

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

REVISED STAFF REPORT

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

OVERVIEW

The proposed subdivision consists of approximately .583 acre 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, Lots 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 line. However, Lot 31 does not meet the minimum width at the existing dedicated street line. With the revised plan the applicant is proposing additional street dedication to provide for the minimum lot width at the front street line for Lot 31, as discussed further in Finding 1 of this staff report.

With the original submittal of the preliminary plan the applicant submitted a request for a variance of 8.13 feet for Lot 31 along the front street line as discussed further in the Variance section of this report. Staff had recommended disapproval of the variance. However, on April 26, 2001, at the regularly scheduled Planning Board hearing for this application, the applicant requested a continuance, which was granted by the Planning Board. Pursuant to that action the applicant submitted a revised preliminary plan which does not require the approval of a variance, and has been evaluated by staff and discussed further in the Revised Preliminary Plan section of this report, Finding 1 below.

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. Revised Preliminary Plan In 1995 the preliminary plan for the entire development was submitted by this applicant. That plan included the subject lot, and Lots 22 thru 28, Block A, which are located in the same block fronting Sellner Lane. Those lots could have been reconfigured to accommodate one additional lot without the need for a variance or additional

street dedication over that required by the Department of Public Works and Transportation (DPW&T). At that time adequate lot frontage at the street line, as well as adequate lot width at the front building line, existed to accommodate one additional lot in that block. 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 or the creation of a non-standard lot, if the opportunity arises in the future.

The revised preliminary plan submitted by the applicant proposes additional dedication to DPW&T along the previously dedicated street line in front of Lot 31 only, and does not require the approval of a variance. This additional dedication is not required by DPW&T. This additional area of dedication will not serve or function as a street at this time. However, it is the applicant's position that this additional dedication, which will provide proposed Lot 31 with adequate lot width at the front street line, may possibly benefit the property owner to the south in the future.

The applicant has developed a scenario whereby if the adjoining property to the south (Parcel 107) is developed in the specific manner as proposed by the applicant, the existing cul-de-sac will be extended into Mr. Sellner's property (Parcel 107), if and when it is developed. This scenario would require the adjoining property owner to honor this applicant's proposal for the future development of Parcel 107 abutting to the south. It is only in that case that the additional right-of-way would be utilized.

The applicant has indicated that staff often provides for the future development of abutting properties through the layout of streets during the subdivision process, often providing stub streets and road alignments that will benefit future development of abutting properties. Staff would agree that these types of accommodations are made in certain circumstances.

Currently Parcel 107 abutting to the south has 836 feet of existing street frontage on Sellner Lane, a dedicated public right-of-way. With this amount of street frontage Parcel 107 could be developed in a variety of ways without the assistance of the additional dedication proposed by the applicant for proposed Lot 31. In fact, unless the owner of Parcel 107 develops it as specified by the applicant, the additional dedication by this applicant along the frontage of proposed Lot 31 will remain unused. That portion of the right-of-way will not benefit the property owner, DPW&T, or the property owner of Parcel 170.

Moreover, that portion of the lot could come into ownership dispute. The owner of Lot 31 will maintain that portion of the property located between his lot line and the improvements within the street right-of-way and could be perceived by the owner of Lot 31 as a portion of the lot. Further, the owner of Parcel 107, Mr. Charles Sellner, has reviewed the new plan and stated that he finds no benefit of the proposed future extension.

Staff would point out that the Department of Public Works and Transportation has stated that they are not opposed to the additional dedication. In fact, it is more right-of-way than necessary to implement the cul-de-sac. However, staff recognizes that it is not the responsibility of DPW&T to recommend for the most beneficial use of the entire property, only to evaluate and determine that adequate land has been provided to accommodate specific road improvement through the subdivision process.

The front of Lot 31 does not correspond to the arc of the cul-de-sac. The applicant has proposed a pie-shaped area to be dedicated on a chord that provides the lot frontage at the street line required by the Zoning Ordinance for Lot 31. This would relieve the requirement for a variance.

The subject property does not appear to be unique. Nor does the adjoining property to the south. Staff does not support variance application VP-01017A as discussed below, nor does staff support the provision of a non-standard lot in this circumstance as stated above. Staff finds that existing Lot 29, Block A, should remain as originally approved by the Planning Board, as one single-family dwelling lot.

2. Variance Application VP-01017A A variance was required for the original preliminary plan. That plan has since been revised as discussed in Finding 1 above. Staff has included this discussion regarding the variance to provide background insofar as the evaluation of this preliminary plan.

A variance from Section 27-442(d) Table III, was required for Lot 31, Block A, for the originally submitted preliminary plan, for a reduction in the lot width at the front 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, was proposed with 41.87 feet of existing street frontage along the arc of the cul-de-sac. A variance of 8.13 feet was 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. Staff was unable to make these required findings; the plan was revised.

**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.

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 is rectangular in shape, a shape shared by the majority of the lots in Sellner's Farm, a 51-lot subdivision. Further, Lot 29 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 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 50<sup>th</sup> 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 the *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 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.

Staff recommended disapproval of the variance based on an inability to find conformance with all the above required findings. Further, staff found that several options existed for the applicant with regard to additional lot yield as discussed in Finding 1.

3. 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.

4. Community Planning In the 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.
5. 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.

6. Trails There are no master plan trail issues associated with this property.

7. 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.

8. 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:

Projected Impact on Affected Public Schools

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 percent, 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.

9. 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*.

- 10. 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.
- 11. Health Department●The Health Department has no comment regarding this proposed subdivision.
- 12. 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, based on nonconformance to Section 24-123(a)(2) and (3) of the Subdivision Regulations.