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Preliminary Plan 4-98064 Reconsideration

Application	General Data
Project Name: LARGO PARK Location: Southern quadrant of the intersection of Lottsford Road and Landover Road (MD 202). Applicant/Address: Knollwood Development Corporation 1300 Mercantile Lane, Suite #130 Upper Marlboro, Maryland 20774	Date Accepted: 05/27/05
	Planning Board Action Limit: N/A
	Plan Acreage: 31.27
	Zone: I-3
	Lots: 4
	Parcels: 0
	Planning Area: 73
	Tier: Developing
	Council District: 05
	Municipality: N/A
	200-Scale Base Map: 202NE09

Purpose of Application	Notice Dates
REQUEST FOR RECONSIDERATION: On June 9, 2005 the Planning Board granted the applicant's request for a reconsideration of Finding 14 (PGCPB No. 98-324) and matters relating to vehicular access to Lot 5.	Adjoining Property Owners Previous Parties of Record 05/27/05 Registered Associations: (CB-58-2003)

Staff Recommendation		Staff Reviewer: Whitney Chellis	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT FOR RECONSIDERATION

SUBJECT: Preliminary Plan of Subdivision 4-98064
Largo Park Lots 2-5

OVERVIEW

The subject property is located on Tax Map 60, Grid F-4 and is known as Lots 2-5, Block B. The Planning Board resolution of approval for this preliminary plan (PGCPB Resolution 98-324) was adopted on January 7, 1999. Pursuant to that approval, record plat VJ 189@13 was recorded in the County Land Records on February 23, 2000.

By letter dated May 27, 2005, the representative for the applicant requested a reconsideration of Finding 14 of the resolution of approval and matters relating to access from Lot 5 to Lottsford Road. Finding 14 and conditions of the Planning Board's approval of the preliminary plan denied direct vehicular access from Lot 5 to Landover Road (MD 202) and Lottsford Road. At the Planning Board hearing of June 9, 2005, the Planning Board granted the applicant's request for reconsideration based on mistake and other good cause.

Specifically, Section 24-121 of the Subdivision Regulations requires that when lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. In this case, Lot 5 is located in the southern quadrant of the intersection of Landover Road (MD 202) and Lottsford Road. Both of these facilities are of arterial classification. In order to be granted the ability to have direct access onto an arterial facility, the Planning Board, through the preliminary plan process, must grant a variation to Section 24-121 pursuant to making the required findings of Section 24-113 of the Subdivision Regulations.

In the case of the original preliminary plan the applicant did not request the review of a variation for direct access from Lot 5 to Lottsford Road. There were a number of issues at that time that contributed to concerns of safety if the applicant were to propose direct access to Lottsford Road. As a result, in part, the applicant did not request a variation and access was denied to both Lottsford Road and Landover Road from Lot 5. Therefore, pursuant to Section 24-128(b)(9) of the Subdivision Regulations vehicular access was granted via a 30-foot-wide easement across Lot 4 (VJ 186@22) to the south, connecting to Mercantile Lane a 70-foot-wide dedicated public right-of-way. The access driveway has been constructed and is to remain and serve as a secondary point of access to Lot 5, but no longer authorized pursuant to Section 24-128(b)(9) if the variation is granted.

This staff report is prepared for the evaluation of the matters relating to direct access to Lottsford Road from Lot 5 only. The review of this reconsideration does not call into question any other finding of fact or conditions of the original approval of the preliminary plan and as contained in PGCPB Resolution 98-324.

SETTING

The property is located in the southern quadrant of the intersection of Landover Road (MD 202) and Lottsford Road, in the Largo Park office complex. The property is surrounded by commercial office uses and generally undeveloped land in the I-3 Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application.

	EXISTING
Zone	I-3
Use(s)	Industrial
Acreage	31.27
Lots	4

2. **Transportation**—The site is governed by Preliminary Plan of Subdivision 4-98064. Although it is noted that the associated resolution includes conditions involving trip caps, neither condition relates to Lot 5. Nonetheless, Lot 5 was created under the 1998 preliminary plan from a partly developed platted parcel recorded pursuant to Preliminary Plan of Subdivision 4-79155, and while no trip cap is specified, it is a legal and developable lot. From the standpoint of transportation, other traffic studies have assumed the development of 159,000 square feet of general office space on this lot.

It is noted that access is proposed via an existing easement across adjacent Lot 4 and also proposed via direct driveway connection onto Lottsford Road. The easement was created pursuant to 4-98064 for the specific purpose of serving Lot 5. However, Lottsford Road is an arterial facility, and driveway access onto arterial and higher facilities is controlled by the subdivision ordinance. Specifically, Subtitle 24 allows such driveway access only by a variation. Such a variation was not granted during the subdivision process, and is reviewed further below and in Finding 3 of this report.

As discussed, Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on roadways of arterial classification or higher. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior street, and not to be developed with direct driveway access onto a higher-classification roadway. Lot 5 has frontage on MD 202 and Lottsford Road, and both are arterial or higher facilities. The applicant proposes direct vehicular access to Lottsford Road only.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation request as discussed in Finding 3 of this report. In consideration of Finding 3 below, the Transportation Planning Section additionally notes the following:

- a. Several other individual lots have been granted driveway access onto Lottsford Road between Arena Drive and MD 202. Although Lottsford Road is built with multiple travel lanes and a median and clearly functions as an arterial, the presence of other driveways along with a slightly slower posted speed suggest that its function is more to connect major traffic generators with major traffic routes, and less to expedite the movement of through traffic.

