



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 13-15

File No. 4-11010

RESOLUTION

WHEREAS, Brigitte Jerome is the owner of a 1.60-acre parcel of land known as Tax Map 42 in Grid D-4, and is also known as Lot 16 and North Half of Lot 15, said property being in the 19th Election District of Prince George's County, Maryland, and being zoned One-Family Detached Residential (R-55); and

WHEREAS, on October 8, 2012, Danner Development filed an application for approval of a Preliminary Plan of Subdivision for 7 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-11010 for Riverdale Park Subdivision was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on February 14, 2013, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on February 14, 2013, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-11010, Riverdale Park Subdivision, for 7 lots subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Revise General Note 1 to show the correct net tract area.
 - b. Add a note that the street is to be dedicated to "public use/the Town of Riverdale Park."
 - c. Add a note for the square footage of the right-of-way dedication for public use.
 - d. Add a note to state "direct access from lots to 47th Avenue is not proposed."
 - e. Revised the title block of the plan to state "Riverdale Park Subdivision."
 - f. Revised Lots 3-5 as shown on "Applicant Exhibit A."

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- g. Label and show the proposed ten-foot-wide storm drain easement along the rear of Lots 1 through 4.
- h. Show a striped crosswalk along Kramer Towne Court at 47th Avenue.
- 2. Prior to approval of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall pay a fee-in-lieu of parkland dedication.
- 3. Prior to signature approval of the preliminary plan of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall submit a revised and approved stormwater management concept plan that reflects the lot layout of the approved preliminary plan.
- 4. Development of this site shall be in conformance with Stormwater Management Concept Plan 3735-2009-00 and any subsequent revisions.
- 5. At the time of final plat, the applicant shall dedicate for public use the 50-foot-wide right-of-way (ROW), as shown on the approved preliminary plan.
- 6. At the time of final plat, the applicant shall grant a ten-foot-wide public utility easement (PUE) along the public right-of-way (ROW) as delineated on the approved preliminary plan of subdivision.
- 7. The final plat shall label the denial of direct access to 47th Avenue from Lots 1 and 7.
- 8. Total development within the subject property shall be limited to equivalent development which generates no more than 5 AM and 6 PM weekday peak-hour vehicle trips. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
- 9. Non-Residential development shall require approval of a new preliminary plan of subdivision.
- 10. At the time of building permit, a striped crosswalk should be placed across Kramer Towne Court at its intersection with 47th Avenue, unless modified by the Town of Riverdale Park.
- 11. The final plat shall include the following note:

"Lots in this subdivision may be subject to a joint storm drain maintenance agreement in accordance with the approved technical stormwater management plan."

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

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1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject site is located on Tax Map 42 in Grid D-4 and is known as Lot 16 and North Half of Lot 15, and located within the Town of Riverdale Park. The lots were originally subdivided by record plat (LIB A-41) in 1930. The current configuration of North Half of Lot 15 is the result of the conveyance of South Half of Lot 15 by deed recorded in Prince George's County Land Records in Liber 830 Folio 425 in 1946, and was a legal division of land by deed. The property is 1.60 acres and zoned One-Family Detached Residential (R-55).

The applicant previously submitted two preliminary plans of subdivision for the subject property. Preliminary Plan of Subdivision 4-06040 was accepted April 23, 2007 and proposed to subdivide the property into eight conventional lots for single-family dwelling units with frontage and direct access on a new public right-of-way, extending east from 47th Avenue. That preliminary plan was withdrawn prior to the Planning Board hearing because the cul-de-sac proposed was substandard and was not supported by the Town of Riverdale Park. Preliminary Plan of Subdivision 4-09043 was accepted September 23, 2010, and proposed to subdivide the property into seven conventional lots for single-family dwelling units with a public street which terminated at the east property line. That preliminary plan was also withdrawn prior to the Planning Board hearing, and did not have the support of the Town of Riverdale Park.

