

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision 4-01017
Sellner's Farm, Lots 30 and 31, Block A

OVERVIEW

The proposed subdivision consists of approximately .583 acres of land in the R-80 Zone. It is located in Councilmanic District 8 and is a record lot found on Tax Map 107, in Grid B-4, known as Lot 29 Block A, in the Sellner's Farm Subdivision. Existing Lot 29 Block A was created pursuant to Preliminary Plat 4-94061 and was recorded in land records in 1997, in Plat Book VJ 181 @ 25. The applicant is proposing to subdivide Lot 29 into two single-family dwelling units lots. Lot 29 Block A is currently vacant. The Sellner's Farm subdivision consists of 51 lots.

The minimum net lot area for conventional development in the R-80 Zone is 9,500 square feet. The two proposed lots, Lot 30 and 31 Block A, meet the minimum net lot area. Lot 30 is proposed at 14,634 square feet and Lot 31 is proposed at 11,303 square feet. In the R-80 Zone, the minimum lot width at the front street line is 50 feet. Lot 30 has 50 feet at the front street. However, Lot 31 does not meet the minimum width at the street line with 41.18 feet. A variance of 8.13 feet is required for Lot 31 as discussed further in the Variance Section of this report. Without approval of the variance the approval of this subdivision is not possible.

SETTING

The property is located Southwest of Andrews Air Force Base in Clinton, west of Branch Avenue and south of Kirby Road. The property is at the end of Sellner Lane, a cul-de-sac. Sellner Lane was dedicated and constructed with the original development that created Lot 29 Block A, the subject of this application. Stephen Decatur Middle School is located to the west. To the south is a large-acreage parcel, which is the remainder from the original subdivision of Sellner's Farm. To the north and northeast are single-family developed lots that are part of the existing subdivision. All the abutting properties are zoned R-80.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Variance Application VP-01017A - A variance from Section 27-442(d) Table III, is required for Lot 31 Block A for a reduction in the lot frontage at the street line. The Zoning Ordinance requires that a lot in the R-80 Zone have 50 feet of frontage on a street. Lot 31, Block A, is proposed with 41.87 feet of street frontage. A variance of 8.13 feet is required.

The following three findings are required to be made, pursuant to Section 27-230(a) of the Prince George's County Zoning Ordinance, for the approval of a variance.

A. A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic condition, or other extraordinary situation of condition;

Staff finds that Existing Lot 29 is not unique to the surrounding properties. The existing lot is not exceptionally narrow, shallow, or oddly shaped compared to the surrounding properties. There is no exceptional topographical condition or environmental feature unique to this lot. Lot 29 is relatively flat with no significant tree stand, wetlands, floodplain, steep slope, or other significant environmental feature or condition. Staff has not identified any other extraordinary situation of condition of Lot 29 Block A.

The applicant's justification statement indicates that the lot is unusually long and deep and has limited frontage on the cul-de-sac. Lot 29 Block A is rectangular in shape, a shape shared by the majority of the lots in Sellner's Farm, a 51-lot subdivision. Further, Lot 29 Block A currently has frontage in excess of the minimum required for a single-family dwelling in the R-80 Zone. Staff finds that the existing frontage is not limited and could only be construed to be limited for the purposes of creating two lots. No lot in the subdivision has less than the 50 feet of street frontage required in the R-80 Zone for the construction of a single-family dwelling unit.

B. The strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

Lot 29 Block A is one of a 51-lot subdivision originally subdivided in 1995 by the applicant. At the time of the original subdivision by the applicant, this property was subject to the provision of the Moderately Priced Dwelling Unit (MPDU) regulations. Those regulations required a percentage of townhouses to be provided when the subdivision proposed the construction of 50 dwelling units or more. Sellner's Farm, Preliminary Plat 4-94061, was originally submitted with a proposal for 67 lots and 65 dwelling units. Two dwelling units existed, therefore the applicant was proposing to construct 65 dwelling units. The proposal would then require conformance to the MPDU regulations.

PGCPB Resolution No. 94-341, File No. 4-94061, Finding 8 sets forth a scenario whereby, the applicant during the review process changed his mind and decided to amend the subject application to provide less lots so that the MPDUs would not be required. The preliminary plat was revised to create only 51 lots, with 49 dwelling units proposed. At that time the applicant had the opportunity to create a situation where adequate lot frontage could have been provided in anticipation of the possible future subdivision of Lot 29 Block A, without the need for a variance. Since that time the MPDU legislation has been repealed. The applicant can exceed 50 dwelling units and not be subject to an MPDU requirement.

Staff believes this variance to be self imposed. Moreover, the applicant has realized the opportunity to construct 49 dwelling units. To deny the applicant a 50th dwelling unit does not appear to constitute an unusual practical difficulty or an exceptional or undue hardship.

C. The variance will not substantially impair the intent, purpose, or integrity of the *General Plan* or *Master Plan*.

Staff has reviewed the subject application and associated variance for compliance with the current *Master Plan* and *General Plan* and has found that the application is not in conflict with the recommendations for land use. Approval of the variance would not alter the residential character of the subject property or the surrounding properties. Staff does not believe that this application would impair the intent, purpose, or integrity of the *General Plan* or *Master Plan* if approved.

Staff recommends disapproval of the variance based on an inability to find conformance with all the above required findings. Further, staff finds that several options existed for the applicant with regard to additional lot yield.

At the time of the original subdivision by the applicant, Lots 22 thru 29 Block A, could have been reconfigured to accommodate one additional lot without the need for a variance. Adequate lot frontage as well as adequate lot width at the front building line existed to accommodate one additional lot. Even today a lot line adjustment would be an option. However, because the lots have been sold and developed, the processing of a 24-108 lot line adjustment plat may not be practical for the applicant.

