



Note: Staff reports can be accessed at <https://www.mnccppc.org/883/Watch-Meetings>

Preliminary Plan of Subdivision 4-21025 Broad Creek Townhouses at Henson Creek Transit Village

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

Location: At the northwest corner of the intersection of Oxon Hill Road and Livingston Road.	
Gross Acreage:	14.87
Zone:	RSF-A/AG
Prior Zone:	R-T/O-S
Reviewed per prior Subdivision Regulations:	Section 24-1704(a)
Gross Floor Area:	N/A
Dwelling Units:	80
Lots:	80
Parcels:	8
Planning Area:	80
Council District:	08
Municipality:	N/A
Applicant/Address: Abdolhossein Ejtemai 2900 Telestar Court Falls Church, VA 22042	
Staff Reviewer: Jason Bartlett Phone Number: 301-780-2465 Email: Jason.Bartlett@ppd.mnccppc.org	



Planning Board Date:	05/23/2024
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Memorandum Date:	05/09/2024
Date Filed:	04/16/2024
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.mnccppcapps.org/planning/Person_of_Record/.

Please call 301-952-3530 for additional information.



May 9, 2024

MEMORANDUM

TO: The Prince George's County Planning Board

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

FROM: Jason Bartlett, Planner II, Subdivision Section *JB*
Development Review Division

SUBJECT: **Preliminary Plan of Subdivision 4-21025**
Broad Creek Townhouses at Henson Creek Transit Village
Extension Request

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on May 19, 2022, and the resolution of approval was adopted on June 9, 2022 (PGCPB Resolution No. 2022-60). This PPS approved 80 lots and 8 parcels for the development of 80 single-family detached dwelling units and is valid until June 9, 2024. By letter dated April 15, 2024, Matthew C. Tedesco of McNamee Hosea, representing the property owners and applicant, Abdolhossein Ejtemai, Hossein Ejtemai, and Mahmoud Pirzadeh, requested a one-year extension until June 9, 2025. This is the applicant's first extension request.

PPS 4-21025 was approved in accordance with both the Prince George's County Zoning Ordinance and Prince George's County Subdivision Regulations which were in existence prior to April 1, 2022 (hereby referred to as the prior Zoning Ordinance and prior Subdivision Regulations). In accordance with Section 24-1704(a) of the current 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 April 16, 2024, prior to the expiration of the PPS on June 9, 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 Townhouse (R-T) and Open Space (O-S) Zones at the time of the PPS approval in May 2022. Under the current Zoning Ordinance, the property is in the Residential, Single-Family-Attached and Agriculture and Preservation Zones. 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, 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 R-T Zone, by Section 27-433(k) of the prior Zoning Ordinance. Since the PPS resolution was adopted on June 9, 2022, the owners have not been able to advance DSP-21013, which is required prior to obtaining final plat approval.

In their letter dated April 15, 2024, the applicant describes the delay of being able to move forward and advance the DSP as stemming from delays complying with Conditions 17 and 18 of PGCPB Resolution No. 2022-60. Both conditions require the exact details and profiles of a network of continuous sidewalks (Condition 17) and protected bicycle lanes (Condition 18) along the property's frontage of Oxon Hill Road, to be included as part of the DSP. Both conditions require coordination with the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), which has been complicated by the presence of a 100-year floodplain in the area of required improvements. The applicant states that though they have worked with DPIE to address these and various other associated issues, their development team has yet to receive DPIE's formal response from their August 2022 submission.

Staff agree that Conditions 17 and 18 of PGCPB Resolution No. 2022-60 require coordination with DPIE to determine the exact details and location of improvements within the right-of-way that will be approvable by DPIE. In particular, the conditions specifically allow modification of the facilities by DPIE, which is typical, to account for instances where conflicts may exist. This may be further exacerbated by the applicant's inexperience entitling and developing property in Prince George's County. Since the final plat for the project cannot be approved until the DSP is approved, and given the above reasoning, 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. The applicant initiated coordination with DPIE in August 2022, regarding road improvement details, which are conditioned by the PPS and required to be shown on the DSP. The applicant confirmed that they did reach out to DPIE throughout 2023, and will continue to do so if this extension is granted, but have not received a formal response and are unable to proceed without DPIE's input. Staff find it is reasonable that the applicant could not have anticipated this delay, and 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 80 lots and 8 parcels on 14.87 acres of land zoned R-T and O-S, for the development of 80 single-family detached dwelling units. Thus, 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 80 lots and 8 parcels on 14.87 acres of land zoned R-T and O-S, for the development of 80 single-family detached dwelling units. Therefore, 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 that the Planning Board APPROVE the requested one-year extension. If a one-year extension is approved, the PPS will be valid through June 9, 2025.