



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

Preliminary Plan

4-06040

Application	General Data
Project Name: Riverdale Park Property Location: East side of 47 th Avenue, approximately 300 feet south of the intersection of Longfellow Street and 47 th Avenue. Applicant/Address: Danner Development 13105 Isle Of Mann Way Highland, Maryland 20777 Property Owner: Danner Development	Date Accepted: 4/23/07
	Planning Board Action Limit: 10/11/07
	Plan Acreage: 1.53
	Zone: R-55
	Lots: 8
	Parcels: 0
	Planning Area: 68
	Tier: Developed
	Council District: 03
	Election District: 19
	Municipality: Riverdale Park
	200-Scale Base Map: 207NE04

Purpose of Application	Notice Dates
Residential Subdivision	Adjoining Property Owners Previous Parties of Record Registered Associations: 02/01/07 (CB-58-2003)
	Sign(s) Posted on Site and 09/05/07 Notice of Hearing Mailed:

Staff Recommendation		Staff Reviewer: Tom Lockard	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-06040
Riverdale Park Property, Lots 1-8

OVERVIEW

The subject property is located on Tax Map 42, Grid D-4, and is known as Part of Lot 15 and Lot 16 of the Riverdale Park subdivision, which was recorded in 1930 in Plat Book A, Plat 41. The property is approximately 1.53 acres in area and is zoned R-55. The applicant is proposing to subdivide the site into eight lots for single-family residences. Each of the lots would gain access from a cul-de-sac extending from the east side of 47th Avenue.

The cul-de-sac bulb shown on the proposed preliminary plan has a reduced radius. Ordinarily, the radius of the bulb would be the same as the width of the right-of-way. In this instance, the plan shows a 35-foot radius rather than the usual 50-foot radius. The Planning Board requires written acceptance of the substandard right-of-way by the permitting entity (in this case the Town of Riverdale Park) prior to their approval.

At the Subdivision Review Committee meeting on this case in May 2007, staff informed the applicant of concerns regarding the tight development scheme and unusual lot line relationships shown on the plan, specifically a "swirl" of lot lines at the end of the cul-de-sac. This swirl results in the side lot lines of some of the lots extending into the front yards of the adjoining lots. This essentially makes the side yard of one lot the de facto front yard of its neighbor. This is not a good design practice and is an invitation to neighborhood confrontations in the future. Staff informed the applicant that if these concerns could not be eliminated, staff would be recommending the loss of one of the eight lots. Also at the May Subdivision Review Committee meeting, staffing formed the applicant that revised plans would be needed 30 days prior to the public hearing to provide adequate time for review. To date, the applicant has not submitted revised plans. The applicant advised staff in August of 2007 of their intent to address staff concerns by seeking a variance from the 45-foot street frontage requirement for several of the lots. A letter of justification and sketch were emailed to staff on September 17, 2007 (included in the backup for this report). At the time of the writing of this staff report, however, no variance application has been submitted, nor was the variation advertised on the public notice signs posted on the site.

SETTING

The subject property is located at the east side of 47th Avenue, approximately 300 feet south of its intersection with Longfellow Street. The site is cleared and contains the remains of a single-family house and several sheds. Surrounding properties to the north, east and south are developed with single-family residences in the R-55 Zone. The residence to the south gains access via a driveway from the end of the paved portion of 47th Avenue. This driveway is shown to extend onto the subject property and is within the ten-foot wide public utility easement (PUE). This section of the driveway must be relocated from the PUE. To the west across 47th Avenue are contractor and warehouse uses in the I-1 Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	R-55	R-55
Use(s)	Undeveloped	Single-family Residences
Acreage	1.53	1.53
Lots	2	8
Outparcels	0	0
Parcels	0	0
Dwelling Units:	0	8
Public Safety Mitigation Fee		No

2. **Environmental**— 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 that is associated with the site. The predominant soil types found to occur on this site according to the Prince George's County Soil Survey are Codororus and Swamp. 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 available information, Marlboro clay does not occur on this property. 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 adopted 2002 General Plan.

