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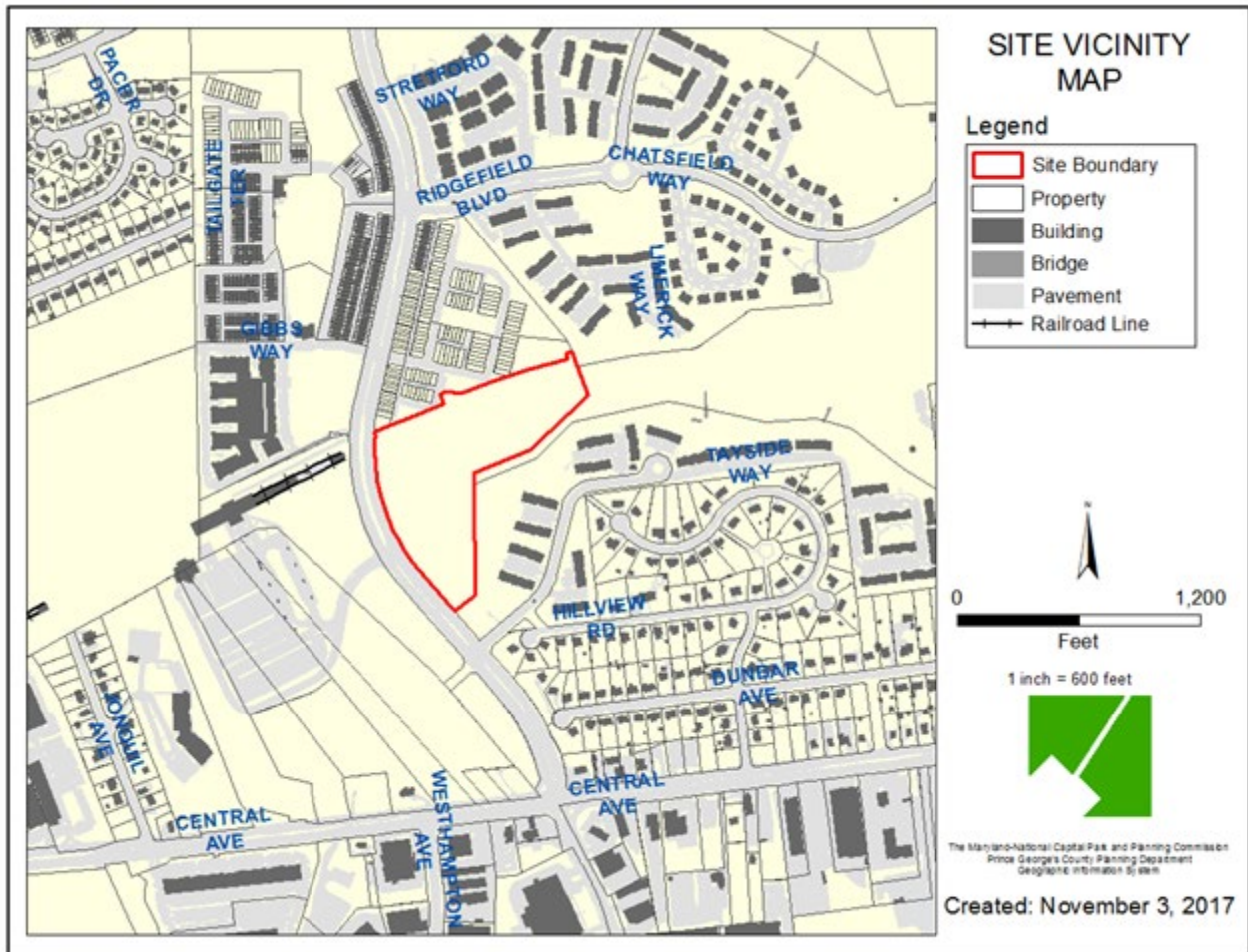
Final Plat of Subdivision

