

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision Plat4-00027
Bowling Heights, Lot 1

OVERVIEW

The subject property consists of 28.79 acres in the R-A Zone. It is found on Tax Map 85 and 93, Grids C-4 and C-1 respectively. The property is identified as part of Lot 3, originally recorded in Plat Book RNR 2@89. The site is currently vacant. The applicant is requesting that the portion of this property located within the right-of-way of US 301 be placed in reservation. The applicant filed this preliminary plat application to ascertain, in part, the extent of right-of-way reservation and/or dedication that may be requested by the appropriate state agency.

Staff was initially informed that development on the site would be limited to a single family residential unit. However, the applicant has since suggested that other types of uses that could be obtained via the special exception process might be desired. It is the applicants opinion that once the area of reservation is identified, through the preliminary plat process, the applicant can then determine the highest and best use of the subject property.

As indicated the property is affected by major planned transportation facilities. The transportation recommendations in the 1993 *Subregion VI Area Master Plan* and the State Highway Administration 1997 *US 301 South Corridor Study* include a recommendation that existing US 301 be upgraded to a freeway facility, F-10, with a service road, A-61, built to arterial standards in the area of the subject property. The subject sites is affected by the A-61 service road alignment. The applicant filed this application in part with the purpose of requesting reservation for that portion of the site. Through this application a determination will be made as to what portion of this property will be placed in reservation.

Properties placed in reservation for possible acquisition by a governing jurisdiction are reserved from development for a period of up to three years. The applicant is aware of the alignment issues along the properties road frontage and wishes to begin the reservation period if reservation is determined appropriate. A full discussion of the reservation issue is found in the Transportation Section (Finding 6) of this report. However, the staff recommendation does not include a condition for reservation. Before land may be placed in reservation, Section 24-139(b) of the Subdivision Regulations requires a recommendation from the governing jurisdiction, including **a map showing the boundaries and area of the parcel to be reserved, and an estimate of the time required to complete the acquisition.** This estimate of the time required to complete the acquisition is required to provide the applicant and Planning Board a reasonable expectation that the property will indeed be acquired, notwithstanding some unforeseen event.

Staff of the Transportation Planning Section and the Subdivision Section met with the State Highway Administration (SHA) on September 28, 2000, in the US 301 Corridor Preservation Team meeting. In that meeting staff was advised that SHA was recommending a portion of the subject site be placed in reservation and a portion dedicated for the construction of A-61. Staff was directed by SHA to prepare Staff Exhibit A, in accordance with the results of that September 28, 2000, Corridor Preservation meeting. Staff Exhibit A,

delineates SHA's recommendation for areas of reservation and dedication, as discussed in the Transportation Section of this report. However, two previous referrals received on June 8 and June 28, 2000, from SHA do not request reservation and hence do not provide an estimate of the time required to complete the acquisition. Therefore, the record has not been updated to provide a formal recommendation for reservation in accordance with the US 301 Corridor Preservation Team recommendations or to provide documented assurance that the property will be acquired. Therefore, the reservation request does not meet the minimum standards for approval.

At the time that this staff report must be released, no formal acquisition request or assurance have been received from the State Highway Administration, and the record is therefore void of evidence required by Section 24-139(b) of the Subdivision Regulations. However, if the SHA provides such assurance in writing, either before or during the hearing, the staff recommendation will change to include a reservation condition.

SETTING

The property is located on the west side US 301, 200 feet north of Village Drive West. The subject property surrounds the Maryland State Weighing Station along the stations north, west and south property lines. The subject property is unusually shaped and has approximately 763.19 linear feet of frontage to the north of the weigh station and 504.47 linear feet of frontage to the south of the weigh station, for a total of 1,267.66 feet of frontage along A-61 the service road for US 301.

