

R E S O L U T I O N

WHEREAS, Marenberg Enterprises is the owner of a 5.04-acre parcel of land known as Tax Map 87 in Grid A-4 and is also known as Lots 14, 37, 63, and 64, said property being in the 12<sup>th</sup> Election District of Prince George's County, Maryland, and being zoned Multifamily Medium Density Residential (R-18); and

WHEREAS, on July 10, 2012, Marenberg Enterprises filed an application for approval of a Preliminary Plan of Subdivision for 63 lots and 4 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-12005 for Patriots Landing 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 December 20, 2012, 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 December 20, 2012, 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 4-12005, Patriots Landing for 63 lots and 4 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Show a sidewalk along all public and private streets, and extend to Irving Street.
  - b. Remove the label of the existing trail along the north side of the tributary of Barnaby Run.
  - c. Show the dimension of the Devitt Place right-of-way.
  - d. Show the ten-foot public utility easement along Parcel C, the private street.
  - e. Show the delineation of the existing drainage easement.
  - f. Show the top and bottom spot elevations of the metal retaining wall.

g. Add the following note:

“The development is proposed under Section 27-445.10 Revitalization Residential.”

2. 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.
3. 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.
4. In conformance with the 2009 Approved Countywide Master Plan of Transportation (MPOT), the applicant and the applicant’s heirs, successors, and/or assignees shall provide the following, unless modified by DPW&T:
  - a. A standard sidewalk along both sides of all streets.
  - b. Off-site improvements with a standard sidewalk along Maury Avenue from the property line of Lot 35 east to the intersection of Maury Avenue and Irvington Street.
  - c. Stripe and repaint all crosswalks at the intersections of Irvington Street with Audrey Lane, Audrey lane with Maury Avenue, and Maury Avenue with Maury Place.
5. At the time of final plat, the applicant shall grant a ten-foot public utility easement (PUE) along the public and private rights-of-way as delineated on the approved preliminary plan of subdivision.
6. Prior to approval of building permits, the applicant and the applicant’s heirs, successors, and/or assignees shall demonstrate that a homeowners association (HOA) has been established and that the common areas have been conveyed to the HOA.
7. Prior to approval of building permits, the applicant and the applicant’s heirs, successors, and/or assignees shall convey to the homeowners association (HOA) 37,816 square feet (Parcels A through D). Land to be conveyed shall be subject to the following:
  - a. Conveyance shall take place prior to issuance of building permits.
  - b. A copy of the unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Review Section of the Development Review Division (DRD) along with the final plat.

- c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project. This shall be certified by the applicant.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with the approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.
  - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
8. At the time of detailed site plan, the following additional specific site issues shall be evaluated:
- a. Adequate turn-around area for the proposed private street serving Lots 1–11.
  - b. Adequate sight distance and turning radii, per Department of Public Works and Transportation (DPW&T) standards, for all proposed access and exit points.
  - c. Disposition of the retaining wall on the northern property line of proposed Lots 48 and 49.
9. Total development within the proposed site shall be limited to the approved uses that would generate no more than 44 AM and 50 PM peak-hour vehicle trips. Any development generating an 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.
10. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:

- a. Dedicate for public use the 50-foot-wide right-of-way (ROW), Devitt Place, as shown on the approved preliminary plan.
  - b. Delineate a 25-foot building restriction line along the 100-year floodplain pursuant to Section 24-129(a)(5) of the Subdivision Regulations.
  - c. Delineate the drainage easement that was recorded in Plat Book WWW 25-49, to the benefit of Prince George's County.
11. Development of this site shall be in conformance with Stormwater Management Concept Plan 4777-2012-00 and any subsequent revisions.
  12. Non-Residential development shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.

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

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 property is located on Tax Map 87 in Grid A-4 and is known as Lots 14, 37, 63, and 64. The property consists of 15.3 acres within the Multifamily Medium Density Residential (R-18) Zone and is currently vacant. Lots 37, 63, and 64 were recorded in Plat Book WWW 44-33 on May 23, 1962. Lot 14 was recorded in Plat Book WWW 25-49 on February 10, 1955. This preliminary plan proposes to subdivide the subject site into 63 townhouse fee-simple lots (3.73 acres), and Parcels A through D (37,816 square feet) to be dedicated to a homeowners association (HOA) with Parcel C to be a private street.

The site has frontage on Maury Avenue, a dedicated public right-of-way (ROW). This application proposes to dedicate for public use approximately 18,854 square feet for a 50-foot-wide right-of-way, Devitt Place. The property does contain 100-year floodplain along the northern property line. Pursuant to Section 24-129 of Subdivision Regulation, a 25-foot setback from the floodplain shall be established for residences as a building restriction line (BRL), which is required to be recorded on the final plat. The site has an existing drainage easement along the northern property line that was recorded in Plat Book WWW 25-49 on February 10, 1955. The drainage easement is still necessary and should be carried forward with the final plat for this townhouse development. There is an existing retaining wall along the northern property line on proposed Lots 48 and 49. The structural integrity of the wall should be evaluated at the time of detailed site plan and a determination made whether it should be removed or replaced.

