

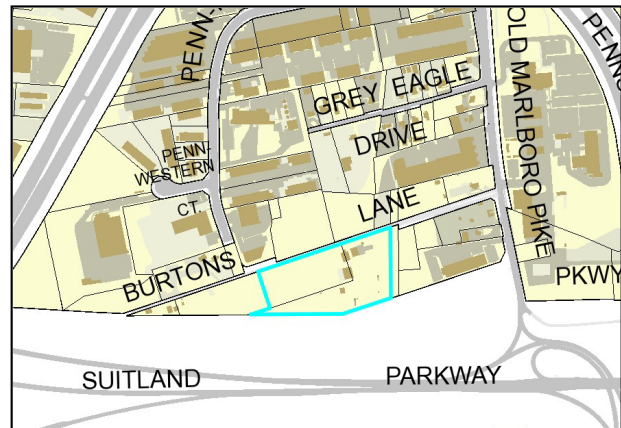


Final Plat of Subdivision 5-24150

J.L.T. Recycling & Trucking, Parcels 1 and 2

REQUEST	STAFF RECOMMENDATION
Final Plat of Subdivision	<ul style="list-style-type: none">• Approval of Final Plat of Subdivision 5-24150• Approval of Variation from Section 24-122(a)

Location: On the south side of Burton Lane, north of MD 337 (Suitland Parkway), approximately 700 feet west of Old Marlboro Pike.	
Gross Acreage:	6.72
Zone:	IE/MIO
Prior Zone	I-1/M-I-O
Reviewed per prior Subdivision Regulations	Section 24-1704(b)
Gross Floor Area:	N/A
Lots:	0
Parcels:	2
Planning Area:	78
Council District:	06
Municipality:	N/A
Applicant/Address: Jerome L. Taylor Trucking, Inc. 1421 Kenilworth Avenue NE, Suite 201 Washington, DC 20019	
Staff Reviewer: Jason Bartlett Phone Number: 301-780-2465 Email: jason.bartlett@ppd.mncppc.org	



Planning Board Date:	7/31/2025
Planning Board Action Limit:	N/A
Mandatory Action Timeframe	30 days
Staff Report Date:	7/30/2025
Date Accepted:	7/30/2025
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 5-24150
Variation from Section 24-122(a)
J.L.T. Recycling & Trucking, Parcels 1 and 2

OVERVIEW

The subject property is located on the south side of Burton Lane, north of MD 337 (Suitland Parkway), approximately 700 feet west of Old Marlboro Pike. The subject Final Plat of Subdivision 5-24150 is filed in accordance with Preliminary Plan of Subdivision (PPS) 4-23043, which was approved by the Prince George's County Planning Board on November 14, 2024 (PGCPB Resolution No. 2024-111), for two parcels on 6.72 acres.

The subject property is located in the Industrial, Employment (IE) Zone. However, the PPS was approved under the applicable provisions of the Prince George's County Zoning Ordinance and Prince George's County Subdivision Regulations effective prior to April 1, 2022 (the "prior Zoning Ordinance" and the "prior Subdivision Regulations"). Under the prior Zoning Ordinance, the entire site was in the Light Industrial (I-1) and Military Installation Overlay (M-I-O) Zones. Pursuant to Section 24-1704(b) 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 PPS approval obtained under the prior Subdivision Regulations, which remains valid. The final plat of subdivision contains two parcels, totaling 6.72 acres.

This final plat of subdivision is in conformance with PPS 4-23043. The applicant is requesting the Planning Board's approval of a variation from Section 24-122(a) of the prior Subdivision Regulations, to allow the final plat to be approved without the required 10-foot-wide public utility easement (PUE) along the property's frontage on MD 337, as discussed further below.

Staff recommend **approval** of the final plat of subdivision and **approval** of a variation from Section 24-122(a), based on the findings contained in this technical staff report.

SETTING

The subject property is located on Tax Map 90, Grids A-3 and B-3, in Planning Area 78. MD 337 abuts the subject property to the south. The site is surrounded by properties in the IE Zone (previously the I-1 Zone), which are developed with existing commercial and industrial uses. The subject property and its surroundings are also located in the MIO Zone for height, noise, and safety.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	EVALUATED
Zone(s)	IE/MIO	I-1/M-I-O
Use(s)	Industrial	Industrial
Acreage	6.72 acres	6.72 acres
Lots	0	0
Outlots	0	0
Parcels	2	2
Variance	No	No
Variation	No	Yes Section 24-122(a)

The requested variation from Section 24-122(a) was received on February 4, 2025, as a companion request to the subject final plat of subdivision, and was heard at the Subdivision and Development Review Committee meeting on February 28, 2025, in accordance with Section 24-113(b) of the prior Subdivision Regulations.