3. **Setting**—The property is located on the east side of 47th Avenue, approximately 300 feet south of the intersection of 47th Avenue and Longfellow Street. The neighboring properties on the west side of 47th Avenue are industrial uses. Properties to the north, south, and southeast are residential with single-family dwellings. The property to the northeast is developed with a church.
4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development:

	EXISTING	APPROVED
Zone	R-55	R-55
Use(s)	Vacant	Residential— Single-Family Dwellings
Acreage	1.6	1.6
Lots	2	7
Outlots	0	0
Parcels	0	0
Dwelling Units	0	7
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	No

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Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on October 26, 2012.

5. **Community Planning**—The 2002 *Prince George's County Approved General Plan* designates the subject property within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The preliminary plan is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier by proposing seven lots for single-family detached residential development, in keeping with transit-supporting, medium- to high-density neighborhoods and appropriate infill development. Approval of this application does not violate the General Plan's growth goals for the year 2025, upon review of Prince George's County's current General Plan Growth Policy Update.

The land use proposed by this preliminary plan conforms with the land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68* for single-family detached residential land uses. The master plan retained the property in the R-55 Zone.

6. **Urban Design**—The 2010 *Prince George's County Landscape Manual* (Landscape Manual) and the Zoning Ordinance contain site design guidelines and requirements that are applicable to the development of this property.

Conformance with the 2010 Prince George's County Landscape Manual

The R-55-zoned lots, with the proposed single-family detached homes, are subject to the following requirements of the 2010 *Prince George's County Landscape Manual*: Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Compliance with these requirements will be reviewed at the time of permit review; however, it should be noted for the final subdivision design that these requirements include a minimum 20-foot-wide landscaped buffer Section 4.6 on proposed Lots 1 and 7, between the rear yards and the 47th Avenue right-of-way. Lots 1 and 7 appear to have sufficient room to accommodate this requirement outside of a usable back yard space.

Additionally, a Type "C" Section 4.7 bufferyard, including a minimum 40-foot building setback and a minimum 30-foot landscaped bufferyard, to be planted with 120 plant units per 100 linear feet, is required on the proposed Lots 3 and 4 adjacent to the church property to the east. Both of these lots are too shallow to accommodate these requirements outside of a possible usable rear yard. However, the Section 4.7 requirements, including widths and number of plant units, can be reduced by fifty percent through the provision of a minimum six-foot-high opaque fence or wall within the bufferyard. Even with this reduction though, staff was still concerned with the final lot design of proposed Lot 4. The applicant submitted "Applicant's Exhibit A" showing adjustments to Lots 3 thru 5 so as to accommodate the bufferyard on proposed Lot 4, while leaving room for a

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proposed house and a usable yard space. The final preliminary plan should be revised per this exhibit prior to signature approval.

Conformance with the Zoning Ordinance

The proposed lots for residential development meet all of the regulations for one-family detached dwellings in the R-55 Zone. However, the site plan notes regarding the required lot width at the front street line are incorrect and should be revised. According to Section 27-442(d), a 45-foot lot width is required at the front street line, but General Note 15 indicates 65 feet. All of the proposed lots meet or exceed this requirement.

7. **Environmental**—The signed Natural Resources Inventory, NRI-046-06, and an approved NRI Equivalency Letter, issued on October 10, 2012 for the subject property, have been received and reviewed. The site is exempt from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) and a standard letter of exemption was issued on September 10, 2012 with expiration date of September 10, 2014. A Type 1 tree conservation plan was not submitted with the review package and is not required.

Master Plan Conformance

The subject property is in within the May 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68*. There are no specific environmental recommendations or design standards applicable to this property.

Approved Countywide Green Infrastructure Plan

The site is not located within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*.

Environmental Review

A review of the available information indicates that streams, wetlands, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on this property. There is no 100-year floodplain associated with the site. The predominant soil types found to occur on this site according to the Natural Resources Conservation Service (NRCS) web soil survey are Codorus-Hatboro Urban Land complex and Russett-Christiana Urban Land complex. These soil series have limitations with respect to high water table, flood hazard, impeded drainage, perched water table and poor stability but will not affect the site layout. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of this application. This property is located in the Northeast Branch River watershed of the Anacostia River basin and in the Developed Tier as reflected in the 2002 *Prince George's County Approved General Plan*.

