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Preliminary Plan 4-04098

Application	General Data
Project Name: CLAGGETT PROPERTY Location: East of Crain Highway, north on Claggett Landing Road. Applicant/Address: PDC Land Development, LLC. 10451 Twin Rivers, Suite #240 Columbia, MD. 21044	Date Accepted: 05/19/04
	Planning Board Action Limit: 11/07/04
	Plan Acreage: 4.88
	Zone: R-A
	Lots: 2
	Election District: 03
	Planning Area: 74B
	Tier: Rural
	Council District: 06
	Municipality: N/A
	200-Scale Base Map: 202SE15

Purpose of Application		Notice Dates	
RESIDENTIAL SUBDIVISION		Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003)	04/12/04
		Sign(s) Posted on Site:	06/22/04
Staff Recommendation		Staff Reviewer: Del Balzo/Lockard	
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 4-04098
Claggett Property, Lots 1 and 2

OVERVIEW

The subject property consists of approximately 4.88 acres of land in the R-A Zone. It is undeveloped and nearly completely cleared; it has been farmed extensively. The applicant proposes to subdivide the property in half, creating two lots for development with single-family detached homes. Private well and septic systems are proposed.

SETTING

The property is located on the north side of Claggett Landing Road approximately 750 feet west of Heritage Hills Drive. It is surrounded by single-family homes on large parcels in the R-A Zone.

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	Agriculture	Single-family homes
Acreage	4.88	4.88
Lots	0	1
Outparcels	0	1
Parcels	1	0
Detached Dwelling Units	0	1

2. **Health Department**—The Health Department reviewed the application and offered the following comments:

“The Environmental Engineering Program has reviewed the revised (marked as June 21, 2004, on the plan) preliminary plan of subdivision for Claggett Property, which is in response to this office’s comments contained in our memo dated June 4, 2004, and has the following comments to offer:

“The recovery area for Lot 1 still needs to be adjusted to include no area lower in elevation than the location of its associated water table, labeled WT 1-2. However, once this adjustment is made, the total available useable area is still less than the minimal requirement of 10,000 square feet. The revised recovery area for Lot 2 contains a slight amount of

space in excess of the minimal but not enough to cover the deficit existing on Lot 1, even if the two sets of perk tests were both “shallow” in character, which they are not.

“One recommendation offered would be to attempt “shallow” perk testing on Lot 2, most likely, at or above contour 126 (the contour on which WT 1-2 is located) to gain proven square footage to add to the recovery area of Lot 1. There is area at or above this contour on the rear, in the mid-section, and toward the front of Lot 2. Testing would need to be conducted in the ‘wet season,’ i.e., February through April.”

Subsequent testing has not resolved the inadequacy. On October 15, 2004, the applicant submitted a revised plan showing Lot 1 as “Outparcel A,” presumably saving it for future development if and when favorable tests can be obtained. Staff does not support the creation of outlots or outparcels due to failing perk tests. If Lot 1 cannot be shown to support an adequate sewage recovery area, it must be incorporated into the remaining lot, resulting in a one-lot subdivision. Of course, this will place the applicant in no better position than it is currently in. If the applicant believes it can create an additional lot on the property, it has two choices: either withdraw this application and resubmit when favorable tests are obtained, or take the one-lot subdivision and submit a future subdivision for a lot-split. Either choice will result in the need for another application.

3. **Environmental**—The site contains less than 10,000 square feet of woodlands and is now being farmed. There are no streams, wetlands, or 100-year floodplains and their associated buffers on the property. The soils found on this property include Adelphia, Collington, Sandy land, and Westphalia. Some of these soils have limitations with respect to impeded drainage or seasonally high water tables. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this lot. No adverse noise impacts from transportation are anticipated related to this proposal. The property is located in the Patuxent River watershed and is located in the Rural Tier as reflected in the adopted General Plan and in the Patuxent Rural Legacy Area. Marlboro clay is known to occur in the vicinity of this property and may impact the location of structures on this property.

Woodland Preservation

A modified forest stand delineation (FSD) was submitted with this application. The map and text provided all necessary information to support a determination that there are less than 10,000 square feet of existing woodlands on the subject property.

