



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

Vacation Petition

V-13001

Application	General Data	
Project Name & Record Plat Affected: Powder Mill Industrial Center, NLP 142-70 Location: The north side of Powder Mill Road, approximately 1,600 feet east of its intersection with Baltimore Avenue (US 1). Petitioner: Joseph Nazario 11405 Maryland Avenue Beltsville, MD 207005 Applicant/Address: Same as above	Planning Board Hearing Date:	04/25/13
	Staff Report Date:	04/17/13
	Date Accepted:	03/20/13
	Planning Board Action Limit:	N/A
	Plan Area:	2.60 acres
	Zone:	I-2
	Tax Map Grid:	19-C2
	Dwelling Units:	N/A
	Square Footage:	N/A
	Planning Area:	62
	Council District:	01
	Election District:	01
	Municipality:	None
200-Scale Base Map:	214NE06	

Purpose of Application	Notice Dates	
To vacate a part of Kenilworth Avenue (MD 201) as shown on the subdivision plat known as Powder Mill Industrial Center.	Abutting Property Owners:	N/A
	Sign(s) Posted on Site:	03/26/13

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-13001
Powder Mill Industrial Center
Plat Book NLP 142-70

This petition is to vacate a part of Kenilworth Avenue (MD 201) as shown on the subdivision plat known as Powder Mill Industrial Center, recorded among the Land Records of Prince George's County in Plat Book NLP 142-Plat 70, in the 1st Election District. The total area to be vacated is 2.60 acres.

OVERVIEW

The site is located approximately on the north side of Powder Mill Road, approximately 1,600 feet east of its intersection with Baltimore Avenue (US 1) on Tax Map 19, Grid C-2, and is zoned Heavy Industrial (I-2). Joseph Nazario, the petitioner, requests to vacate 2.60 acres of Kenilworth Avenue (MD 201), a dedicated public street, along the frontage of Parcels A and B, in accordance with Section 24-112 of the Subdivision Regulations. The portion of the street being vacated is unimproved. The adjacent properties (Parcels A and B) to the west and east of the subject site are unimproved, and owned by the petitioner.

A preliminary plan of subdivision was filed on approved by the Planning Board in 1985 for eight industrial lots. During the review of Preliminary Plan of Subdivision, 4-85131, dedication of the future relocation of Kenilworth Avenue was required pursuant to the *Prince George's County Master Plan of Highways*. This alignment was set in 1970 and retained on the plans for approximately 20 years.

Based on PGAtlas, the majority of the right-of-way is located within a wetland and 100-year floodplain. During the mid-1990's, The Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Department worked shift to master plan roadways out of non-tidal wetlands and 100-year floodplains. The approved 2009 *The Approved Countywide Master Plan of Transportation* (MPOT) located the realignment (A-56) east of the subject site along Edmonston Road. The vacation is supported by the Maryland State Highway Administration (SHA), the Department of Public Works and Transportation (DPW&T) and the Transportation Planning Section of The Maryland-National Capital Park and Planning Commission (M-NCPPC).

The total area of the property being vacated will revert to the ownership of Joseph Nazario and will be incorporated into Parcels A and B.

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, with conditions.
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, a minor final plat has been submitted to incorporate the vacated area and will be recorded in Land Records subsequent to approval of the vacation petition.

RECOMMENDATION

APPROVAL with the following conditions:

1. Prior to approval of the final plat, the petitioners shall grant the Washington Suburban Sanitary Commission (WSSC) a right-of-way to accommodate an existing eight-inch diameter water main within the area abandoned, said easement shall be 20 feet wide, as specified in WSSC's letter dated November 9, 2011 (Karami to Lynch).
2. Prior to approval of any permits, the petitioners, their successors, and/or assigns shall file a final plat in accordance with Section 24-112(c) of the Subdivision Regulations to incorporate the vacated area. The plat shall:
 - a. Incorporate the 20-foot-wide Washington Suburban Sanitary Commission (WSSC) easement and provide an executed easement agreement, with the liber/folio of that document provided on the plat.
 - b. Be signed and sealed by a professional land surveyor or property line surveyor.
 - c. Determine if an existing 100-year flood plain easement exists on the property, and reflect the liber/folio. If no existing recorded easement exists, one is not required for approval of the final plat.