



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

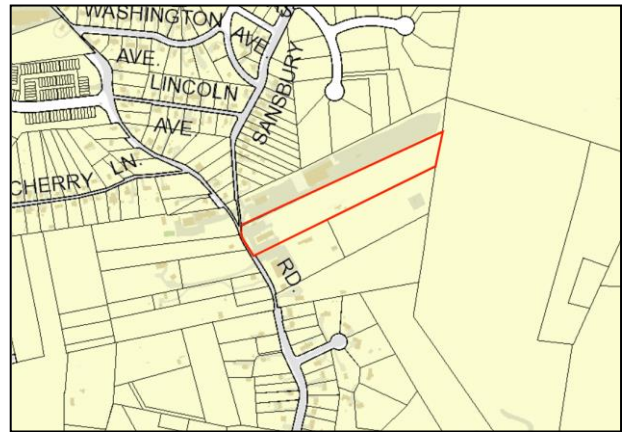
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Final Plat of Subdivision Waste Management Capital Facility

5-21045

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

Location: Along the east side of D'Arcy Road, at the confluence of D'Arcy Road and Sansbury Road.	
Gross Acreage:	7.75
Zone:	I-1/I-2/M-I-O
Gross Floor Area:	N/A
Lots:	0
Parcels:	1
Planning Area:	78
Council District:	06
Election District:	15
Municipality:	N/A
200-Scale Base Map:	204SE08
Applicant/Address: Waste Management of Maryland, Inc. 6994 Columbia Gateway Drive, Suite 200 Columbia, MD 21046	
Staff Reviewer: Kayla DiCristina Phone Number: 301-952-3428 Email: Kayla.DiCristina@ppd.mncppc.org	



Planning Board Date:	01/06/2022
Planning Board Action Limit:	01/16/2021
Mandatory Action Timeframe	30 days
Staff Report Date:	12/20/2021
Date Accepted:	12/17/2021
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 5-21045
Variation from Section 24-122(a)
Waste Management Capital Facility

OVERVIEW

The subject property is an acreage parcel known as Parcel 202, as recorded among the Prince George's County Land Records in Liber 17657 at folio 670 and is located on the east side of D'Arcy Road, at the confluence of D'Arcy Road and Sansbury Road. Parcel 202 is approximately 7.77 acres and split-zoned in the Light Industrial (I-1), Heavy Industrial (I-2), and Military Installation Overlay (M-I-O) Zones, and is within the area of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*.

The subject site is proposed to be platted in accordance with Preliminary Plan of Subdivision (PPS) 4-19035, which was approved by the Prince George's County Planning Board on May 14, 2020 (PGCPB Resolution No. 2020-79), for one parcel for the development of 25,659 square feet of industrial and institutional uses. Detailed Site Plan DSP-20035 was approved by the Planning Board on January 28, 2021 (PGCPB Resolution No. 2021-16), to construct a 25,106-square-foot administrative building with a commercial fleet service and shop area for trash maintenance and private fueling station use.

The final plat of subdivision is in conformance with PPS 4-19035. 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 approximately 30 linear feet of the standard 10-foot-wide public utility easement (PUE) along the northwest property line of Parcel 1, along a portion of the property's frontage on D'Arcy Road, as discussed further below.

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 82 Grids D3 and E3 and in Planning Area 78. The subject property and surrounding land are all within the M-I-O Zone. To the east of the subject property is vacant and partially wooded land zoned Residential-Agricultural; to the north and south of subject property is land zoned I-1 and I-2 containing industrial uses; to the west of the subject property is D'Arcy Road with property zoned Rural Residential containing vacant land and single-family dwellings 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)	I-1/I-2	I-1/I-2
Use(s)	Industrial	Industrial
Acreage	7.77 acres	7.76 acres
Lots	0	0
Outlots	0	0
Parcels	1	1
Variance	No	No
Variation	No	Yes, Section 24-122(a)

The requested variation from Section 24-122(a) was received on August 8, 2021, and heard on August 20, 2020, at the Subdivision and Development Review Committee (SDRC) 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**—The applicant filed a variation request from Section 24-122(a), to eliminate approximately 30 linear feet of the required 10-foot-wide PUE along the northwest property line of the subject property, along the D’Arcy Road right-of-way. The findings for approval of the variation are outlined below:

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 property has frontage along the east side of D’Arcy Road, a public right-of-way, and is required to have a 10-foot-wide PUE along the property’s entire roadway frontage. The applicant intends to provide the required 10-foot PUE in its standard location, except for approximately 30 linear feet of PUE along the northwestern property line of the subject property abutting the right-of-way of D’Arcy Road. The northwestern property line curves away from D’Arcy Road at an angle, creating a void in the alignment of the right-of-way and the subject property, where the PUE would normally continue. At the time of DSP-20035, the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) stated their intention to abandon this space and convey it back to the subject property. With the abandonment of this portion of right-of-way, the right-of-way of D’Arcy Road and the northwestern property line will become flush with the remaining western property line of the subject property and the western

property line of the property to the immediate north. Once these property lines are flush with each other, it is anticipated that future utilities will be provided in a continuous PUE in that location. This abandonment and conveyance will occur independent of the permitted development of the subject property. Providing a 10-foot-wide PUE adjacent to the northwestern property line of the subject property, as it exists today, will create a non-continuous PUE along D'Arcy Road and negatively impact the future placement of utilities.

