



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

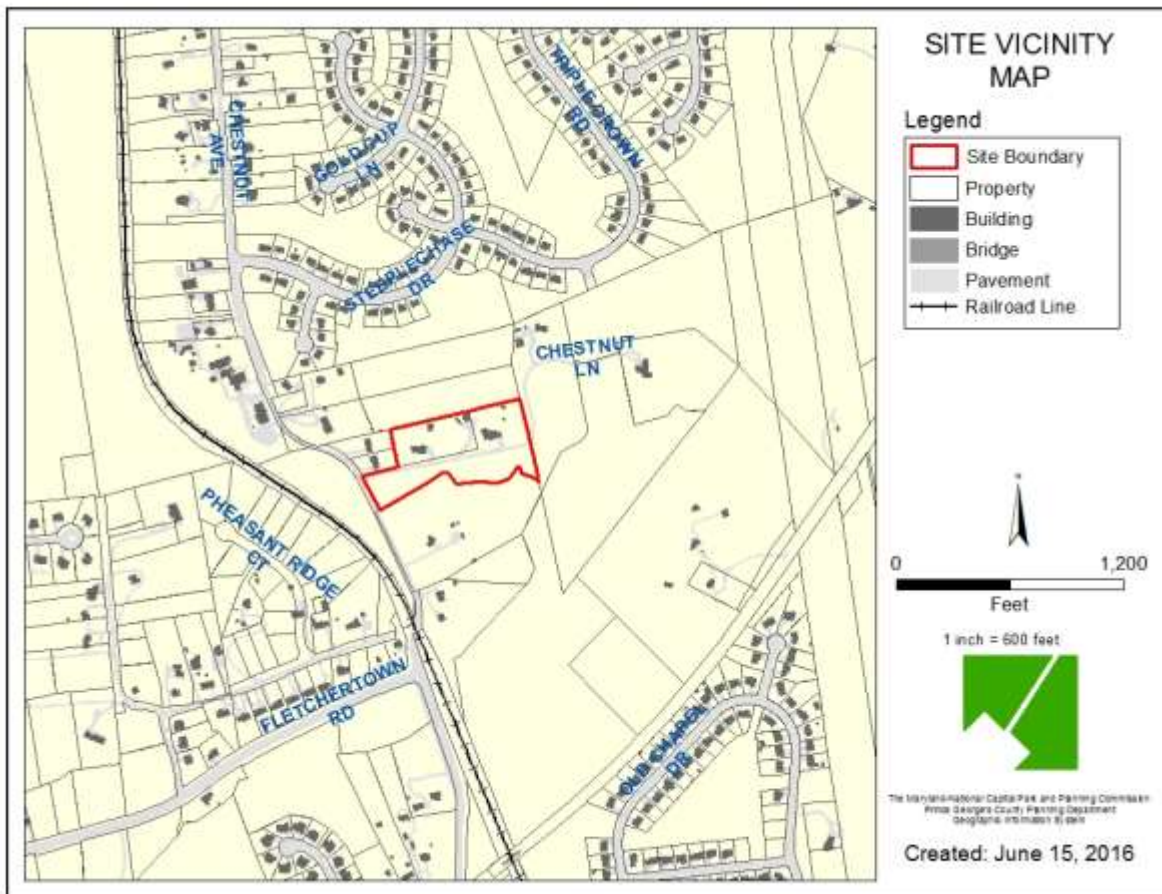
Preliminary Plan of Subdivision 4-87075

Waiver of the Rules of Procedure and Reconsideration Request

Application	General Data	
Project Name: Highbridge, Houchens Addition Location: Highbridge, Houchens to (Lots 4 and 5) Applicant/Address: William D. Flanders 7699 Chestnut Lane Bowie MD 20715 Property Owner: William D. Flanders 7699 Chestnut Lane Bowie MD 20715	Planning Board Hearing Date:	06/23/16
	Memorandum Date:	06/15/16
	Date Received:	06/02/16
	Planning Board Action Limit:	07/02/16
	Plan Acreage:	6.47
	Zone:	R-R
	Gross Floor Area:	N/A
	Lots/Dwelling Units:	2
	Parcels:	0
	Planning Area:	71A
	Council District:	04
	Election District:	14
	Municipality:	N/A
	200-Scale Base Map	210NE12

