



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

East Pines

4-19031

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

Location: On the south side of Riverdale Road, in between 67th Place and 67th Avenue.			
Gross Acreage:	3.24		
Zone:	NAC/RSF-65		
Gross Floor Area:	25,000 sq. ft.		
Dwelling Units:	250		
Lots:	0		
Parcels:	1		
Planning Area:	69		
Council District:	03		
Election District:	02		
Municipality:	None		
200-Scale Base Map:	207NE06		
Applicant/Address: DVG Apartments, LLC c/o Delwin Realty, LLC 8455 Colesville Road, Suite 1080 Silver Spring, MD 20910		Planning Board Date:	04/21/2022
Staff Reviewer: Eddie Diaz-Campbell Phone Number: 301-952-3665 Email: Eddie.Diaz-Campbell@ppd.mncppc.org		Planning Board Action Limit:	N/A
		Mandatory Action Timeframe:	N/A
		Memorandum Date:	03/22/2022
		Date Accepted:	02/14/2022
		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.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

March 22, 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 4-19031
East Pines
Extension Request**

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on May 5, 2020, and the resolution of approval was adopted on May 28, 2020 (PGCPB Resolution No. 2020-75). The PPS was approved for one parcel to support development of 250 multifamily dwelling units and 25,000 square feet of commercial floor area. By letter dated February 14, 2022, Christopher L. Hatcher of CLHatcher LLC, requests a one-year extension of the PPS validity period to May 28, 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 May 28, 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 May 28, 2022. Extensions of time available under the prior Subdivision Regulations remain available. Therefore, the applicant's request for an extension to May 28, 2023 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 (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 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 February 14, 2022, prior to the expiration of the plan on May 28, 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 Multifamily Medium Density Residential (R-18) and One-Family Detached Residential (R-55) Zones at the time of the PPS approval, and under the current Zoning Ordinance it is now in the Neighborhood Activity Center (NAC) and Residential, Single-Family-65 (RSF-65) Zones. Despite the current zoning, due to the ongoing validity of both the PPS and the subsequent detailed site plan (DSP), the approved development remains permitted consistent with Section 27-441(b), Footnote 131 of the prior Zoning Ordinance. This footnote required that a DSP be submitted for the development, and so the development was reviewed and approved as DSP-19041 in April 2021, to ensure conformance with the requirements of the prior Subtitle 27. The DSP has a three-year validity period and remains valid at the time of this extension request, in accordance with Section 27-1704(a) of the current Zoning Ordinance. Based on these findings, staff finds that the plan 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 two years was not sufficient time to prepare final plats for the subject property. The PPS was approved in May 2020, close to the beginning of the global COVID-19 pandemic, and the applicant stated that the pandemic had a significant impact on their ability to prepare and file the final plat. The legislation enacted by the Prince George's County District Council (Prince George's County Council Bill CB-74-2020), to extend the validity period for certain preliminary plans of subdivision, due to the pandemic, did not benefit this PPS. Due to its May 2020 approval date, the PPS did not qualify to be covered under the legislation.

In addition, the applicant stated that they needed time to coordinate with the Maryland Transit Administration (MTA) due to this site's adjacency to the Beacon Heights-East Pines Purple Line Station. The site design features an entrance plaza next to the station and direct pedestrian connections with it, resulting in the applicant's need for close coordination with MTA on the project. The need for this coordination is unique to this development and not necessarily anticipated by the two-year timeframe given in the Subdivision Regulations.

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

Staff finds that the applicant is not unduly delaying the filing of the final plats. As stated above, the applicant has needed time to coordinate with MTA on the project and overcome the effects of the pandemic. Despite these difficulties, the applicant has been proceeding in a diligent manner to gain the necessary approvals which will allow them to file a final plat. The PPS was certified in October 2020, the DSP was approved in April 2021, and the DSP was certified in January 2022. The applicant stated they are currently working to satisfy the conditions of the PPS and the DSP that require compliance prior to the filing of a 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 PPS consists of one residentially zoned parcel. 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 May 28, 2023.