



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

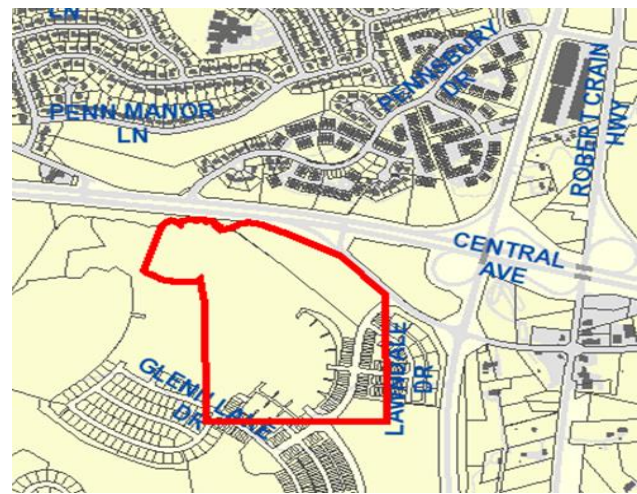
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Preliminary Plan of Subdivision South Lake (Formerly Karington)

4-17027

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

Location: At the southwest corner of the intersection of MD 214 (Central Avenue) and US 301 (Robert Crain Highway).	
Gross Acreage:	11.00
Zone:	LCD
Prior Zone:	E-I-A
Reviewed per prior Subdivision Regulations:	Section 24-1704(a)
Gross Floor Area:	N/A
Dwelling Units:	66
Lots:	66
Parcels:	3
Planning Area:	74A
Council District:	04
Municipality:	Bowie
Applicant/Address: South Lake Partners LLC 10100 Business Parkway Lanham, MD 20706	
Staff Reviewer: Eddie Diaz-Campbell Phone Number: 301-952-3665 Email: Eddie.Diaz-Campbell@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:	12/27/2022
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.

January 23, 2023

MEMORANDUM

TO: The Prince George's County Planning Board

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

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

SUBJECT: **Preliminary Plan of Subdivision 4-17027**
South Lake
Extension Request

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on January 10, 2019, and the resolution of approval was adopted on January 31, 2019 (PGCPB Resolution No. 19-06). This PPS was approved for 66 lots and 3 parcels for development of 66 single-family dwelling units and is valid through December 31, 2022, due to prior legislative extensions of the plan's validity period. By letter dated December 27, 2022, Arthur J. Horne, Jr. of the Law Offices of Shipley and Horne, P.A., requests a two-year extension until December 31, 2024. This is the applicant's first extension request.

It is noted that the subject PPS is associated with the overall 381.52-acre South Lake development, the majority of which was approved and remains valid under PPS 4-04035. The Planning Board approved a two-year extension of the validity period of 4-04035 on January 13, 2022, and that PPS remains valid until December 31, 2023. However, PPS 4-17027 superseded 4-04035 for 11 acres of the subject site. The subject PPS must receive a separate extension to remain valid.

PPS 4-17027 was approved under the provisions of the prior Prince George's County Zoning Ordinance and prior Prince George's County 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 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. Specifically, for the subject PPS, Section 24-119(d)(5)(A)(i) through (vi) provides the required findings for the Planning Board to grant an extension of the plan's validity period because the PPS consists of less than 100 residentially zoned lots. The criteria that must be considered are shown in **BOLD** text and staff's analysis 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;

This extension request was filed on December 27, 2022, prior to the expiration of the plan on December 31, 2022. Therefore, this criterion is met.

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

The property was in the Employment and Institutional Area Zone at the time of the PPS approval, which allowed development according to the Mixed Use-Transportation Oriented (M-X-T) Zone standards for this site. Under the current Zoning Ordinance, the subject property is in the Legacy Comprehensive Design Zone. At the time the PPS was reviewed and approved in 2019, the standards of the M-X-T Zone and the requirements of the prior Zoning Ordinance (prior Subtitle 27) applied. Pursuant to Section 24-1703(d) of the current Subdivision Regulations, so long as the PPS remains valid, the project may proceed to the next steps in the approval process and continue to be reviewed and decided under the prior Zoning Ordinance. Therefore, the standards of the prior M-X-T Zone and the requirements of the prior Subtitle 27 continue to apply. The PPS remains in conformance with these prior requirements, and so staff finds this criterion is met.