North of the subject property is the Forest Hills Motel, a certified non-conforming use. To the west is the subdivision of Beech Tree, to the south is a gas station and the Tall Cedars Motel, a certified non-conforming use. East of the subject property across US 301 is the subdivision of Marlboro Meadows.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Environmental - The property is subject to the provisions of the Woodland Conservation Ordinance because the site is more than 40,000 square feet and contains more than 10,000 square feet of woodland. A Tree Conservation Plan is required to satisfy the requirements of the Woodland Conservation Ordinances. A Tree Conservation Plan, was submitted by the applicant. The plan proposes on-site tree conservation of 11.25 acres to meet the minimum requirements of the Woodland Conservation Ordinance. Staff recommends approval of TCP I/19/00.

There are wetlands, streams, and floodplain on this site, but no impacts are proposed. The soils pose no special problems for development. There are noise impacts associated with this property if developed with a residential use. A residential use should be discouraged. There are no designated Historic or Scenic roads associated with this proposal.

The property is in Water and Sewer Category 6 and will be served by private systems.

2. Variation - Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways. This Section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway.

The subject property has frontage on and proposes direct vehicular access via the Crain Highway US 301 service road identified as A-61 in the master plan. The service road is to be built to aerial roadway standards and would therefore require the applicant to obtain approval of a variation from Section 24-121(a)(3) of the Subdivision Regulations.

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variations requests. Staff supports the variation to allow access to a proposed arterial in this case and makes the following findings:

A. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.** One of the purposes of limiting access to an arterial is to enhance the public safety, health and welfare. In this case the State Highway Administration (SHA) has proposed A-61 to serve local traffic along US 301 without necessitating the need to access the freeway. The purposes of the service road is to provide an efficient roadway system to move local traffic that promotes the health, safety and welfare of motorists. To allow access to A-61 will not be detrimental to the public.

B. **The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.**

The subject property has frontage on and proposes direct vehicular access via the A-61 right-of-way to the east. The subject property is irregular in shaped and is zoned R-A, surrounded entirely by R-S zoned property. To the west is the comprehensive design zone golf course community known as Beech Tree.

The Beech Tree approved development plans contain homeowners open space between 5 feet and 25 feet-wide abutting this site, with no stub streets or possible future points of vehicular access for this property through the Beech Tree development. The homeowners associated land makes access through Beech Tree unlikely for use by future development on this site. The properties to the north and south are primarily developed. These existing conditions are unique and are not generally shared by other properties.

C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** This will not result in a violation of other applicable laws, ordinances or regulations.

D. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.**

The applicant would suffer a particular hardship if the strict letter of the regulations is followed. The subject property is very unusual in shape with the greatest width of

the property along A-61. The property peaks along its west property line with the most developable portion of the property fronting A-61.

The A-61 service road provides the only street frontage to the site. The purpose of the service road is to provide access for properties that currently front on US 301, such as the subject site. However, because the service road is being constructed to an arterial standard to adequately serve local through traffic, the applicant could be prohibited from using it. To deny the applicant access via the existing frontage would essentially render this property undevelopable and could constitute a disproportionate imposition of the regulation on this owner.

3. Community Planning - The subject property is within the 1993 *Subregion VI Area Master Plan*, Planning Area 79. The master plan recommendation for land use proposes this property for urban residential use, which is part of a larger area extending to the west and south as part of the proposed Villages of Belmont, a.k.a. Beech Tree development.

No other master plan issues arise in the consideration of this application.

4. Parks and Recreation - In accordance with Section 24-134(a)(3)(B) the subject site is exempt from the requirements of mandatory dedication because the lot being created is in a one-family zone and has a net lot area greater than one acre.
5. Trails - There are no master plan trail issues associated with the application.
6. Transportation - No traffic study was requested of the applicant nor was one submitted for review. 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*.

Staff was initially informed that development on the site would be limited to a single family residential unit. However, the applicant has since suggested that other types of uses that could be obtained via the special exception process might be desired. For uses which generate 50 trips or more in any peak hour, the Planning Board requires that a traffic study be done. In the case of the subject property, the staff believes that a use exceeding 50 trips should be further studied to determine the adequacy of access and to ensure that off-site impacts are properly evaluated as established in Subtitle 24, prior to approval. Previous cases in the area which have provided a great deal of transportation background information have significantly simplified the level of analysis necessary for this site, for uses up to 50 vehicle trips.