Through the preliminary plan process, the applicant has made significant modifications to their original proposal which includes the lot layout, street alignment, and the location of the stormwater management facilities. The original proposal consisted of 61 townhouse lots, the

proposal for Devitt Place as a private street, and several large parcels for stormwater facilities all to be conveyed to the HOA. The applicant is proposing workforce housing in an urban inner-beltway community that is within the Revitalization Tax Credit District. The provision of Devitt Place as a private street could be a burden on the future HOA of this small 63-townhouse lot subdivision to maintain the street and have private services such as trash pick-up and snow removal, while the surrounding community has public streets with public services. Large parcels for stormwater facilities can also be a burden for maintenance and can be an attractive nuisance. Through extensive discussion and coordination between the applicant, planning staff, and the Department of Public Works and Transportation (DPW&T), a modification of the layout has resulted in a more desirable lot layout. Incorporating these changes will reduce the maintenance burden to the future HOA and provide a more compact development provided for in a residential revitalization subdivision. The overall modifications have resulted in a superior project in keeping with the vision of the Revitalization Tax Credit District.

3. **Setting**—The property is located southwest of the intersection at Southern Avenue and Owens Road, where Irvington Street and Maury Avenue intersect. The neighboring properties north, east, and west are zoned R-20 (One-Family Triple-Attached Residential) and developed with attached single-family dwellings. The neighboring properties to the south are zoned R-35 (One-Family Semidetached, and Two-Family Detached, Residential) and developed with detached single-family dwellings.
4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

|                              | <b>EXISTING</b>                                     | <b>APPROVED</b>  |
|------------------------------|---|--|
| Zone                         | R-18  | R-18   |
| Use(s)                       | Residential Revitalization<br>Residential<br>Vacant | Residential Revitalization<br>Residential<br>Town houses |
| Acreage                      | 5.04  | 5.04   |
| Lots                         | 4   | 63   |
| Outlots                      | 0   | 0  |
| Parcels                      | 0   | 4  |
| Dwelling Units:              |   |  |
| Attached-single family       | 0   | 63   |
| Public Safety Mitigation Fee | No  | No   |
| Variation                    | No  | No   |
| Variance                     | No  | No   |

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on August 3, 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. This preliminary plan is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier by providing a pattern of medium- to high-density housing. Approval of this application does not violate the General Plan’s growth goals for the year 2025 upon review of the current Prince George’s County General Plan Growth Policy Update.

The 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity, Planning Area 76A* (Master Plan and SMA for the Heights and Vicinity) retained the R-18 zoning for the subject property. The master plan recommends a maximum of 12 dwelling units per acre for garden apartments. The applicant is generally in conformance with the plan with the proposal of a townhouse development. Please note that plans are underway to update a portion of the current master plan area. The Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment was initiated April 19, 2012. The sector plan will update the goals, policies, development standards, and implementation strategies for this area.

This site is also located within the Glassmanor/Oxon Hill Transforming Neighborhoods Initiative (TNI) area. Prince George’s County Executive, Rushern L. Baker III, recently announced a plan to improve the quality of life in vulnerable communities through this initiative. Focusing on six areas throughout the county, the overarching goal of the TNI is to achieve a thriving economy, great schools, safe neighborhoods, and high quality healthcare by utilizing cross-governmental resources in target neighborhoods that have specific and unique needs. Also, DPW&T is currently evaluating the Barnaby Run Tributary adjacent to the site for restoration of water quality and flood control. The applicant will be providing a financial contribution toward the implementation this project as a part of the stormwater management approval required by DPW&T.

County Council Bill CB-13-2011, an ordinance concerning residential revitalization for this site, states that new development “Maintains or improves the architectural character of the buildings so that they are compatible with surrounding properties.” We encourage the applicant to provide urban design standards that are do not merely replicate the architectural style of nearby development built in the 1940s, but provide high-quality architectural style that supports urban residential standards with pedestrian and stormwater management facilities. Urban residential design should create a relationship between buildings and the street, adhere to Crime Prevention through Environmental Design (CPTED) principles, and should provide enough vegetation and open space to create desirable living conditions in higher density neighborhoods. It is recommended that the townhouse architecture and design support an active urban streetscape and not create a visual and physical barrier between the public and private realm. Open space has been consolidated to support stormwater management facilities close to the street that will discourage loitering and behaviors that currently create neighborhood nuisances. It is supported the applicant providing sidewalks along all roadways and making connections to existing sidewalks beyond the project boundaries where needed, and that these facilities and connections be shown on the detailed site plan (DSP) plan. The current car ownership data reviewed by staff,

as well as the latitude of Residential Revitalization Council Bill CB-13-2011, provides support for proposed on-site parking of two vehicles per unit and limited street parking. Further review of architecture, streetscape, parking, open spaces, and design layout of the development will be carried out at the time of detailed site plan.

