



Note: Staff reports can be accessed at <http://mncppc.igmp2/Citizens/Default.aspx>.

Preliminary Plan of Subdivision

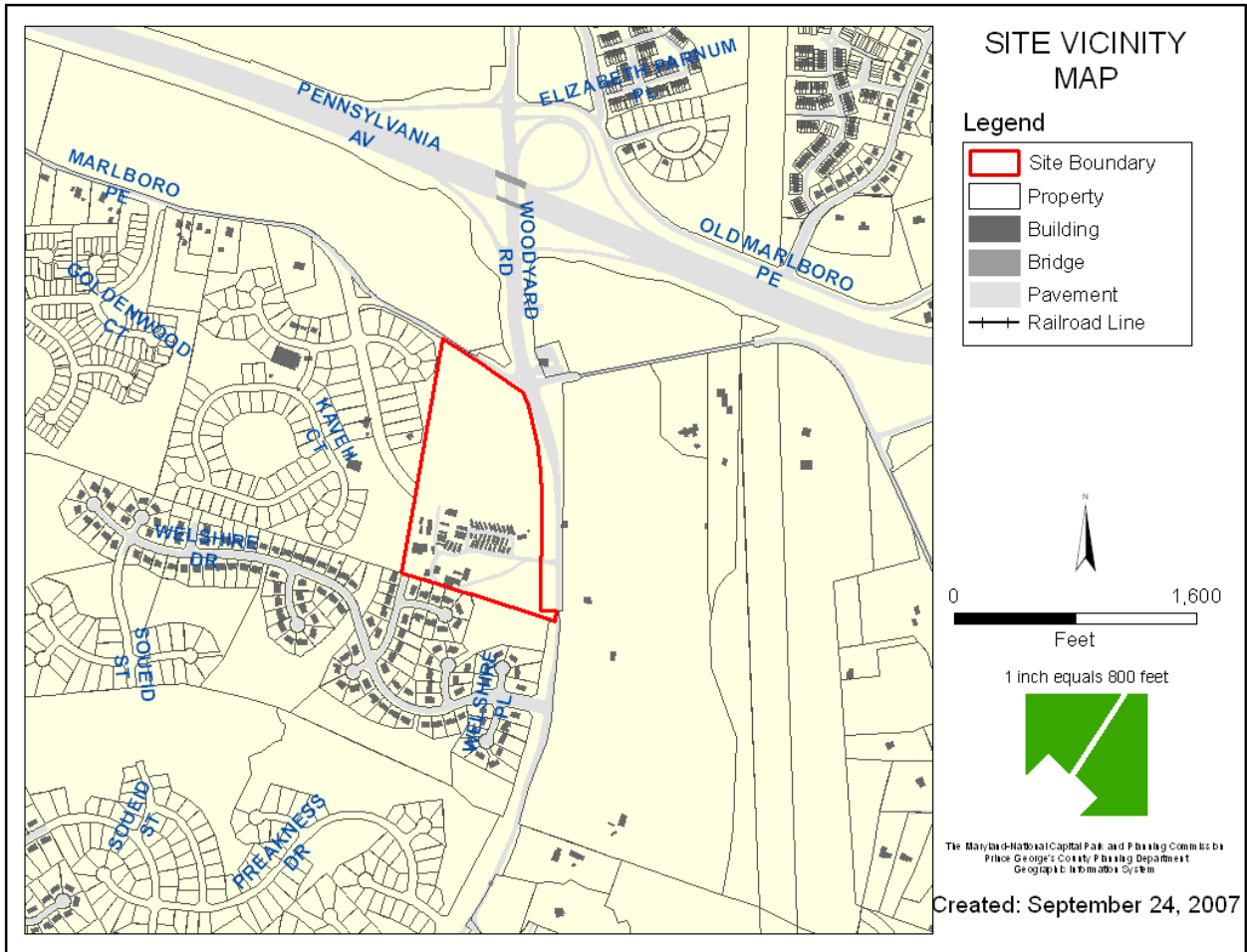
4-07086

Waiver of Rules of Procedure and Reconsideration Request

Application	General Data	
Project Name: Norbourne Property Location: Southwest corner of Marlboro Pike at its intersection with MD 223 (Woodyard Road). Applicant/Address: Woodyard Land, LLC 2200 Defense Highway, Suite 101 Crofton, MD 21114 Property Owner: Woodyard Land, LLC 2200 Defense Highway Suite 101 Crofton, MD 21114	Planning Board Hearing Date:	02/15/18
	Memorandum Date:	02/06/18
	Date Received:	01/31/18
	Planning Board Action Limit:	03/02/18
	Plan Acreage:	27.50
	Zone:	R-T
	Gross Floor Area:	N/A
	Lots/Dwelling Units:	165
	Parcels:	19
	Planning Area:	77
	Council District:	09
	Election District:	15
	Municipality:	N/A
	200-Scale Base Map	208SE09

Purpose of Application	Notice Dates	
Waiver of Rules of Procedure Reconsideration Request–Discussion	Previous Parties of Record (Applicant)	01/31/18
	Parties of Record (M-NCPPC)	02/02/18

Staff Recommendation		Staff Reviewer: Sherri Conner Phone Number: 301-952-3168 E-mail: Sherri.Conner@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
			X



MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Sherri Conner, Acting Supervisor, Subdivision and Zoning Section
Development Review Division

SUBJECT: Preliminary Plan of Subdivision 4-07086, Norbourne Property
Waiver of the Rules of Procedure
Reconsideration Request

By letter dated January 30, 2018, Michael S. Nagy, Esq., representing the applicant Woodyard Land, LLC, requests a waiver of the Prince George's County Planning Board's Rules of Procedures (Section 10a.), which requires that a reconsideration request be submitted no less than 14 calendar days after the date of notice of the final decision. In this case, the resolution of approval (PGCPB Resolution No. 08-99) was adopted by the Planning Board on June 19, 2008 and mailed out on July 29, 2008. If the waiver is granted, the applicant requests a reconsideration to delete Condition 33 and amend Finding 8 related to adequate transportation facilities, due to an error in the original decision, in furtherance of substantial public interest (Section 10e).

As set forth in the applicant's request, the Planning Board's "Transportation Review Guidelines, Part 1" state, as it did in 2008, that a street intersection is "critical" to a subdivision for purposes of determining adequate transportation facilities if it serves 20 percent or more of the site-generated traffic. In this case, the traffic impact study (TIS) submitted and relied on for the approval of the preliminary plan of subdivision (PPS) included the intersection of MD 223 (Woodyard Road) and Dower House Road as critical. However, based on the TIS, it served only 15 percent of the site-generated traffic. The intersection is therefore not a critical intersection and was not eligible for study.

The PPS approval (PGCPB Resolution No. 08-99) included Condition 33, which required improvements at MD 223 and Dower House Road, which is beyond the requirement for adequate transportation facilities.

If the Planning Board grants the applicant's request for reconsideration staff is prepared to move forward on the same day with the hearing on the merits of the reconsideration, due to the facts of this specific case, if determined appropriate by the Planning Board.

RECOMMENDATION

APPROVAL of a request for reconsideration.