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Preliminary Plan 4-03105

Application	General Data
Project Name: BELMONT FARM Location: East of Crain Highway, north of Queen Anne Road and south of Central Avenue. Applicant/Address: Ricker Brothers P.O. Box 523 College Park, MD. 20741	Date Accepted: 10/22/03
	Planning Board Action Limit: 03/24/04
	Plan Acreage: 56.70
	Zone: R-A
	Lots: 12
	Parcel: 1
	Planning Area: 74
	Tier: Rural
	Council District: 04
	Municipality: N/A
200-Scale Base Map: 201NE14	

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners: (CB-15-1998) N/A
	Previous Parties of Record: (CB-13-1997) N/A
	Sign(s) Posted on Site: 03/18/04

Staff Recommendation		Staff Reviewer: Whitney Chellis	
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 4-03105
The Belmont Farm Lots 1-12 and Parcel A

OVERVIEW

The property is located on Tax Map 70, Grid E-4, and is known as Parcel 73. The property is approximately 56.70 acres and is zoned R-A. The applicant is proposing to subdivide the property into 12 lots and one parcel for the construction of single-family dwelling units utilizing the varying lot size (VLS) standards as permitted by the Prince George's County Zoning Ordinance. Unlike the provision for the use of lot size averaging, the use of varying lot sizes in the R-A and O-S Zones does not require specific findings for approval, as discussed further in Finding 12 of this report. The property is improved with an existing dwelling that is to be razed. Parcel A is to be conveyed to a homeowners association and is to contain the necessary stormwater management facility.

The applicant original submitted a preliminary plan for 17 lots. The reduction in the number of proposed lots is due to the desire to provide adequate usable yard areas without impacts to potential septic recovery areas and environmental features. The proposed lotting pattern provides a variety of lot sizes and building envelope areas. The property is unique in its configuration with Lot 7 proposed at 20 acres. This lot will contain significant amounts of tree conservation, wetlands and portions of the Nebo Branch stream. This area, as well as other areas of sensitive environmental features, will be placed within a conservation easement at the time of final plat.

Access is provided via US 301. Based on the State Highway Administration's "Final Report US 301 Access Control Study," future access is proposed via a service road connection abutting to the south.

SETTING

The property is located on the east side of US 301 (Crain Highway), north of Queen Anne Road and south of Central Avenue (MD 214). The Queen Anne Bridge Knolls Subdivision is abutting to the southeast, developed with single-family dwellings. To the north and northeast is vacant R-A-zoned land. Approximately 500 feet north is the intersection of Old Central Avenue and US 301.

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-A	R-A
Use(s)	Residential	Residential
Acreage	56.70	56.70
Lots	0	12
Parcels	1	1
Dwelling Units:		
Detached	1	12 (new)

2. **Environmental**—This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the property is greater than 40,000 square feet gross tract area, there are more than 10,000 square feet of existing woodland, and more than 5,000 square feet of woodland clearing is proposed. The woodland conservation threshold for this site is 24.53 acres (50 percent of the net tract) plus additional acres due to clearing above the woodland conservation threshold of 3.68 acres, for a total minimum requirement of 28.21 acres. The TCPI proposes to meet the woodland conservation requirement with 25.80 acres of on-site preservation on private lots and 2.41 acres of off-site mitigation. The Type I TCP is recommended for approval.

The site contains significant natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. These features are shown as natural reserve on the adopted and approved master plan and are delineated as the Patuxent River Primary Management Area (PMA) preservation area as defined in Section 24-101(b) 10 of the Subdivision Regulations. These areas are required to be preserved in perpetuity.

The TCPI has been revised to identify all sensitive environmental features and include an accurate delineation of the Patuxent River PMA. Conceptual grading has been shown so that an assessment can be made that the clearing proposed is the minimum necessary to provide reasonable active rear yard areas and achieve positive drainage. Due to a major redesign of the site, a significant amount of specimen trees will now be preserved. The TCPI has been revised to include a table of specimen trees and their proposed disposition. A lot-by-lot table of woodland conservation has also been provided. The TCPI proposes no clearing in the Patuxent River PMA.

The Howell, Sandy land, Shrewsbury and Westphalia soil series have limitations such as high water tables, impeded drainage, problems with slopes, slow permeability, and stability that could affect the development of this property. Although these limitations may affect the construction phase of this development, there are no apparent limitations that would affect the site design or layout if the PMA were preserved. During the review of building permits, the Department of Environmental Resources may require a soils study addressing the limitations of these soils with respect to the construction of homes.