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

In their extension request, the applicant provides an extensive list of the development approvals obtained to date for the overall South Lake project. Final plats for South Lake have proceeded since 2020, with 26 plats having been approved to date for the overall project. The subject site covered by PPS 4-17027 is part of the larger

multiphase South Lake project, for which the applicant has consistently and continuously sought development approvals for and intends to continue platting in phase with development. Given the extensive platting which has occurred for the project, staff finds that two years has not been enough time to prepare all the final plats.

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

The applicant has proceeded to complete the project, including receiving dozens of plat approvals, obtaining building permits, and installing major infrastructure. It is typical that a large development project will plat sequentially as the project progresses. Therefore, staff finds that the applicant has not been unduly delaying the filing of the final plat.

(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;

The applicant justifies that this criterion does not apply because the 11-acre site that comprises the subject PPS, 4-17027, is a critical part of the larger project containing more than 400 dwelling units, and so they are requesting a two-year extension, in accordance with the sub item (vi) and Section 24-119(d)(6)(A) of the prior Subdivision Regulations, as listed below.

Staff finds the subject PPS consists of less than 100 residential lots, and so this criterion is applicable. This is the first extension requested by the applicant for this PPS and a one-year extension may be granted, notwithstanding the applicant has requested a two-year extension in accordance with the criteria below.

(vi) The validity of a preliminary plan consisting of more than one hundred (100) residentially-zoned lots or more 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 two (2) years from the normal expiration of the approved preliminary plan;

The applicant submits that this criterion is met because the overall project consists of more than 100 dwelling units and so a two-year extension is allowable. However, staff disagrees. The criteria specified for extension of validity does not provide a provision whereby a PPS may take into account its relationship with another

PPS when determining which criteria to apply. Each PPS is approved independent of one another, must stand on its own, and individually meet the requirements of the Subdivision Regulations at the time of its evaluation, including its validity from the date of the Planning Board's approval, in accordance with Section 24-119(d)(5). Notwithstanding staff's finding that this criterion does not apply, the applicant is still eligible for a one-year extension given criteria (i)–(v) above have been met.

(6) (A) An approved preliminary plan shall remain valid for six (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.**

In addition to the justification provided by the applicant for meeting the criteria of Section 24-119(d)(5)(iv), the applicant also submits that the criteria above are met because the overall project contains more than 400 dwelling units. Therefore, the applicant provided further justification for a two-year extension, in accordance with Section 24-119(d)(6)(B) below.

(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 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 the development; or**
- (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**
- (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 submits that they have been proceeding in a diligent manner to complete the project which, overall, is approved for 1,294 dwelling units, 390 hotels rooms, and 675,000 square feet of retail development requiring

extensive development approvals and coordination with the City of Bowie, the Maryland State Highway Administration, the Washington Suburban Sanitary Commission, and the Prince George's County Department of Permitting, Inspections and Enforcement. The complexity and coordination required to develop a multiphase project with required public infrastructure causes delays beyond the applicant's control. Staff does not disagree that the above criteria have been met for the larger development project approved under PPS 4-04035. However, this PPS, 4-17027, was approved for the purpose of subdividing the property for additional lots (66) not approved or vested under 4-04035.

Therefore, staff finds the above criteria is not applicable to the instant request and the subject PPS is not eligible for a two-year extension. It is noted that PPS 4-04035 did receive an independent two-year extension approval by the Planning Board on January 13, 2022, based on the criteria of Section 24-119(d)(6)(B)(ii), and is currently valid until December 31, 2023. The subject PPS, 4-17027, given its later approval, was not subject to the same expiration and was valid beyond the original expiration of PPS 4-04035.

Pursuant to the findings presented above, staff finds that the criteria of Section 24-119(d)(6)(A)(i)-(v) have been met and recommends that the Planning Board APPROVE a one-year extension. If a one-year extension is approved, the PPS will be valid through December 31, 2023.