The remaining acreage from the original Sellner farm is located abutting to the south. The current developer of Sellner's Farm Subdivision and the property owner of the original farm are the same principals. Although an agreement has not been reached in the purchase of additional land to accommodate one additional lot adjacent to existing Lot 29 Block A from Parcel 107, that option does exist. The land adjacent to Lot 29 is not developed. The applicant could locate the proposed dwelling on Lot 29 Block A on the north side of Lot 29 to accommodate the potential for an additional dwelling on the south side of the lot adjacent to Parcel 170 in the event that the applicant can obtain additional acreage. Staff believes that this type of foresight in planning will allow the applicant the possibility of creating one additional lot without the need for a variance, if the opportunity arises in the future.

Staff acknowledges that Lot 29 Block A is a large lot with adequate square footage to accommodate one additional lot but only if a variance is approved for the lot width at the front street line. Staff agrees that approval of the variance, because of the amount of the variance requested, would not impair the purposes of the *Master Plan*. However, the required findings relating to the uniqueness of the physical characteristics of the lot and practical difficulty upon the owner have not been met. These findings specifically do not relate the amount of the variance or percentage of overall conformance of the lot to the Zoning Ordinance.

2. Environmental - This site is not subject to the provisions of the Woodland Conservation Ordinance because it is less than 40,000 square feet in size and contains less than 10,000 square feet of woodland. The original subdivision was not subject to the requirements of the *Tree Conservation and Preservation Manual*. A Tree Conservation Plan is not required.

There are no floodplains, streams, or wetlands on the site. Current aerial photos indicate that none of the site is wooded. No Historic or Scenic roads are affected by this proposal. There are no significant nearby noise sources and the proposed use is not expected to generate significant noise levels. No rare/threatened/endangered species are known to occur in the project vicinity. According to the Sewer Service and Water Service maps produced by DER, the property is in water and sewer categories W-3 and S-3. The soils information included in the review package indicates that no problematic soils occur in the proposed development area.

3. Community Planning - 1993 *Subregion V Master Plan and SMA*, land use recommendation for the subject property is for suburban residential land use. The proposed re-subdivision of one single-family residential lot into two smaller single-family lots is consistent with the *Master Plan* recommendation for this property.

4. Parks and Recreation - In accordance with Section 24-134(a)(3)(C) of the Subdivision Regulations, Lot 29 Block A was improved with an existing dwelling unit at the time of subdivision and was therefore exempt from the mandatory dedication of parkland. However, the dwelling has since been razed and the lot is now vacant and subject to the requirement of mandatory dedication of parkland.

Because the land area available for mandatory park dedication is insufficient due to its size, the Department of Parks and Recreation is recommending the payment of a fee-in-lieu of parkland dedication be paid prior to approval of the final plat of subdivision.

5. Trails - There are no *Master Plan* trail issues associated with this property.
6. Transportation - The Transportation Planning Section has reviewed the proposal and noted that both lots would access Sellner Lane, a secondary residential street, which is acceptable. Staff has found that this applicant would have de minimus impact on *Master Plan* rights-of-way and the existing dedication along Sellner Lane is acceptable as previously dedicated.

Staff believes that adequate access roads would exist, as required by the Prince George's County Subdivision Regulations (Subtitle 24), if this application is approved.

7. Schools - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2001) (CR-4-1998) and has concluded the following:

Finding

Projected Impact on Affected Public Schools

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Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5-Year Projection	Adjusted Enrollment	Total Projected Enrollment	State Rated Capacity	Projected% Capacity
James Ryder Randall Elementary School	2 sfd	0.24	0.48	554	0	554.48	584	94.95%
Stephen Decatur Middle School	2 sfd	0.06	0.12	1076	0	1076.12	828	129.97%
Surrattsville High School	2 sfd	0.12	0.24	1383	0	1383.24	1265	109.35%

Source: Prince George's County Planning Department, M-NCPPC, January 2001

Since the affected Stephen Decatur Middle School and Surrattsville High School projected percentage of capacities are greater than 105%, an Adequate Public Facilities fee will be required for each dwelling unit at the time of building permit. The amount of the Adequate Public Facilities fee for schools shall be offset by the School Facilities Surcharge. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines.

7. Fire and Rescue - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following.
 - a. The existing fire engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service response time of 2.74 minutes, which is within the 5.25-minute response-time guideline.
 - b. The existing ambulance service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service response time of 2.74 minutes, which is within the 6.25-minute response-time guideline.
 - c. The existing paramedic service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service response time of 2.74 minutes, which is within the 7.25-minute response-time guideline.
 - d. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines For The Analysis Of Development Impact On Fire and Rescue Facilities*.

8. Police Facilities - The proposed development is within the service area for District V-Clinton. In accordance with Section 24-122.1(c)(1)(A) and (B) of the Subdivision Regulations, staff concludes that the existing county police facilities will be adequate to

serve the proposed Sellner's Farm development. This police facility will adequately serve the population generated by the proposed subdivision.

9. Health Department - The Health Department has no comment regarding this proposed subdivision.
10. Stormwater Management - A Stormwater Management Concept Plan was submitted and approved in conjunction with the original preliminary plat for Sellner's Farm Subdivision. However, a new Concept Approval letter is required for the addition of another lot. The application has been submitted to the Department of Environmental Resources but has not yet been approved. Approval of the revised application should occur prior to approval of the preliminary plat.

RECOMMENDATION

DISAPPROVAL; all the lots are not in conformance with all of the requirements of the Zoning Ordinance applicable to the subject property.