This property is located in an area with extensive amounts of Marlboro clay, which is known as an unstable, problematic geologic formation. The presence of this formation immediately raises concerns about slope stability and the potential for unsafe land. Based on detailed boring information completed for percolation tests performed on the subject property, the Environmental Planning Section projected that the top elevation of the Marlboro clay varies from an elevation of approximately 110 feet to 125 feet, with the evaluation zone ranging from 125 to 135 feet. A 1.5 slope stability safety factor line has been calculated and is delineated on the preliminary plan. The preliminary plan has been redesigned so that the location of all house sites are now outside of the safety factor line, which meets the Subdivision Ordinance requirements under Section 24-131 on

unsafe lands.

Section 24-131 (a)(1) of the Subdivision Regulations states the following:

“(1) When the county soils and Geological Map indicates that a portion of the land is unsafe, the Board may permit it to be platted as part of a lot in which there is sufficient land to erect a building within the building lines established by the zone in which the property is located, plus an additional twenty-five (25) foot setback between the structure and the unsafe area, which shall be indicated on the final plat with a building restriction line.”

To protect potentially unstable portions of the subject property from future construction and to notify potential purchasers of the presence of Marlboro clay, the final plat should show the 1.5 slope stability safety factor line as shown on the preliminary plan, which should be labeled “1.5 safety factor BRL.” The location of the 1.5 slope stability safety factor line on the final plat should be reviewed and approved by M-NCPPC, Environmental Planning Section, and the Prince George’s County Department of Environmental Resources. The final plan should also contain a note regarding this issue.

Crain Highway (US 301) is master-planned to be upgraded to a freeway. The current traffic volume (2002) is 53,650 vehicles per day. An estimation of the location of the 65 dBA Ldn noise contour was made to determine potential impacts on the proposed residential uses for this site and to evaluate mitigation potential. Using the Environmental Planning Section noise model, the 65 dBA Ldn noise contour will fall approximately 409 feet from the centerline of the master-planned road. The 65 dBA Ldn line has been delineated on the preliminary plan because this is the state maximum noise level.

Outdoor activity areas within the 65 dBA Ldn noise contours should receive mitigation. Lots 1, 2, 3 and 12 have outdoor activity areas that are within the 65 dBA Ldn noise contour. A portion of the dwelling proposed on Lot 12 extends beyond the 65dBA Ldn noise contour.

Prior to the issuance of building permits for any residential units proposed within the 65dBA Ldn noise contour, the permits should be certified by a professional engineer with competency in acoustical analysis that the building shells have been designed to attenuate noise levels to 45 dBA Ldn or less.

Prior to the issuance of permits for Lots 1, 2, 3 and 12, a Phase II noise study shall be prepared for the mitigation of noise levels in the active rear yard (40 feet deep as measured from the rear of the building footprint) of the residential structures to 65 dBA Ldn, and the recommendations of the Phase II noise study should be shown on the permit site plan drawings and the TCPII.

Water and Sewer Categories

The water and sewer service categories are W-6 and S-6 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003.

3. **Community Planning**—The property is located within the limits of the 1991 Bowie-Collington-Mitchelville and vicinity master plan in Planning Area 74. The land use recommendation for the property is “Large Lot” residential. The plan recommends that this community “should be developed under the R-A Zone, further promoting the objective of preserving a permanent low-density residential character in the community while recognizing the need to provide a suitable residential lot size transition between the O-S Zone and more suburban areas to the west of US 301.” One dwelling

per two acres is the standard for the R-A Zone. Proposed lots that are less than two acres in size are offset by the preservation of 19 acres of woodland in the easternmost portion of the site, mostly along a steeply sloped stream valley. This solution maintains landowner equity while preserving a sensitive natural area from development and is in conformance with planning objectives.

The 2002 General Plan locates this property in the Rural Tier. The vision for the Rural Tier is the protection of large amounts of land for woodland wildlife habitat, recreation and agriculture pursuits, and preservation of the rural character and vistas that now exist. The proposed preliminary plan is consistent with the recommendation of the General Plan.

4. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the proposed subdivision is exempt from the requirement of mandatory dedication of parkland because all of the proposed lots are greater than one acre.
5. **Trails**—There are no master plan trail issues associated with this application.
6. **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 at the intersection of US 301 and Queen Anne Road was provided. Therefore, the findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

The site is within the Rural 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) C, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

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 transportation staff is basing its findings on the traffic impacts of the development along this section of US 301. The analyses included link and intersection delay at the site access point. The traffic count was used to determine existing link levels of service along US 301 and the amount of through traffic motorists would face at the site access/egress point.