6. **Zoning**—Section 27-445.10, Residential Revitalization, of the Zoning Ordinance sets forth regulations and design guidelines for residential revitalization projects. The purpose of the Residential Revitalization section is to provide a consolidated process employing detailed site plan review for a redevelopment project that may not comply with the conventional regulations of the Zoning Ordinance, such as number of parking spaces, lot coverage, setbacks, and lot size. Compared with traditional zoning requirements, the Residential Revitalization section provides more flexibility in the design review and development standards to encourage redevelopment while ensuring a viable subdivision for the future residents.

The subject preliminary plan has been reviewed for compliance with the requirements in Section 27-445.10 (CB-58-2001) of the Zoning Ordinance. The proposed application is to subdivide the subject site into 63 townhouse fee-simple lots and four parcels. Section 27-445.10(c) establishes the following findings for Planning Board approval of a residential revitalization development:

**(c) In approving a Residential Revitalization project, the Planning Board shall find that the project:**

- (1) Improves a deteriorated or obsolete multifamily or attached one-family dwelling unit development by replacing or rehabilitating dwellings, improving structures, or renovating and improving other facilities;**

The proposed preliminary plan is for the replacement of a deteriorated multifamily apartment complex and is in a designated corridor. The 121-unit multifamily apartment complex, Georgian Gardens Project, on-site was declared unfit and condemned in 2002 by the County, and then razed in 2004. The site will be improved with the proposed development of 63 townhouses.

- (2) Maintains or improves the architectural character of the buildings so that they are compatible with surrounding properties;**

The architectural character of the buildings will be evaluated with the detailed site plan for compatibility.

- (3) Serves a need for housing in the neighborhood or community;**

- (4) Benefits project residents and property owners in the neighborhood;**

In accordance with Subsections 3 and 4 above, the proposed development will provide 63 new townhouses in the community. The site is currently vacant and has become a dumping site which

is a great nuisance for the neighborhood. The revitalization will remove the nuisance from the neighborhood and introduce high-quality workforce housing. The proposed project will greatly benefit property owners in the neighborhood by redeveloping a property that has not been well maintained.

- (5) **Conforms with the housing goals and priorities as described in the current “Housing and Community Development Consolidated Plan,” for Prince George’s County; and**

In accordance with Finding 5, staff has reviewed the Housing and Community Development Consolidated Plan FY 2011–2015 and found that this property is an appropriate site for a residential revitalization development. As stated in the consolidated plan, currently, areas in the county with a high rate of residential vacancies are older communities bordering the District of Columbia within or along the Capital Beltway (I-95/495). In addition, compared to the Washington Metropolitan area, the county has an older housing stock with only 22 percent of housing units in the county built after 1990. Compared to neighboring jurisdictions, the county has the highest number of cost-burdened households. As of 2008, there were a total of 136,366 households in Prince George’s County that were cost-burdened. Sixty-four percent of cost-burdened households were owner households. This project is proposing 63 new workforce townhouses, which will be a great housing reinvestment in an inner-beltway community.

The vision of the consolidated plan is to create economically-viable, cohesive, safe, healthy, and sustainable communities and neighborhoods. The consolidated plan’s initiatives are intended to be a catalyst for neighborhood stabilization and growth. The proposed revitalization project conforms to the housing goals and priorities of the consolidated plan, and the proposed project meets specifically two of the goals as following:

**GOAL 1: To stabilize and increase housing opportunities for 5,540 low and moderate income households, homeless individuals and families, persons at risk of becoming homeless and non-homeless persons with special needs.**

**GOAL 2: To improve the safety and livability of neighborhoods for principally 189,975 low and moderate-income persons.**

The project is consistent with the goals for revitalization by increasing housing opportunities for homeownership in this targeted area. It will develop a range of housing for residents to accommodate and meet the housing needs of the area. The proposed project will build and restore a vibrant community by creating safe neighborhoods where people want to live, and improve the quality of life for all residents by transforming vacant lots that are a nuisance to the neighborhood into a new moderate residential subdivision.

- (6) **Conforms to either specific land use recommendations or principles and guidelines for residential development within the applicable Master Plan.**



This preliminary plan is consistent with the General Plan Development Pattern policies for the Developed Tier and conforms to the land use recommendations of the Master Plan and SMA for the Heights and Vicinity as stated in the Community Planning section of this report.

In 2011, Council Bill CB-13-2011 was adopted to amend the definition and regulations for residential revitalization to allow a property to be developed pursuant to the provisions for Residential Revitalization if multifamily dwelling units previously existed on the site, but were razed due to condemnation proceedings initiated by the county. The subject property is currently vacant, but was improved with a 121-unit multifamily apartment, Georgian Gardens Project. The multifamily apartment on-site was declared unfit and condemned in 2002, and then razed in 2004.

This preliminary plan originally proposed to serve the development with a private street extension of Devitt Place and a private recreational facility. These private facilities would all be conveyed to the HOA and would be the financial responsibility and liability of the HOA. These facilities would have an annual financial cost which includes insurance and maintenance. The private street proposed would require the HOA to pay for trash service, street maintenance, and snow removal. This subdivision is surrounded by a larger community that is developed on a network of public streets and therefore are served by public services. Burdening this small subdivision with these services while the surrounding community had public services was an issue.