Natural Resources Inventory

The preliminary plan application has a signed Natural Resources Inventory (NRI/046/06), dated June 20, 2006, which was included with the application package. The TCPI and the preliminary plan show all the required information correctly.

Woodland Conservation

This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because although the site is more than 40,000 square feet in area, it contains less than 10,000 square feet of woodlands and it has no previously approved tree conservation plan. A Type I tree conservation plan was not submitted with the review package and is not required. A standard letter of exemption from the ordinance was issued by the Environmental Planning Section, Countywide Planning Division, on December 14, 2006.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps dated June 2003 obtained from the Department of Environmental Resources and will therefore be served by public systems.

3. **Community Planning**—The property is within the limits of the 1994 approved master plan and sectional map amendment for Planning Area 68. The master plan recommended land use is for

single-family residential. The 2002 General Plan places the site in 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 proposed preliminary plan of eight single-family residences is consistent with the recommendations of the master plan and the 2002 General Plan.

4. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Review Division recommends that the applicant pay a fee-in-lieu of mandatory park dedication because land available for dedication is unsuitable due to size and location.
5. **Trails**—There are no master plan trails issues identified in the adopted and approved Planning Area 68 master plan that impact the subject application. Existing 47th Avenue is an open section with no sidewalks. Staff recommends the provision of a standard sidewalk along both sides of the internal road and along the frontage of 47th Avenue, unless modified by the Town of Riverdale Park.
6. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 1.53 acres of land in the R-55 Zone. The property is located on the east side of 47th Avenue, a secondary residential street. The applicant proposes a resubdivision of an existing lot into eight lots. Therefore, the finding of adequacy will be based on the creation of seven new lots.

The subject property is located within the Developed Tier as defined in the General Plan for Prince George's County. As such, the subject property, if it is not de minimus per the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," is to be 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 lower.

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 additional information, such as assessment of additional geometric improvement(s) or traffic signal warrant study, and demonstrate the required improvement(s) are fully funded for construction, if deemed warranted by the appropriate operating agency.

Transportation Findings and Conclusions

Based on the guidelines a plan subdivision of an existing single-family residential lot into eight residential lots will generate 6 new AM peak-hour trips and 7 new PM peak-hour trips. The proposed lots will have access to 47th Avenue via a residential cul-de-sac. Because of the number of roadways available to serve the generated traffic, the potential impact to any one intersection in the general vicinity would be very small, less than five peak-hour trips.

On-site circulation patterns and the proposed dedication of 25 feet from the existing centerline along the property's frontage along 47th Avenue as shown on the plan are adequate and acceptable.

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	8	8	8
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	1.92	.48	.96
Actual Enrollment	33,058	13,185	17,885
Completion Enrollment	215.76	52	104
Cumulative Enrollment	0	0	0
Total Enrollment	33,275.68	13,237.48	17,959.96
State Rated Capacity	39,187	11,256	16,332
Percent Capacity	84.91%	117.60%	109.96%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

These figures are correct on the day the referral was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of \$7,000 per dwelling if a building is located between I-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; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151, to be paid at the time of issuance of each building permit.

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

The Historic Preservation and Public Facilities Planning Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003, and CR-23-2003.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Ordinance.

The Prince George’s County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Riverdale, Company 7, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George’s County Fire Department.

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

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The subject property is located in Police District I. The response 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 Planning Department on April 23, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	3/06-3/07	10 minutes	16 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on May 7, 2007.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

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

10. **Health Department**—The Health Department reviewed the application and has no comments.
11. **Stormwater Management**—The Department of Public Works & Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. Stormwater Management Concept Plan #50286-2006-00 was approved December 14, 2006. Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding.
12. **Historic Preservation**—Phase I archeological survey is not recommended on the above-referenced 1.60-acre property located at 5601 47th Avenue in Riverdale Park, 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 currently on the property were placed there between 1938 and 1965. The entire property has been extensively impacted by this

recent construction and it is unlikely that any undisturbed archeological sites will be identified. However, the applicant should be aware that there are three National Register properties (including Riversdale), eight historic sites, and three historic resources within a one-mile radius of the subject property.

