



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

Preliminary Plan 4-06124

Application	General Data
Project Name: EDMONDS SUBDIVISION Location: The property is located along the west side of Kenilworth Avenue at its intersection with Lloyd Street. Applicant/Address: 4600 Forbes Blvd., suite 105 Lanham, MD 20706 Property Owner: Chris Brothers Partnership	Date Accepted: 1-16-07
	Planning Board Action Limit: 6-5-07
	Plan Acreage: 2.5
	Zone: I-2/I-D-O
	Lots: 2
	Parcels: 0
	Planning Area: 69
	Tier: Developed
	Council District: 05
	Election District: 02
	Municipality: N/A
	200-Scale Base Map: 204NE04

Purpose of Application		Notice Dates	
Two industrial lots including a Variation from Section 24-121(a)(3), of the Subdivision Regulations.		Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003)	10/30/06
		Sign(s) Posted on Site and Notice of Hearing Mailed:	4/24/07
Staff Recommendation		Staff Reviewer: John Ferrante	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
		X	

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-06124
Edmonds Subdivision, Lots 6 and 7, Block B
(A re-subdivision of Lot 1, Block B, Edmonds Subdivision, BB 12 @ 96)

OVERVIEW

The subject property is located on Tax Map 50, Grid D-4 and is known as Lot 1, Block B, Edmonds Subdivision. The property was recorded in 1947 as BB 12 @ 96, and consisted of one lot having a net lot area of 109,242 square feet (2.5 acres). The property is currently improved with a warehouse that occupies a large portion of the land area within proposed Lot 6. Proposed Lot 7 has primarily been used for a storage yard and is vacant with the exception of 10-foot-high fences and a concrete pad. The applicant is now proposing to subdivide the 2.5-acre lot into two lots. Although an additional lot is proposed to be created through this preliminary plan of subdivision application, there is no new development proposed to be constructed at this time.

The property is zoned I-2/I-D-O, (Intense Development Overlay) Zone and is within the limits of the Chesapeake Bay Critical Area. As such, all land within such zones is subject to the development regulations set forth in the Conservation Manual. Prior to the approval of a preliminary plan of subdivision within the Chesapeake Bay Critical Area Overlay Zone, a Conservation Plan and Conservation Agreement is required to be submitted in accordance with the Conservation Manual for review by the Subdivision Review Committee and approval by the Planning Board in accordance with Section 27-548.11(b) of the Zoning Ordinance. A Conservation Plan application, (CP-07005), has been submitted as a companion case to this preliminary plan application and is currently under review by the Environmental Planning Section.

The preliminary plan submitted for this application demonstrates existing buildings and 10-foot-high fences which do not meet the setback requirements of the I-2 Zone. At the Subdivision Review Committee meeting on February 9, 2007, staff informed the applicant that a variance request application and a justification statement were required to be submitted to validate the existing structures. The variance request was not submitted until May 3, 2007.

The Zoning Ordinance requires that properties within the Chesapeake Bay Critical Area Overlay Zone have a Conservation Plan application approved prior to, or concurrently with, a preliminary plan application. The preliminary plan application was formally accepted by the Planning Department on January 16, 2007. However, the conservation plan was not submitted until April 2, 2007. Since the time the preliminary plan application was accepted, four separate revisions have been submitted by the applicant, including three revisions to the preliminary plan and conservation plan, a variance request (VP-06124), and a variation request for direct access to Kenilworth Avenue, a designated arterial roadway. Half of the property, which was shown on the initial plans submitted for this site, has now been removed from the limits of this subdivision through subsequent plan revisions submitted by the applicant.

The variation request along with revised preliminary plan and conservation plans were last submitted on May 10, 2007, just six days prior to the staff report submission deadline for both the preliminary plan and conservation plan applications. The variance request was also submitted less than 30-days prior to the scheduled Planning Board Hearing. Because the variation request and the latest revised plans were submitted just six days prior to the staff report due date, the Subdivision Review Committee was unable to hear the variation request for the proposed direct access to Kenilworth Avenue prior to the Planning Board.

The Transportation Planning Section did identify Kenilworth Avenue as a designated arterial roadway having an ultimate right-of-width of 120-feet at the Subdivision Review Committee meeting on February 9, 2007. This property is a corner lot situated at the intersection of Lloyd Street and Kenilworth Avenue. However, the plans continually submitted for this application never demonstrated direct access to Kenilworth Avenue, as curb cuts and driveway access along Kenilworth Avenue were not delineated on the plans. Because of these reasons, the need for a variation request could not be identified by staff until late within the application's review period. The purpose of the preliminary plan revision submitted on May 10, 2007, was to properly delineate the right-of-way width of Kenilworth Avenue and to further demonstrate the site's access points, and the need for a variation request to be approved. However, the preliminary plan submitted does still not reflect the limits of the ultimate right-of-way of Kenilworth Avenue and where the 120-foot right-of-way width falls within the site. The conservation plan has been revised to correctly demonstrate the Kenilworth Avenue ultimate right-of-way.

Referral comments from the Permit Review Section have determined that Lloyd Street, abutting along the site's northern property line, must be deemed as having a 70-foot right-of-way width. The limit of the required 70-foot right-of-way has still not been delineated on the preliminary plan but is reflected on the conservation plan. Although a variance request has been submitted, neither the preliminary plan or conservation plan has the actual height of the existing buildings indicated on the plan. The height of the buildings must be indicated on the plans to ensure that a greater setback is not required by the Zoning Ordinance.

The Planning Board's mandatory action limit for this preliminary plan application is June 5, 2007. As previously stated, in instances when a preliminary plan of subdivision is needed, the Zoning Ordinance requires that properties within the Chesapeake Bay Critical Area Overlay Zone have a Conservation Plan application approved prior to, or concurrently with, a preliminary plan of subdivision application. At this time, the Environmental Planning Section is not in a posture to recommend approval of the submitted companion Conservation Plan application, CP-07005. Therefore, based on the reasons stated in this report, staff is compelled to recommend disapproval of the preliminary plan of subdivision application.

SETTING

The property is located along the west side of Kenilworth Avenue at its intersection with Lloyd Street. All surrounding properties consist of industrial uses within the I-1 and I-2 Zones and within the Chesapeake Bay Critical Area Overlay Zone (I-D-O).

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	I-2	I-2
Use(s)	Industrial	Industrial
Acreage	2.5	2.5
Lots	1	2
Parcels	0	0
Public Safety Mitigation Fee		N/A

STAFF RECOMMENDS DISAPPROVAL OF PRELIMINARY PLAN, 4-06124, AND DISAPPROVAL OF A VARIATION FROM SECTION 24-121(a)(3) OF THE SUBDIVISION REGULATIONS.