



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

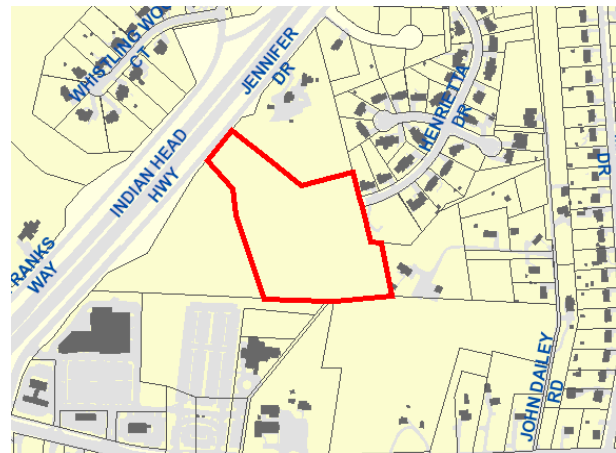
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

## Preliminary Plan of Subdivision Accokeek Property

## 4-18031

REQUEST	STAFF RECOMMENDATION
Extension of the preliminary plan of subdivision validity period.	APPROVAL of a 90-day extension

<b>Location:</b> On the east side of MD 210, approximately one mile south of the intersection of MD 210 and Farmington Road.	
Gross Acreage:	9.18
Current Zone:	RR
Prior Zone:	R-R
Reviewed per prior Subdivision Regulations:	Section 24-1704
Gross Floor Area:	N/A
Dwellings:	10
Lots:	10
Parcels:	2
Planning Area:	84
Council District:	09
Municipality:	N/A
<b>Applicant/Address:</b> ANFG Accokeek, LCC 1553 Edmonston Road Beltsville, MD 20705	
<b>Staff Reviewer:</b> Antoine Heath <b>Phone Number:</b> 240-245-5251 <b>Email:</b> Antoine.Heath@ppd.mncppc.org	



Planning Board Date:	04/13/2023
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Memorandum Date:	03/28/2023
Date Filed:	03/20/2023
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

March 28, 2023

## MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Antoine Heath, Planner II, Subdivision Section Development Review Division *AH*

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

SUBJECT: **Preliminary Plan of Subdivision 4-18031  
Accokeek Property  
Extension Request**

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on March 12, 2020, and the resolution of approval was adopted on April 2, 2020 (PGCPB Resolution No. 2020-33). The PPS was approved for 10 lots and 2 parcels, and is valid through April 2, 2023, due to a prior approved extension of the validity period. By letter dated March 20, 2023, Tom Haller, of Gibbs and Haller Attorneys at Law, requests a 90-day extension until June 30, 2023. This is the applicant's second 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 find the above criterion (i) to be met, as the extension request was filed on March 20, 2023, prior to the PPS expiration date of April 2, 2023.

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

This property is located in the Rural Residential Zone in both the current and prior Zoning Ordinance. At the time of PPS approval, the requirements of the prior Zoning Ordinance 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 requirements of prior Subtitle 27 continue to apply. The PPS remains in conformance with these prior requirements, and staff find this criterion is met.

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

Staff find that environmental, as well as water and sewer issues, have caused delays in preparation of the final plat. There have been multiple requests for revisions by the Prince George's County Soil Conservation District (SCD) and the Washington Suburban Sanitary Commission (WSSC). On December 14, 2021, the SCD provided comments to the applicant, indicating that the proposed stormwater management (SWM) facility on-site be reclassified because of the steep embankment containing the pond. This required a redesign of the SWM pond. In addition, the site is proposed to be accessed from Henrietta Drive, which terminates at the property boundary. This road will need to be extended to provide access to the proposed lots. As a result, the public water and sewer facilities underneath Henrietta Drive also need to be extended. This requires hydraulic planning analysis to be submitted to WSSC. On January 21, 2022, the applicant received comments from WSSC, requiring the applicant to revise the proposed sewer easement. The applicant responded to these comments, and submitted the draft plat to the Prince George's County Planning Department on March 24, 2022, for pre-acceptance review. The applicant has been working throughout the past year to address outstanding plat comments and requirements that must be met before a final plat can be filed, and accepted. However, submission of the final plat is pending and must be signed by the Prince George's County Department of Permitting, Inspection and Enforcement (DPIE), prior to submittal to the Planning Department for approval. The applicant is currently working to address the

requirements of DPIE, as further outlined below. Therefore, staff find that this criterion has been met.

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

Staff find that the applicant has not delayed the filing of final plats, and that factors outside of their control have led to the inability to proceed with submission of the final plats, as described above. The applicant received a one-year extension request on May 5, 2022. Since that extension was approved, the applicant has continued to work with DPIE. In November 2022, the applicant submitted street-grade establishment plans to DPIE, and received comments back requesting a modification to the curvature of the Henrietta Drive extension. The applicant was required to submit a waiver to request approval of a nonstandard horizontal centerline radii, which was approved in March 2023. This has further delayed filing of the plats. In addition, the applicant must obtain approval of an administrative amendment to change the water and sewer category, before the final plat can be signed by DPIE. The applicant has indicated that they anticipate approval of this amendment in mid-April. As a result, staff find that the applicant is not unduly delaying 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 PPS approved 10 lots and 2 parcels and, as a result, received a one-year extension request in May 2022. However, in accordance with Section 24-119(d)(5)(A)(vii), the applicant is eligible for a final extension of up to two years, which is discussed 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 PPS approved 10 lots and 2 parcels and, as such, this criterion does not apply.

- (vii) A final extension of up to two (2) years from the expiration of a previously approved extension(s) may be granted upon the applicant's submission to the Planning Board of a letter from a permitting agency (including, but not limited to the Washington Suburban Sanitary Commission, U.S. Army Corps of Engineers, Maryland Department of Water Resources Administration, Prince George's County Department of Permitting, Inspections, and Enforcement) indicating:**
- (aa) The date of application for the required permit;**
  - (bb) That the issuance of the required permit is delayed due to circumstances beyond the control of the applicant; and**
  - (cc) The approximate date of issuance of the required permit.**

As stated above, DPIE required the applicant to submit a waiver to request approval of a nonstandard horizontal centerline radii for the Henrietta Drive extension, as part of the street-grade establishment approval. The applicant submitted a letter from DPIE dated March 15, 2023, which confirms the agency's request for a waiver. The letter also acknowledges that these plans were submitted on November 8, 2022 and approved on March 1, 2023. All prior comments provided by the Planning Department have been addressed by the applicant. However, the applicant must obtain approval of an administrative amendment to change the water and sewer category, before the final plat can be signed by DPIE. As a result, staff find the subject criteria for an extension of up to two years has been met. The applicant indicated that the required water and sewer category amendment is anticipated in mid-April, and that only a 90-day extension is needed. As such, the minimum extension necessary to complete the final plat submission (90 days) has been requested, and a two-year extension will not be needed.

Pursuant to the findings presented above, staff recommend that the Planning Board approve the requested 90-day extension.