



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 Brandywine Woods

4-20021

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

Location: On the west side of Tower Road, approximately 400 feet from its intersection with MD 381 (Brandywine Road)

Gross Acreage: 106.62

Zone: RR

Prior Zone: R-R

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

Gross Floor Area: N/A

Dwelling Units: 165

Lots: 165

Parcels: 17

Outparcels: 1

Planning Area: 85B

Council District: 09

Municipality: None

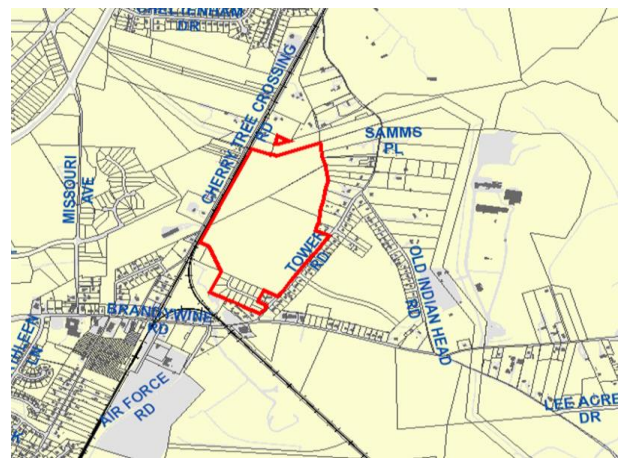
Applicant/Address:

Tower Terra, LLC
PO Box 10111
Silver Spring, MD 20914

Staff Reviewer: Eddie Diaz-Campbell

Phone Number: 301-952-3665

Email: Eddie.Diaz-Campbell@ppd.mncppc.org



Planning Board Date: 05/04/2023

Planning Board Action Limit: N/A

Mandatory Action Timeframe: N/A

Memorandum Date: 04/21/2023

Date Filed: 04/14/2023

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/.

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

April 21, 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 4-20021**
Brandywine Woods
Extension Request

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on April 15, 2021, and the resolution of approval was adopted on May 6, 2021 (PGCPB Resolution No. 2021-51). This PPS was approved for 165 lots, 17 parcels, and 1 outparcel for development of 165 single-family detached dwelling units in a public benefit conservation subdivision. By letter dated April 14, 2023, Matthew C. Tedesco, representing Tower Terra, LLC, requests a two-year extension until May 6, 2025. This is the applicant's first extension request.

PPS 4-20021 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 6, 2025, 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 14, 2023, prior to expiration of the PPS on May 6, 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 Rural Residential (R-R) Zone at the time of the PPS approval in 2021. Under the current Zoning Ordinance, the property is in the equivocal version of the Rural Residential (RR) 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 a final plat can be filed. For this public benefit conservation subdivision, these steps include: changing the water and sewer category to Category 3; completing and gaining certification of a limited detailed site plan (DSP-21018) for the public benefit trails proposed with the subdivision; releasing woodland conservation easements for an on-site tree bank; and identifying a third-party, nonprofit land conservation organization, which will be the grantee of the development's conservation subdivision easement, pursuant to Section 24-152(o)(9)(A) of the prior Subdivision Regulations. As of the writing of this memorandum, all of these steps have been completed, except obtaining an agreement with an organization to be the grantee of the conservation subdivision easement. The water and sewer categories were changed with the September 2021 Legislative Cycle of Amendments. The DSP was submitted in September 2021, and certified in February 2023. The process of releasing the tree bank occurred between August 2022 and

December 2022. There have been no significant gaps in the applicant's pursuit of these necessary steps for the final plat submission. 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 an agreement with a grantee for the conservation subdivision easement.

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

The applicant was not unduly delaying the filing of the final plats while they completed the steps described above, including the water and sewer category change, the DSP, and the release of the tree bank. Regarding the step remaining to be completed, the applicant described their search for a land conservation organization to be the grantee of the conservation subdivision easement as exhaustive and ongoing. Although staff is unaware of the details of the applicant's negotiations with these organizations, staff realize that finding a grantee may take a long time depending on the availability and interest of the land conservation organizations, of which there are a limited number active in the County. Since this is a required step for conservation subdivisions, staff find that the applicant is not unduly delaying filing the final plat while their search for a grantee remains ongoing.

(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 consists of more than 100 lots in the R-R Zone, so this criterion is applicable. This is the first extension requested by the applicant and it is not for more than two years, as such, this criterion is met.

Pursuant to the findings presented above, staff recommend the Planning Board approve the requested two-year extension. If a two-year extension is approved, the PPS will be valid through May 6, 2025.