In 2007, Prince George's County established the office of Common Ownership Communities in the Counties Office of Community Relations to address the issues facing smaller common ownership communities which were struggle to maintain the private infrastructure which was established as a part of the planning process. As a result there has been a heightened awareness of the long term implications of private infrastructure on a HOA. The financial burden can sometimes undermine the viability and strength of smaller workforce housing communities.

Through the review of this preliminary plan of subdivision staff has worked with the DPW&T, and the applicant to carefully consider the amount of private infrastructure that would be the responsibility of the HOA. Specifically, the provision of private recreational facilities was considered and it was ultimately determined that because of the highly walkable nature of the existing community in which this development would be located that the need for a separate small facility was not warranted. Not only is there an additional liability and maintenance responsibility for the HOA, but these facilities must be monitored and can become an attractive nuisance depending on the existing community and the location of the facilities within the subdivision. In regard to Devitt Street, the DPW&T voiced concerns with having driveways onto the public street and the resulting limitation of available on-street parking. Originally, DPW&T recommended that the street be private. Due to the issues discussed herein, the stakeholders in this case worked to revise the layout which now results in one small private street and additional on-street parking with Devitt Street being dedicated to public use, which is acceptable to DPW&T. This private street is ancillary to Devitt Street and will not jeopardize the ability of the HOA to avail themselves of public services.

The implications of recommending the creation of private (HOA) common open space and infrastructure, and works to balance these needs with the dwelling unit type and regulatory requirements in keeping with the surrounding community. The layout as now revised takes into consideration not only the built environment but the other factors that should be considered in designing a subdivision that will support, to the extent practicable, the long term success and viability of the homeowners association.

7. **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 Requirements of the Zoning Ordinance**

Section 27-445.10, Residential Revitalization, of the Zoning Ordinance provides specific requirements and findings for any revitalization projects. According to the Section, regulations concerning the height of structures, lot size and coverage, frontage, setbacks, density, bedroom percentages, and other requirements of the specific zone, in this case in the R-18 Zone, do not apply to uses and structures in a residential revitalization project. However, any revitalization projects will be subject to detailed site plan (DSP) approval. The applicant must obtain DSP approval prior to final plat approval and issuance of any building permits for this property.

Section 27-445.10(b) sets the development regulations for the residential revitalization project as follows:

**(b) Requirements.**

- (1) Dwelling units, or property on which they formerly existed, as described in (a)(1) of this Section may be replaced by proposed multifamily, attached one-family or detached one-family dwelling units in a Residential Revitalization project.**

As stated previously, the subject property is currently vacant, but was improved with a 121-unit multifamily apartment that was condemned in 2002 and then razed in 2004. The application is proposing townhouse units which are in conformance with the dwelling units for a residential revitalization project.

- (2) The dwelling units, or property as described in (b)(1) above, shall have or have had a minimum density of twelve (12) units per acre of the net lot or tract area.**

The site is 5.04 total acres with a 4.13 net tract acres and the application is proposing 63 townhouse lots. The application is proposing a density of 15 units per acre which is above the minimum density requirement of 12 units per acre.

- (3) The number, location, and design of compact and standard parking spaces shown on the approved Detailed Site Plan shall constitute the parking design regulations for the development.**
- (4) Regulations concerning the height of structures, lot size and coverage, frontage, setbacks, density, bedroom percentages and other requirements of the specific zone do not apply to uses and structures in a Residential Revitalization project. The dimensions and percentages shown on the approved Detailed Site Plan shall constitute the development regulations.**
- (5) The normal parking requirement shall be reduced by thirty percent (30%). An additional reduction may be allowed upon a determination that:
  - (A) An additional reduction is necessary to alleviate conditions that are particular to the proposed use , given its nature at this location, or to alleviate conditions which are prevalent in older areas of the County which were predominately developed prior to November 29, 1949; and**
  - (B) The additional reduction will not infringe upon the parking and loading needs of adjacent residential areas.****
- (6) The project shall comply with the requirements of the Landscape Manual to the extent that is practical.**

Requirements 3 through 6 will be determined at the time of detailed site plan.

One of the ultimate goals of the revitalization project is to improve the physical and visual appearance of a built environment including building, structures, and facilities. The plan proposes to develop 63 single-family attached dwellings. In order to maintain visual interest and avoid monotonous appearance in townhouse development, Section 27-433 of the Zoning Ordinance, which is not applicable to residential revitalization projects but can provide guidance, limits the number of dwelling units in any given building stick to no more than six. There are four buildings that have more than six dwelling units, of which two buildings have seven dwelling units and two buildings have eight dwelling units. The existing buildings adjacent to those proposed new townhouses on Maury Avenue are triple-attached buildings. The transition from the existing triple-attached buildings to the proposed development should be further evaluated with the DSP and may include additional landscaping and/or fencing. Further review of building groups, locations, size, and other considerations will be carried out at the time of detailed site plan.

#### **Conformance with the Prince George's County Landscape Manual**

Section 27-445.10(b)(6) states that the revitalization project shall comply with the requirements of the Landscape Manual to the extent that is practical. The landscaping issues of this project will be reviewed at the time of detailed site plan.

