

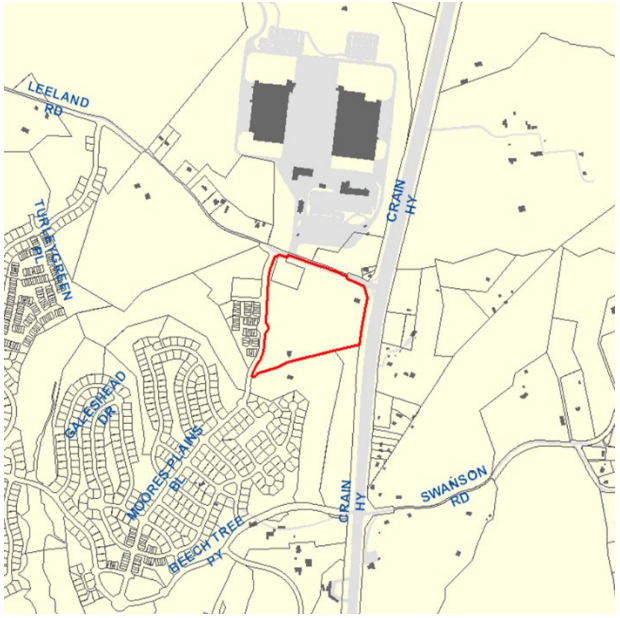


The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Preliminary Plan Reconsideration Hearing Beech Tree C-S-C Parcel

4-09041

REQUEST	STAFF RECOMMENDATION
Reconsideration Hearing	APPROVAL with Conditions

Location: South of Leeland Road, west of US 301 (Robert Crain Highway).			
Gross Acreage:	28.00		
Zone:	C-S-C		
Gross Floor Area:	300,000 sq. ft.		
Lots/Dwelling Units:	N/A		
Parcels:	19		
Planning Area:	79		
Council District:	06		
Election District:	03		
Municipality:	N/A		
200-Scale Base Map:	203SE14	Planning Board Hearing Date:	11/21/19
Applicant/Address: VOB Limited Partnership 7500 San Felipe Street, Suite 400 Houston, TX 77063		Planning Board Action Limit:	N/A
		Memorandum Date:	11/04/19
		Date Received:	09/20/19
Staff Reviewer: Eddie Diaz-Campbell Phone Number: 301-952-3665 Email: Eddie.Diaz-Campbell@ppd.mncppc.org		Previous Parties of Record (Applicant)	09/20/19
		Previous Parties of Record (M-NCPPC)	09/27/19 11/08/19

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

November 4, 2019

MEMORANDUM

TO: The Prince George's County Planning Board

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

FROM: Eddie Diaz-Campbell, Senior Planner, Subdivision and Zoning Section
Development Review Division

SUBJECT: Preliminary Plan of Subdivision 4-09041, Beech Tree C-S-C Parcel
Reconsideration Hearing

By letter dated September 20, 2019, Robert J. Antonetti, Jr., representing VOB Limited Partnership, requested a waiver of the Planning Board Rules of Procedure (Section 10(a)) and a reconsideration of Preliminary Plan of Subdivision (PPS) 4-09041, which was approved by the Prince George's County Planning Board on January 13, 2011. The resolution (PGCPB No. 11-02(C)(A)) was adopted on February 10, 2011.

On October 10, 2019, the Planning Board granted a waiver of the Planning Board Rules of Procedure to admit a reconsideration request submitted more than 14 days after the adoption of the resolution. The Planning Board also granted the applicant's request for a reconsideration, in accordance with Section 10(e) of the Rules of Procedure. Section 10(e) states that reconsideration may only be granted if, in furtherance of substantial public interest, the Board finds that an error in reaching the original decision was caused by fraud, surprise, mistake, inadvertence, or other good cause. The Planning Board granted the request for reconsideration based on other good cause, in furtherance of substantial public interest.

The applicant's specific request is for reconsideration of Condition 31(c) and Finding 18 of the resolution, which are related to denial of access from US 301 (Robert Crain Highway), Leeland Road, and Moores Plains Boulevard.

PPS 4-09041, known as Beech Tree C-S-C Parcel or Beech Tree Commercial Center, is a commercial subdivision which was approved by the Planning Board in 2011 for a total of 19 parcels and 300,000 square feet of commercial development. The property is bound to the east by US 301

(Robert Crain Highway), to the north by Leeland Road, to the west by Moores Plains Boulevard, and to the south by a golf course. An unbuilt public street, known as Effie Bowie Drive, runs east to west through the property from US 301 to Moores Plains Boulevard, and an unbuilt private street known as High Street runs north to south from Leeland Road to Effie Bowie Drive. As originally proposed in PPS 4-09041, direct access to the three perimeter streets was to be restricted, so that the parcels would have to take access from the latter two internal streets and from cross-access easements. This arrangement was tailored to the 300,000-square-foot shopping center envisioned when the PPS was approved.