- b. Much concern with granting driveway access along arterial facilities involves the presence of the median and the likelihood that driveways would normally not be situated at median breaks, resulting in large numbers of U-turns at adjacent median breaks. Added U-turns would clearly pose additional safety and capacity concerns. However, the subject driveway is located at a median break and opposite an existing public street, thereby minimizing the safety and capacity concerns associated with U-turns.
- c. The addition of a driveway onto Lottsford Road from Lot 5 will offer two ways for traffic generated by Lot 5 to enter and leave. This will generally improve circulation within the immediate area, and may possibly improve capacity and safety by not concentrating all traffic from Lots 4 and 5 at a single location.
- d. A factor which complicated access to Lot 5 in 1998 was the possibility of future construction of an interchange at MD 202 and Lottsford Road. In fact, Lot 5 was in reservation for several years, now expired due to the possibility of this interchange. If an interchange were to have been built, driveway access onto Lot 5 from Lottsford Road could not have been accommodated. Since 1998, a minor public facility amendment to the Largo-Lottsford master plan deleted that interchange. Deletion of that interchange would appear to allow consideration of access for this lot along its lengthy frontage of Lottsford Road.
- e. A major factor in consideration of any sort of driveway access onto an arterial roadway is the stance of the associated operating agency. The county Department of Public Works and Transportation (DPW&T) has reviewed this driveway access and approved an access permit.

Given these facts, the Transportation Planning Section believes that the findings required under Section 24-113 for granting the variation are met and support the variation.

The subject property was given subdivision approval pursuant to a finding of adequate transportation facilities made in 1979 for Preliminary Plan of Subdivision 4-79155 and reiterated in 1998 for Preliminary Plan of Subdivision 4-98064.

- 3. **Variation to Section 24-121(a)(3)**—The Subdivision Regulations establish design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway.

The subject property has frontage on Landover Road (MD 202) and Lottsford Road, both arterial facilities. The applicant proposes direct vehicular access to Lottsford Road only.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. Staff supports the variation to allow access to Lottsford Road in this case and makes the following findings:

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 further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121(a)(3) could result in practical difficulties to the applicant that could result in undue restrictions for the development of this property.

- a. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.** One of the purposes of limiting access to an arterial is to enhance public safety, health and welfare. Although Lottsford Road occupies an arterial classification due to its right-of-way width, it does not function fully as an arterial roadway. Essentially, it serves as a thoroughfare into the Largo Park office/industrial enclave. The road is monitored by a moderate speed limit. Also, several other lots along Lottsford Road have been accorded direct driveway connections.
- b. **The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.** When the Preliminary Subdivision Plan was approved, Lot 5 was in reservation for a proposed new interchange. Now that the interchange will no longer be constructed and the property is not in reservation, new circumstances are present. Lot 5 is served by a private easement adjoining Lot 4. It is submitted that direct access onto Lottsford Road will actually be more beneficial in promoting safe vehicular circulation. Also, the instant situation is unique in that a driveway connection directly to Lot 5 from Lottsford Road has already been constructed pursuant to a permit issued by the DPW&T.
- c. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** This will not result in a violation of other applicable laws, ordinances or regulations. In fact DPW&T has already issued an access permit for Lot 5 onto Lottsford Road. This issue was thoroughly reviewed by DPW&T for conformance to all applicable laws, ordinances and regulations under their authority prior to the issuance of the access permit.
- d. **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 would suffer a particular hardship if the only access to this property were to be via a 30-foot access easement from the south. The site has a significant amount of street frontage; to allow the applicant to have one point of access to Lottsford Road at the medium break would reduce the existing circuitous manner in which this property must be accessed from only the easement across Lot 4. Direct access to Lottsford Road will avoid the necessity for cars to exclusively navigate through the access easement across Lot 4, which will shortly be improved with a multistory office building and associated parking compound.

In further support of the requested variation, the applicant provided the following points in a letter dated June 10, 2005 (Gibbs to Hewlett):

- “1. While Lottsford Road bears an arterial classification due to its right-of-way width, it does not function as an arterial given the fact that it serves as a primary access road into the

Largo Park office complex. The lots within Largo Park are primarily developed with offices and research and development buildings. Consequently, travel speeds on Lottsford Road are reasonably low.

- “2. There are several direct access driveways, which have been approved onto Lottsford Road.
- “3. An access driveway onto Lottsford Road was approved for the restaurant park that is located directly across Lottsford Road from Lot 5. In fact, the driveway, which has been constructed onto Lot 5 pursuant to the referenced permit, is directly opposite from the driveway providing access to the restaurant park.
- “4. Public safety would actually be improved if a direct access onto Lottsford Road is authorized for Lot 5. This will remove the necessity for all traffic from Lot 5 to cross Lot 4 via the private access easement, which was originally required by Finding 14. In fact, the applicant’s traffic expert, Mr. Wes Guckert of the Traffic Group has found that the dispersion of traffic to Lottsford Road, which would occur pursuant to a direct access would actually result in a beneficial change for the overall road system.”

RECOMMENDATION

APPROVAL, subject to the following conditions:

- 1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:

To remove reference that the access easement crossing Lot 4 to the south is pursuant to Section 24-128(b)(9). The easement is to remain and be utilized as a secondary point of access.
- 2. Prior to the issuance of permits, the applicant shall file a new final plat of subdivision for Lot 5 removing the denial of access along the property frontage of Lottsford Road. The final plat shall remove reference to access authorized pursuant to Section 24-128(b)(9).

STAFF RECOMMENDS APPROVAL OF THE VARIATION TO SECTION 24-121(a)(3) OF THE SUBDIVISION REGULATIONS