

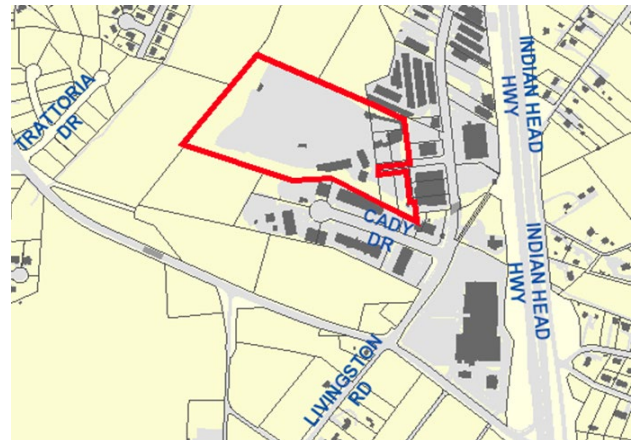


# Preliminary Plan of Subdivision Reconsideration Request Capital Beltway II

**4-23008**

REQUEST	STAFF RECOMMENDATION
Reconsideration Request	DISCUSSION

<b>Location:</b> At the terminus of Taylor Acres Avenue, approximately 0.25 mile north of the intersection of Oxon Hill Road and Livingston Road.	
Gross Acreage:	17.80
Zone:	IE/AG
Prior Zone:	I-1/O-S
Reviewed per prior Subdivision Regulations:	Section 24-1900
Gross Floor Area:	140,896 sq. ft.
Dwelling Units:	0
Lots:	0
Outlots:	1
Parcels:	1
Planning Area:	80
Council District:	08
Municipality:	N/A
<b>Requestor/Address:</b> Fort Washington Forward 938 East Swan Creek Road, Suite 123 Fort Washington, MD 20744	
<b>Staff Reviewer:</b> Mridula Gupta <b>Phone Number:</b> 301-952-3504 <b>Email:</b> Mridula.Gupta@ppd.mncppc.org	



Planning Board Date:	11/07/2024
Planning Board Action Limit:	11/09/2024
Memorandum Date:	10/31/2024
Date Received:	10/10/2024
Previous Parties of Record (Applicant):	10/10/2024
Previous Parties of Record (M-NCPPC):	10/25/2024

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/](http://www.mncppcapps.org/planning/Person_of_Record/).

Please call 301-952-3530 for additional information.



October 31, 2024

**MEMORANDUM**

TO: The Prince George's County Planning Board

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

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

SUBJECT: **Preliminary Plan of Subdivision 4-23008**  
Reconsideration Request  
Capital Beltway II

By letter dated October 3, 2024, Fort Washington Forward ("FWF"), requested the Prince George's County Planning Board reconsider its approval of Preliminary Plan of Subdivision (PPS) 4-23008. The PPS was approved on September 5, 2024, and the resolution memorializing the approval (PGCPB Resolution No. 2024-090) was adopted by the Planning Board on September 26, 2024. Per Section 10(e) of the Planning Board's Rules of Procedure, the Board may only adopt a motion of reconsideration if, in furtherance of substantial public interest, the Planning Board finds there was an error in reaching its original decision that was caused by fraud, surprise, mistake, inadvertence, or other good cause.

FWF's request claims the Planning Board's decision, as memorialized in its Resolution, failed to adequately address significant concerns related to the impact of the development on traffic, environmental impacts, and conformance to the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* (master plan). FWF has also submitted testimony, dated October 3, 2024, analyzing the impact of the development on the environment. FWF does not claim the Planning Board's decision was caused by fraud, surprise, mistake, inadvertence, or other good cause. Instead, FWF is asking the Board to take another look at the evidence, accept new evidence concerning the project's impact on the environment, and consider changing its decision.

When the Planning Board reaches a final decision, the general rule is that the Planning Board is not vested with the power to reopen and rehear the case. If cases could merely be reopened, there would be no finality to the proceeding and the Planning Board's decision would be subject to change at the whim of members, creating both uncertainty and impermanence for applicants and persons of record. In order to avoid substantially unjust outcomes, however, the Planning Board may reconsider an action it has previously taken and come to a different conclusion

upon a showing that the original action was the product of fraud, surprise, mistake, or inadvertence, or that some new or different factual situation exists that justifies the different conclusion. What is not permitted, however, is a mere change of mind on the part of the Planning Board.

FWF first states that the traffic study submitted by the applicant, as part of the PPS application, did not assess the full impact of the proposed development on the surrounding transportation infrastructure. Secondly, FWF claims the proposed development deviates from the principles and goals of the master plan. Thirdly, FWF asserts that the environmental assessments submitted with the application did not fully account for the project's impacts on the environment.

The traffic study and environmental assessments submitted by the applicant were contained in the record of the case and subjected to staff review and recommendation in the technical staff report. The issue of master plan conformance was also reviewed by staff in the technical staff report. Officers of FWF, and other persons of record, were afforded the opportunity to, and did, provide written and oral testimony on traffic impacts, environmental impacts, and master plan conformance. In addition, the approved Certificate of Adequacy ADQ-2023-014, which is not subject to this reconsideration, evaluated the impact of this development on transportation facilities. The ADQ imposed limits on peak-hour vehicle trips and required the construction of improvements to existing roadways.

The Planning Board evaluated conformance of the PPS to the master plan, and its evaluation is included in Finding 6 of the resolution (PGCPB Resolution No. 2024-090). Regarding concerns of environmental impact, the project was evaluated and will be required, at the time of permitting, to meet the regulatory requirements of the County and state related to noise control, dust control, erosion and sediment control, and stormwater quality and quantity. Environmental impacts of the project were also discussed during the September 5, 2024 Planning Board hearing and were considered in the decision making, as evidenced in Finding 13 of PGCPB Resolution No. 2024-090. Conformance of the PPS to applicable environmental regulations contained in the master plan, prior Subtitle 24, the Countywide Green Infrastructure Plan of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*, and the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance was also evaluated.

If the Planning Board finds its decision was in error due to fraud, surprise, mistake, inadvertence, or other good cause, it may grant FWF's request for a reconsideration, and staff will provide an analysis on the merits of the request at a later Planning Board hearing. If the Planning Board fails to make such finding, it may adopt a motion denying the request. Failure to take any action will cause the request to fail by operation of law.