The existing link level of service along US 301 in the vicinity of the proposed site access road is LOS C during the AM and PM peak hour. This was calculated using the *Highway Capacity Manual* software and includes roadway conditions, number of lanes, truck traffic, and traffic volumes during the AM and PM peak hour on US 301. The guidelines identify the threshold value for highway links as LOS C or better during both peak hours as acceptable.

The transportation staff has reviewed approved development and assumed a three percent annual growth rate for through traffic along US 301. Staff assumed two years of growth along the US 301 corridor. The background link level of service along US 301 in the vicinity of the proposed site

access road remained at LOS C during the AM and PM peak hour.

The site is proposed for development as a residential subdivision of 12 lots. The proposed development would generate 9 AM (2 in, 7 out) and 11 PM (7 in, 4 out) peak-hour vehicle trips as determined using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals” (revised September 2002). The site access road on US 301 is limited to right turns in and right turns out, since US 301 is one-way northbound at this location. The link level of service remained at LOS C during the AM and PM peak hour.

In addition, staff also tested the expected amount of intersection delay at the new intersection of US 301 and the site access road. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. Under total conditions and at the site access road, the amount of expected delay will be less than 30 seconds during the AM peak hour and 28.5 seconds. According to the guidelines, an average vehicle delay below 50.0 seconds is adequate.

Only one access point is proposed to serve the site. The site access road will have a 60-foot right-of-way width, which is acceptable. Turns at US 301 will be limited to right turns in and right turns out. There is no median break along this section of US 301 for left-turn movements. The applicant may be required to provide frontage and/or safety improvements along US 301, if required by the State Highway Administration. The applicant may also be required to provide any necessary acceleration and deceleration lanes at the site entrance if required by SHA.

The proposed development is also affected by future plans for US 301. The “Final Report US 301 Access Control Study,” completed in 1999, contains specific recommendations to protect right of way along the US 301 Corridor. The study has specific recommendations requiring future access to US 301. Temporary access to US 301 will require the approval of the Maryland State Highway Administration. Permanent access should be provided via a stub road to the site as shown in the “The Final Report US 301 Access Control Study.”

Crain Highway (US 301) is listed in the Bowie, Collington, Mitchellville and vicinity master plan (1991) as a six- to eight-lane freeway with a variable right-of-way width of 450 feet. The applicant will be required to dedicate 125-foot right-of-way from the property line. This is shown correctly on the site plan and is acceptable to the State Highway Administration as well. The Final Report US 301 Access Control Study recommends that by 2020 US 301 should be upgraded to a six-lane, fully controlled access highway with service roads. Improvements will be phased in as warranted by travel demands.

Based on the preceding findings, the Transportation Planning Section finds that adequate transportation facilities exist to service the proposed subdivision as required under Section 24-124 of the Prince George’s County Code if the application is approved with conditions.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of 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 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	16 sfd	16 sfd	16 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	3.84	0.96	1.92
Actual Enrollment	5619	4896	9660
Completion Enrollment	276	197	393
Wait Enrollment	202	225	451
Cumulative Enrollment	77.28	54.36	108.72
Total Enrollment	6178.12	5373.32	10614.64
State Rated Capacity	5094	4638	8770
Percent Capacity	121.28	115.85	121.03
Funded School	N/A	N/A	N/A

Source: Prince George's County Planning Department, M-NCPPC, July 2003

These figures are correct on the day this referral memo was written for a proposed 16-lot subdivision. 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 of approval will be the ones that apply to this project if approved and will be adjusted based on the number of lots approved by the Planning Board.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount 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 on 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.

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.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue facilities and concluded the following:
 - a. The existing fire engine service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive has a service travel time of 4.53 minutes, which is within the 5.25-minute travel time guideline.

- b. The existing ambulance service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive has a service travel time of 4.53 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive has a service travel time of 4.53 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service.