8. **Environmental**—The signed Natural Resources Inventory, NRI-006-12, for the subject property has been received and reviewed. The site was found to be exempt from the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance and received a standard letter of exemption on February 12, 2012. A Type 1 tree conservation plan was not submitted with the review package and is not required.

#### **Master Plan Conformance**

The master plan for this area is the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity, Planning Area 76A* (Master Plan and SMA for the Heights and Vicinity). In the approved master plan and sectional map amendment, the Environmental Infrastructure section contains recommendations and guidelines. An environmental goal is stated as “To protect and enhance the environmental qualities of the planning area by preserving natural environmental assets as the integral part of the community.” The following recommendations have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

**Recommendation 1: Woodland Preservation—The existing woodlands in Natural Reserve Areas must be retained. Other existing woodlands should be retained to the extent possible in order to maintain or increase the current percentage of woodland. Furthermore, the expansion of woodlands through afforestation and reforestation is encouraged in the implementation of the greenways and open space program linkages.**

The site contains areas shown on the plan map as a being natural reserve area. This area is the concrete stream channel found along the northern property line. A natural reserve area is identified in the plan as “having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. The concrete channel provides conveyance of water from natural streams connected at the east and west termini of the channel, located offsite. Natural Reserve Areas must be preserved in their natural state. Natural Reserve Areas are those areas which, due to physiographic features, are generally prohibited from development under existing laws and ordinances.” The vegetation found along the concrete stream section consists of scattered trees, shrubs, and herbaceous species. This area does not meet the criteria of woodlands as defined in Section 25-118(b)(72) of the Woodland and Wildlife Habitat Conservation Ordinance; however, the existing vegetation should be retained and/ or enhanced to maintain a riparian buffer-type system to the stream and to foster natural regeneration in this section of the stream. These existing trees along the stream provide shading for the channel, which cool the waters and produce leaf litter to provide adequate habitat for fish and invertebrate life.

Every effort should be made to preserve the existing vegetation adjacent to the natural reserve area. If the vegetation cannot be persevered, the landscape plan should show the planting of shade trees in this area, and will be further reviewed at the time of detailed site plan.

**Recommendation 2: The County should pursue efforts to minimize development impacts on contiguous woodland areas adjacent to Henson Creek and the Oxon Run Tributary through land acquisition for parks, where feasible, and through appropriate land use recommendations.**

This project area is not adjacent to Henson Creek and Oxon Run.

**Recommendation 3: Stormwater Management – The County should ensure that stormwater is properly managed, and major streams and detention/retention basins should be monitored for water quality and flow characteristics. The plan recommends the development of five stormwater management ponds as shown on the plan map.**

**Alternative solutions to provide remedial action for on-site stormwater management may be necessary, until such time as the Department of Environmental Resources (DER) implements the proposed potential regional stormwater management ponds in the planning area.**

The site has an approved Stormwater Management Concept Plan (4777-2012-00) that covers the north and south sides of Maury Place within the project area. The plan proposes one bioretention pond on the south side of Maury Place that will drain to an outfall on the north side of Maury Place. This outfall structure appears to be a rip-rap outfall that will allow discharge to the stream channel via sheet flow. The north side of Maury Place also has one bioretention pond, which will improve drainage from Maury Place. The stormwater management design is conceptual and the technical plan will be reviewed and approved by the Department of Public Works and Transportation (DPW&T) to address surface water runoff issues in accordance with Subtitle 32, Water Quality Resources and Grading Code, which requires that environmental site design be implemented to the maximum extent practicable.

This project is not located adjacent to any of the five proposed regional stormwater management facilities, but there is a facility proposed upstream in Barnaby Run near the headwaters of the stream system, which will further address stormwater management in the area.

**Recommendation 4: Noise Attenuation – In areas of 65 dBA (Ldn) or greater, residential development proposals should be reviewed and certified by a professional acoustical engineer stating that the building shell of habitable structures located within a prescribed noise corridor will attenuate ultimate exterior noise level to an interior level not to exceed 45 dBA (Ldn), especially in the AICUZ designated noise corridor.**

The subject property is not located adjacent to a noise generator which would result in noise levels of 65 dBA Ldn or greater.

**Recommendation 5: Air Quality: The County should continue to participate aggressively in metropolitan efforts to prevent further air quality deterioration and should support all available measures to improve local air quality.**

Air quality is a regional issue that is currently being addressed by the Council of Governments. This project will not generate any air quality issues.

**Recommendation 6: Proposed developments should meet stringent standards and guidelines and the potential environmental impacts of human activities should be identified as early as possible in the planning process. The constraints of Natural Reserve and Conditional Reserve Area must be adhered to.**

The proposed project should retain all vegetation to the greatest extent possible found within the natural reserve area in the northern portion of the site.

#### **Countywide Green Infrastructure Plan Conformance**

The entire 5.04 acres is within regulated and network gap areas within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*. Regulated area is primarily located in the northern portion of the site along Barnaby Run stream channel. The area of Barnaby Run adjacent to the subject site is a concrete channel that has an associated 100-year floodplain. The network gap area is to the south of the regulated area on both sides of Maury Place in the remaining areas of the project. All of the environmental features are found within the designated Countywide Green Infrastructure Plan network.

