



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 5-20030 Town Square at Suitland Federal Center, Lot 44, Block E

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

<b>Location:</b> On the north side of Suitland Road, approximately 20 miles north of Silver Hill Road.	
Gross Acreage:	0.03
Zone:	M-U-TC/D-D-O
Gross Floor Area:	N/A
Lots:	1
Parcels:	0
Planning Area:	75A
Council District:	07
Election District:	06
Municipality:	N/A
200-Scale Base Map:	204SE04
<b>Applicant / Address:</b> NVR Inc. t/a Ryan Homes 4700 Corridor Place, Suite 100 Beltsville, MD 20705	
<b>Staff Reviewer:</b> Antoine Heath <b>Phone Number:</b> 301-952-3552 <b>Email:</b> Antoine.Heath@ppd.mncppc.org	



Planning Board Date:	07/09/2020
Planning Board Action Limit:	07/31/2020
Mandatory Action Timeframe:	30 days
Staff Report Date:	07/02/2020
Date Accepted:	07/01/2020
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/](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  
                  Variation from Section 24-122(a)  
                  Town Square at Suitland Federal Center – Lot 44, Block E

**OVERVIEW**

The subject property is located north of the Suitland Road and Silver Hill Road intersection, south of Lacey Avenue, is in the Mixed-Use Town Center (M-U-TC) and Development District Overlay (D-D-O) Zones, and is currently recorded as Lot 43, Block E in Plat Book SJH 250-40. The site is approved for the development of a single-family attached townhouse dwelling unit within a larger subdivision known as Town Square at Suitland Federal Center, in accordance with Preliminary Plan of Subdivision (PPS) 4-15005, which was approved by the Prince George's County Planning Board on December 10, 2015. The subject final plat of subdivision proposes a resubdivision of Lot 43, which is 1,317 square feet, in order to reduce the recorded public utility easement (PUE) on-site. The new lot will be known as Lot 44.

The applicant is requesting a variation from Section 24-122(a) of the Prince George's County Subdivision Regulations, for the width of the PUE along Toles Park Drive. The plat was previously approved with two PUEs; one five-foot-wide PUE at the lots' frontage along Toles Park Drive, and one six-foot-wide PUE along the rear ally. However, during construction on Lot 43, it was discovered that the building footprint was encroaching on the five-foot-wide PUE along Toles Park Drive. As a result, the applicant is requesting to decrease the size of the five-foot-wide PUE to three feet wide.

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

**SETTING**

The subject property is located on Tax Map 80 in Grid E3 and is in Planning Area 75A. The subject lot abuts Toles Park Drive to the east, a rear alley to the west, Lot 42 to the north, and homeowners' open space to the south.

## 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)	M-U-TC	M-U-TC
Use(s)	Residential	Residential
Acreage	0.03 acres	0.03 acres
Lots	1	1
Outlots	0	0
Parcels	0	0
Variance	No	No
Variation	No	Yes 24-122(a)

The requested variation from Section 24-122(a) was received on April 16, 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 subject final plat of subdivision.

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

### Section 24-122 – Public Facilities

- (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 Toles Park Drive to the east and a rear alley to the west. Vehicular access and utilities to serve the subject site are to be provided from the rear alley. A six-foot-wide PUE in the rear alley and a five-foot-wide PUE along Toles Park Drive were previously approved with the final plat of subdivision, pursuant to a variation in conjunction with PPS 4-15005 (PGCPB Resolution No.15-124). The applicant is requesting further variation from the Subdivision Regulations, to decrease the approved five-foot-wide PUE along Toles Park Drive to three feet wide. The applicant provided a statement of justification on May 28, 2020, incorporated by reference herein, which sets forth the request and analysis of the variation standards for approval.

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 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 states that approval of this variation will not be a detriment to public safety, health, welfare, or be injurious to other properties, as all of the nearby properties are served by the rear PUE along the alley. The proposed reduction of the PUE along the frontage of Toles Park Drive, on the subject property, will not affect any other properties.

**(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 applicant states that conditions for this property are unique, as there are two PUE's on this lot, and the PUE being affected along Toles Park Drive will not be in use. Only the PUE along the alley will be in use and remain at six feet wide. The applicant also states that the building footprint slightly encroaches on the five-foot-wide PUE.

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

The approval of a variation is unique to the Subdivision Regulations and under the sole authority of the Planning Board. The applicant states that the affected PUE will not be in use. This variation was referred to the gas, electric, telephone, and cable utility companies and none have opposed this request. Therefore, this variation does 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 applicant states that because of the unusual circumstance of having two PUEs on the site, it has limited the amount of space available, and it has led to an encroachment of the building into the five-foot-wide PUE, which will not be in use. If the strict letter of the regulations is carried out, then the applicant would have to demolish a town house stick, on which construction has already begun. The applicant also states that these units are under contract with impending settlement dates, and a delay would cause a particular 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 M-U-TC. Therefore, the provision is not applicable.

Staff finds that variation criteria have been adequately addressed by the applicant. The existence of the two PUEs, abutting Toles Park Drive and the alley, limiting space on the lot, are unique and approval of the variation would not nullify the intent of the Subdivision Regulations.

3. **Referrals**—The requested variation was referred to Verizon, the Washington Suburban Sanitary Commission, Comcast, AT&T, Washington Gas, and the Potomac Electric Power Company. No responses to this request were received from the referred agencies. Utilities may be further coordinated during the permitting process.

## **RECOMMENDATION**

- APPROVAL of Final Plat of Subdivision 5-20030
- APPROVAL of a Variation from Section 24-122(a)