THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2020-99 File No. 5-19170 through 5-19173

R E S O L U T I O N

WHEREAS, Greenlife Property Group, LLC is the owner of a 46.53-acre parcel of land known as Parcel 3, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned Residential Estate (R-E); and

WHEREAS, on June 3, 2020, Greenlife Property Group, LLC filed an application for approval of Final Plats of Subdivision for 10 parcels; and

WHEREAS, the application for approval of the aforesaid Final Plats of Subdivision, also known as Final Plat 5-19170 through 5-19173 for Traditions at Beechfield, Plats 2–5 were presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on June 10, 2020, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application; and

WHEREAS, on June 10, 2020, the Prince George's County Planning Board approved the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Final Plats of Subdivision 5-19170 through 5-19173, including a Variation from Section 24-122(a) of the Subdivision Regulations, for a modification of the location of the public utility easement, pursuant to the conditions of Preliminary Plan of Subdivision 4-17018.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.

2. Background— The subject property is located in the northeast quadrant of the intersection of US 50 (John Hanson Highway) and Enterprise Road and is in the Residential Estate (R-E) Zone. The site is approved for development of a planned retirement community known as Traditions at Beechfield, in accordance with Preliminary Plan of Subdivision (PPS) 4-17018 (83.66 acres), which was approved by the Prince George's County Planning Board on February 15, 2018. Special Exception SE-4785 was also approved by the Prince George's County District Council (Zoning Ordinance No. 11-2018) for the subject development. The site is approved for 24 parcels

and 133 lots, in accordance with 4-17018. The subject plats include ten of those parcels, which are oriented along US 50 and total 46.53 acres of the subject site.

These final plats of subdivision are in conformance with PPS 4-17018. However, the applicant requested the Planning Board's approval of a variation from Section 24-122(a) of the Prince George's County Subdivision Regulations for the location of public utility easements (PUEs) along US 50, as discussed further.

3. Setting— The subject property is located on Tax Map 53 in Grids E2 and F2, and is in Planning Area 71A. The subject parcels are bounded to the west by Enterprise Road, to the south by US 50, to the east by single-family detached development in the Mixed Use Community Zone, and to the north by property to be developed as part of the larger Traditions at Beechfield subdivision.

4. Development Data Summary—The following information relates to the subject final plats of subdivision application.

	EXISTING	APPROVED
Zone(s)	R-E	R-E
Use(s)	Residential	Residential
Acreage	46.53 acres	46.53 acres
Lots	0	0
Outlots	0	0
Parcels	1	10
Variance	No	No
Variation	No	Yes 24-122(a)

The requested variation from Section 24-122(a) was received on April 16, 2020, and heard on May 1, 2020 at the Subdivision and Development Review Committee meeting, as required by Section 24-113(b) of the Subdivision Regulations, as a companion request to the subject final plats of subdivision.

5. **Variation**—Section 24-122(a) requires the following:

Section 24-122 – Public Facilities

(a) When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site abuts US 50 to the south and Enterprise Road to the west.

Vehicular access and utilities to serve the subject site are to be provided from Enterprise Road. While the standard PUE is provided along Enterprise Road, the applicant is not proposing PUEs along US 50. The applicant provided a statement of justification dated May 1, 2020, incorporated by reference herein, which sets forth the request and analysis of the variation standards for approval.

Section 24-113 sets forth the required findings for approval of a variation request, as follows:

Section 24-113. Variations

(a) Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/ or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;

The applicant states that approval of this variation will not be a detriment to public safety, health, welfare, or be injurious to other properties, as there are no linear utilities existing along US 50 and the properties abutting the proposed development. The abutting properties, which have developed recently, were also not required to provide a PUE.

(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

The applicant states that few properties abut a freeway, and in this instance the property is served by utilities being extended from other abutting roads or adjacent properties. The location of utilities and status of abutting roads is unique to each property, which supports the variation request.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

The approval of a variation is unique to the Subdivision Regulations and under the sole authority of the Planning Board. The applicant states that there are no existing utilities, which would warrant a PUE, and no public utility has requested that a PUE be provided. This variation was referred to the gas, electric,

telephone, and cable utility companies and none have opposed this request. Therefore, this variation does not violate any other applicable law, ordinance, or regulation.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

The applicant states that if the property were an open field with no woodlands or primary management area (PMA) abutting US 50, a PUE could be provided with no immediate or future impact to the natural environment. However, there are woodlands that are a part of a conservation easement, as well as the PMA along US 50, that would prevent a PUE from being implemented. An alternative approval would have to be requested, in order to disturb the conservation easement and PMA for which preservation is generally required. Given the conflict of requiring a PUE and preservation of environmentally sensitive areas, priority should be given to preserving the PMA in this instance where a PUE is not necessary.

(5) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.

The subject property is zoned R-E. Therefore, the provision is not applicable.

The Planning Board finds that the setting along US 50 and Enterprise Road, and the physical conditions of the site and surrounding properties, are unique and that approval of the variation would not nullify the intent of the Subdivision Regulations.

6. **Referrals**—The requested variation was referred to Verizon, Comcast, Baltimore Gas and Electric, and AT&T. No responses to this request were received from the referred agencies. Utilities may be further coordinated during the permitting process.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, June 11, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of June 2020.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:AH:nz

APPROVED AS TO LEGAL SUFFICIENCY
David S. Warner /s/
M-NCPPC Legal Department
Date: June 15, 2020