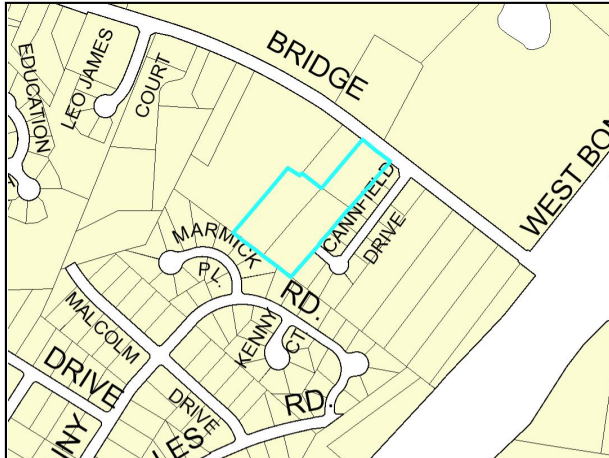




Final Plat of Subdivision Cole's Manor, Lots 1 through 7

5-23107

REQUEST	STAFF RECOMMENDATION
Final plat of subdivision	<ul style="list-style-type: none">• Approval of Final Plat of Subdivision 5-23107• Approval of a Variation from Section 24-122(a)

Location: On the southwest side of Brooklyn Bridge Road, approximately 50 feet west of Cannfield Drive.				
Gross Acreage:	5.35			
Zone:	RR			
Prior Zone:	R-R			
Reviewed per prior Subdivision Regulations	Section 24-1704(a)			
Gross Floor Area:	N/A			
Lots:	7			
Parcels:	N/A			
Planning Area:	60			
Council District:	01			
Municipality:	N/A	Planning Board Date:		05/30/2024
Applicant/Address: Williamsburg Group L.L.C 5485 Harpers Farm Road, Suite 200 Columbia, MD 21044		Planning Board Action Limit:		06/13/2024
		Mandatory Action Timeframe:		30 days
		Staff Report Date:		05/16/2024
Staff Reviewer: Mahsa Vatandoost Phone Number: 301-952-4487 Email: Mahsa.Vatandoost@ppd.mncppc.org		Date Accepted:		05/14/2024
		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 5-23107
Variation from Section 24-122(a)
Cole's Manor, Lots 1 through 7

OVERVIEW

The subject property is located on the southwest side of Brooklyn Bridge Road, approximately 50 feet west of Cannfield Drive, and has an area of 5.35 acres. The property is comprised of three tax parcels known as Parcels 65, 109, and 131, as recorded by deed among the Prince George's County Land Records in Liber 24963 at folio 611, Liber 24963 at folio 599, and Liber 24963 at folio 605, respectively. The property is within the Residential, Rural (RR) Zone; however, this application was submitted for review under the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations. Pursuant to Section 24-1704(a) of the Subdivision Regulations, applications submitted under a valid subdivision approval may be reviewed and decided in accordance with the Subdivision Regulations in existence at the time of the approval of the subdivision. This final plat is filed in accordance with a preliminary plan of subdivision (PPS) approval, obtained under the prior Subdivision Regulations, which remains valid. Under the prior Zoning Ordinance, the site was within the Rural Residential (R-R) Zone. The site is also subject to the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* (master plan). The final plat contains seven lots.

The subject site is proposed to be platted in accordance with PPS 4-22017, which was approved by the Prince George's County Planning Board on March 9, 2023 (PGCPB Resolution No. 2023-26), for seven lots for the development of seven single-family detached residential dwelling units.

The final plat of subdivision is in conformance with PPS 4-22017. However, the applicant requests the Prince George's County Planning Board's approval of a variation from Section 24-122(a) of the prior Subdivision Regulations, to eliminate the standard 10-foot-wide public utility easement on the east property line of Lot 7, along Donston Drive, as discussed further below.

Staff recommend **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 2, Grids E3 and E4, in Planning Area 60. The properties to the north, beyond Brooklyn Bridge Road, consist of public parkland within the Reserved Open Space Zone. The properties abutting the subject site to the east and south are developed with single-family detached dwellings within the RR Zone. The abutting property to the west consists of parks and open space development also within the RR 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)	RR	RR (Reviewed per prior R-R zoning)
Use(s)	Vacant	Residential
Acreage	5.35	5.35
Lots	0	7
Outlots	0	0
Parcels	3	0
Variance	No	No
Variation	No	Yes, Section 24-122(a)

The requested variation from Section 24-122(a) of the prior Prince George's County Subdivision Regulations was received on October 13, 2023, and reviewed at the Subdivision and Development Review Committee meeting on December 8, 2023, as required by Section 24-113(b) of the prior Subdivision Regulations, as a companion request to this final plat of subdivision.

