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Preliminary Plan of Subdivision 4-21022

First Baptist Church of Highland Park

REQUEST	STAFF RECOMMENDATION
Extension of the preliminary plan of subdivision validity period.	Defer to Planning Board

Location: On the south side of Sheriff Road, approximately 150 east of its intersection with MD 704 (Martin Luther King Jr Highway).	
Gross Acreage:	18.69
Zone:	RSF-95
Prior Zone:	R-80
Reviewed per prior Subdivision Regulations:	Section 24-1704(a)
Gross Floor Area:	128,112 sq. ft.
Dwelling Units:	138
Lots:	0
Parcels:	1
Planning Area:	72
Council District:	05
Municipality:	N/A
Applicant/Address: Community Housing Initiative, Inc. 1123 Ormond Court McLean, VA 22101	
Staff Reviewer: Eddie Diaz-Campbell Phone Number: 301-952-3504 Email: eddie.diaz-campbell@ppd.mncppc.org	



Planning Board Date:	10/10/2024
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Memorandum Date:	10/03/2024
Date Filed:	09/06/2024
Informational Mailing:	N/A
Acceptance Mailing:	N/A
Sign Posting Deadline:	N/A



October 3, 2024

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Sherri Conner, Acting Division Chief *SC*
Development Review Division

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

SUBJECT: **Preliminary Plan of Subdivision 4-21022**
First Baptist Church of Highland Park
Extension Request

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on March 3, 2022, and the resolution of approval was adopted on March 24, 2022 (PGCPB Resolution No. 2022-30). PPS 4-21022 approved one parcel for development of 138 multifamily dwelling units for elderly or handicap families, in addition to 128,112 square feet of existing institutional uses, and was valid until March 24, 2024. By letter dated September 6, 2024, Matthew C. Tedesco, Esq. of McNamee Hosea, on behalf of the applicant, Community Housing Initiative, Inc., requested a one-year extension until March 24, 2025. This is the applicant's first extension request. The applicant submitted a request for a variation from Section 24-119(d)(5)(A)(i) of the prior Prince George's County Subdivision Regulations with the extension request, pertaining to the filing deadline for an extension request. However, this variation request was subsequently withdrawn.

PPS 4-21022 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 prior Subdivision Regulations). In accordance with Section 24-1704(a) 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. 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 below 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 September 6, 2024, after the expiration of the PPS on March 24, 2024. Therefore, this criterion is not met.

The applicant provides that extraneous and tragic circumstances prevented the request from being filed in a timely manner. The applicant was originally represented by the law firm of Linowes and Blocher LLP, which closed. Subsequently, the applicant retained Daniel F. Lynch, III as the attorney for this matter. Mr. Lynch handled the PPS and associated detailed site plan (DSP) approvals for the project on behalf of the applicant. The most recent entitlement was the Planning Board's approval of DSP-91071-03, which was one of Mr. Lynch's last hearings before the Planning Board, before Mr. Lynch passed away on November 8, 2023. In addition, John Clapsaddle of Maser Consulting, the original engineering firm for this matter, also passed away in July 2022. Maser Consulting was subsequently purchased by Colliers Engineering, and following Mr. Clapsaddle's death, Colliers Engineering advised the applicant that it was no longer able to continue working on the project and referred the applicant to Joyce Engineering. Sometime thereafter, Joyce Engineering was purchased by iCivil Engineering, who took over the project. While the untimely passing of both Mr. Lynch and Mr. Clapsaddle (during various portions of obtaining the requisite entitlements for the project) led to some oversight of the filing deadline for the extension or, alternatively, the filing of the final plat, the applicant has continued to pursue addressing the requisite items needed for final plat approval, as explained further herein.

It is also noted that an extension of the PPS at this stage does not garner more time for the applicant to complete the filing of the final plat than would have been given if this request were filed prior to March 24, 2024.

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

The property is within the Residential, Single-Family - 95 (RSF-95) Zone and was previously in the One-Family Detached Residential

(R-80) Zone. At the time of the PPS approval, the requirements of the prior Zoning Ordinance (prior Subtitle 27) applied.

Pursuant to Section 24-1704(b) of the Subdivision Regulations and Section 27-1704(a) of the Zoning Ordinance, 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. Following the approval of the PPS, DSP-91071-03 was approved for the proposed development, which remains valid. Therefore, the requirements of prior Subtitle 27 will continue to apply if this extension is granted. The PPS remains in conformance with the requirements of prior Subtitles 24 and 27 of the County Code, and staff find that this criterion is met.

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

Staff find that two years was not sufficient time to prepare the final plats for this project. The project required DSP approval, and DSP-91071-03 was not formally accepted for review until May 3, 2023, more than a year after the PPS was approved. The filing of the DSP was delayed due to turnover in the engineering firm handling the project; the original engineering firm, Maser Consulting, was purchased by a firm known as Colliers Engineering, which was not able to continue working on the project. The applicant thereafter retained a new engineering firm, Joyce Engineering, which was subsequently purchased by iCivil Engineering, which is now working on the project. DSP-91071-03 was approved by the Planning Board in July 2023, but following this approval, the project again lost key personnel, with the untimely passing of the applicant's attorney and the departure of iCivil Engineering's lead surveyor from the firm. These circumstances, causing delay of the project, were not under the control of the applicant. The applicant was still able to file draft plats for review in January 2024, and they have continued to work since then towards addressing staff comments on the plats as well as on the DSP (which is pending certification), notwithstanding the expiration of the PPS. If a one-year extension is approved, it is expected that the applicant will use the remaining months between now and March 2025 to finish addressing staff comments, so that the DSP can be certified and the plats approved.

(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. The applicant has obtained the requisite DSP approval and submitted draft plats for review. However, the final plats cannot be approved until the DSP has been certified and the conditions of approval of the PPS (applicable at the time of final plat) have been satisfied. The applicant has been continuing to work on addressing staff comments to ensure these tasks are completed, both before and

after the expiration of the PPS. 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 one parcel on 18.69 acres of R-80 zoned land, for development of 138 multifamily dwelling units for elderly or handicap families, in addition to 128,112 square feet of existing institutional 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.

Staff find that the above required findings have been met, saving for criterion (i). Staff defer to the Planning Board on whether the requested extension should be approved, given the circumstances expressed above and in the applicant's request. If a one-year extension is approved, the PPS will be valid through March 24, 2025.