This property is not subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because, although the gross tract area of the subject property is greater than 40,000 square feet, there are less than 10,000 square feet of existing

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woodland and it has no previously approved tree conservation plan. The Standard Letter of Exemption issued for the site on September 10, 2012 expires on September 10, 2014. No specimen trees were found on-site.

8. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan 37350-2009-00 was approved on December 1, 2011 and is valid until May 4, 2013. The approved concept plan has conditions to ensure that development of this site does not result in on-site or downstream flooding.

The street design and lot layout on the concept plan is different from the preliminary plan. The preliminary plan shows a private storm drain extending across the rear of lots 1 through 4. The stormwater management facilities can impact the lotting pattern, which is determined with the preliminary plan of subdivision. Prior to signature approval of the preliminary plan, the applicant should submit a revised approved stormwater concept plan that reflects the approved preliminary plan as requested by Town of Riverdale Park. Development must be in accordance with the approved plan or any subsequent revisions as approved by DPW&T.

The approved stormwater management concept plan (SWM) is required to be designed in conformance with any approved watershed management plan pursuant to Subtitle 32, Water Resources and Protection, Division 3, Stormwater Management Plan, Section 172 Watershed Management Planning of the Prince George's County Code. As such, the requirement of Section 24-130(b)(4) of the Subdivision Regulations, which requires that a subdivision be in conformance with any watershed management plan has been addressed with the approval of the SWM concept plan by DPW&T.

9. **Prince George's County Department of Parks and Recreation (DPR)**—In accordance with Section 24-134(a)(3) of the Subdivision Regulations, the Department of Parks and Recreation (DPR) recommends payment of a fee-in-lieu of mandatory dedication of parkland for the proposed application because the land available for dedication is unsuitable due to the size and location.
10. **Trails**—This proposed preliminary plan was reviewed for conformance with Section 24-123 of the Subdivision Regulations, the *Approved Countywide Master Plan of Transportation* (MPOT), and the appropriate area master plan in order to implement planned trails, bikeways, and pedestrian improvements.

There are no master plan trails issues identified in either the MPOT or the area master plan. There are no sidewalks for the entire length of 47th Avenue which terminates 30 feet to the south of the subject site. Other roads in the vicinity include sidewalks along one or both sides, but the overall pedestrian network is fragmented in the immediate vicinity.

The *Approved Countywide Master Plan of Transportation* (MPOT) includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors,

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as well as other areas in the Developed and Developing Tiers. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Consistent with these policies, the submitted plan includes sidewalks along its frontage of 47th Avenue and along both sides of the internal public street. Staff recommends the provision of a striped crosswalk across Kramer Towne Court at its intersection with 47th Avenue, based on the complete street recommendation of the MPOT, unless modified by the Town of Riverdale Park.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Subdivision Regulations.

11. **Transportation**—The application is a preliminary plan of subdivision for a residential subdivision consisting of seven lots for single-family dwellings. Using trip generation rates in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals” (*Guidelines*), it is determined that the proposed development would generate 5 AM (1 inbound and 4 outbound) and 6 PM (4 inbound and 2 outbound) weekday peak-hour vehicle trips. The traffic generated by the proposed preliminary plan would impact the following intersection, interchange, and link in the transportation system:

- Queensbury Road at Lafayette Avenue (unsignalized)

The proposal is not of sufficient size that it will generate 50 or more vehicle trips, and so a full traffic study was not required. However, weekday traffic counts for the intersection of Queensbury Road and Lafayette Avenue were requested for the purpose of making an adequacy finding. Counts dated March 2012 were submitted by the applicant for the critical intersection. Additionally, counts dated September 2010 were submitted for another intersection, MD 410 at Taylor Road (signalized). This intersection does not meet the *Guidelines* for a critical intersection for this site and for that reason it is not required to be analyzed as a part of the transportation analysis. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with “Guidelines for the Analysis of the Traffic Impact of Development Proposals” (*Guidelines*).

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The subject property is located within the Developed Tier, as defined in the 2002 *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level of Service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Transportation Guidelines.

