



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>

Final Plat of Subdivision South Lake, Plat 1

5-19182

REQUEST		STAFF RECOMMENDATION	
Final Plat of Subdivision		APPROVAL	
Variation from Section 24-122(a)		APPROVAL	

Location: In the southwest quadrant of the intersection of MD 214 (Central Avenue) and US 301 (Robert Crain Highway).			
Gross Acreage:	110.63		
Zone:	E-I-A		
Gross Floor Area:	N/A		
Lots/Parcels:	0		
Outparcels:	5		
Planning Area:	74A		
Council District:	04		
Election District:	07		
Municipality:	Bowie		
200-Scale Base Map:	201NE14		
Applicant/Address: South Lake Partners, LLC 10100 Business Parkway Lanham, MD 20774		Planning Board Date:	06/18/2020
Staff Reviewer: Antoine Heath Phone Number: 301-952-3552 Email: Antoine.Heath@ppd.mncppc.org		Planning Board Action Limit:	07/3/2020
		Mandatory Action Timeframe	30 days
		Staff Report Date:	06/08/2020
		Date Accepted:	06/03/2020
		Informational Mailing:	N/A
		Acceptance Mailing:	N/A
		Sign Posting Deadline:	N/A

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.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Final Plat of Subdivision 5-19182
 Variation from Section 24-122(a)
 South Lake, Plat 1

OVERVIEW

The subject property is located in the southwest quadrant of the intersection of MD 214 (Central Avenue) and US 301 (Robert Crain Highway). The site is currently being improved under a multi-phased mixed-use development scheme for a subdivision known as South Lake (formerly Karington), in accordance with Preliminary Plan of Subdivision (PPS) 4-04035 and 4-17027, which were approved by the Prince George's County Planning Board on October 21, 2004 (PGCPB Resolution No. 04-247) and January 10, 2019 (PGCPB Resolution No. 19-06), respectively. The site is a total of approximately 381.52 acres. The subject final plat totals 110.63 acres within the overall South Lake subdivision and is located in the Employment and Institutional Area (E-I-A) Zone. The final plat of subdivision included in this application contains a total of five outparcels and roadway dedication, to support the development of infrastructure for the site, approved under Detailed Site Plan DSP-05042.

This final plat of subdivision is in conformance with PPS 4-04035 and 4-17027. However, the applicant is requesting the Planning Board's approval of a variation from Section 24-122(a) of the Prince George's County Subdivision Regulations, to eliminate the location of a public utility easement (PUE) along US 301 and MD 214, 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 70, Grids D-3 and D-4, in Planning Area 74A. The subject property is bounded to the north by MD 214; to the south by vacant and industrially used properties in the E-I-A Zone; to the east by US 301, and to the west by the remaining land area of the South Lake project in the E-I-A Zone.

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)	E-I-A	E-I-A
Use(s)	Residential/Commercial	Residential/Commercial
Acreage	110.63 acres	110.63 acres
Lots	0	0
Outparcels	2	5
Parcels	0	0
Variance	No	No
Variation	No	Yes 24-122(a)

The requested variation from Section 24-122(a) was received on April 14, 2020, and heard on May 1, 2020, at the Subdivision and Development Review Committee meeting, as required by Section 24-113(b) of the Subdivision Regulations, as a companion request to the final plat of subdivision.

2. **Variation**—Section 24-122(a) requires the following:

Section 24-122-Public facilities requirements.

- (a) **When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.**

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site abuts MD 214 and US 301; however, water line easements exist along the site's frontage on these public rights-of-way in the area where a PUE is required. Other utilities are currently provided within the public right-of-way. The applicant provided a statement of justification dated April 2, 2020, incorporated by reference herein, addressing the approval criteria for a variation in order to eliminate the PUE required along MD 214 and US 301. Instead, PUEs are proposed to be provided along the public and private streets internal to the subdivision, with 90-degree crossings over the existing water line easements in order to bring utilities to the site.

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

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 is proposing dry utility service to the site by providing PUEs along the network of internal public and private streets, which will serve each lot. Abutting properties are currently provided with utility service, which will continue and will not be impacted by the approval of this variation. Therefore, the granting of this variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.

- (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 circumstances impacting the PUE provision for this property are unique in that a water line easement currently exists where a PUE is required on-site, and other utilities are currently existing within the public right-of-way. This request does not circumvent the requirement for planning utility service to the site, but requests that PUEs not be required where conflicts would be created with existing wet utilities.

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

The variation from Section 24-122(a) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. This variation request was referred to Baltimore Gas & Electric (BG&E), the Washington Suburban Sanitary Commission (WSSC), Comcast, Verizon, AT&T, Washington Gas and the City of Bowie. WSSC will be provided separate easements for wet utilities, per their standard requirement. No objection to this request was received from the referred agencies. Coordination for placement of dry utilities may be further coordinated at the permitting stage of development. 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;**

The property abuts by existing rights-of-way on two sides, with utilities currently in place in those rights-of-way. A water line easement exists where a PUE would normally be required on the subject site. The combination of the existing built environment and the location of the existing utilities create a unique physical condition on this specific property. It is impractical to conform with the strict letter of these regulations because wet and dry utilities cannot be collocated, and relocation of all utilities would be a particular and unnecessary hardship.

- (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 E-I-A; therefore, this provision does not apply.

Staff finds that the site is unique to the surrounding properties and the variation is supported by the required findings. The approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which, in part, is to ensure that public utilities are available to serve the site.

3. **Referral and Comments from other Entities**—The requested variation was referred to Washington Gas, Comcast, Verizon, BG&E, AT&T, WSSC, and the City of Bowie. None of the referred agencies objected to the approval of this application.

RECOMMENDATION

- Approval of Final Plats of Subdivision 5-19182
- Approval of a Variation from Section 24-122(a)