Capping the subject property at 50 AM and 50 PM peak hour vehicle trips would allow a variety of residential and non-residential uses to occur without a need for a revised preliminary plat of subdivision. Some of the uses suggested by the applicant, such as a miniature golf course or a driving range, would be able to occur within that cap. A small health club or recreational facility could be constructed within the cap, although more typically-sized facilities would likely require a new subdivision.

The majority of vehicle trips generated by the subject property would utilize the link of US 301 between MD 725 and MD 214. This highway link and each intersection along this link would operate unacceptably when considering future traffic, including future traffic generated by other approved developments in the area. Recent analyses conducted by the transportation staff include those for A-6965 (the Basic Plan for Collington South), A-9284 (the Basic Plan for Collington Corporate Center) and CDP-9706 (the Comprehensive Design Plan for Beech Tree), along with their succeeding approvals,

The current County CIP proposes a project to improve US 301 between MD 214 and MD 725. This project would involve adding an additional through lane northbound and southbound along US 301. It would also involve considerable improvements to the intersections along the highway. These improvements to US 301 are fully funded for construction in the current CIP. However, the CIP also notes that ■Other■ funding will come from developer contributions and the State of Maryland. ■Other■ funding makes up 100 percent of construction costs. More precisely, the project description in the CIP states that State funding and developer contributions would be the source of funding. Of the \$24,000,000 cost of the project (2nd quarter 1989 costs), the Department of Public Works and Transportation (DPW&T) estimates that developers will be required to provide \$2,500,000 toward the final cost, with the State to fund the remainder.

Of the \$711,355.69 in costs which have not been allocated to date, the subject application's share would be calculated as $\$711,355.69 \times 4.23\% = \$30,090$ (where 4.23% equals the number of AM plus PM peak hour trips generated by the application, 100, divided by the total number of peak hour trips generated by other approved developments, 2366). The pro-rata amount would be \$300.90 per vehicle trip, adding AM plus PM vehicle trips. Since the cost estimate used for this project was based on second quarter 1989 data, the actual amount payable to Prince George's County would be inflated to account for the effects of inflation. With the improvements to be funded by this pro-rata payment in place, the requirement of adequate transportation facilities set forth in Subtitle 24 would be met.

The transportation recommendations in the *Subregion VI Master Plan* include a recommendation that existing US 301 be upgraded to a freeway facility, F-10. Areas adjacent to US 301 are proposed to receive access via a parallel arterial facility which is designated as A-61. In the area of the subject property A-61 is the more westerly facility, and F-10 is more easterly. This is in accordance with the Master Plan as well as the State Highway Administration's *US 301 Access Control Study*, dated March 1999.

In response to an initial request by the applicant, the transportation staff referred the plan for potential reservation to the County Department of Public Works and Transportation (DPW&T), the County Executive, the County Council and the State Highway Administration (SHA). The SHA requested that the required right-of-way for A-61/F-10 be dedicated (comments attached - there is no response on file from the DPW&T). This request reflected the SHA's view that the property would get primary access from A-61, and that dedication would be appropriate in this circumstance.

Approximately six months ago an interagency Corridor Preservation Team was formed. This team is comprised of Development Review Division and Transportation Planning Section staff, as well as staff from the DPW&T and the SHA. The purpose of the team is to review specific cases of potential reservation and to make appropriate recommendations to

the Planning Board. The Planning Board received a briefing on the Corridor Preservation Team on May 18, 2000.

