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Preliminary Plan of Subdivision Marlboro Gateway

4-21010

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

Location: Northwest of the intersection of US 301 (Robert Crain Highway) and MD 725 (Marlboro Pike).	
Gross Acreage:	19.76
Zone:	RMF-48
Prior Zone:	M-X-T
Reviewed per prior Subdivision Regulations:	Section 24-1704(a)
Gross Floor Area:	10,000 sq. ft.
Dwelling Units:	150
Lots:	0
Parcels:	5
Planning Area:	79
Council District:	06
Municipality:	N/A
Applicant/Address: Green Century Partners, LLC 2077 Somerville Road, Suite 206 Annapolis, MD 21401	
Staff Reviewer: Mridula Gupta Phone Number: 301-952-3504 Email: Mridula.Gupta@ppd.mncppc.org	



Planning Board Date:	05/16/2024
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Memorandum Date:	04/26/2024
Date Filed:	03/27/2024
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.



April 26, 2024

MEMORANDUM

TO: The Prince George's County Planning Board

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

FROM: Mridula Gupta, Planner IV, Subdivision Section *MG*
Development Review Division

SUBJECT: **Preliminary Plan of Subdivision 4-21010**
Marlboro Gateway
Extension Request

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on July 7, 2022, and the resolution of approval was adopted on July 28, 2022 (PGCPB Resolution No. 2022-83). This PPS approved five parcels for development of 150 multifamily dwelling units and 10,000 square feet of commercial development and is valid until July 28, 2024. By letter dated March 27, 2024, Matthew C. Tedesco of McNamee Hosea, representing the Green Century Partners, LLC, requested a two-year extension until July 28, 2026. This request was revised by email dated April 16, 2024 (Tedesco to Gupta), to a one-year extension, until July 28, 2025. This is the applicant's first extension request.

PPS 4-21010 was approved in accordance with the Prince George's County Zoning Ordinance and Subdivision Regulations which were in existence prior to April 1, 2022 (hereby referred to as prior Zoning Ordinance and Subdivision Regulations). In accordance with Section 24-1704(a) of the current 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. In addition, 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 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 March 27, 2024, prior to expiration of the PPS on July 28, 2024. 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 Mixed Use-Transportation Oriented (M-X-T) Zone, at the time of the PPS approval, in July 2022. Under the current Zoning Ordinance, the property is in the Residential, Multifamily-48 (RMF-48) Zone. At the time of the PPS approval, the requirements of the prior Zoning Ordinance (the prior Subtitle 27) applied.

Pursuant to Section 24-1704(b) of the Subdivision Regulations, so long as a 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);

Before final plats can be prepared, the applicant needs to gain approval of a detailed site plan (DSP), as is required in the M-X-T Zone by Section 27-546(a) of the prior Zoning Ordinance. The property obtained approval of DSP-22019, for development of 150 multifamily residential dwelling units, on March 16, 2023, that included 90 age-restricted units. Out of 150 units, 141 units were intended to be reserved for income-restricted families. This development was to be partially financed by state tax credits. Due to an increase in borrowing interest rates and construction costs, the developer of the project was unable to find additional funding sources for the project, and thus terminated their contract with the property owner. The DSP remains valid until March 16, 2026.

The applicant, in their letter dated March 27, 2024, describes the continued environment of high interest rates and financing difficulties facing developers, and that additional time is needed to revise the site layout and unit mix, which could be more economically viable. An amended and/or new DSP will be required for the subject site. The applicant also cites the extensive challenges to engineering the site for development given its environmental

features. In addition, since the time of the PPS approval, the new Zoning Ordinance went into effect, which introduced legislative changes that the DSP must address, regardless of its filing pursuant to the prior ordinance. Any new or amended DSP for the site will need to address the new requirements.

Staff agree that a change to the layout or unit mix will require a new or amended DSP and that a plat for the current DSP, which may not move forward to development, would be premature. Since the final plat for the project cannot be approved until after a new or amended DSP is approved, two years has also not been enough time for the applicant to prepare the final plat. For these reasons, staff find that this criterion is met.

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

The applicant is not unduly or purposefully delaying the filing of the final plats. Though a DSP was approved for the subject site, as required prior to the filing of final plats, termination of the contract by the project's developer has halted the approval process. Had the contract not been terminated, the applicant believes the contract purchaser would have diligently moved forward to file the final plat, as they did with the processing of the DSP approval, within the PPS validity. However, this setback was not anticipated or caused by the applicant. The applicant states that they must now pursue other potential buyers/developers for the property to ensure the project can be completed. Once the contract was terminated by the initial developer, the applicant proceeded through fall and winter 2023, and now through spring 2024, to market the property to other developers and buyers. For these reasons, staff find that this criterion is 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 consists of 5 parcels on 19.76-acres of M-X-T-zoned land, for development of 150 multifamily dwelling units and 10,000 square feet of commercial uses, so this criterion is applicable. Given the request is for a one-year extension, and as this is the first extension requested by the applicant, this criterion is met.

(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 5 parcels on 19.76-acres of M-X-T zoned land, for development of 150 multifamily dwelling units and 10,000 square feet of commercial uses, so this criterion is inapplicable.

(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.

This criterion is inapplicable, as this is the applicant's first extension request.

Pursuant to the findings presented above, staff recommend the Planning Board approve a one-year extension. If a one-year extension is approved, the PPS will be valid through July 28, 2025.