Use - Transportation Oriented (M-X-T) Zone.

**(B) An extension of up to two (2) years from the expiration of an approved preliminary plan or any extension thereof may be granted by the Planning Board provided:**

- (i) Public infrastructure which was determined to be the developer's responsibility in accordance with the requirements of Section 24-122.01 and Section 24-124 has been constructed by the developer in order to accommodate all stages of development; or**

In the time since the approval of the PPS, the applicant has constructed public infrastructure on-site which was determined to be their responsibility, in order to meet the requirements of Section 24-124 of the prior Subdivision Regulations, and which is needed in order to accommodate all stages of the development. These improvements include construction of Melford Avenue and Robert Byrd Way, which are public streets needed to provide access and circulation to the development. Because this necessary public infrastructure has been constructed, staff find this criterion has been met. The applicant listed several other on-site and off-site public infrastructure improvements in their letter, which staff found were either not yet constructed, or did not contribute to meeting the requirements of Sections 24-122.01 and 24-124. However, the applicant's permitting and construction of these other improvements does contribute toward the applicant's overall completion of the development.

- (ii) The developer has been proceeding in a diligent manner to complete the development and has been unable, through no fault of the developer, to complete development within the time frame specified; or**

Staff find that the applicant has been working diligently to complete the development, since approval of the PPS. They have obtained permits for and constructed infrastructure, as described above, and they have obtained many of the development approvals needed to plat the property and gain building permits for development. Prior detailed site plans (DSPs) approved include DSP-17020, DSP-18007, DSP-18026, DSP-18034, DSP-19052, and DSP-22043. Several of the projects approved under these DSPs have begun construction. Nevertheless, the property has not yet been fully platted, in accordance with the PPS, and additional DSPs must be approved before the remaining land can be platted, leading to the applicant's request for an extension.

Staff also find that it has been through no fault of the developer that they have been unable to complete the development within the original six-year validity period. This is due, in part, to litigation which delayed completion of the development; following approval of the PPS in 2017, opponents of the Melford Town Center project appealed the PPS to the Prince George's County Circuit Court and the Appellate Court of Maryland. The Appellate Court ultimately upheld the Planning Board's decision in 2019. However, there was a two-year period during which the developer was uncertain whether the project would be able to move forward, making it risky to pursue further development approvals. The development also experienced delays because of the 2020 COVID-19 pandemic, including disruptions to the supply of labor and materials, and disruptions to demand in the real estate market. The project did not benefit from the legislative extension to the validity period of PPS passed by the District Council, in response to the pandemic, since it was under its original validity period during the pandemic. These factors together have led to the development taking more than six years to complete, despite the best efforts and due diligence of the developer.

- (iii) A staging plan applied to the approval cannot be met as a result of government failure to extend necessary services or infrastructure;**

The applicant has not put forth any information indicating the government has failed to extend necessary services or infrastructure. This criterion has not been met; however, only one of the above three criteria need be met, in order to have an extension granted.

- (C) Notwithstanding any provisions of this subsection to the contrary, from and after January 1, 2022, an extension of up to six (6) years from the expiration of an approved preliminary plan or any extension thereof may only be granted by the Planning Board subject to the provisions of Section (d)(6)(B)(i) through (iii) herein.**

The applicant has requested a six-year extension and staff find that the requisite provision for granting the extension has been met. Due to the size of the project and the remaining infrastructure improvements needed and, since the project has had no prior extensions, staff find that a six-year extension is justified. Given the progress made since 2017, it is unlikely further extensions will be needed, if development continues at its current pace.

Although justification for each of the criteria is analyzed above, only one of the criteria under Section 24-119(d)(6)(B) of the prior Subdivision Regulations is required to be met, in order to grant the extension. Pursuant to the findings presented above, staff recommend that the Planning Board approve the requested six-year extension.