Purpose of Application	Notice Dates	
Waiver of the Rules of Procedure Reconsideration Request– Discussion	Previous Parties of Record (Applicant)	N/A
	Parties of Record (M-NCPPC)	06/13/16

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



June 15, 2016

MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Sherri Conner, Senior Planner, Subdivision Review Section, Development Review Division

SUBJECT: Reconsideration Request and Waiver of the Rules of Procedure
Preliminary Plan of Subdivision 4-87075
Highbridge, Houchens Addition

By letter dated May 23, 2015, William Flanders, owner of Lot 5 (4.47 acres) being zoned R-R requests a waiver of the Planning Board rules of procedure that requires a reconsideration be filed no more than 14 days from the mail-out of the resolution and reconsideration of preliminary plan of subdivision (PPS) 4-87075 applicable to the property. The request is limited to the Findings and Conditions of approval (PGCPB Resolution No. 87-238), that requires a detailed site plan approval to ensure safe and convenient access to Lot 5.

At the time of the PPS approval, Lot 5 contained a 25-foot-wide private access easement to the benefit of parcels located east of the subject lot. The private access easement was not intended for use by Lot 5 which has frontage on Chestnut Avenue, a dedicated public street. The record plat notes that Lot 5 shall have a driveway to serve Lot 5 only and not utilize the existing 25-foot-wide access easement. The requirement for approval of a site plan is not a standard requirement for a two lot subdivision in the underlying zone. However, because of the intervening private access easement across the subject property, it was found that a site plan was necessary to ensure appropriate access to Lot 5. Consequently, a detailed site plan DSP-88035 was approved but development of the property did not address the fact that Lot 5 was to have a private driveway, apart from the private access easement.

Since the PPS approval (June 11, 1987) a substantial change in the circumstances of the frontage and access to the subject lots has occurred. The private access easement crossing Lot 5 has since become a public road, more particularly described as Other Public Road No. I-9052 named Chestnut Lane with the Prince George's County Department of Public Works & Transportation. Given the public road status, the applicant requests to remove Condition 5 of the PPS requiring site plan approval for access. If the reconsideration is granted, the applicant has committed to the dedication of Chestnut Lane to the extent currently required for secondary subdivision streets, at a minimum of 50 feet wide. This would be a much more efficient way for the applicant and staff to address the fact that Chestnut Lane is a public street to which Lots 4 and 5 of the approved PPS may gain access, without the requirement of a revision to the site plan approval for Lot 5.

Staff would note that the PPS approved two lots (Lots 4 & 5) that are currently under separate ownership. The development of Lot 4 was predicated upon the use of a private access easement across Lot 2 which adjoins the subdivision and has frontage on Chestnut Avenue. Although Lots 4 & 5 were approved having access via a private access easement and private driveway, respectively, neither of the properties are currently accessed as anticipated and instead have direct access via Chestnut Lane. Given the public road status of Chestnut Lane, the private access easement to serve Lot 4 is no longer necessary and may be abandoned at the will of the property owner. This point is dually noted in the reconsideration request submitted by the applicant, dated May 23, 2015 (Flanders to Planning Board). Staff notes that the date provide on the letter contains an error to the year and that the year should be 2016.

The Planning Department recommends that the Planning Board grant the applicants request for a waiver and reconsideration based on other good cause in furtherance of substantial public interest, in order to modify the original Planning Board action on the PPS. If granted, prior to the hearing on the merits of the request, the owner of Lot 4 must indicate their agreement to the reconsideration. Additional information regarding the ability of the remainder of Lot 5 to meet the minimum zoning requirements to be considered a buildable lot may be required during the evaluation of the reconsideration.

The Planning Board Rules of Procedure state [a]:

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.

RECOMMENDATION

APPROVAL of the reconsideration.