5-18111

Application	General Data	
Project Name: Summerfield at Morgan Station, Phase 3, Plat 1 Location: On the east side of Garrett A. Morgan Boulevard, approximately 1,200 feet north of its intersection with MD 214 (Central Avenue). Applicant/Address: Summerfield Morgan Investments, LLC c/o Ed Gold 4041 University Drive, Suite 301 Fairfax, VA 22030 Property Owner: Summerfield Investors, LLC 4724 Chestnut Street Bethesda, MD 20814	Planning Board Hearing Date:	03/21/19
	Staff Report Date:	03/07/19
	Date Accepted:	03/07/19
	Mandatory Action Timeframe:	30 days
	Plan Acreage:	2.65
	Zone:	L-A-C/D-D-O/ M-I-O
	Gross Floor Area/DUs:	0/52
	Outlots:	1
	Parcels:	7
	Tax Map Grid:	067/B-3
	Planning Area:	72
	Council District:	05
	Election District	13
	Municipality:	N/A
	200-Scale Base Map:	201NE07

Purpose of Application	Notice Dates	
Final plat of subdivision with a variation from Section 24-128(b)(12) of the Subdivision Regulations.	Abutting Property:	N/A
	Sign(s) Posted On-site:	N/A

Staff Recommendation		Staff Reviewer: Christopher Davis Phone Number: 301-952-4487 Email: Christopher.Davis@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
X			



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Final Plat of Subdivision 5-18111
Variation from Section 24-128(b)(12)
Summerfield at Morgan Station, Phase 3, Plat 1

OVERVIEW

The subject property is located on the east side of Garrett A. Morgan Boulevard, approximately 1,200 feet north of its intersection with MD 214 (Central Avenue). The site is currently vacant and is the subject of Preliminary Plan of Subdivision (PPS) 4-14001, approved by the Prince George's County Planning Board on July 9, 2015 (PGCPB Resolution No. 15-71), which approved the Summerfield at Morgan Station, Phase 3, subdivision composed of 52 lots and 7 parcels on 11.34 acres. The site is located in the Local Activity Center (L-A-C) and Development District Overlay (D-D-O) Zones, with a portion of the site located in the Military Installation Overlay (M-I-O) Zone. The subject final plat application includes 52 lots and 6 parcels, totaling 2.65 acres, as part of Phase 3 of the Summerfield at Morgan Station subdivision.

This final plat of subdivision is in conformance with PPS 4-14001. However, the applicant is requesting the Planning Board's approval of a variation from Section 24-128(b)(12) of the Subdivision Regulations, for public utility easements (PUEs), which are non-contiguous to a private right-of-way on the subject property, as discussed further.

Staff recommends **approval** of the final plat and variation based on the findings contained in this technical staff report.

SETTING

The property is located on Tax Map 67, Grid B3, in Planning Area 72, is zoned L-A-C and D-D-O, and is partially within the M-I-O Zone. The site is bound to the east by open space and multifamily residential uses in the Residential-Medium Development (R-M) and D-D-O Zones; to the south and west by Garrett A. Morgan Boulevard, with the Washington Metropolitan Area Transit Authority Morgan Boulevard Metro Station beyond in the Mixed Use-Infill (M-U-I) and D-D-O Zones; and to the north by single-family residential uses in the L-A-C and D-D-O Zones, with Ridgefield Boulevard beyond.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject final plat of subdivision application.

	EXISTING	PROPOSED
Zone(s)	L-A-C/D-D-O/M-I-O	L-A-C/D-D-O/M-I-O
Use(s)	Vacant	Residential
Acreage	2.65	2.65
Lots	0	52
Outlots	0	0
Parcels	1	6
Public Safety Mitigation Fee	No	No
Variance(s)	No	No
Variation	No	Yes Section 24-128(b)(12)

The requested variation from Section 24-128(b)(12) of the Subdivision Regulations was accepted on January 25, 2019, as discussed in Finding 2 below, and heard on February 8, 2019 at the Subdivision Development Review Committee meeting, as required by Section 24-113(b) of the Subdivision Regulations.

2. **Variation**—Section 24-128(b)(12) requires the following:

Section 24-128-Private roads and easements.

