



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

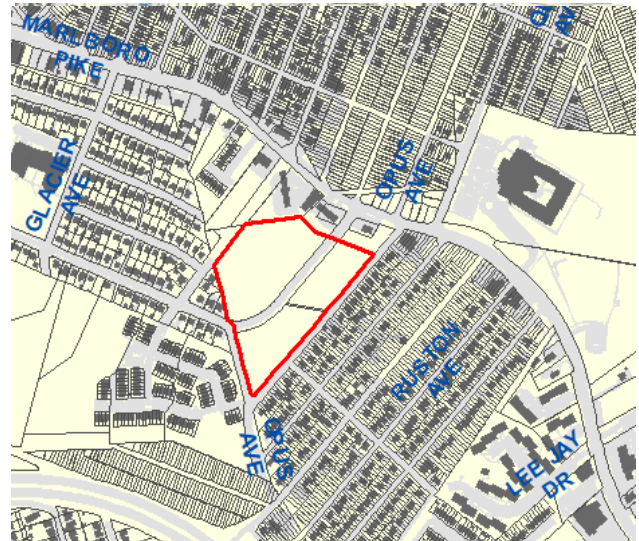
Note: Staff reports can be accessed at <http://mncppc.igmp2.com/Citizens/Default.aspx>

Vacation Petition Marlboro Gardens

V-18005

REQUEST	STAFF RECOMMENDATION
Vacate Parcels A, B, and C of the Marlboro Gardens subdivision and part of the abutting right-of-way of Nova Avenue.	APPROVAL

Location: 100 feet south of the intersection of Nova Avenue and Marlboro Pike.	
Plan Acreage:	11.70
Zone:	R-18
Tax Map/Grid:	72/E-4
Dwelling Units:	0
Square Footage:	0
Planning Area:	75A
Council District:	07
Election District:	06
Municipality:	N/A
200-Scale Base Map:	202SE05
Petitioner: O'Malley, Miles, Nylen, & Gilmore, P.A. 7850 Walker Drive, Ste. 310 Greenbelt, MD 20770	
Applicant/Address: MMT Limited Partnership 1005 Glebe Road, Ste. 100 Arlington, VA 22201	
Staff Reviewer: Thomas Sievers Phone Number: 301-952-3994 E-mail: Thomas.Sievers@ppd.mncppc.org	



Planning Board Date:	07/09/2020
Planning Board Action Limit:	N/A
Staff Report Date:	06/23/2020
Date Accepted:	05/04/2020
Adjoining Property Owners:	06/06/2019
Sign Posting Deadline:	06/08/2020

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.

Table of Contents

OVERVIEW 3

FINDINGS AND REASONS FOR STAFF RECOMMENDATION..... 4

RECOMMENDATION 4

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Vacation Petition V-18005
Marlboro Gardens

The purpose of this petition is to vacate Parcels A, B, and C of the Marlboro Gardens subdivision, the part of the right-of-way known as Nova Avenue (former platted as "R" Street), and the 10-foot-wide walkway, dedicated to public use, which were originally created by a plat recorded among the Land Records of Prince George's County in Plat Book WWW 16, Page 22. The total area to be vacated is 11.70 acres.

OVERVIEW

The land areas to be vacated are located on the north side of Opus Avenue, east of Boundary Avenue and Lorton Avenue, including the vacation of a portion of Nova Avenue between Parcels A, B, and C, on Tax Map 72, Grid E-4. The site is zoned Multifamily Medium Density Residential (R-18).

The owner and petitioner, MMT Limited Partnership, requests to vacate three parcels, a portion of the right-of-way for Nova Avenue (shown as R Street on the plat), and a public walkway connecting Nova Avenue with Opus Avenue (shown as 60th Avenue on the plat); areas being part of the Marlboro Gardens subdivision recorded among the Prince George's County Land Records in Plat Book WWW 16 at Plat 22. The vacation petition is requested, in accordance with Section 24-112 of the Prince George's County Subdivision Regulations. A minor final plat will be processed subsequently to the vacation petition, if approved, in accordance with Section 24-112(c) of the Subdivision Regulations.

The area being vacated is currently vacant. Nova Avenue was originally built as a public street, serving a garden apartment complex constructed on the three parcels of Marlboro Gardens. The apartments were abandoned, and they were subsequently razed several years ago. Nova Avenue was barricaded to prevent vehicle traffic from entering or traversing the site. The section of Nova Avenue to be vacated was closed by order of the Prince George's County Office of the County Executive, via Executive Order No. 5-2020. No formal plans for redevelopment of the site have been filed or are under review.

Given the portion of Nova Avenue to be vacated, the applicant proposes to dedicate a cul-de-sac as an appropriate terminus for the portion of Nova Avenue which is to remain. The cul-de-sac dedication is shown on the minor final plat submitted along with this application.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Pursuant to Section 24-112(e)(1) of the Subdivision Regulations, the Washington Suburban Sanitary Commission (WSSC) reviewed the vacation petition request. WSSC maintains existing eight-inch water and sanitary sewer mains within the portion of Nova Avenue to be vacated. WSSC provides that it has no objection to the proposed abandonment if the interests of WSSC are adequately protected. A condition of approval is recommended to provide an easement to WSSC over the area of the existing water and sewer mains, or to ensure that these facilities are abandoned prior to the approval of the minor final plat of subdivision, which incorporates the vacated area.
2. Pursuant to Section 24-112(e)(1), the Prince George's County Department of Public Works and Transportation was notified in the writing of this petition and have no objection to the request.
3. Pursuant to Section 24-112(e)(2) of the Subdivision Regulations, the public utilities have been notified in writing of this petition.
4. Pursuant to Section 24-112(e)(4) of the Subdivision Regulations, the road closure process has been carried out.
5. No referral agency or department recommended disapproval of the petition.
6. Pursuant to Section 24-112(a) of the Subdivision Regulations, the applicant provided the required notification to the owners of all land adjacent to the area to be vacated.
7. Pursuant to Section 24-112(b) of the Subdivision Regulations, the applicant posted the property for public hearing 30 days prior to the public hearing.
8. Pursuant to Section 24-112(c), a minor final plat has been submitted to incorporate the vacated area and will be recorded in the Prince George's County Land Records, subsequently to the approval of the vacation petition.

RECOMMENDATION

APPROVAL of Vacation Petition V-18005, Marlboro Gardens subject to the following condition:

1. Prior to approval of the minor final plat of subdivision incorporating the area vacated by this petition, the applicant, the applicant's heirs successors and/or assigns shall grant an easement to Washington Suburban Sanitary Commission (WSSC) for the water and sewer lines, which exist within the area to be vacated, or provide evidence from WSSC that the water and sewer lines have been abandoned. If an easement is provided, the easement location shall be identified on the minor final plat of subdivision with the Liber and folio reference.

STAFF RECOMMENDS:

- Approval of Vacation Petition V-18005