The above findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* (1990) and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

- 9. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. The Planning Board’s current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 69 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Belmont Farm development.
- 10. **Health Department**—The property is currently located in water and sewer service Category 6. Therefore, the dwellings will be served by private well and sewer systems. The applicant has obtained tentative approval from the Health Department for the use of private sewer systems. Section 24-104 of the Subdivision Regulations establishes that one of the purposes of the subdivision process is to provide adequate water and sewer facilities. The Health Department is satisfied that the applicant’s proposal will provide adequate water and sewer service to the proposed 12 lots.
- 11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan has been submitted and approved. To ensure that development of this site does not result in on-site or downstream flooding, development must be in accordance with the approved plan.
- 12. **Varying Lot Size**—The applicant is proposing to use varying lot sizes as permitted by the Prince George’s County Zoning Ordinance. Unlike the provision for the use of lot size averaging (R-55, R-80, R-R and R-E Zones), the use of varying lot sizes in the R-A and O-S Zones does not require specific findings for approval. However, the minimum standards outlined in the Zoning Ordinance must be met.

The applicant is proposing to subdivide the property into 12 lots for the construction of single-family dwellings. Section 27-442(b)(Table I) of the Zoning Ordinance sets the minimum standards for varying lot sizes in the R-A Zone as follows:

- a. **The minimum lot size for 60 percent of the lots is two acres,**
Comment: Of the 12 lots proposed, eight meet or exceed two acres, or 60 percent.
- b. **One 1-acre lot is permitted for each 25 acres of tract area,**
Comment: The site is 56.70 acres. Two 1-acre lots are permitted; the applicant has proposed one 1-acre lot.
- c. **All remaining lots must be 50,000 square feet or 1.14 acres,**
Comment: The remaining three lots meet or exceed 1.14 acres.
- d. **All lots created shall be restricted to single-family dwellings or agricultural uses, and**
Comment: The lots are proposed for the construction of single-family dwelling units.
- e. **No portion of the subdivided tract shall be resubdivided unless under certain circumstance.**
Comment: A new preliminary plan of subdivision would be required to divide the property further ensuring conformance to this condition.

The applicant's proposal conforms to varying lot size standards.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. To note the SWM approval number and approval date.
 - b. To note no direct access from any of the proposed lots to US 301.
 - c. To relabel the "tail" of Lot 7 as part of Lot 7, not part of Lot 12.
 - d. To note that alternative future access for the subdivision will be provided in the form of a service road or stub road connect to Queen Marie Court as shown in "The Final Report US 301 Access Control Study" (1999) as an alternative to direct access to MD301 for this development.
 - e. To delineate possible future entrance feature easements on Lots 1 and 12.
2. Prior to the issuance of permits a Type II Tree Conservation Plan shall be approved.
3. The final plat should note that alternative future access for the subdivision will be provided in the form of a service road or stub road connect to Queen Marie Court as shown in "The Final Report US 301 Access Control Study" (1999) as an alternative to direct access to MD301 for this development.
4. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan #33275-2003-00.
5. The final plat shall indicate denied access from lots fronting on US 301.

6. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 5.27± acres of open space land (Parcel A). Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, 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.
 - 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 an 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.
7. Prior to building permits, the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
8. At the time of final plat approval, the applicant shall dedicate a right-of-way along US 301 of 125 feet from the existing property line as provided on the preliminary plan, approximately 5.11 acres
9. The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/65/03), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

10. At time of final plat, the area that includes the delineated Patuxent Primary Management Area shall be described by bearings and distances and shall be placed in a conservation easement. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

11. To protect potentially unstable portions of the subject property from future construction, and to notify potential purchasers of the presence of Marlboro clay, the final plat shall show the 1.5 slope stability safety factor line as shown on the preliminary plan, which shall be labeled “1.5 Safety Factor BRL.” The location of the 1.5 slope stability safety factor line on the final plat shall be reviewed and approved by M-NCPPC Environmental Planning Section and the Prince George’s County Department of Environmental Resources. The final plat shall contain the following note:

“The 1.5 safety factor building restriction line as shown on this plat identifies unsafe lands as defined in Section 24-131 of the Subdivision Ordinance. No part of a principal structure may be permitted to encroach beyond the 1.5 safety factor BRL. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC.”

12. Prior to the issuance of building permits for any residential units proposed within the 65dBA Ldn noise contour, the permits shall be certified by a professional engineer with competency in acoustical analysis that the building shells have been designed to attenuate noise levels to 45 dBA Ldn or less.
13. Prior to the issuance of permits for Lots 1, 2, 3 and 12, a Phase II noise study shall be prepared for the mitigation of noise levels in the active rear yard (40 feet deep as measured from the rear of the building footprint) of the residential structures to 65 dBA Ldn, and the recommendations of the Phase II noise study shall be shown on the permit site plan drawings and the TCPII.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN TCPI/65/03.