The following policies support the stated measurable objectives of the Countywide Green Infrastructure Plan:

**POLICY 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.**

The subject property contains regulated and network gap areas within the designated network, with a concrete flume stream (Barnaby Run) and floodplain within the regulated area. The area adjacent to the stream has limited tree cover. These trees should be preserved to provide canopy over the concrete stream channel, such that that the flowing waters are kept cool as it re-enters the natural stream system. There is a limited amount of trees found within the project area and these trees should be saved to the fullest extent as possible.

**POLICY 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.**

There is a nonregulated concrete channel (Barnaby Run) and floodplain located on the north side of Maury Place. This area should be protected from sedimentation impacts which could damage the animal habitat and water quality going into the Oxon Run system. Preservation of water quality in this area should be provided through the application of best stormwater management practices for stormwater management.

This development proposal is an infill project for townhouse lots. The site has an approved Stormwater Management Concept Plan (4777-2012-00) that covers the north and south sides of Maury Place. The plan proposes one bioretention pond on the areas south of Maury Place that will drain to an outfall on the north side of Maury Place. This outfall structure appears to be a rip-rap outfall that will allow discharge to the channel via sheet flow. The north side of Maury Place also has one bioretention pond, which will improve drainage from Maury Place. The stormwater management design is required to be reviewed and approved by DPW&T to address surface water runoff issues in accordance with Subtitle 32, which requires that environmental site design be implemented to the maximum extent practicable.

**POLICY 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.**

The site does not contain woodland subject to the Woodland Conservation Ordinance; however, the existing trees adjacent to the concrete channel should be preserved to the fullest extent possible.

**POLICY 4: Promote environmental stewardship as an important element to the overall success of the Green Infrastructure Plan.**

The use of environmentally-sensitive building techniques and overall energy consumption should be encouraged.

**POLICY 5: Recognize the green infrastructure network as a valuable component of the county's Livable Communities Initiative.**

The sensitive environmental features within the green infrastructure network of this site are associated with Barnaby Run, a nonregulated concrete channel, which drains to Oxon Run as identified in the Master Plan and SMA for the Heights and Vicinity. The existing tree canopy should be preserved to the fullest extent possible to ensure that this site, as well as all other sites within this watershed, meets the standards of the Livable Communities Initiative.

**Environmental Review**

An approved Natural Resources Inventory, NRI-006-12, was submitted with the application. According to mapping research and as documented on the approved NRI, 100-year floodplain is found to occur on the property. The nonregulated, concrete channel stream system of Barnaby

Run meanders along the northern property line of the lots on the north side of Barnaby Place; however, this stream is not regulated under the Prince George's County Code. This site is within the Oxon Run watershed which flows into the Potomac River. No steep slope areas are shown on the NRI, but appear to be found on-site adjacent to the Barnaby Run floodplain and along the western property line.

The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), are the Croom-Urban land complex and Issue-Urban land complex. According to available information, Marlboro clay and Christiana complexes are not found to occur on this property. According to the Sensitive Species Project Review Area (SSSPRA) map prepared by the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered (RTE) species mapped to occur on or in the vicinity of this property. There are no nearby noise sources and the proposed use is not expected to be a noise generator. There are no designated scenic or historic roads adjacent to or within the site area. The site is located in the Developed Tier of the General Plan. According to the Countywide Green Infrastructure Plan, the site contains regulated and network gap areas within the designated network of the 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 woodland. A letter of exemption was issued for the site on February 12, 2012. No regulated woodland is located on-site; only scattered trees and three specimen trees were identified on-site. The preliminary plan shows all of the required information correctly in conformance with the NRI. No variance is required for the removal of the three specimen trees because the site is exempt from Woodland Wildlife Habitat Conservation Ordinance.

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, 4777-2012-00, was approved on May 29, 2012 and is valid until May 29, 2015. The approved concept plan has conditions to ensure that development of this site does not result in on-site or downstream flooding. The concept plan shows one bioretention pond for new development and one bioretention pond as a retrofit for Maury Place. Additionally, the approval letter indicates that the site will be charged a fee-in-lieu of on-site stormwater management. The location of the management ponds and lot layout on the concept plan is different from the preliminary plan. 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 DPW&T. The stormwater management facilities can impact the lotting pattern, which is determined with the preliminary plan of subdivision. Development must be in accordance with the approved plan or any subsequent revisions as approved by DPW&T.

The approved stormwater management concept plan 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 stormwater concept plan by DPW&T.

10. **Department of Parks and Recreation (DPR)**—In accordance with Section 24-134(3)(a) 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.
11. **Trails**—The proposed preliminary plan was reviewed for conformance with the 2009 *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 that impact the subject site. The submitted plans indicate that there is an existing trail along the tributary of Barnaby Run. This is not a master plan proposal and it appears from the 2011 aerial photography that this is actually a concrete swale on both sides of the tributary. A field visit has confirmed this to be the case and the plans should be revised to eliminate the reference to the existing trail.

