



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

Preliminary Plan 4-06144

Application	General Data
Project Name: MEALO ESTATES Location: 6507 Kenilworth Avenue; between Tennyson Road and Tuckerman Street Applicant/Address: Robert & Brenda Mealo 6507 Kenilworth Ave Riverdale, MD 20737 Property Owner: Robert & Brenda Mealo	Date Accepted: 1/24/07
	Planning Board Action Limit: 6/14/07
	Plan Acreage: 1.615
	Zone: R-55
	Lots: 8
	Parcels: 0
	Planning Area: 69
	Tier: Developed
	Council District: 03
	Election District: 19
	Municipality: N/A
	200-Scale Base Map: 208NE05

Purpose of Application	Notice Dates
Single-family residential	Adjoining Property Owners Previous Parties of Record Registered Associations: 12/01/06 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed:

Staff Recommendation		Staff Reviewer: Ivy R. Thompson	
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 4-06134
Mealo Estates, Lots 1-8

OVERVIEW

The subject property is located on Tax Map 42, Grid F-21, and is known as Parcel 82. The property is approximately 1.615 acre in area and is zoned R-55. The applicant is proposing to subdivide the site into eight lots for single-family residences. There is an existing single-family residence that is to remain located on Lot 2. The site is partly wooded. Four of the lots gain access from Tuckerman Street and four of the lots have access via Tennyson Street. The applicant has requested a variation to 24-121-(a)(4) for lot depth from Kenilworth Avenue for Lots 3, 4 and 5. Staff is supporting the variation request with modifications that result in the loss of one lot.

SETTING

The subject property is located at the northeast quadrant of Kenilworth Avenue between Tuckerman Street and Tennyson Street in the community of Riverdale Heights. Properties north, south and east of the subject site are all zoned R-55, with the exception of Parcel 106, located at the corner of Tuckerman and Kenilworth, which is zoned C-O. West of MD 201 are properties that are zoned C-O and northwest is M-NCPPC property that is zoned R-O-S.

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)	Single-family Residences	Single-family Residences
Acreage	1.615	1.615
Lots	0	6
Outparcels	0	0
Parcels	1	0
Dwelling Units:	1 (to remain)	6 (1 new)
Public Safety Mitigation Fee		No

2. **Variation Request for Section 24-121(a)(4)**

Section 24-121(a)(4) of the Subdivision Regulations requires residential lots adjacent to on arterial roadways have a minimum depth of 150 feet, with adequate protection from traffic nuisances being provided by earthen berms, plant materials, fencing, and/or the establishment of

building restriction lines. Proposed residential Lots 3, 4 and 5 do not meet this standard, having varying depths below 150 feet.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

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:

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

The applicant is proposing three lots that do not meet the 150-foot lot depth adjacent to an arterial roadway. An existing dwelling located on proposed Lot 2 establishes a lot line averaging less than 150 from Kenilworth Avenue. Between this lot line and Kenilworth Avenue, the applicant is proposing two lots (Lots 3 and 4), one to contain a 50-foot-wide landscape buffer (Lot 4). Staff believes the resulting building envelopes for these two lots, as well as Lot 5 are oddly configured and too compressed for appropriate development. Staff is recommending that Lots 3 and 4 be combined and that a southern portion of Lot 4 be adjusted into Lot 5. This would result in the loss of one lot. By making this adjustment, the lots would resemble those in the surrounding neighborhood, but with the last two along Kenilworth being wider to accommodate the necessary buffer. In addition to the adjustment to the lotting pattern, staff is also recommending that the 50-foot-wide landscape buffer proposed by the applicant be augmented by a 6-foot-high solid wood or equivalent fence located on the western property line along Kenilworth Avenue. The combination of fencing and plant materials is expected to mitigate the noise generated from the roadway.

- (2) The Conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The confluence of a tight block pattern (confining streets approximately 200 feet apart), R-55 zoning, the location of an existing structure to remain and an arterial roadway are not generally applicable to other properties.

- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

If granted in accordance with staff recommendation, the resulting lots should be able to be developed without the need for future variances and the landscape and fencing mitigation should provide for acceptable noise levels. All other elements of the future development will be pursuant to a permit process which should ensure conformance to all the appropriate laws, ordinances and regulations.