The Corridor Preservation Team met concerning the subject application on September 28, 2000. A number of options including full reservation, partial reservation/dedication and full dedication were discussed. The subject property fronts on an arterial that will be used for primary access in the future, therefore the team members deemed it necessary to request some amount of dedication. Because the right-of-way impact of the A-61/F-10 facilities along the frontage of the property ranges from 60 feet to over 200 feet, the team determined that a rational nexus did not exist to require dedication of the entire right-of-way. Typically in cases where an arterial facility is required along the frontage of a property, a dedication of 60 feet, or one-half of the future right-of-way requirement, is normally sought. The Corridor Preservation Team recommended that the subject plan be revised to show the following:

1. Dedication along the existing US 301 frontage of 60 feet.
2. Reservation of the property between the dedicated right-of-way and the line indicated by the SHA for the future A-61/F-10 right-of-way.

The SHA indicated that the purchase of the reserved portion could be completed within three years, and that they would begin an internal review as well as discussions with the property owner once the reservation is established. The SHA also directed Subdivision Section staff to prepare a map showing the recommended areas of dedication and reservation. This map has been completed, reviewed by the SHA, and attached. The team unanimously voted to make these findings a part of the staff recommendation to the Planning Board.

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

7. Schools - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised July 2000) (CR-4-1998) concluded the following:

If the above subdivision is developed with a commercial use it will be exempt from an adequate public facilities test for schools. However, if the above subdivision is developed with a residential use, the following APF test for schools would apply.

Finding

Projected Impact on Affected Public Schools

Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5- Year Enrollment	Adjusted Enrollment	Total Projected Enrollment	State Rated Capacity	Percentage of Capacity
Patuxent Elementary School	1 SFD	0.22	0.22	798	0	798.22	516	154.69%

James Madison Middle school	1 SFD	0.08	0.08	817	0	817.08	864	94.57%
Frederick Douglass High School	1 SFD	0.13	0.13	1777	0	1777.13	1200	148.09%

Source: Prince George's County Planning Department, M-NCPPC, January 2000

Since the affected Patuxent Elementary and Frederick Douglass High Schools projected percentage of capacities are greater than 105 percent, the Adequate Public Facilities fee is \$3,280.00 per dwelling unit. The amount of the Adequate Public Facilities fee for schools shall be offset by the School Facilities Surcharge. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines.

Section 24-122.02(a)(4) states that if any affected schools projected percentage of capacity exceeds 130 percent no permits may be issued until (a) capacity exists below 130 percent in all affected schools; or (b) four (4) years have elapsed since the time of the approval of the preliminary plan of subdivision

8. Fire and Rescue - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of fire and rescue facilities in accordance with Section 24-122.01 of the Subdivision Regulations and concludes the following.
 - a. The existing fire engine service at Marlboro Fire Station, Company 20 located at 14815 Pratt Street has a service response time of 4.51 minutes, which is beyond the 3.25 minutes response time guideline.
 - b. The existing ambulance service at , Marlboro Fire Station, Company 20 located at 14815 Pratt Street has a service response time of 4.51 minutes, which is beyond the 4.25 minutes response time guideline.
 - c. The existing paramedic service at Marlboro Fire Station, Company 20 located at 14815 Pratt Street has a service response time of 4.51 minutes, which is within the 7.25 minutes response time guideline.
 - d. The existing ladder truck service at Marlboro Fire Station, Company 45 located at 7710 Croom Road has a service response time of 8.89 minutes, which is beyond the 4.25 minutes response time guideline.

Ambulance service is beyond response time standards and the provision of sprinklers does not effectively mitigate this inadequacy. To mitigate this inadequacy for the adjoining Beech Tree development the Planning Board required a fair share fee towards the construction of the Leeland Road Fire station (PGCPB Resolution 98-311, Condition 15, File 4-98063). Therefore, staff recommends that this applicant provide a fair share fee towards the provision of this service. The service area includes those areas that are not being served within the minimum response time standards. Once the Leeland

Road Station is operational these defined areas will be within the response time guideline standard. The pro-rata fee amount should be based upon the construction cost of the station (\$3,000,000) and the purchase price of the ambulance (\$132,000) divided by the total amount of population and employees within the service area at buildout.