Moreover, 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.

13. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown on the final plat. A small portion of the driveway serving the lot to the south must be relocated out of the PUE.
14. **Variance Request for Section 27-442(d), Lot Width at Front Street Line**

The applicant has advised staff of their intent to address staff concerns with the lotting pattern by seeking a variance from the 45-foot street frontage requirement for several of the lots. A letter of justification and sketch were e-mailed to staff on September 17, 2007. At the time of the writing of this staff report, however, no variance application has been submitted, nor was the variation advertised on the public notice signs posted on the site.

If the applicant applies for this variation with the revised plan as shown in the sketch of September 17, staff would make the following findings:

Section 27-442(d), Table III of the Zoning Ordinance establish minimum lot width/frontage requirements for lots in the R-55 Zone. It requires 45 feet of lot width at the front street line. Two of the proposed lots (Lots 4 and 5) have 40 feet of frontage at the front street line. Variances may be granted provided the application meets the following criteria, contained within Section 27-230(a) of the Prince George's County Code.

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographical conditions, or other extraordinary situations or conditions;**

The property is made up of lots which are uncommonly large and deep for the R-55 Zone. At 1.5 acres in area, it is more than ten times the required minimum lot size for the zone (6,500 square feet). Despite the large size of the site, however, it is the applicant's wish to develop lots on both sides of a cul-de-sac that makes this variance necessary. The Town of Riverdale Park has compromised by allowing for a substandard cul-de-sac in (which needs to be verified by the Town of Riverdale Park) order to give the applicant the necessary net lot area for eight lots; however, the resulting lots do not represent good design practices or the most beneficial land use relationship for future citizens of Prince George's County. While the variance would improve side/front lot line relationship, it does not eliminate it to the degree necessary to allow staff to recommend it.

- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property;**

The hardship to the owner would be the loss of one lot, resulting in a seven-lot subdivision rather than eight. This, in staff's opinion, does not represent an exceptional or undue hardship to the applicant.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or master plan.

The granting of this variance will not substantially impair the intent, purpose or integrity of the 1994 approved master plan and sectional map amendment for Planning Area 68. The plan calls for single-family residences at a suburban residential density, which is exactly what is proposed by the subject application.

Staff would not support this variance request for these reasons.

15. **Town of Riverdale Park**—Staff has not yet received a response to the referrals, phone calls and e-mails seeking the position of the Town of Riverdale. Their position will be presented at the public hearing. This is especially critical in this case since the proposed development is predicated on the town's permission to use a substandard right-of-way to serve the lots. Pursuant to Section 24-123 (a)(3) of the Subdivision Regulations, the Planning Board may grant a variation to the applicable road standard "...upon the recommendation of the municipality or other governmental authority having jurisdiction."

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan, the concept plan number and approval date shall be noted on the plan. Development shall be in conformance with approved Stormwater Management Concept Plan 38336-2004-00 and any subsequent approved revisions thereto.
2. The applicant shall provide a standard sidewalk along both sides of the internal road and along the frontage of 47th Avenue, unless modified by the Town of Riverdale Park.
3. Prior to approval of the final plat of subdivision the applicant, his heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication.
4. The driveway serving the residential property to the south shall be relocated out of the ten-foot public utility easement and off the subject property prior to approval of the final plat of subdivision.
5. The applicant shall remove one lot to allow for a more conventional side/front lot line relationship for the lots along the cul-de-sac.
6. Prior to signature approval of the preliminary plan, the Town of Riverdale Park shall give a written indication that they will permit the applicant to serve the proposed lots with a reduced width cul-de-sac bulb.

STAFF RECOMMENDS DISAPPROVAL OF A VARIANCE TO SECTION 27-442(d) OF THE ZONING ORDINANCE.