- (4) 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 strict letter of these regulations is carried out;

The subject application is proposing eight lots. If the variation is granted in accordance with staff recommendation, the applicant would be able to subdivide the property into seven lots. If the variation is not granted and given the location of the existing house to remain, the application would have to be reduced to five lots.

Staff supports a modified variation request for the reasons stated above.

3. **Environmental**—This 1.62-acre site is located on the northeast quadrant of the Kenilworth Avenue and Tuckerman Street intersection. A review of the available information indicates that there are no streams, wetlands or 100- year floodplain on the property. The site flows into unnamed tributaries of the Northeast Branch watershed. The site is partially developed and contains less than 10,000 square feet of woodlands. The predominant soil types found to occur on this site according to the Prince George’s County Soil Survey are Christiana clay, Christiana and Hatboro. These soil types have moderate limitations with respect to steep slopes, high water table, poor drainage, impeded drainage, slow permeability and perched water table 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, rare, threatened, or endangered species do not occur in the vicinity of this property. There are no designated scenic or historic roads associated with this site. The subject property is located on the east side of Kenilworth Avenue, an arterial and noise generator, which is generally regulated for impacts in residential developments. This property is located in the Northeast Branch watershed of the Anacostia River basin and in the Developed Tier as reflected in the 2002 General Plan.

Bladensburg, New Carrollton and Vicinity Master Plan Conformance

The subject property is located within Analysis Area 1 of the Bladensburg, New Carrollton and Vicinity Master Plan. There are no specific environmental recommendations or design standards that require review of conformance. The environmental requirements for stormwater management and noise are addressed in the Environmental Review Section below.

Countywide Green Infrastructure Plan Conformance

The site is not within the designated network of the approved Countywide Green Infrastructure Plan.

Environmental Review

The preliminary plan application has a signed natural resources inventory (NRI/144/06), dated January 3, 2007, which was included with the application package. The preliminary plan shows all the required information correctly in conformance with the NRI. This property is not subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the site contains less than 10,000 square feet of woodlands and there are no previously approved Tree Conservation Plans. A Type I Tree Conservation Plan was not submitted with the review package and is not required. The Environmental Planning Section, Countywide Planning Division, issued a standard letter of exemption from the ordinance, on January 3, 2007. The letter of exemption should accompany all future applications for plans and permits.

According to the Prince George's County Soils Survey the principal soils on the site are Christiana clay, Christiana and Hatboro silt loam series. This information is provided for the applicant's benefit. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit review. Prior to the issuance of any building permit, a soils report addressing specific remedies and their locations in all areas where Christiana clay presents development problems should be reviewed and approved by M-NCPPC, Environmental Planning Section and the Prince George's County Department of Environmental Resources. The report should include a map showing all borehole locations, logs of all of the boreholes and identify individual lots where Christiana clay poses a problem for construction of foundations.

Noise impacts from Kenilworth Avenue are of concern due to the close proximity of the proposed development. Based on the Environmental Planning Section noise model, the 65 dBA Ldn noise contour is located approximately 340 feet from the centerline of Kenilworth Avenue. The preliminary plan has been revised to show the Environmental Planning Section noise model contour. Based on this noise contour, outdoor activity areas on proposed Lots 3, 4, 5 and 6 are impacted by noise levels above 65 dBA Ldn.

The elimination of proposed Lot 4 and the reconfiguration of this area would allow for a better placement of the homes on Lot 3 and old Lot 5 that will provide better noise mitigation for the remaining lots. In addition, to mitigate noise in outdoor activity areas, a solid six-foot high wooden fence or equivalent must be installed along the western property lines of the proposed lots, parallel to Kenilworth Avenue. The fences need only run along the side lot lines from the back of the house to the rear property line. To reduce interior noise levels to 45 dBA Ldn or less, the building shells must be constructed with special building materials. At time of final plat, the following note should be placed on the plat: "The six-foot high solid fence adjacent to the landscape buffer along Kenilworth Avenue provides required noise mitigation."

At time of grading permit review, the plans should show the location and details for the six-foot high solid fence along the eastern boundary of the landscape buffer parallel to Kenilworth Avenue. The solid fence should be constructed from the rears of the houses to the rear property lines. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis should be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.