Unsignalized intersections: *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersection identified above, when analyzed with existing traffic using counts taken in March 2012 and existing lane configurations, along with the second noncritical intersection, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Queensbury Road and Lafayette Avenue (critical)	8.6*	12.9*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Transportation Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The critical intersection identified above is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program. Background traffic has been developed for the study area which encompasses a limited neighborhood. A 0.5 percent annual growth rate in through traffic along MD 410 over a three-year period is assumed. The intersections under study, when analyzed with background traffic and existing lane configurations, operate as follows:

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BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Queensbury Road and Lafayette Avenue (critical)	8.6*	13.0*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Transportation <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The intersections under study, when analyzed with the programmed improvements and total future traffic, including the site trip generation as described above and a distribution of 25 percent west, 10 percent east, 15 percent north, and 50 percent south, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Queensbury Road and Lafayette Avenue (critical)	8.7*	13.1*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Transportation <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

No inadequacies in either peak hour are noted in the table above. In accordance with this analysis, a trip cap consistent with the trip generation assumed for the site will be recommended. The site is not within or adjacent to any master plan roadway facilities.

The site would receive access via a public street extension from 47th Avenue. The proposed secondary residential street will be maintained by the Town of Riverdale Park. Proposed Kramer Towne Court is a secondary roadway with a proposed right-of-way of 50 feet. While the proposed right-of-way is acceptable, it should be noted that the cul-de-sac is not standard. The applicant has provided documentation of the consent of the Town dated February 5, 2012 for the street design.

Based on the preceding findings, it is determined that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations.

12. **Schools**—The proposed preliminary plan has been reviewed for impact on school facilities in accordance with Section 24 122.02 of the Subdivision Regulations and County Council Resolution CR-23-2003 and concluded the following:

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Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster	Middle School Cluster	High School Cluster
Dwelling Units	7 DU	7 DU	7 DU
Pupil Yield Factor	0.164	0.130	0.144
Subdivision Enrollment	1	1	1
Actual Enrollment	32,692	9,421	14,494
Total Enrollment	32,693	9,422	14,495
State Rated Capacity	36,567	11,807	16,740
Percent Capacity	89%	80%	87%

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,762 and \$ 15,020, to be paid at the time of issuance of each building permit.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

13. **Fire and Rescue**—The proposed preliminary plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24 122.01(d) and Section 24 122.01(e)(1)(C) and (E) of the Subdivision Regulations.

The proposed development is within the seven minute required response time for the first due fire station using the *Seven Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

First Due Fire/EMS Company #	Fire/EMS Station	Address
7	Riverdale	4714 Queensbury Road

Pursuant to County Council Resolution CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels.

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The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in County Council Bill CB-56-2005.

Capital Improvement Program (CIP)

There are no public facility projects in the Prince George's County Capital Improvement Program for Fiscal Years 2011–2016.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure."

14. **Police Facilities**—The subject property is located in Police District I, Hyattsville. The response time standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department, on October 8, 2012.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 10/08/2012	9/2012-8/2011	6 minutes	10 minutes
Cycle 1			
Cycle 2			
Cycle 3			

Based upon police response times, the response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on October 1, 2012.

15. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval."

The 2008 *Water and Sewer Plan* placed the subject property in water and sewer Category 3, Community System, and will therefore be served by public systems.

Water and sewer lines in 47th Avenue abut the property. Water and sewer line extension may be required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission (WSSC).

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16. **Health Department**—The Prince George's County Health Department has evaluated the proposed preliminary plan of subdivision and has no comments.
17. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The preliminary plan of subdivision correctly delineates a ten-foot-wide public utility easement along the public rights-of-way as requested by the utility companies.

18. **Historic**—A Phase I archeological survey is not recommended on the subject property located at 5601 47th Avenue in Riverdale, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites, indicates the probability of archeological sites within the subject property is low. Aerial photographs indicate that the structures on the property that were recently razed were placed between 1938 and 1965. The entire property has been extensively impacted by this recent construction and demolition, and it is unlikely that any undisturbed archeological sites would be identified.

However, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

19. **Use Conversion**—This preliminary plan was analyzed based on the proposal for residential development. The analysis includes access, noise, mandatory dedication, and views of the property, specifically relating to the single-family dwelling land use proposed with this application. While the subject application is not proposing any nonresidential development, if such a land use were proposed, a new preliminary plan will be required.
20. **Town of Riverdale Park**—The subject site is within the Town of Riverdale Park. This preliminary plan was referred to the Town of Riverdale Park for review and comment. Based on a letter dated February 5, 2013 (Archer to Hewlett), the Council of the Town of Riverdale Park recommends approval of this application with the following conditions:
 1. **Prior to approval of the first building permit for construction on the property, the applicant shall record a Declaration of Covenants and file Articles of Incorporation that (i) establish an incorporated homeowners association that has the responsibility to maintain, repair and replace the 10' wide private storm drain easement and related underdrain and perforated underdrain pipe that are depicted on the preliminary plan and the Storm Drain and Paving Plans, (ii) provides for the**

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funding of such maintenance, repair and replacement by the imposition of mandatory assessments against lot owners for that purpose; and (iii) grants to the Town of Riverdale Park the right to undertake the maintenance, repair and replacement, at the cost and expense of the homeowners association, if the homeowners association fails or refuses to do so.

The site has Stormwater Management Concept Plan (37350-2009-00) approval from the Department of Public Works and Transportation (DPW&T), as required. The Town of Riverdale Park does not have the authority to approve stormwater management, an authority granted to DPW&T through Subtitle 32 of the County Code. The revised preliminary plan shows a private storm drain along the rear of Lots 1 through 4 to manage on-site stormwater management. The preliminary plan of subdivision (PPS) acknowledges this storm drain and, as required, reflects the location of a future easement that will be granted as a part of the technical stormwater management plan approval, which is not a requirement of Subtitle 24. Typically, DPW&T allows small stormwater management features such as storm drains on private lots and will require an agreement for the maintenance of the stormwater management features with the review and approval of the technical stormwater management plan as authorized pursuant to Subtitle 32.

A storm drain easement with a joint maintenance agreement for Lots 1 through 4 will be required by DPW&T and will set forth the maintenance responsibility for that facility being the effected lot owners. As a common practice, the joint maintenance agreement will be required at the time of approval of the technical stormwater plan by DPW&T pursuant to Subtitle 32. Staff recommends that the final plat should contain a note regarding the joint maintenance agreement to notify those lot owners of that responsibility as a part of the stormwater management plan process, a process that is not under the authority of the Planning Board as part of the review of the preliminary plan of subdivision.

Originally, the Town of Riverdale Park met with DPW&T and suggested that a homeowners association (HOA) should be established to maintain the storm drain. Staff has discussed with the Town and DPW&T that a condition of this preliminary plan to create a HOA would not be appropriate. The site does not include any common open space as an element of this subdivision and, in addition as an element of the technical stormwater management plan, the maintenance agreement with the effected lot owners will be established with the input of DPW&T, the applicant, and the Town, and not M-NCPPC or the Planning Board. Moreover, the establishment of a HOA for the maintenance of private storm drain systems is not a normal practice and not a requirement of either Subtitles 32 or 24, as verified by DPW&T.

Staff does recommend that the Town of Riverdale Park and DPW&T work with the applicant to structure a maintenance agreement that will ensure the appropriate rights, responsibilities, and liabilities are established with the review of the technical stormwater management plan, through the implementation of Subtitle 32 and the authority granted to DPW&T. If the applicant wishes to establish a HOA pursuant to state regulations, they have that right; however, staff does not

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recommend that the Planning Board condition the approval of this preliminary plan of subdivision on that requirement.

2. Prior to signature approval of the preliminary plan:

- a. The plan, the Storm Drain and Paving Plans, and all other development plans shall be revised to reflect the name of the subdivision as Riverdale Park Subdivision" rather than "The Leroy Petry Honor Village (Formerly Riverdale Park)."**

The application form and plans were originally submitted with the title "Riverdale Park Subdivision." As a condition of approval, the revised preliminary plan should reflect the title "Riverdale Park Subdivision". At the time of plat the subdivision may propose a new name.

