



Note: Staff reports can be accessed at www.mnccppc.org/pgco/planning/plan.htm.

Preliminary Plan 4-03129

Application	General Data
Project Name: JONES PROPERTY (ASHLEIGH STATION) Location: Northeast of the intersection of Pin Oak Parkway and Hall Road. Applicant/Address: Mid-Atlantic Land Developers, Inc. 11611 Old Georgetown Road Rockville, MD 20852 Property Owner: Mid-Atlantic Land Developers, Inc.	Date Accepted: 3/27/08
	Planning Board Action Limit: N/A
	Plan Acreage: 19.44
	Zone: R-R
	Gross Floor Area: N/A
	Lots: 29
	Parcels: 1
	Planning Area: 74B
	Tier: Developing
	Council District: 04
	Election District: 07
	Municipality: None
	200-Scale Base Map: 202NE13

Purpose of Application	Notice Dates
Reconsideration Hearing	Previous Parties of Record Notice of Hearing Mailed: June 12, 2008

Staff Recommendation		Staff Reviewer: Whitney Chellis	
APPROVAL OF CONTINUANCE	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

September 19, 2008

MEMORANDUM

TO: Prince George's County Planning Board

FROM: Alan S. Hirsch, Planning Supervisor

SUBJECT: Jones Property (Ashleigh Station) Reconsideration Hearing
Preliminary Plan of Subdivision 4-03129

In a letter dated March 26, 2008, the applicant requested a reconsideration of the subject preliminary plan for the purpose of preserving a historic structure. On April 17, 2008, the Planning Board approved the applicant's request to reconsider Preliminary Plan of Subdivision 4-03129. Reconsideration hearings were previously scheduled for July 10, 2008 and September 4, 2008, but continuances were granted to provide additional time to resolve details.

When the preliminary plan was originally approved, the building in question was not designated as a resource or historic site at the county level and was planned to be removed by the developer. As part of a subsequent wetland permit process, the state determined that the structure was once a 19th century store and that it is listed on the Maryland Inventory of Historic Properties as number PG: 74B-30. The state determined that it was appropriate to preserve only the store and not the remaining structures on the property (farm house complex). The "store" is currently vacant and has not been a store for decades.

The subject property is located on the north side of Hall Road, with Pin Oak Parkway along its western edge and the railroad tracks along its eastern edge. The structure to be preserved is currently located on platted Lot 29, immediately adjacent to the railroad tracks.

Pursuant to negotiations with the state, the applicant has entered into a memorandum of understanding (MOU) with the U.S. Army Corps of Engineers (copy included with the backup to this report). The basics of that MOU require that the applicant establish a separate parcel for the structure, stabilize the structure, provide appropriate proximity landscaping and provide for the ownership and maintenance of the property.

The subject request is to subdivide Lot 29 into a smaller lot and a parcel for the historic structure. Lot 29 is currently 51,525 square feet in size. The parcel is proposed to be 11,625 square feet and the resulting reconfigured Lot 29 will be 39,900 square feet. The minimum net lot area for residential building lots in the R-R Zone is currently 20,000 square feet. Staff has no particular issues with the new Lot 29, which will be approximately double the minimum required size of a lot in its zone, but the creation of the parcel requires careful consideration with regard to minimum zoning standards. Staff and the applicant agree that any future use and occupancy permit for the historic structure should be consistent with the Prince George's County Code. The applicant and staff also agree that the parcel on which the structure will sit should not be used for a residential purpose should the existing historic structure cease to remain on the property.

Another issue affected by the subject request is the Limited Detailed Site Plan (LDSP) that was approved pursuant to Condition 3 of the Planning Board approval of Preliminary Plan of Subdivision 4-03129 (PGCPB No. 04-89). That condition states:

- 3. Prior to the issuance of building permits for lots abutting Hall Road and Pin Oak Parkway, a limited detailed site plan (LDSP) shall be approved by the Planning Board or its designee. Review of the LDSP shall include the review and approval of architectural elevations visible from Pin Oak Parkway and Hall Road and buffering of the rears of the dwelling units.**

The LDSP required by the condition above (DSP-05019) was approved by staff on October 21, 2005. A revision to that plan, appropriately at a designee level, is necessary to remove the parcel intended for the historic structure from the boundary and control of the DSP. The original condition (No. 3) of the preliminary plan established the LDSP "...for lots abutting Hall Road and Pin Oak Parkway..." to review and approve visible architectural elevations and buffering of the rears of the dwelling units. The parcel intended for the historic structure will not be a lot for a dwelling unit and there will be no rear of the dwelling unit to buffer. The newer Lot 29 will be required to provide landscaping along the rear of the lot consistent with the intent of the original condition and the provisions of the MOU. The parcel intended for the historic structure should be shown on the DSP as an adjacent property, with a note describing the structure as "Vacant to Remain" and "Not part of this Site Plan." This revision to the LDSP should be approved prior to the approval of a new final plat creating the newer Lot 29 and the parcel for the historic structure.

One last issue relates to the additional road dedication provided for Hall Road with the existing final plat of subdivision. When that plat was approved and recorded, the historic structure was to be removed. The additional dedication for Hall road was established without regard for the structure. Because a small portion of a corner of the structure is within the current road dedication, that dedication needs to be adjusted. Hall Road is maintained by the State Highway Administration (SHA). That agency was involved in the negotiations that lead to the MOU and has agreed to the adjustment of the right-of-way for Hall Road.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, staff recommends that the Planning Board adopt all of the findings and conditions contained in the original action (PGCPB No. 04-89) as now modified or supplemented by the findings of this report, and APPROVE Preliminary Plan of Subdivision 4-03129, subject to the following additions to the existing conditions:

20. Prior to the approval of a final plat of subdivision for existing Lot 29, a staff-level revision to DSP-05019 shall be approved that removes the parcel intended for the historic structure from the boundary and control of the DSP. The new Lot 29 will be required to provide landscaping along the rear of the lot consistent with the intent of Condition 3 above and the provisions of the MOU. The parcel intended for the historic structure will be shown on the DSP as an adjacent property, with notes describing the structure as "Vacant, to Remain" and "Not part of this Site Plan."
21. Prior to the issuance of a building permit for new Lot 29, a final plat of subdivision dividing existing Lot 29 into new Lot 29 and the Parcel for the historic structure shall be approved.
22. The final plat of subdivision for the new Parcel shall contain the following notes:
 - a. This parcel is subject to a Memorandum of Understanding recorded in the Land Records for Prince George's County;
 - b. Any use and occupancy permits required by Prince George's County shall be consistent with the requirements of the Prince George's County Code; and

- c. This parcel shall not be used for a residential dwelling unit or units.