A copy of the approved Stormwater Management Concept Approval Letter and the associated plan were not submitted. The unsigned concept plan submitted shows the use of dry wells for each proposed lot and a surface drainage easement through the center of the property. The reconfiguration of the lots adjacent to Kenilworth Avenue will provide additional land area needed to ensure that stormwater drainage is not directed toward the proposed homes. Prior to signature approval of the preliminary plan, a copy of the Stormwater Management Concept Approval Letter and the associated plan should be submitted.

Water and Sewer Categories

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

4. **Community Planning**— This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier. The site is located 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 1994 *Bladensburg-New Carrollton and Vicinity Sectional Amendment Map for Bladensburg-New Carrollton and Vicinity* retained the R-55 Zone for the site and recommends medium-suburban density residential development for this site. This application conforms to the land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity* (Planning Area 69) for single-family detached residential uses.

5. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, the Park Planning and Development Division recommends that the Prince George’s County Planning Board require a payment of a fee-in-lieu of dedication as applicable from the subject subdivision because land available for dedication is unsuitable due to its size and location. Lot 2 is exempt because it contains an existing dwelling unit to remain.
6. **Trails**—There are no master plan trails issues that impact the subject site in the Approved Bladensburg-New Carrollton and Vicinity Master Plan. Existing Kenilworth Avenue includes a standard sidewalk along the west side, but it is an open section with no sidewalks along the east side in the vicinity of the subject site. There is one site approximately 1,000 linear feet to the north of the subject property that includes a standard sidewalk along its frontage of the east side of Kenilworth Avenue. Both Tennyson Street and Tuckerman Street are open section with no sidewalks for their entire length. Due to the density of the surrounding communities, the presence of office and commercial space along Kenilworth Avenue, and the proximity of Metro less than one mile from the subject site, staff recommends that standard sidewalks be provided along all road frontages, unless modified by the appropriate operating agency.
7. **Transportation**—The transportation staff determined that a traffic study was not warranted by the size of the proposed development. Staff did request a traffic count of the applicant, and the needed count for the critical intersection of MD 201 (Kenilworth Avenue) and River Road was obtained by staff. 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 the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

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 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 Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the *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 traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by the proposed preliminary plan would impact the intersection of MD 201 and River Road/Tuckerman Street, which is signalized. The applicant's traffic consultant submitted a traffic count taken in April 2007. The transportation staff is basing its findings on the submitted traffic count.

The application is for eight single-family residential units with a net gain of seven residential units. The proposed development would generate 5 AM (1 in, 4 out) and 6 PM (4 in, 2 out) peak-hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The traffic generated by the proposed plan would primarily impact the signalized intersection of MD 201 and River Road. Within the Developed Tier, *Guidelines for the Analysis of the Traffic Impact of Development Proposals* identify signalized intersections operating at LOS E or better during both peak hours as acceptable. The following conditions exist at the critical intersection: AM peak hour, LOS B (CLV 1,027) and PM peak hour, LOS B (CLV 1,108). With background development and 2.5 percent growth in through traffic the following conditions exist at the critical intersection: AM peak hour, LOS D (CLV 1,399) and PM peak hour, LOS D (CLV 1,411). With site traffic added and under total traffic conditions the following conditions exist at the critical intersection AM peak hour, LOS D (CLV 1,402) and PM peak hour, LOS D (CLV 1,414). With the addition of the proposed development the critical intersection operates acceptably, based on the Guidelines.

Driveway access to the new lots will be from two existing roads, Tennyson Street and Tuckerman Street. There will be no access from any of the lots to MD 201 (Kenilworth Avenue), which is classified as an arterial roadway. For the proposed development site access and circulation is adequate. No further dedication is required along MD 201. The dedication of 50 feet along Tennyson Street and Tuckerman Street is shown correctly on the submitted plan; this includes additional dedication at the intersection of Tuckerman Street MD 201.

Transportation Staff Conclusions and Recommendations

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 following conditions.

- 8. **Police Facilities**—The preliminary plan is located in Police District I. The response standard for emergency calls is 10 minutes 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 January 23, 2007.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	12/04/05 12/04/06	10.00	17.00
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 January 23, 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, 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.

9. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this subdivision plan for adequacy of 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 7-minute response time for the first due fire station Riverdale Heights VFD, Company 24, using the *7 Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire Department. Pursuant to CR-69-2006, 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.

10. **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:

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	6du	6 du	6du
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	1.4	0.36	.72
Actual Enrollment	35,388	11,453	16,879
Completion Enrollment	218	52	105
Cumulative Enrollment	113.04	539.46	58.2
Total Enrollment	35,720.44	12,044.82	17,042.44
State Rated Capacity	39,187	11,272	15,314
Percent Capacity	91.1539	10685.61	1111.2898%

Source: Prince George's County Planning Department, M-NCPPC, December, 2006

These figures are correct on the day this memo 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 staff 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.

11. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and noted that the septic system at the existing house at 6507 Kenilworth Avenue is overflowing and creating a health hazard and must be pumped out by a licensed scavenger on an interim basis until the disposal system is abandoned or backfilled in place. The location of the septic system should be indicated on the preliminary plan. A raze permit is also required prior to the removal of any existing structures. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note should be affixed to the preliminary plan that requires the structures are to be razed and the septic systems properly abandoned before the release of the grading permit.
12. **Stormwater Management**—A Stormwater Management Concept Plan is required prior to signature approval of the preliminary plan. The approval number and date should be indicated on the preliminary plan. Development must be in accordance with this approved plan.
13. **Archeology**—A Phase I archeological survey is not recommended on the above-referenced 1.64-acre property at 6507 Kenilworth 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 a house was built on the property prior to 1938 and that much of the yard area has been extensively impacted by modern activities. However, the applicant should be aware that eight archeological sites are located within a one-mile radius of the subject property. Four of these sites are prehistoric lithic scatters and four sites are historic. In addition, one National Register property, Riversdale (PG:68-4-5), four Historic Sites, Riverdale Baptist Church (PF:69-12), Browning-Baines House (PG:69-19), Read-Low House (PG:68-4-67), and Warren House (PG:68-4-2), and one Historic Resource, Walker-Mowatt Mill Site (PG:68-2) are located 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.

14. **Historic Preservation**—The subject application for preliminary plan of subdivision has no effect on historic resources.

Recommendations:

Therefore staff recommends APPROVAL, subject to the following conditions:

1. Prior to the issuance of any building permit, a soils report addressing specific remedies and their locations in all areas where Christiana clay presents development problems shall be reviewed and approved by M-NCPPC, Environmental Planning Section and the Prince George's County Department of Environmental Resources. The report shall include a map showing all borehole locations, logs of all of the boreholes and identify individual lots where Christiana clay poses a problem for construction of foundations.
2. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.
3. Prior to signature approval of the preliminary plan, copies of the approved Stormwater Management Concept Plan and approval letter shall be submitted and the approval number and approval date shall be shown on the Preliminary Plan.
4. At time of final plat, the following note shall be placed on the plat: "The six-foot high solid fence adjacent to the landscape buffer along Kenilworth Avenue provides required noise mitigation."
5. At time of grading permit review, the plans shall show the location and details for the six-foot high solid fence along the eastern boundary of the landscape buffer parallel to Kenilworth Avenue. The solid fence shall be constructed from the rears of the houses to the rear property lines.
6. The applicant, his heirs, successors or assignees shall provide a standard sidewalk along the subject site's entire frontage of Kenilworth Avenue, unless modified by SHA.
7. The applicant, his heirs, successors or assignees shall provide a standard sidewalk along the subject site's entire frontage of Tennyson Street, unless modified by DPW&T.
8. The applicant, his heirs, successors or assignees shall provide a standard sidewalk along the subject site's entire frontage of Tuckerman Street, unless modified by DPW&T.
9. Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions.
10. 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. Lot 2 shall be exempt.
11. Prior to the removal of any of the existing structures, a raze permit must be obtained through the Department of Environmental Resources. Any hazardous materials located in the structures must be removed and properly stored or discarded prior to the structures being razed.
12. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit two copies of the signed stormwater concept plan and approval letter, and delineate the stormwater concept plan approval number and approval date on the preliminary plan and TCPI. Any required stormwater facilities shall be shown on the TCPI.
13. The final plat of subdivision shall prohibit direct access from any of the proposed lots to MD 201 (Kenilworth Avenue).