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Preliminary Plan of Subdivision Terrapin House

4-21055

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

Location: On the north side of Hartwick Road between Yale Avenue and US 1 (Baltimore Avenue).	
Gross Acreage:	0.89
Zone:	LTO-E/ RSF-65
Prior Zone:	M-U-I/ R-55/D-D-O
Reviewed per prior Subdivision Regulations:	Section 24-1704(a)
Gross Floor Area:	15,000 sq. ft.
Dwelling Units:	175
Lots:	0
Parcels:	1
Planning Area:	66
Council District:	03
Municipality:	College Park
Applicant/Address: Green Hill Capital Corporation 4901 Fairmount Avenue, Suite 200 Bethesda, MD 20814	
Staff Reviewer: Jason Bartlett Phone Number: 301-780-2465 Email: jason.bartlett@ppd.mncppc.org	



Planning Board Date:	06/13/2024
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Memorandum Date:	05/29/2024
Date Filed:	04/24/2024
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.



May 29, 2024

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: ^{for} Sherri Conner, Planning Supervisor, Subdivision Section *MG*
Development Review Division

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

SUBJECT: **Preliminary Plan of Subdivision 4-21055
Terrapin House
Extension Request**

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on May 26, 2022, and the resolution of approval was adopted on June 16, 2022 (PGCPB Resolution No. 2022-63). This PPS approved one parcel for the development of 175 multifamily dwelling units and 15,000 square feet of gross floor area of commercial use and is valid until June 16, 2024. By letter dated April 24, 2024, Matthew C. Tedesco of McNamee Hosea, representing the property owners and applicant, Green Hill Capital Corporation, requested a one-year extension until June 16, 2025. This is the applicant's first extension request.

PPS 4-21055 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 April 24, 2024, prior to expiration of the PPS on June 16, 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 evaluated in accordance with the Mixed Use-Infill (M-U-I) and One-Family Detached Residential (R-55) Zones, within a Development District Overlay (D-D-O) Zone at the time of the PPS approval in May 2022. Under the current Zoning Ordinance, the property is in the Local Transit-Oriented-Edge (LTO-E) and Residential, Single-Family-65 (RSF-65) Zones. 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 R-55 Zone by Section 27-433(k) of the prior Zoning Ordinance. As referenced above, PPS 4-21055 was approved by the Planning Board in May 2022, and the Resolution was adopted in June 2022. Since the adoption of the resolution, and despite the applicant's best efforts, it has taken 17 months of the 24-month validity period of PPS 4-21055 for the applicant to obtain approval of the required DSP-22035, which has yet to be certified.

The applicant, in their letter dated April 24, 2024, expounds on this delay by stating that the 17 months was used to not only prepare all of the requisite materials for the DSP, including ancillary materials that were unique to this particular development (i.e., the vetting of the feasibility of relocating an existing house on the subject property as well as obtaining the requisite Federal Aviation Administration and Maryland Aviation Administration letters, due to the existing College Park Airport) but also to ultimately obtain final unappealable

approval of DSP-22035. In summary, the applicants defend that two years has simply not been a sufficient amount of time to complete the DSP process, obtain certification of the DSP and TCP2, and obtain approval of the final plat.

Staff agree that given the complexities of the project and additional approvals that were needed to obtain DSP approval, that 17 months has not been unreasonable and 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 owners/applicant have proceeded diligently in the development process. However, there have been unique circumstances based on commitments to the City of College Park (among others) that had to be addressed before the applicant could fully commence with the DSP. In addition, the applicant commenced the process of obtaining the components needed for the DSP submission and approval process within five months of the Planning Board adoption of PGCPB No. 2022-63 and within one month after PPS 4-21055 was certified. Finally, the applicant has been pursuing certification of the DSP and approval of the final plat since obtaining approval of DSP-22035. Staff, therefore, 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 one parcel on 0.89 acre of land zoned M-U-I / R-55/D-D-O, for the development of 175 multifamily dwelling units, so this criterion is applicable. Given the request is for a one-year extension, and 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 one parcel on 0.89 acre of land zoned M-U-I / R-55/D-D-O, for the development of 175 multifamily 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 June 9, 2025.