



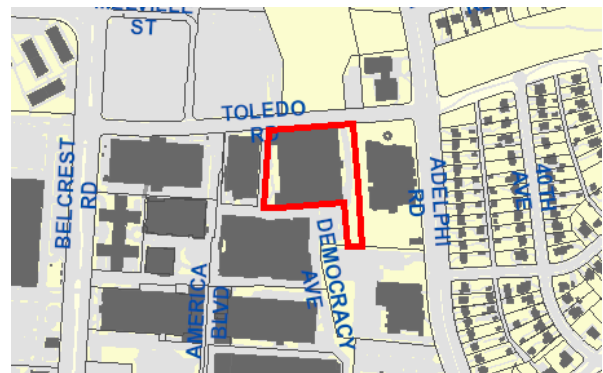
Note: Staff reports can be accessed at <https://www.mncppc.org/883/Watch-Meetings>

Preliminary Plan of Subdivision Library Apartments

4-22004

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

Location: On the south side of Toledo Road, approximately 265 feet west of its intersection with Adelphi Road.	
Gross Acreage:	2.87
Zone:	RTO-H-C
Prior Zone:	M-X-T/T-D-O
Reviewed per prior Subdivision Regulations:	Section 24-1704(a)
Gross Floor Area:	0 sq. ft.
Dwelling Units:	209
Lots:	0
Parcels:	1
Planning Area:	68
Council District:	02
Municipality:	Hyattsville
Applicant/Address: The Bernstein Companies, Inc. 3299 K Street, NW, Suite 700 Washington, DC 20036	
Staff Reviewer: Mahsa Vatandoost Phone Number: 301-952-4487 Email: Mahsa.Vatandoost@ppd.mncppc.org	



Planning Board Date:	05/15/2025
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Staff Report Date:	05/01/2025
Date Accepted:	04/02/2025
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 1, 2025

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Mridula Gupta, Acting Planning Supervisor, Subdivision Section *MG*
Development Review Division

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

SUBJECT: **Preliminary Plan of Subdivision 4-22004
Library Apartments
Extension Request**

This preliminary plan of subdivision (PPS) was approved by the Prince George's County Planning Board on March 16, 2023, and the resolution of approval was adopted on April 6, 2023 (PGCPB Resolution No. 2023-33(C)). PPS 4-22004 approved one parcel for 209 multifamily dwellings, and is valid until April 6, 2025. By letter dated April 2, 2025, Matthew Tedesco of McNamee Hosea, on behalf of the applicant, The Bernstein Companies, Inc., requested a one-year extension until April 6, 2026. This is the applicant's first extension request.

PPS 4-22004 was approved in accordance with 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 prior Zoning Ordinance and prior Subdivision Regulations). In accordance with Section 24-1704(a) of the 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's 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 2, 2025, prior to expiration of the PPS on April 6, 2025. 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 is within the Regional Transit-Oriented, High-Intensity Core (RTO-H-C) Zone and was previously in the Mixed Use-Transportation Oriented (M-X-T) and Transit District Overlay (T-D-O) 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 that 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 is required to obtain approval of a detailed site plan (DSP), as required in the prior T-D-O Zone (2016 *Approved Prince George's Plaza Transit District Development Plan and Transit District Overlay Zoning Map Amendment*) and the prior Zoning Ordinance. DSP-01002-04 was approved by the Planning Board on February 29, 2024 (PGCPB Resolution No. 2024-014). The DSP was submitted and approved within two years of the PPS validity period. However, circumstances beyond the applicant's control have delayed acceptance and subsequent approval of the final plat. The applicant submitted Final Plat 5-24084 for review in April 2025, in accordance with the approved PPS. However, the final plat cannot be approved until the applicant obtains certification of DSP-01002-04. The applicant, in their request, states that the certification of the DSP and the associated Type 2 Tree Conservation Plan (TCP2-50-2023), and approval from the City of Hyattsville (City) of a public access easement required by Condition 5 of DSP-01002-04, are still pending. Specifically, Condition 5 requires that a public access easement be granted to the City for any sidewalk along Toledo Road that is not located within the public right-of-way (ROW). The DSP shows a sidewalk along the property's entire frontage along Toledo Road, which is partially located within the public ROW and partially

on the subject site. However, staff note that the certification of the DSP is pending only because the public access easement has not yet been approved.

Over the preceding two years, the applicant has diligently pursued certification of the DSP and the TCP2, and the recordation of the required public access easement. The applicant provided a timeline of the submittals made to the Prince George's County Planning Department and the City for these plans and public access easement document. The following are some key dates based upon the provided timeline:

- Adoption of the PPS resolution: April 6, 2023
- Signature approval of the PPS and TCP1: September 8, 2023
- Acceptance of DSP-01002-04: October 6, 2023
- Approval of DSP-01002-04: February 29, 2024
- District Council decision on DSP: April 19, 2024
- Submittal of final plat 5-24084: April 15, 2024
- Submittal of a draft public use easement document to the City of Hyattsville: July 8, 2024

However, the review and approval of the public access easement has taken additional time not foreseen by the applicant. In their provided timeline, the applicant substantiates that they have not been able to have the City approve the required public access easement document for almost nine months. To date, based upon the applicant, the City attorney has not completed their review of the easement document. This delay was unexpected by the applicant. As such, 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 plat. As stated in staff's analysis above, the applicant expeditiously pursued and obtained approval of the DSP. The applicant submitted their draft public access easement documents to the City for review on July 8, 2024, within six months of the DSP approval by the Planning Board on February 29, 2024. Furthermore, the final plat has been fully reviewed by staff, and the applicant has responded to all comments, save compliance with Condition 5 of the DSP, regarding the aforementioned public easement. Staff, therefore, 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 totaling 2.87 acres of land zoned M-X-T and T-D-O, for the development of 209 multifamily dwellings. Staff, therefore, find that this criterion is applicable. The applicant is requesting an extension that is not more than one year, therefore, this criterion is met.

Pursuant to the findings presented above, staff recommend that the Planning Board approve a one-year extension. If a one-year extension is approved, the PPS will be valid through April 6, 2026.