As detailed in the applicant's request, however, the applicant has been largely unsuccessful in finding end users for the 300,000-square-foot shopping center originally contemplated for the site. Recently, they have received some interest from smaller commercial pad site users, who have shown interest in developing the northeastern portion of the property. These users have insisted that right-in/right-out access be allowed onto Leeland Road in order to facilitate their desired retail development. The applicant has not indicated that construction of the unbuilt roads is currently contemplated to serve these users.

The applicant provided, as justification for their request, a supplemental traffic analysis (dated September 12, 2019) prepared by their traffic engineer, which supports a right-in/right-out access point onto Leeland Road, in between its intersections with High Street and US 301. The supplemental analysis was based on the same traffic volumes used in the original 2007 transportation impact study conducted for the PPS when it was first approved. However, the supplemental analysis evaluated how the site would perform with the proposed additional access. The aim was to demonstrate that direct access to Leeland Road would not raise safety concerns and, therefore, should not be prohibited.

The supplementary analysis found that there would be no detrimental impacts from the proposed access and that indeed it posed no safety risks. As set forth in the Transportation Planning Section memorandum dated October 23, 2019 (Burton to Diaz-Campbell), incorporated by reference herein, staff reviewed the applicant's analysis and concurs with its findings and conclusions. The applicant has also provided letters of support from the Maryland State Highway Administration (SHA) and the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) dated October 2, 2019 and October 15, 2019, respectively.

The applicant's request is specific to a single condition of approval and its supporting finding, which require the applicant to place notes on the subdivision's final plat labeling denial of access along Leeland Road, Moore's Plains Boulevard, and US 301. The applicant has requested that Condition 31(c) of the resolution be amended to read as follows (deletions shown with brackets and strikethrough, and additions shown with underline):

31. The following notes shall be placed on the final plat:

- c. Label denial of access along Leeland Road, Moores Plains Boulevard, and US 301, unless access is otherwise allowed by the appropriate permitting agency.**

Staff finds that this requested amendment exceeds the scope of the applicant's justifying analysis and the support given that analysis by staff, DPIE, and SHA. The applicant's request makes it clear that, currently, access is only contemplated onto Leeland Road, in between High Street and US 301. However, amending Condition 31(c) with the applicant's proposed language would

potentially allow future access from the development onto any of the three perimeter streets. The supplemental traffic analysis does not consider these potential additional access points. In addition, direct access onto US 301, an arterial street, would be prohibited under the Subdivision Regulations, Section 24-121(c).

In order to ensure the amendment is limited to the scope of the applicant's current request and justifying analysis, staff recommends that Condition 31(c) be amended, as provided in the recommendation below.

The applicant did not request a specific modification to Finding 18. Staff recommends that Finding 18 be amended to read as follows:

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- 18. Access—The application proposes the creation of approximately 20 parcels. Many of those parcels are proposed to be located with frontage along Moores Plains Boulevard, Leeland Road, and US 301. For safety reasons, it is the judgment of the Planning Board that direct access from any parcel along the following sections of roads should be prohibited:**
- a. Moores Plains Boulevard, between Leeland Road and Effie Bowie Drive**
 - b. Leeland Road, between Moores Plains Boulevard ~~[(US 301)]~~ and High Street**
 - c. The entire property frontage along US 301**
 - d. Leeland Road, between High Street and US 301, unless the appropriate permitting agency determines that direct access will not result in unsafe traffic operations.**

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The outline below is a description of how each parcel shall be provided access to a public right-of-way, unless otherwise determined pursuant to Finding 18.d. above:

If the Planning Board approves the reconsideration, staff will prepare an amended resolution to reflect the amended condition, which will be placed on a future Planning Board agenda for adoption.

RECOMMENDATION

APPROVAL of a reconsideration of Preliminary Plan of Subdivision 4-09041 (PGCPB Resolution No. 11-02(C)(A)) to **amend Finding 18**, as set forth above, and **Condition 31(c)** as follows:

31. The following notes shall be placed on the final plat:

[c. ~~Label denial of access along Leeland Road, Moores Plains Boulevard, and US 301]~~

c. Label denial of access along US 301 (Robert Crain Highway), Moores Plains Boulevard, and Leeland Road (between Moores Plains Boulevard and High Street), and add a plat note indicating that access from Leeland Road (between High Street and US 301) shall only be permitted if the appropriate permitting agency determines that direct access will not result in unsafe traffic operations.