



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 Kathmandu Village

4-20013

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

**Location:** On the west side of Alberta Drive, approximately 940 feet north of its intersection with Ritchie Road

Gross Acreage: 11.47

Zone: RSF-95/MIO

Prior Zone: R-80/M-I-O

Reviewed per prior Subdivision Regulations: Section 24-1704(a)

Gross Floor Area: N/A

Dwelling Units: 30

Lots: 30

Parcels: 4

Planning Area: 75A

Council District: 06

Municipality: None

**Applicant/Address:**  
Kathmandu Village, LLC  
4531 Windsor Arms Court  
Annandale, VA 22003

**Staff Reviewer:** Eddie Diaz-Campbell  
**Phone Number:** 301-952-3665  
**Email:** Eddie.Diaz-Campbell@ppd.mncppc.org



Planning Board Date:	05/18/2023
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Memorandum Date:	05/02/2023
Date Filed:	04/26/2023
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](http://www.pgplanning.org)

May 2, 2023

## MEMORANDUM

TO: The Prince George's County Planning Board

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

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

SUBJECT: **Preliminary Plan of Subdivision 4-20013**  
**Kathmandu Village**  
Extension Request

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on May 6, 2021, and the resolution of approval was adopted on May 27, 2021 (PGCPB Resolution No. 2021-61). This PPS was approved for 30 lots and 4 parcels for development of 30 single-family detached dwelling units. By letter dated April 25, 2023, Thomas H. Haller, representing Kathmandu Village LLC, requests a one-year extension until May 27, 2024. This is the applicant's first extension request.

PPS 4-20013 was approved under the provisions of both the prior Prince George's County Zoning Ordinance and Subdivision Regulations. Pursuant to Section 24-1704(a) of the current 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 until May 27, 2024, may be approved, if the relevant criteria in the prior Subdivision Regulations are met.

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 that 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;**

This extension request was filed on April 26, 2023, prior to expiration of the PPS on May 27, 2023. 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 located in the One-Family Detached Residential (R-80) Zone at the time of the PPS approval in 2021. Under the current Zoning Ordinance, the property is in the Residential Single-Family – 95 (RSF-95) Zone. 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);**

Since the approval of the PPS, the applicant has been working diligently to complete the steps necessary before final plats can be filed. Before final plats could be filed, the applicant needed to complete a limited Detailed Site Plan (DSP-21041) for the subdivision's proposed recreation facilities, as required by Condition 9 of the PPS. That DSP was submitted for pre-acceptance on December 23, 2021, accepted for formal review on March 30, 2022, and both approved and certified on February 28, 2023. An associated Type 2 Tree Conservation Plan (TCP2-011-2022) was certified on February 28, 2023. Platting this subdivision also requires coordination with the Prince George's County Department of Parks and Recreation (DPR) because parkland owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC) is required to be dedicated for the entrance road to the development, and the applicant must also construct a stormdrain on park property, with an associated easement. Although DPR agreed, in principle, that the applicant could use M-NCPPC land

for these purposes at the time of PPS, effectuating this agreement requires a Notice of Intent to Grant Limited Access, Right of Entry, Construction & Maintenance Agreement (Notice of Intent) from DPR, as well as a Land Exchange Agreement in order to swap the land for the road dedication with an applicant-owned parcel of land to be added to the abutting park. The Notice of Intent was issued on July 12, 2022, and contains seven conditions which must be met before the applicant and DPR can close on the Land Exchange Agreement. As of the writing of this memorandum, the applicant is working to obtain technical approval of plans for the development from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), which is necessary to meet Condition 1 of the Notice of Intent.

There have been no significant gaps in the applicant's pursuit of the necessary steps for the final plat submission described above. Therefore, staff find that two years was not enough time for the applicant to prepare a final plat. If an extension is granted, staff anticipate that the applicant will use the additional time to obtain technical approval of the development plans from DPIE and close on the Land Exchange Agreement. Once these steps are complete, the applicant will be able to file final plats.

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

The applicant is not unduly delaying filing of the final plats, while they work on completing the remaining steps necessary before they can file. The steps described above need to be completed sequentially; the TCP2 approval is required to gain technical approval from DPIE which, in turn, is needed to fulfill the conditions of the Notice of Intent. The conditions of the Notice of Intent must be met in order for the applicant and DPR to close on the Land Exchange Agreement. At this time, draft plats have been submitted for review (applications 5-23047 through 5-23050), but the land exchange process must be complete before the final plats can formally be filed, as required by Condition 8 of the PPS resolution. Staff find that the applicant is not unduly delaying filing the final plats, while they actively work to fulfill this condition.

**(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 less than 100 lots in the R-80 Zone, so this criterion is applicable. This is the first extension requested by the

applicant and it is not for more than one year, therefore, this criterion is met.

Pursuant to the findings presented above, staff recommend the Planning Board approve the requested one-year extension. If a one-year extension is approved, the PPS will be valid through May 27, 2024.