It is recommended that the applicant provide a combined fee of \$83.00 (in October 2000 dollars) for each resident or employee proposed prior to the issuance of building permits for construction of the station and purchase of an ambulance. Staff shall determine the exact amount of the fee, including an appropriate inflation factor at the time of application for building permit. The inflation factor for the station will be based on the Engineering News Record Cost Index (ENRI), the inflation factor for the ambulance will be based on the Consumer Price Index (CPI). This fee shall go towards the provision of the proposed Leeland Road station which will include the required ambulance service.

In addition, to alleviate the negative impact on fire and rescue services, the Fire Department recommends that all commercial structures be fully sprinkled in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County Laws. The above findings are in conformance with the *Adopted and 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. In accordance with Section 24-122.01 of the Subdivision Regulations, the staff concludes that the existing County's police facilities will be adequate to serve the proposed Bowling Heights development. This police facility will adequately serve the population generated by the proposed subdivision.
10. Health Department - The original referral dated June 9, 2000, from the Health Department identified several concerns. However, the Health Department has advised this office that since the original referral staff has conducted a site visit and performed percolation tests. Approved percolation sites have been identified on site by the Health Department. The preliminary plan should be revised to accurately locate the approved test sites.
11. Stormwater Management - A Stormwater Management Concept Plan, # 008006640, has been approved to ensure that development of this site does not result in on-site or downstream flooding. A separate concept approval will be required for future development on site. Development must be in accordance with the approved plan.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to the issuance of a building permits for a residential use, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee of \$3,280.00 per dwelling unit for the elementary and high schools, unless fully offset by a school facility surcharge payment. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines. This adequate public facilities fee would be placed in an

account to relieve overcrowding at Patuxent Elementary and Frederick Douglass High Schools.

2. No permits shall be issued for a residential use for this subdivision until the projected percentage of capacities at all the affected schools are less than or equal to 130 percent or four years have elapsed since date of the adoption of the resolution of the approval of this preliminary plat of subdivision.
3. Prior to signiture approval, the preliminary plat shall be revised:
 - a. To include a note that the property is to be served by private water and sewer systems.
 - b. To include a note providing the approved stormwater management concept plan number.
 - c. To revise the net tract area to reflect the approved plan.
 - d. To locate the approved percolation test sites.
4. Development of this property shall be in conformance with the approved Stormwater Concept Plan, Concept #008006640.
5. Prior to the issuance of building permits the applicant, his heirs, successors and/or assigns shall pay a fee of \$83.00 (October 2000 dollars) for each resident or employee to Prince George's County. The fee shall serve as the fair share contribution towards the provision of a fire station and an ambulance. Staff shall determine the exact amount of the fee, including an appropriate inflation factor at the time of application for building permit. Proof of payment shall be submitted to the Subdivision Section prior to approval of building permits.
6. The applicant, his heirs, successors, and/or assigns, shall dedicate 60 feet from the existing eastern property line along existing US 301 to accommodate the future A-61 right-of-way. This dedication shall occur at the time of final plat.
7. At the time of building permit, the applicant shall pay to Prince George's County the following share of costs for improvements to US 301 between MD 725 and MD 214:

A fee calculated as $\$30,090.00 \times (\text{Engineering News-Record Highway Construction Cost Index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for 2nd quarter, 1989})$.

The total payment shall be pro-rated at the time of the building permit at a rate of \$300.90 per vehicle trip generated, with vehicle trips generated determined by adding AM plus PM vehicle trips generated.
8. Total development within the subject property shall be limited to uses allowed in the R-A Zone, permitted either by right or by Special Exception, which generate no more than 50 AM and 50 PM peak hour vehicle trips. Any development greater than that identified herein

above shall require a new preliminary plat of subdivision with a new determination of the adequacy of transportation facilities.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/19/00 AND A VARIATION TO SECTION 24-121(a)(3)