



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 The Preserve at Westphalia

## 4-17034

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

<b>Location:</b> In the northwest quadrant of the intersection of Westphalia Road and Ritchie Marlboro Road.	
Gross Acreage:	63.66
Zone:	LCD
Zone Prior:	L-A-C/R-M
Reviewed Per Prior Subdivision Regulations:	Section 24-1704(a)
Gross Floor Area:	12,500
Dwelling Units:	292
Lots:	292
Parcels:	25
Planning Area:	78
Council District:	06
Municipality:	N/A
<b>Applicant Address:</b> Green Revolution Realty, LLC 7419 Baltimore Annapolis Boulevard Glen Burnie, MD 21061	
<b>Staff Reviewer:</b> Antoine Heath <b>Phone Number:</b> 301-952-3554 <b>Email:</b> Antoine.Heath@ppd.mncppc.org	



Planning Board Date:	06/16/2022
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Memorandum Date:	06/01/2022
Date Filed:	05/17/2022
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/](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)

June 1, 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 *SKC*  
Development Review Division

SUBJECT: **Preliminary Plan of Subdivision 4-17034**  
**Preserve at Westphalia**  
**Extension Request**

This Preliminary Plan of Subdivision (PPS), 4-17034, was approved by the Prince George's County Planning Board on May 28, 2020, and the resolution of approval was adopted on June 18, 2020 (PGCPB Resolution No. 2020-94). The PPS was approved for 295 lots, 25 parcels, for development of 184 single-family attached and 108 single-family detached dwelling units, and 12,500 square feet of commercial use, and is valid through June 18, 2022. By letter dated May 17, 2022, Matthew Tedesco of McNamee Hosea Attorneys and Advisors, requested a one-year extension until June 18, 2023. This is the applicant's first extension request.

The PPS 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. Based on the June 18, 2020 adoption of the resolution, and the two-year validity period specified by Section 24-119(d)(5) of the prior Subdivision Regulations, this PPS is valid until June 18, 2022. Extensions of time available under the prior Subdivision Regulations remain available. Therefore, the applicant's request for an extension to June 18, 2023 may be approved if the relevant criteria in the prior Subdivision Regulations are met.

Section 24-119(d)(5) and (6) authorizes 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 more 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):**

**(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 May 17, 2022, prior to the expiration of the plan on June 18, 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's zone has since been reclassified to the Legacy Comprehensive Design Zone, in accordance with the County Zoning Ordinance adopted on April 1, 2022. However, the PPS remains in conformance with the lot standards of the Residential Medium Development and Local Activity Center (L-A-C) Zones, applicable under Subtitle 27 of the prior Zoning Ordinance. Therefore, this criterion is met.

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

Staff finds that environmental, as well as stormwater management (SWM) approvals have caused delays in the preparation of the final plat. Condition 3 of the PPS resolution (PGCPB Resolution No. 2020-94) required that an approved SWM concept plan be submitted, prior to signature approval of the PPS. Due to the steep slopes and the presence of Marlboro clay on-site, geotechnical analysis was needed to establish the 1.5 safety factor line. The SWM concept plan was approved on June 7, 2021, and the PPS was certified on August 5, 2021. This SWM approval was also needed in order for the applicant to submit Specific Design Plan SDP-1901. The L-A-C Zone is a comprehensive design zone, which requires an SDP. This SDP was accepted in June 2021, approved on September 30, 2021, and certified on March 10, 2022. The applicant subsequently submitted the final plat, and acceptance of the final plat application is pending. Staff finds that the applicant has been consistently and diligently pursuing the approvals necessary to complete the final platting of the subdivision and, therefore, this criterion has been met.

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

Staff finds that the applicant has not delayed the filing of the final plats and that factors outside of their control have led to their inability to proceed with preparation of the final plats. As described above, the applicant submitted a final plat application in March 2022. However, the approval of the SWM plan and SDP delayed the filing of the final plat. The applicant has since received these approvals and submitted the final plat for acceptance. As a result, staff finds that the applicant is not unduly delaying the filing of the final plat, and that the above criteria 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;**

The subject subdivision includes more than 100 residentially zoned lots, therefore Criterion vi below is applied concerning the available extension time frame.

**(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;**

Given the size of the development, a two-year extension is available. However, the applicant is only seeking a one-year extension. This is the first extension requested by the applicant, which is not more than two years. Therefore, this criterion is met.

Pursuant to the findings presented above, staff recommends that the Planning Board approve a one-year extension. If a one-year extension is approved, the PPS will be valid through June 18, 2023.