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Preliminary Plan of Subdivision 4-21038

Wood Property

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

Location: At the northeast corner of the intersection of Presidential Parkway and MD 4 (Pennsylvania Avenue).	
Gross Acreage:	18.09 acres
Zone:	TAC-E/MIO
Prior Zone:	M-X-T/M-I-O
Reviewed per prior Subdivision Regulations:	Section 24-1704(a)
Gross Floor Area:	N/A
Dwelling Units:	88
Lots:	88
Parcels:	16
Planning Area:	78
Council District:	06
Municipality:	N/A
Applicant/Address: CBWPG II LLC 6290 Montrose Road Rockville, MD 20852	
Staff Reviewer: Mahsa Vatandoost Phone Number: 301-952-4487 Email: Mahsa.Vatandoost@ppd.mncppc.org	



Planning Board Date:	05/30/2024
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Memorandum Date:	05/21/2024
Date Filed:	04/19/2024
Informational Mailing:	N/A
Acceptance Mailing:	N/A
Sign Posting Deadline:	N/A



May 21, 2024

MEMORANDUM

TO: The Prince George's County Planning Board

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

FROM: Mahsa Vatandoost, Planner II, Subdivision Section *MV*
Development Review Division

SUBJECT: **Preliminary Plan of Subdivision 4-21038**
Wood Property
Extension Request

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on April 7, 2022, and the resolution of approval was adopted on April 28, 2022 (PGCPB Resolution No. 2022-40). This PPS approved 88 lots, 16 parcels, and 1 outparcel for development of 88 townhouse units and was valid until April 28, 2024. By letter dated May 16 [sic], 2024, which was received on April 19, 2024, William Shipp of O'Malley, Miles, Nylen & Gilmore, representing the CBWPG II LLC, requested a one-year extension until April 28, 2025.

PPS 4-21038 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 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 April 19, 2024, prior to expiration of the PPS on April 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) and Military Installation Overlay (M-I-O) Zones prior to April 1, 2022. Under the current Zoning Ordinance, the property is in the Town Activity Center-Edge (TAC-E) and Military Installation Overlay (MIO) Zones. At the time of the PPS approval, the requirements of the prior Zoning Ordinance applied because pursuant to Section 24-1703(a) of the Subdivision Regulations and 27-1703(b) of the Zoning Ordinance, subdivision applications submitted and accepted as complete before April 1, 2022, but still pending final action as of that date, must be reviewed and decided in accordance with the prior Subdivision Regulations and prior Zoning Ordinance.

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 applicant may elect to have the project reviewed under the requirements of prior Subtitle 27. 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);

The applicant is near completion of the preparation of the final plat. Before final plats could be prepared, the applicant needed to gain approval of a detailed site plan (DSP), as is required in the M-X-T Zone per Section 27-546(a) of the prior Zoning Ordinance. The property obtained approval of DSP-22014, for development of 88 residential townhouse dwelling units, on June 9, 2023. Following the approval of the DSP, the applicant prepared a draft of the final plats in September of 2023.

The applicant, in their extension request letter, describes that the Wood Property is an 88-unit townhouse development, which is designed as a continuation and companion to the adjacent Armstrong Village townhouse community. Both the Wood Property and the Armstrong Village community are the subject of a common

Conceptual Site Plan, CSP-19007. The Subject Property has required substantial engineering work to coordinate the street pattern with the existing subdivision and to update and revise stormwater management as part of the site design approval. Although that process has taken a considerable amount of time, the project has steadily proceeded, and the applicant has diligently pursued the required regulatory approvals. There are several tasks, stemming from the PPS conditions, which the applicant has been working on completing over the past two years in preparation for the next steps. Specifically, Conditions 5, 7, 11, 14, 18 and 29 of the PPS (PGCPB Resolution No. 2022-40) require that prior to approval of the final plats, several documents and agreements be prepared, reviewed and recorded. The documents and agreements include a recreational facilities agreement; a declaration of covenants for the homeowners association; a Memorandum of Understanding pursuant to Public Facilities Financing and Implementation Program, in accordance with County Council Resolution CR-66-2010; a Park Club Agreement; and a public use access easement to coordinate public use of the private streets within the subject property with the adjoining Armstrong Village community. Some of these documents require the approval of other agencies. The draft documents have been submitted to The Maryland-National Capital Park and Planning Commission's (M-NCPPC) Planning Department for review, along with the draft final plats. Evidence has also been provided that the applicant submitted the applicable agreements to the other required agencies, which include the M-NCPPC Parks and Recreation Department and Prince George's County Department of Public Works and Transportation/Department of Permitting, Inspections and Enforcement. While approval and recordation of these documents is pending, the applicant cannot proceed to file the final plats for approval. The time the applicant has needed to address conditions shows that two years has not been sufficient time to prepare the final plats.

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 prepared drafts of the final plats in September of 2023, following the approval of the DSP. However, the final plats cannot be filed for approval until the conditions of the PPS are met. The applicant has proceeded diligently to prepare the requisite documents for filing of the final plats. Once all documents are approved, the final plats will be ready for filing. Therefore, 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 88 lots, 16 parcels and 1 outparcel on 18.09 acres of M-X-T-zoned land, for development of 88 townhouse dwelling units, 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 88 lots, 16 parcels and one outparcel on 18.09 acres of M-X-T-zoned land, for development of 88 townhouse dwelling units, 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 April 28, 2025.