



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 Woodmore Overlook Commercial

4-18007

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

Location: In the northwest quadrant of the intersection of MD 202 (Landover Road) and Lottsford Road.



Gross Acreage:	18.33
Zone:	RMF-48
Prior Zone:	M-X-T
Reviewed per prior Subdivision Regulations:	24-1704(a)
Gross Floor Area:	32,930 sq. ft.
Dwelling Units:	164
Parcels:	6
Outparcels:	1
Planning Area:	73
Council District:	05
Municipality:	None

Planning Board Date:	07/28/2022
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Memorandum Date:	07/12/2022
Date Accepted:	05/11/2022
Informational Mailing:	N/A
Acceptance Mailing:	N/A
Sign Posting Deadline:	N/A

Applicant/Address:
 Woodmore Overlook Commercial, LLC
 4326 Mountain Road
 Pasadena, MD 21122

Staff Reviewer: Eddie Diaz-Campbell
Phone Number: 301-952-3665
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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.

July 1, 2022

MEMORANDUM

TO: The Prince George's County Planning Board

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

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

SUBJECT: **Preliminary Plan of Subdivision 4-18007
Woodmore Overlook Commercial
Extension Request**

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on March 7, 2019, and the resolution of approval was adopted on March 28, 2019 (PGCPB Resolution No. 19-32(A)). The PPS was approved for six parcels and one outparcel to support development of 164 multifamily dwelling units and 32,930 square feet of commercial development. The PPS is valid through December 31, 2022, due to a prior legislative extension of the validity period (Prince George's County Council Bill CB-74-2020). By letter dated May 10, 2022 (revised June 14, 2022), Norman D. Rivera of the Law Offices of Norman D. Rivera, LLC requests a one-year extension of the PPS validity period to December 31, 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 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 to December 31, 2023 may be approved if the relevant criteria in the prior Subdivision Regulations are met.

Sections 24-119(d)(5) and (6) of the 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 (v) provide 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 gross acres of land designated for nonresidential uses in the Mixed Use-Transportation Oriented (M-X-T) Zone. 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 10, 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 M-X-T Zone at the time of the PPS approval in March 2019, and under the current Zoning Ordinance it is now in the Residential, Multifamily-48 Zone. The development approved with the PPS remains permitted, consistent with the prior Zoning Ordinance. A Detailed Site Plan, DSP-18024, was subsequently approved in September 2019 for a 4,649-square-foot food and beverage store on Parcel 3, a 164-unit multifamily building on Parcel 6, and infrastructure for future commercial development on Parcels 1, 2, 4, and 5. The DSP was reviewed to ensure conformance with the requirements of the prior Subtitle 27. Subsequent to the DSP approval, Parcels 3 and 6, as well as the outparcel, received final plat approval. (These plats are recorded in Plat Book ME 257 p. 70, ME 258 p. 27, and ME 257 p. 71, respectively.) Future DSPs are expected to be filed for Parcels 1, 2, 4, and 5. These DSPs will be reviewed for conformance with the PPS and Subtitle 27, per the applicant's intention, stated in their June 14 letter, to use the prior Ordinance. Based on these findings, staff finds that the PPS remains in conformance with all the requirements of the prior Subtitle 27.

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

Staff finds that there has not been sufficient time to prepare final plats for the entirety of the subject property. As previously stated,

final plats were prepared and approved for Parcels 3 and 6. This was able to occur because the applicant brought forth specific development proposals for each property, namely a food or beverage store for Parcel 3 and a multifamily building for Parcel 6. At this time, the applicant has not yet had sufficient time to bring forth specific development proposals for Parcels 1, 2, 4, and 5. The applicant stated in their June 14 letter that they are pursuing users for these parcels and have received some interest. Some of the users have gone so far as to formulate design plans for the parcels. However, given the lack of new DSPs filed, it is clear there has not been sufficient time for any of these users to reach a point in the design process where they would be ready to file DSPs. It is not clear that they would be ready in the remaining five months the PPS will be valid without an extension. Approval of a one-year extension would grant the applicant and their clients additional time to design their proposals and then file and have the DSPs approved, prior to filing final plats for the remaining parcels.

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

Because the existing DSP-18024 covers the entire site, the applicant does have the ability to plat Parcels 1, 2, 4, and 5 already. However, the users who have expressed interest in the site have indicated that the parcels currently shown on DSP-18024 may not be the right size for their developments. If the applicant were to plat the parcels now, and the users were to then determine that the platted parcels did not meet their size needs, the parcels would have to be re-platted following approval of new DSPs showing the new parcel sizes. This is a redundant step which can be avoided by simply platting the parcels once, after the new DSPs are approved. The new DSPs would show the final lotting pattern of the three remaining parcels. Staff finds that platting the parcels before the DSPs are approved would be premature, and that therefore the applicant is not unduly delaying the filing of the final plats by waiting for the DSPs to be filed and approved.

It is noted that the applicant has continued to diligently pursue development of the site between the approval of DSP-18024 and the present, while they have waited for development proposals for the remaining parcels to be formulated. Aerial imagery from PGAtlas shows that the site was cleared and graded in 2020, and that construction of the central roadway (Grand Way Boulevard) was underway as of 2021.

(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 PPS consists of six parcels and one outparcel in the M-X-T Zone totaling 18.33 gross acres. The area designated for nonresidential uses totals less than 100 gross acres. Therefore, this criterion is applicable. This is the first extension requested by the applicant, and it is for not more than one year. Therefore, the criterion is met.

Pursuant to the findings presented above, staff recommends that the Planning Board APPROVE the requested one-year extension. If a one-year extension is approved, the PPS will be valid through December 31, 2023.