



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Preliminary Plan of Subdivision 4-08036 Waiver of the Rules of Procedure and Reconsideration Request Bunting Property

REQUEST	STAFF RECOMMENDATION
Waiver of the Rules of Procedure and Reconsideration Request	DISCUSSION

Location: On the northwest side (southbound lane) of US 301 (Robert Crain Highway), 3,000 linear feet northeast of the intersection with Dyson Road.

Gross Acreage: 22.97

Zone: I-1

Gross Floor Area: 110,800 sq. ft.

Lots: 2

Parcels: 0

Planning Area: 85A

Council District: 09

Election District: 11

Municipality: N/A

200-Scale Base Map: 216SE08

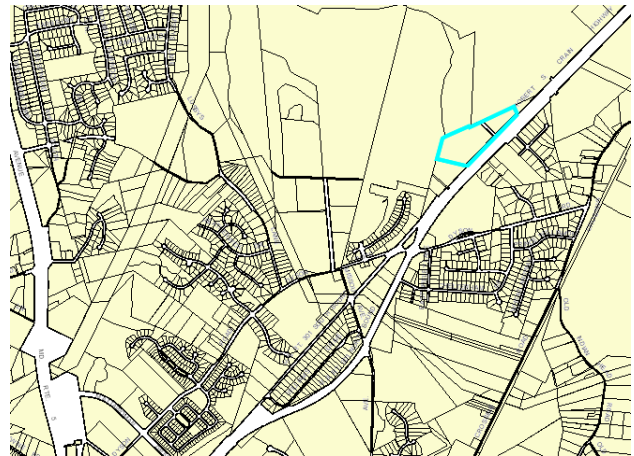
Applicant/Address:

Bob Hall, Inc.
P.O. Box 1308
Upper Marlboro, MD 20773

Staff Reviewer: Mridula Gupta

Phone Number: 301-952-3504

Email: Mridula.Gupta@ppd.mncppc.org



Planning Board Date:	05/20/2021
Planning Board Action Limit:	05/21/2021
Memorandum Date:	05/07/2021
Date Received:	04/21/2021
Previous Parties of Record (Applicant)	05/03/2021
Previous Parties of Record (M-NCPPC)	05/06/2021

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

May 7, 2021

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Sherri Conner, Supervisor, Subdivision Section *SC*
Development Review Division

FROM: Mridula Gupta, Planner Coordinator, Subdivision Section *MG*
Development Review Division

SUBJECT: **Preliminary Plan of Subdivision 4-08036**
Waiver of the Rules of Procedure and Reconsideration Request
Bunting Property

By letter dated April 21, 2021, Robert Antonetti, representing Bob Hall, Inc., requested a waiver of the Prince George's County Planning Board's Rules of Procedure (Section 12(a)), which requires that a reconsideration request be submitted no less than 14 calendar days after the date of notice of the final decision (Section 10(a)). In this case, the resolution of approval (PGCPB Resolution No. 08-166) was adopted by the Planning Board on December 4, 2008. If the Planning Board grants the requested waiver, the applicant specifically requests reconsideration of Condition 11 of the resolution. Per Section 10(e) of the Rules of Procedure, reconsideration may only be granted if, in furtherance of substantial public interest, the Planning Board finds that an error in reaching the original decision was caused by fraud, surprise, mistake, inadvertence, or other good cause.

Condition 11 pertains to the requirement related to obtaining approval of a site access point from the Maryland State Highway Administration (SHA) for the public right-of-way of Bunting Way to US 301 (Robert Crain Highway), prior to building permit, and reads as follows:

- 11. Prior to the approval of the initial building permit within the subject property, the applicant shall obtain approval of the site access point as a public street from SHA. At the direction of SHA, the applicant shall prepare a detailed site access design plan, and verify that projected trucks from the site can queue within the US 301 median without blocking through traffic along US 301, with**

consideration of prohibiting outbound left turns from the site if trucks cannot safely queue within the US 301 median area.

The applicant is requesting that the above condition be deleted and Finding 8 be modified to reflect the deletion of Condition 11. If the request for reconsideration is approved by the Planning Board, the applicant also requests approval of a variation from Section 24-121(a)(3) to allow for two private access points from the subject property to US 301, a designated freeway. The preliminary plan of subdivision (PPS) approved two lots for development up to 110,800 square feet of commercial use, with one vehicular access to US 301 via a public street known as Bunting Way. The two lots and the public right-of-way for Bunting Way were subsequently recorded in the Prince George's County Land Records in Plat Book PM 230 page 91 in June 2009. The public street dedicated by the plat bisects the property and extends to the north property line to adjacent Parcel 16, since it was believed that Parcel 16 would need to utilize this public street for access.

The applicant proposes to vacate the dedicated, but unbuilt right-of-way of Bunting Way, and instead provide two separate right-in/right-out driveways to the subject property. According to the applicant's request, Bunting Way is directly aligned with an existing median on US 301, and eliminating this public road access will promote public safety by preventing unsafe vehicle movements from and to the property through the median. The applicant submitted correspondence from SHA concurring with the vacation of Bunting Way and provision of two separate access points to US 301. The proposed access direct access driveways will be subject to the SHA permitting process.

The applicant states that without the ability to vacate the public right-of-way, the property is highly unlikely to be developed as originally approved, since the irregular shape and presence of environmental features on the site limit the developable area, which is further reduced by the public right-of-way. The original development for the site was conceived with multiple small buildings, which has not been realized. The site is now proposed to be developed with up to 256,000 square feet of warehouse/distribution space, for which the developable area of the site needs to be consolidated.

Finally, the applicant concludes that safety concerns for US 301 traffic and furtherance of substantial public interest is good cause for the requested reconsideration.

Reconsideration of the PPS will allow staff to evaluate new information regarding the access and consider the merits of deleting or modifying Condition 11 and review the request for a variation from Section 24-121(a)(3), which requires that lots in a subdivision fronting on arterial or higher classification roadways be designed to front on either an interior street or service road.

If the Planning Board grants the applicant's request for a waiver and reconsideration, staff will provide an analysis on the merits of the request at a later Planning Board hearing.