- (b) **The Planning Board may approve preliminary plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:**

- (12) **Private roads provided for by this Subsection shall have a public utility easement contiguous to the right-of-way. Said easement shall be at least ten (10) feet in width, and shall be adjacent to either right-of-way line.**

The standard requirement for PUEs on private roads is 10 feet wide along either side and adjacent to private rights-of-way. The subject application proposes two private rights-of-way within the subdivision, Sean Taylor Way and Goldstone Court, which are both proposed to include 10-foot-wide PUEs along one side of each right-of-way. The site is currently vacant and is proposed for 52 single-family attached townhome units. The applicant proposes that the 10-foot-wide PUE proposed along Sean Taylor Way be positioned 7 feet within the private right-of-way of Sean Taylor Way and 3 feet within the abutting Lot 32, effectively making the PUE non-contiguous with the right-of-way. The applicant also proposes a non-contiguous PUE along Goldstone Court, along Lots 26–32 and Lots 33–52, to provide for a 4-foot-wide Washington Suburban Sanitary Commission (WSSC) easement for utility installation adjacent to the right-of-way. The positioning of this WSSC easement causes the PUE to be shifted away and thus non-contiguous with Goldstone Court. The applicant requests this variation for non-contiguous PUEs in order to retain the

consolidated lotting pattern, which mitigates the impacts of the proposed development on environmental conditions present on-site and conforms with development previously approved in Specific Design Plan SDP-1704.

Section 24-113 sets forth the required findings for approval of a variation request:

Section 24-113. Variations.

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

- (1) **The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

The applicant proposes to not provide a standard contiguous PUE adjacent to a private right-of-way. Not providing the contiguous PUE will not be detrimental to the public safety, health, or welfare, or injurious to other property. Utilities are proposed to be provided by PUEs for the entire subdivision. Specifically, a 10-foot-wide PUE will straddle the private right-of-way of Sean Taylor Way and the adjacent Lot 32. Additionally, along Lots 26–32 and Lots 33–52 abutting Goldstone Court, utilities will be provided in a 10-foot-wide PUE, which will be shifted away from Goldstone Court to provide a 4-foot-wide WSSC easement. The placement of these two PUEs, non-contiguous with their respective rights-of-way, will ensure that utilities will be available to serve lots within the subdivision, while also allowing the applicant to manage the utility-related right-of-way constraints.

- (2) **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The subject property contains several unique conditions, which are generally not applicable to other properties. The subject property is constrained by existing development abutting the site to the north, south, and east. The site contains various environmental features such as steep slopes, floodplains, and a stream. The subject property is uniquely located across the street from the Morgan Boulevard Metro Station. Design guidelines, approved with Comprehensive Design Plan CDP-0301, for the subject property reflect the intent to create an urban area within walking distance of the Morgan Boulevard Metro Station. In order to comply with the CDP design guidelines and achieve the highest and best use of the property, while mitigating impacts to the environmental features mentioned, the applicant proposes non-contiguous 10-foot-wide PUEs along the private rights-of-way of Sean Taylor Way and Goldstone Court.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

The variation to Section 24-128(b)(12) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. This variation request was referred to the Potomac Electric Power Company (PEPCO), WSSC, Washington Gas, Comcast, Verizon, and AT&T. The variation request allows for WSSC to be provided with separate easements for wet utilities, per their standard requirement, while also providing adequate space for other utilities. At the time of the writing this technical staff report, none of the utilities have offered comments on this variation request. Therefore, the variation will not violate any other applicable law, ordinance, or regulation.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

Due to the particular physical surroundings, including the property's unusual shape, the presence of steep slopes on the site, and constraints due to existing surrounding development, the applicant has proposed PUEs non-contiguous to two public rights-of-ways, in lieu of providing the standard 10-foot-wide PUE adjacent to either side of a private right-of-way. Following the strict letter of these regulations would create a particular hardship to the owner, as it would result in a significant redesign of the site, which is already limited in developable area. A redesign would be excessive, as the 10-foot-wide PUEs are provided, saving that they have been provided in a slightly altered location from the strict letter of this regulation. Additionally, given the property's site constraints, the site has been designed to maximize the relatively small developable portion of the property, and the standard position of the PUEs would create a hardship for the owner in conforming with the development approved previously in SDP-1704 for the subject property.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The subject property is zoned L-A-C, D-D-O, and M-I-O. Therefore, this provision does not apply.

Staff finds that this site is unique to the surrounding properties and that the variation request is supported by the required findings herein. Approval of the applicant's request will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which (in part) is to encourage creative design that accomplishes the purpose of the Subdivision Regulations in a more efficient manner.

3. **Referrals**—The requested variation was referred to the PEPCO, WSSC, Washington Gas, Comcast, Verizon, and AT&T. No comments have been received from the agencies referred at the time of the writing of this technical staff report.

RECOMMENDATION

APPROVAL of the requested variation.