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

There are four criteria that must be met for this variation to be approved (a fifth criterion is not applicable to the zoning of the subject property), which are addressed by the applicant's variation request dated August 8, 2021, incorporated by reference herein. The criteria, with discussion, are noted below:

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 required 10-foot-wide PUE will be provided on the subject property in the standard location parallel to the right-of-way of D'Arcy Road with the exception of approximately 30 linear feet along the northwestern property line. Requiring a PUE along this portion of the property line will create a noncontinuous PUE between the subject property and the property to the immediate north, as the subject property line curves away from D'Arcy Road at an angle and is not flush with the property line abutting to the north. In addition, as stated previously, DPIE intends to abandon and convey the portion of right-of-way adjacent to the northwestern property line back to the subject property. Following completion of this process, the northwestern property line will be consistent with actual alignment of the roadway, providing a continuous stretch of space for future dry utilities outside of the right-of-way. If the PUE were required along the 30 linear feet of the northwestern property line, there would be discontinuity between the provision of future utilities in the PUE on the subject property and the property to the immediate north. A 10-foot-wide PUE provided in its standard location on the remainder of the subject property's frontage on D'Arcy Road will ensure adequate area for the future placement of utilities. Granting this variation will ensure the appropriate location and continuity of

future utilities on the subject property and beyond. Therefore, the granting of this variation will not be detrimental to the public safety, health, or welfare, or injurious to other properties, as the continuity of utility provision will be preserved by the proposed design.

(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 is unusually constrained by conditions that are not generally applicable to other properties. On-site topography generally slopes down across the property from west to east, with steep grade changes between 15–25 percent across the northern property line. The steep grade changes require utilities to be accessed further south on the subject property. The subject property also has an unorthodox frontage along the D’Arcy Road right-of-way. As previously discussed, the northwestern property line fronts the D’Arcy Road right-of-way and curves away from the road as it approaches the northern property line. The curve of the northwestern property line along D’Arcy Road creates a triangle of right-of-way where no utilities are present and access to those utilities would be over 10 feet away from the roadway. As previously stated, DPIE intends to abandon this portion of right-of-way and convey the area back to the subject property so that the northwestern property line is flush with the D’Arcy Road right-of-way. The subject property’s steep grade changes, curved northwestern property line along D’Arcy Road, and future abandonment and conveyance of right-of-way are conditions that are not generally applicable to other properties.

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

Granting this variation will not be in violation of any law, ordinance, or regulation. The variation from Section 24-122(a) is unique to the Subdivision Regulations and under the sole authority of the Planning Board.

(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 unusual shape of the subject property’s existing northwest boundary line abutting the right-of-way of D’Arcy Road gives rise to a particular hardship that can be distinguished from a mere inconvenience. As discussed above, the subject property is constrained by an unconventional property line along its partial frontage on D’Arcy Road. The unusual property boundary would result in a PUE that is too far from the D’Arcy Road right-of-way, inconsistent with the alignment of the abutting property to the north, to provide effective access and placement of utilities. Pursuant to the strict letter of these regulations, a PUE at this location on the subject

property would not only fail to serve its intended purpose, but would also unreasonably burden redevelopment of the site.

Staff finds that the required findings for approval of a variation from Section 24-122(a), for the elimination of approximately 30 linear feet of the standard 10-foot-wide PUE along D'Arcy Road, have been met by the findings above and recommends that the absence of the required PUE as shown on the cited plat be approved.

3. **Referrals and Comments from Other Entities**—The requested variation was referred to DPIE, the Washington Suburban Sanitary Commission (WSSC), Comcast, Verizon, and AT&T. DPIE indicated they were not opposed to the variation, and AT&T responded that they have no facilities in the area. At the August 20, 2020 SDRC meeting, WSSC verbally indicated that they had no issues with the variation. No other comments were received from the agencies referred at the time of the writing of this technical staff report.

RECOMMENDATION

- Approval of Final Plat of Subdivision 5-21045
- Approval of a Variation from Section 24-122(a)