2. **Variation**—The applicant filed a variation request from Section 24-122(a), to allow approval of the final plat of subdivision without the 10-foot-wide PUE along the property's frontage on MD 337, as shown on approved PPS 4-23043. The statement of justification (SOJ) requesting the variation was submitted on February 4, 2025. The findings for approval of the variation are provided below in **bold**, with staff analysis following in plain text.

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. Both parcels of the subject property have frontage along the public ROWs of MD 337 (which is classified as a freeway) and Burtons Lane. The required 10-foot-wide PUE has been provided along the street frontage of Burtons Lane in conformance with Section 24-122(a) and as approved with PPS 4-23043. However, a variation from Section 24-122(a) is requested to not provide the PUE along MD 337.

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 December 19, 2024, and incorporated by reference herein. The criteria, with staff analysis, 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;

Ten-foot-wide easements for public utilities are required along both sides of all public ROWs, to ensure that utilities will be able to serve the subject site and surrounding development. However, the applicant does not propose to provide the easement along the public ROW of MD 337 fronting the subject site to the south.

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. A PUE is provided along the entire property frontage (of both parcels) of Burtons Lane. The public utilities needed for the proposed development on the subject property are, or will be, located within or adjacent to Burtons Lane, where a 10-foot-wide PUE is already provided. At this time, there are no utilities located along MD 337, which will need to be extended to serve the subject property. Furthermore, the provision of a PUE along the property's frontage on MD 337 would result in significant environmental impacts to the site. If this PUE were provided, a portion of it would be located within an area containing sensitive environmental features, including PMA and 100-year floodplain and significantly reduce the area of the property intended for reforestation. No future utility lines will be required to cross the MD 337 frontage of the property, since utilities are provided along other public roadways of lower classification. The omission of a contiguous, 10-foot-wide PUE along MD 337 will have no impact on the utilities available for this development or the surrounding developments. 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 on which the variation request is based are unique to the site. The area of the property abutting the ROW line of MD 337 is partially wooded and includes areas of significant topographic change, wherein the slope on Parcel 2 is significantly higher than Parcel 1. This area of the subject property also contains sensitive environmental features, including primary management area (PMA) and 100-year floodplain, and the actual travel lanes of MD 337 are approximately 385 to 415 feet from the property line. The PPS approved no parcels with direct access to MD 337, and the need for a PUE abutting MD 337 is not necessary. Any property developing to the north of MD 337 will have access to other public roads, from where public utilities can be extended to serve the development.

Given the unique setting of this site, the factors on which the variation is based are unique to this property and not generally applicable to other properties.

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

The approval of a variation from Section 24-122(a) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. Further, 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 are 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 site is unusually situated since it is sandwiched between public roads along two sides. As mentioned earlier, there is a significant grade difference and environmental constraints along the southern property edge with MD 337. Strict adherence to this regulation will require placing a 10-foot-wide PUE along the south side of the property. Providing the PUE would conflict with the existing environmental features and reduce the area of the property eligible for reforestation, resulting in a reduction of the overall landscape buffer from the MD 337 ROW.

In addition, if the PUE were required to be placed along MD 337, this PUE would serve no additional purpose, since there are no utilities located along MD 337 which would be located within this easement. These factors create a particular hardship to the owner in meeting the standard requirement. A PUE is approved along the property's frontage of public road on the north side of the site, and will be available to serve the proposed development, and for extension to neighboring properties in the future.

By virtue of positive findings details 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 property's frontage on MD 337 is supportable; that the purposes of the Subdivision Regulations contained in this Subtitle and Section 9-206 of the Environment Article are served to a greater extent by the alternative proposal, As a result, staff recommend that the variation, to allow for the deletion of the required PUE along the property's frontage on MD 337 on the subject plat, be approved.

3. **Referral and Comments from other Agencies**—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 5-24150
- Approval of a Variation from Section 24-122(a)