- 2. Variation**—The applicant filed a variation request from Section 24-122(a) to eliminate the required 10-foot-wide public utility easement (PUE) along the majority of the front property line of Lot 7, saving for 21 linear feet. The variation request is dated September 20, 2023, and was received on October 13, 2023.

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 a 10-foot-wide easement along both sides of all public rights-of-way (ROWs), to ensure adequate and continuous utility access and provision for all development. The subject property has frontage along the public ROWs of Brooklyn Bridge Road and Donston Drive. Lots 1 and 2 front Brooklyn Bridge Road and Lots 3–7 front Donston Drive. The applicant proposes to provide the required 10-foot-wide

PUE on the property, along the street frontage of Brooklyn Bridge Road and Donston Drive, except for along approximately 233 linear feet of the frontage of Lot 7 of this subdivision. The proposed Donston Drive extension, as part of this subdivision, is a continuation of the existing public street, which will only serve Lots 3–7 of this subdivision, ending in a cul-de-sac on the subject property. The PUE is provided along the entire frontage of Lots 3–6, and for 21 linear feet along the street frontage of Lot 7. However, the remainder of the PUE along the Donston Drive frontage of Lot 7 is proposed for location of stormwater management (SWM), which would conflict with the placement of utilities.

Section 24-113 of the prior Subdivision Regulations 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 (the fifth criterion is not applicable to the zoning of the subject property), which are addressed by the applicant's variation request dated September 20, 2023, 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;

In this particular case, not providing the required PUE in its standard location will not be detrimental to public safety, health, or welfare, or injurious to other properties. The PUE will be provided along the extended Donston Drive, including along a portion of the frontage of Lot 7. The properties along the existing Donston Drive are developed with existing utility service. The utilities will be sufficient to serve the five proposed residential lots accessed by the extended Donston Drive. Therefore, this variation will not be detrimental to the public safety, health, or welfare, or injurious to 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 conditions of this property are unique due to existing environmental constraints and the continuation of the existing roadway of Donston Drive. The location of the existing Donston Drive ROW, at the southeastern

property line, dictates the location of the extension of the roadway and the five proposed residential lots, as a continuation of the existing lotting pattern. The proximity of this existing ROW is constrained by the existing floodplain within Lot 7, which is to be preserved to the fullest extent possible while addressing SWM requirements, which is unique to this property. Donston Drive is only proposed to be extended approximately 250 linear feet, terminating in a cul-de-sac on the subject property. The applicant's request to eliminate the PUE requirement along the referenced public street is warranted, given the unique nature of the lotting pattern imposed on the subject property.

(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. The final plat and variation request for the location of PUEs was referred to the public utility companies. No referred agency opposed this request. The proposed utilities will need to be designed in direct coordination with the individual utility companies, in order to meet all requisite requirements and design standards, at the time of permitting. Staff is not aware of any applicable law, ordinance, or regulation that will be violated if this variation is granted.

(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 development proposal is respectful to the existing environmental constraints and SWM requirements. Implementation of the standard PUE location requirement along the entire extent of Donston Drive would result in a hardship for the owner. All lots will be provided with a PUE, however, requiring the PUE along the entire frontage of Lot 7 would result in a particular hardship to the owner, as opposed to a mere inconvenience, because it would conflict with the existing environmental features to be preserved and the location of required SWM.

By virtue of positive findings for each of the criteria for variation approval, staff find that a variation from Section 24-122(a), for elimination of the standard 10-foot-wide PUE requirement, along the Lot 7 frontage of Donston Drive, for approximately 233 linear feet, is supportable; that the purposes of the Subdivision Regulations and Section 9-206 of the Environment Article are served to a greater extent by the alternative proposal; and recommend that the absence of the required PUE on the subject plat be approved.

- 3. Referral and Comments from other Entities—**The requested variation was referred to the Prince George's County Department of Permitting, Inspections and Enforcement, the Washington Suburban Sanitary Commission, Washington Gas, Baltimore Gas and Electric Company, Comcast, Verizon, and AT&T. None of the referred agencies have opposed this request.

RECOMMENDATION

- Approval of Final Plat of Subdivision 5-23107
- Approval of a Variation from Section 24-122(a)