



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Vacation Petition

V-11002

Application	General Data	
Project Name & Record Plat Affected: DeCesaris Park, BB 14-7 Location: West side of Robert Crain Highway (US 301), south of its intersection with Albert Road. Petitioner: MGP LLC 13525 Hunting Hill Way Gaithersburg, MD 20878 Applicant/Address: Same as above	Planning Board Hearing Date:	10/04/12
	Staff Report Date:	09/25/12
	Date Accepted:	09/27/11
	Planning Board Action Limit:	N/A
	Plan Area:	5.65
	Zone:	C-M
	Tax Map Grid:	154/F4
	Dwelling Units:	N/A
	Square Footage:	N/A
	Planning Area:	85A
	Council District:	09
	Election District:	11
	Municipality:	None
200-Scale Base Map:	221SE07	

Purpose of Application	Notice Dates	
This case was continued from the Planning Board hearing date of December 1, 2011. Petition to vacate Berry Street, Shady Avenue, Lots 1-5 and 8-10, and part of an outlet.	Abutting Property Owners:	N/A
	Sign(s) Posted on Site:	09/04/12

Staff Recommendation		Staff Reviewer: Patrick Reidy Phone Number: 301-952-3554 E-mail: Patrick.Reidy@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Vacation Petition V-11002
DeCesaris Park, BB 14-7

This petition is to vacate Berry Street, Shady Avenue, Lots 1–5 and 8–10, and part of an outlot as shown on the subdivision plat known as DeCesaris Park, recorded among the Land Records of Prince George's County in Plat Book BB 14, Plat 7, in the 11th Election District. The total area to be vacated is 5.65 acres.

OVERVIEW

The site is located on the west side of Robert S. Crain Highway (US 301), south of its intersection with Albert Road on Tax Map 154, Grid F-4, and is zoned Commercial Miscellaneous (C-M). MGP LLC, the petitioner, requests to vacate 5.65 acres, in accordance with Section 24-112 of the Subdivision Regulations. The area being vacated is improved with a vehicle sales lot. Adjacent properties to the north and northeast of the subject site are improved with commercial uses.

The area of land of this vacation petition is also the subject of a pending Preliminary Plan of Subdivision, PPS 4-11013, tentatively scheduled as a companion to this vacation. During the review of PPS 4-11013, the applicant indicated that the redevelopment potential of the site would increase by vacating and rededicating new rights-of-way in a similar row pattern to that which already exists. The layout and circulation as evaluated on the PPS is dependent on the approval of this vacation.

A part of Lot 3 containing 1,050 square feet was dedicated to Prince George's County as additional right-of-way by deed in Liber 10252 at Folio 268 in 1995. This area of land must go through the surplus process by the county, and the petitioner obtain ownership prior to final plat for the development that will incorporate the vacated area. The total area of the property being vacated will revert to the ownership of MGP LLC.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Pursuant to Section 24-112(e)(1) of the Subdivision Regulations, the Department of Public Works and Transportation (DPW&T) has consented to this petition.
2. Pursuant to Section 24-112(e)(1) of the Subdivision Regulations, the Washington Suburban Sanitary Commission (WSSC) has consented to this petition.
3. Pursuant to Section 24-112(e)(2) of the Subdivision Regulations, the public utilities have been notified in writing of this petition.

4. No referral agency or department recommended disapproval of the petition.
5. Pursuant to Section 24-112(b) of the Subdivision Regulations, the property was posted for 30 days prior to the public hearing.
6. Pursuant to Section 24-112(c) of the Subdivision Regulations, approval of Preliminary Plan of Subdivision 4-11013 shall require the incorporation of the vacated area and a rededication of public rights-of-way at the time of final plat.

RECOMMENDATION

APPROVAL with the following conditions:

1. Prior to approval of the final plat, the petitioners shall obtain the portion of Lot 3 that was deed conveyed to Prince George's County as a part of the surplus process as specified in the Department of Public Works and Transportation's (DPW&T) letter dated March 19, 2012 (Hijazi to Tedesco).
2. At the time of final plat, If any of the existing ten-inch diameter water main is located on private property, the petitioners shall grant the Washington Suburban Sanitary Commission (WSSC) a right-of-way to accommodate the water main, said easement shall be no more than 20 feet wide, as specified in WSSC's letter dated May 20, 2011 (Fuller to Tedesco).
3. Prior to approval of any permits, the petitioners, their successors, and/or assigns shall file a final plat in accordance with Section 24-119(e) or 24-112(c) of the Subdivision Regulations to incorporate the vacated area.