The MPOT includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, 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.**

Sidewalks currently exist along the subject site's frontage of Maury Avenue, Maury Place, and Irvington Street. A small portion of Maury Avenue, from proposed Lot 41 east to the intersection of Maury Avenue and Irvington Street, does not have sidewalks, of which a portion is not part of the site frontage. The applicant has proffered to construct sidewalks along the site's frontage of Maury Avenue and the off-site frontage along Maury Avenue east from the site to the intersection of Maury Avenue and Irvington Street. The completion of continuous sidewalks along Maury Avenue will provide pedestrian connection in keeping with the MPOT and the Complete Streets Section policies and recommendations.

The existing sidewalks around the site are narrow, but are buffered from the road with a landscape strip and appear to meet the needs of pedestrians in the area. If any frontage improvements are required by DPW&T, it is recommended that the sidewalks be widened to current DPW&T standards. Standard sidewalks are also recommended along both sides of all internal roads, unless modified by DPW&T.

From the standpoint of nonmotorized transportation, it is determined that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, fulfills prior conditions of approval, and meets the finding required for a preliminary plan as required under Section 24-123 of the Subdivision Regulations.

12. **Transportation**—The application is a preliminary plan of subdivision for a residential development. The proposed development of 63 townhouse units, using trip rates and requirements in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals (Guidelines),” is projected to generate 44 AM and 50 PM peak-hour vehicle trips. The Guidelines also requires the applicant to prepare and submit a traffic impact study for review of development generates 50 trips or more during any peak hour.

The original preliminary plan submitted for review and comment consisted of 61 townhouse lots and the provision of Devitt Place as a private street with numerous driveway curb cuts on both sides of this roadway. Since the 61 townhouse-lot subdivision generates 43 AM and 49 PM peak-hour vehicle trips, at the scheduled Subdivision and Development Review Committee (SDRC) meeting on August 03, 2012, staff comments included submission of recent traffic counts for the intersections of Audrey Lane with MD 210, Irvington Street with Owens Road (stop-control), and Owens Road with Southern Avenue (signalized) as necessary for staff to make the required adequacy finding and did not of require a traffic impact study.

The late revised preliminary plan, submitted on November 28, 2012, is based on extensive coordination between the applicant, planning staff, and DPW&T, which incorporates different stormwater management ponds, a combination of desired public and private roads, and a much more desirable lot layout. Incorporating these changes over the past three months has also yielded two additional lots, or a 63-lot subdivision plan. This minimum increase in the total number of proposed lots is in support of one of the requirements (minimum required density of 12 units per acre of the net lot) of the Residential Revitalization section of the County Code (Section 27-455.10), and therefore, staff is not requiring a traffic study.

It is also important to note that the scope for preparation of a traffic impact study for the proposed 63-lot subdivision would be limited to an evaluation of the same three critical intersections identified below.

The traffic generated by the proposed preliminary plan would impact the following intersections in the transportation system:

- Audrey Lane and MD 210 (signalized)

- Owens Road and Southern Avenue (signalized)
- Irvington Street and Owens Road (unsignalized)

The plan has been referred and comments from DPW&T and the Maryland State Highway Administration (SHA) have been received. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the Guidelines.

The subject property is located within the Developed Tier as defined in the *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 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 critical intersections identified above, when analyzed with existing traffic using counts provided by the applicant and taken in March 2012 and existing lane configurations, operate as follows:

| EXISTING TRAFFIC CONDITIONS   |  |       |                                    |    |
|---|--|-------|------------------------------------|----|
| Intersection  | Critical Lane Volume<br>(CLV, AM & PM) |       | Level of Service<br>(LOS, AM & PM) |    |
|   | Audrey Lane and MD 210                 | 1,023 | 1,168                              | B  |
| Owens Road and Southern Avenue  | 670                                    | 730   | A                                  | A  |
| Irvington Street and Owens Road   | 10.9*                                  | 14.8* | --                                 | -- |
| *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 Guidelines, 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. |  |       |                                    |    |

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program (CTP) or the Prince George's County Capital Improvement Program (CIP). Background traffic has been developed for the study area using a 1.0 percent annual growth rate in through traffic along MD 210 (Indian Head Highway) for two years. No approved but unbuilt development was identified within the study area. The critical intersections, when analyzed with background traffic and existing (or future) lane configurations, operate as follows:

| BACKGROUND TRAFFIC CONDITIONS   |  |       |                                    |    |
|---|--|-------|------------------------------------|----|
| Intersection  | Critical Lane Volume<br>(CLV, AM & PM) |       | Level of Service<br>(LOS, AM & PM) |    |
|   | Audrey Lane and MD 210                 | 1,042 | 1,185                              | B  |
| Owens Road and Southern Avenue  | 670                                    | 730   | A                                  | A  |
| Irvington Street and Owens Road   | 10.9*                                  | 14.8* | --                                 | -- |
| *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 Guidelines, 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 following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines including the site trip generation as described above and the distribution as described in the traffic study, operate as follows:

| TOTAL TRAFFIC CONDITIONS  |  |       |                                    |    |
|---|--|-------|------------------------------------|----|
| Intersection  | Critical Lane Volume<br>(CLV, AM & PM) |       | Level of Service<br>(LOS, AM & PM) |    |
|   | Audrey Lane and MD 210                 | 1,065 | 1,201                              | B  |
| Owens Road and Southern Avenue  | 705                                    | 762   | A                                  | A  |
| Irvington Street and Owens Road   | 22.9*                                  | 24.8* | --                                 | -- |
| *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 Guidelines, 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. |  |       |                                    |    |

As indicated above, it is found that all signalized and unsignalized critical intersections operate and will continue to operate acceptably under existing, background, and total traffic in both peak hours.