- b. The plan, the Storm Drain and Paving Plans, and all other development plans shall be revised to reflect the name of the street shown on the plans as "Kennedy Place" rather than "Kramer Towne Court."**

In accordance with Regulations for Assignment of Street Names (July 1977), Section 13.2(C) street names shall not be duplicated. Staff has verified that "Kennedy Place" is currently an existing street name and not available. "Kramer Towne Court" as proposed is an acceptable street name and is not a duplicate.

- c. The plan, the Storm Drain and Paving Plans, and all other development plans shall be revised to reflect that the street shown on the plans is to be conveyed to Town of Riverdale Park rather than to Prince George's County.**

The PPS shall reflect "dedicate to public use/Town of Riverdale Park."

- d. The plan, the Storm Drain and Paving Plans, and all other development plans shall be revised to add and depict a 10' wide access easement running from the end of the street shown on the plans along the common property line of Lots 3 and 4 to the 10' wide private storm drain easement.**

Conditions 2(c) thru (d) are carried forward and all proposed and existing easements should be reflected on the PPS.

- e. The Storm Drain and Paving Plans, and all related plans, shall be modified to change the size of the underdrain and perforated underdrain pipe shown on those plans from a 6 inches to 12 inches.**

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The applicant shall submit a revised approved stormwater concept plan that reflects the approved preliminary plan as requested by Town of Riverdale Park. The size of stormwater management facilities will be reviewed and determined by the DPW&T with the approval of the stormwater management technical plan approval and should not be conditioned with this approval.

Additionally, we understand that a fee-in-lieu is required to meet recreation needs for this project. The Town is working with the M-NCPPC Department of Parks and Recreation to develop a new park adjacent to Riverdale Elementary School. This property, owned by M-NCPPC, is referred to as Riverdale Road Park, even though it is still in the concept phase. The Town would like to request that all the fee-in-lieu funds to be dedicated in their entirety to the Riverdale Road Park.

A fee-in-lieu of parkland dedication shall be paid at the time of final plat. The allocation of park funds is determined by the Department of Parks and Recreation.

21. **Planning Board Hearing, February 14, 2013**-The Prince George's County Planning Board approved an additional finding submitted by applicant for this preliminary plan as stated in the following:

Following the release of the Technical Staff Report the Applicant, the Town of Riverdale Park and Subdivision Review Staff met to discuss stormwater management concerns raised by the Town in its proposed conditions of approval. Staff explained to the Town representative the limited role of the Planning Board in the area of stormwater management and advised the Town that all of the issues of concern could and should be addressed through the Department of Public Works (DPW&T) technical storm water management plan process, as verified by Staff with DPW&T. The Applicant hereby reiterates its commitment to work with the Town and the DPW&T through the review of the technical storm water management plan approval process to address the following issues:

- a. The location of the storm water management facility and its ten foot (10') wide private storm drain easement, (including a second point of access from the cul-de-sac to the facility as part of the storm drain easement);
- b. The size of the storm drain pipe;
- c. The establishment of a joint maintenance agreement for Lots 1 through 4 (the effected lots as determined by DPW&T with the technical SWM plan) that will run with the land, as is standard DPW&T practice and required by Subtitle 32. The agreement will define the responsibilities for inspection, maintenance and repair of the facility (the "work"). The responsibility shall be primarily that of the lot owners in common and as further defined in the SD easement authorized and approved by DPW&T.

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- d. The work should include, but not be limited to:
- (1) The preparation of annual reports by a qualified professional to assess whether the facility is functioning as intended; and
 - (2) Maintenance and/or repairs necessary to restore the facility to full functionality and a timeframe for those repairs.
- e. The final plat, as conditioned by the Planning Board, will contain a note regarding the joint maintenance agreement to notify affected lot owners that the property is subject to a private storm drain easement and storm drain facility as required by DPW&T as a part of the technical stormwater management plan approval, and the authority granted to DPW&T by Subtitle 32.


BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Shoaff, with Commissioners Geraldo, Shoaff and Hewlett voting in favor of the motion, and with Commissioners Bailey and Washington absent at its regular meeting held on Thursday, February 14, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of March 2013.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:QN:arj


APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department

Date

2/27/13