



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.igm2.com/Citizens/Default.aspx>

## Preliminary Plan of Subdivision The Enclave at Brandywine

4-18017

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

<b>Location:</b> South of General Lafayette Boulevard, approximately 850 feet southwest of its intersection with Chadds Ford Drive.	
Gross Acreage:	19.11
Current Zone:	RSF-A
Prior Zone:	R-T
Reviewed per prior Subdivision Regulations:	Section 24-1704
Gross Floor Area:	N/A
Dwellings:	104
Lots:	104
Parcels:	4
Planning Area:	85A
Council District:	09
Municipality:	N/A
<b>Applicant/Address:</b> Shield Investments, LLC 2077 Somerville Road, Suite 206 Annapolis, MD 21041	
<b>Staff Reviewer:</b> Antoine Heath <b>Phone Number:</b> 240-245-5251 <b>Email:</b> Antoine.Heath@ppd.mncppc.org	



Planning Board Date:	01/12/2023
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Memorandum Date:	12/28/2022
Date Filed:	11/18/2022
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

December 28, 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 *SC*  
Development Review Division

SUBJECT: **Preliminary Plan of Subdivision 4-18017**  
**The Enclave at Brandywine**  
**Extension Request**

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on October 10, 2019, and the resolution of approval was adopted on October 31, 2019 (PGCPB Resolution No. 19-116). The PPS was approved for 104 lots and 4 parcels, and is valid through December 31, 2022, due to prior legislative extensions of the validity period. By letter dated November 18, 2022, Thomas H. Haller, of Gibbs and Haller Attorneys at Law, requests a one-year extension until December 31, 2023. This is the applicant's first extension request.

In accordance with Section 24-1704 of the Prince George's County Subdivision Regulations, subdivision approvals of any type remain valid for the period of time specified in the Subdivision Regulations under which the subdivision was approved. Extensions of time, which were available under those Subdivision Regulations, shall remain available. Section 24-119(d)(5)(A) of the prior Subdivision Regulations authorizes the Planning Board to grant an extension to the normal expiration of a PPS. The criteria which must be considered are shown in **BOLD** text, and staff analysis of conformance to each criterion 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;**

Staff finds the above criteria (i) to be met, as the extension request was filed on November 21, 2022, prior to its expiration date on December 31, 2022.

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

Staff finds the above criteria (ii) to be met, as the subdivision was approved, in accordance with the prior Townhouse (R-T) zoning of the subject property, which remains applicable under the prior Prince George's County Zoning Ordinance.

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

Staff finds that the applicant's plans to develop affordable housing has caused delays in the preparing of final plats. The applicant provided that the relatively low density permitted in the R-T Zone, as well as the cost of extending the master-planned right-of-way Lafayette Boulevard, which bisects the site, has made financing affordable housing difficult. The site is currently zoned Residential, Single-Family – Attached (RSF-A), which allows for higher density development than the R-T Zone. The applicant met with the Maryland-National Capital Park and Planning Commission (M-NCPPC) staff to discuss the possibility of adjusting the layout of the site to make the proposed lotting pattern more compact, to create additional space on site which can be used for future entitlement and development. In addition, the applicant worked with Prince George's County to have the property included within the Priority Funding Area boundary, to qualify for affordable housing tax credits. Although final plats have not been submitted, the applicant has begun the plat drafting and review process to proceed with the existing entitlement.

The enactment of Prince George's County Council Bill CB-74-2020 extended the validity of PPS, in light of the COVID-19 pandemic. The legislative extension was determinative that two years was not sufficient time to prepare the final plats. Therefore, staff finds that 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 their control have led to their inability to proceed with preparation of the final plats. As stated above, the applicant took time to revise the layout of the site. The applicant filed a Detailed Site Plan, DSP-20054, which was approved on November 4, 2021. The applicant's effort to have the property included within the Priority Funding Area boundary required an amendment to the Priority Funding Area Map. On June 28, 2022, the applicant forwarded a letter signed by Prince George's County Executive, Angela Alsobrooks, and Prince George's County Council Chair, Todd Turner, to the Maryland Department of Planning Secretary, Robert McCord, requesting an amendment to the Priority Funding Area Map. The applicant received a letter dated August 11, 2022, granting the request. The applicant has also submitted the draft plats to M-NCPPC and has received comments. However, the builder, Foulger-Pratt, LLC, recently terminated its contract with the applicant due to financial issues. As a result, the applicant is now working with its engineers to complete the filing of the plats, as well as looking for new purchasers.

**(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;**

This is the first extension requested by the applicant, which is not more than one year. It is noted that the normal expiration of two years was deferred from October 31, 2021 to December 31, 2022, in accordance with legislative extensions approved by the Prince George's County Council.

Pursuant to the findings presented above, staff recommends that the Planning Board approve the requested one-year extension.