**Agency Comments**

DPW&T and SHA comments and referral are briefly discussed below:

**DPW&T**

- a. Frontage improvements along Maury Avenue and Devitt Place will be required and as determined by DPW&T. This is an issue that can be resolved at the time of obtaining the access permit.
- b. Adequate sight distance and turning radii are necessary for all proposed access/exit points and in accordance with AASHTO standards. This is an issue that can be resolved at the time of detailed site plan review and at the time of obtaining the access permit.

The DPW&T referral does not include any specific findings regarding the three study intersections.

**SHA**

SHA comments dated July 31, 2012 indicate that SHA requires submission of a traffic impact study to determine the developmental impacts to the surrounding roadway network. SHA comments with regard to the submittal of a traffic impact study were made for the review of the original plan proposing only 61 lots which, per the Guidelines, would not be necessary. Not withholding this, findings with regard to adequacy of these intersections, as stated above, are still valid with the proposed 63-lot subdivision, and therefore submission of an additional traffic impact study is not needed.

**Master Plan Right-of-way**

The site is not affected by any master plan transportation facility.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations.

13. **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:

Impact on Affected Public School Clusters

| Affected School Clusters # | Elementary School 7 Cluster | Middle School 3 Cluster | High School 3 Cluster |
|----------------------------|-----------------------------|-------------------------|-----------------------|
| Dwelling Units             | 61 DU                       | 61 DU                   | 61 DU                 |
| Pupil Yield Factor         | 0.140                       | 0.113                   | 0.108                 |
| Subdivision Enrollment     | 9                           | 7                       | 7                     |
| Actual Enrollment          | 32,692                      | 3,126                   | 6,260                 |
| Total Enrollment           | 32,701                      | 3,133                   | 6,267                 |
| State Rated Capacity       | 36,567                      | 4,198                   | 7,862                 |
| Percent Capacity           | 89%                         | 75%                     | 80%                   |

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

At the time of this analysis, the preliminary plan of subdivision reflected 61 dwelling units. The analysis was not recalculated based on 63 units because it is provided for informational purposes only.

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 \$8,299 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.

14. **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.

| <b>First Due Fire/EMS Company #</b> | <b>Fire/EMS Station</b> | <b>Address</b>    |
|-------------------------------------|-------------------------|-------------------|
| 42                                  | Oxon Hill               | 1100 Marcy Avenue |

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.

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)**

The Prince George’s County Capital Improvement Program (CIP) for Fiscal Years 2012–2017 proposes consolidating existing Oxon Hill Company 42 and Oxon Hill Company 21 into a new four-bay Fire/EMS station at Oxon Hill Road and Indian Head Highway (MD 210).

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.”

15. **Police Facilities**—The subject property is located in Police District IV, Oxon Hill. The response time standard is ten 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 July 10, 2012.

| <b>Reporting Cycle</b>        | <b>Previous 12 Month Cycle</b> | <b>Emergency Calls</b> | <b>Nonemergency Calls</b> |
|-------------------------------|--------------------------------|------------------------|---------------------------|
| Acceptance Date<br>07/10/2012 | 7/2011-6/2012                  | 7 minutes              | 12 minutes                |
| Cycle 1                       |                                |                        |                           |
| Cycle 2                       |                                |                        |                           |
| Cycle 3                       |                                |                        |                           |

The response time standards of ten minutes for emergency calls were met and the 25 minutes for nonemergency calls were met on July 11, 2012.

16. **Water and Sewer Categories**—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 this property in water and sewer Category 3, Community System, and will therefore be served by public systems.

17. **Health Department**—The Prince George’s County Health Department has evaluated the proposed preliminary plan of subdivision and has no comments to offer.

18. **Public Utility Easement (PUE)**—In accordance with Sections 24-122(a) and 24-128(b)(12) 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 public utility easement along the public and private rights-of-way as requested by the utility companies.

19. **Archeology**—A Phase I archeological survey is not recommended on the above-referenced 5.04-acre property located at the southwestern intersection of Southern Avenue and Owens Road, where Irvington Street and Maury Avenue intersect in Oxon Hill, 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 show that the site was previously developed and that there has been extensive grading on the subject property. This proposal will not impact any known historic sites, historic resources, or documented properties.

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.

20. **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.

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 Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, December 20, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17<sup>th</sup> day of January 2013.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

PCB:JJ:QN:arj