This property is not subject to the provisions of the Prince George’s County Woodland Conservation Ordinance although the area of the property is greater than 40,000 square feet, because the area of existing woodland is less than 10,000 square feet and there are no previously approved tree conservation plans. A letter of exemption from the Woodland Conservation Ordinance should be obtained from the Environmental Planning Section prior to submittal of grading permits.

Streams, Wetlands and Floodplain

The site contains no significant natural features that are required to be protected under Sec. 24-129 and/or 130 of the Subdivision Ordinance.

Marlboro Clay

Marlboro clay is known to occur in the vicinity of the subject property at an estimated elevation of 95 to 110 feet, with an evaluation zone of 110 to 120 feet. Due to the gentle slopes on this site, it is not anticipated that slope failure will be a problem, but the Marlboro clay may affect the location of structures and/or septic fields. The Department of Environmental Resources and/or the Health Department will provide further review of the issues related to construction on Marlboro clay.

Water and Sewer Categories

The water and sewer Categories are W-6 and S-6 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The property will be served by private systems.

4. **Community Planning**—The property is in Planning Area 74B/Community X. It is in the Rural Tier as described by the 2002 General Plan. The vision for the Rural Tier is 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 Rural Tier also allows for large lot residential development. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Rural Tier.

The Approved Master Plan and Adopted Sectional Map Amendment (SMA) for Bowie–Collington–Mitchellville and Vicinity, Planning Areas 71A, 71B, 74A and 74B (1991) recommends large-lot residential land use at a density of up to 0.5 dwelling units per acre. The Bowie–Collington–Mitchellville and Vicinity sectional map amendment retained the R-A Zone. The proposed subdivision conforms to the Bowie–Collington–Mitchellville and Vicinity master plan land use recommendation for large-lot residential development.

5. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the preliminary plan is exempt from the requirements of mandatory park dedication because all lots are proposed to be greater than one acre in size.
6. **Trails**—There are no master plan trails issues identified in the adopted and approved Bowie–Collington–Mitchellville and Vicinity master plan. However, work done through the recently completed Central Patuxent Area Special Study indicated the desire to accommodate cyclists and pedestrians along area roads through paved shoulders. The subject application has a relatively short amount of road frontage along Claggett Landing Road (approximately 240 feet). However, if road frontage improvements are required, staff recommends the provision of a paved shoulder along the subject site’s frontage of Claggett Landing Road. While retaining the area’s rural character, these shoulders would serve to accommodate on-road cyclists and pedestrians. This is consistent with recommendations made for other recently submitted subdivisions along Claggett Landing Road.
7. **Transportation**—The proposed subdivision is not large enough to warrant a traffic study. There is data in the area that has been provided in support of several larger applications on both the east and west sides of US 301. 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*.

Growth Policy—Service Level Standards

The subject property is located 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 1,300 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.

Staff Analysis of Traffic Impacts

Through the review of past cases, including preliminary plans for Beech Tree, the Planning Board has found that nearby intersections along US 301 operate unacceptably when considering growth and approved development with existing traffic. In response to the issues of adequacy, the Planning Board has allowed developments to pay a pro-rata share toward improvements along US 301 between MD 214 and MD 725. These improvements, as described in an item included in the county CIP, include a general roadway widening of one additional through lane northbound and southbound over that distance plus intersection improvements at key intersections along the link. Funding by developers has been based on a payment of \$2.5 million toward the \$24 million required to complete the improvements.

However, the improvements described in the CIP only provide LOS D at signalized intersections along this link of US 301. As noted under the service level standards described above, properties within the Rural Tier that affect intersections along US 301 must demonstrate LOS C. While the county CIP project is certainly still valid for properties to the west of US 301 (which are in the Developing Tier), properties on the east side of US 301 (except for Marlboro Meadows) are subject to a different standard. This dual standard is fully consistent with the intent of the Prince George's County General Plan, which assigns "minimum priority to public sector capital improvements in or for the Rural Tier," and further states as a policy that "public funds should not encourage further development in the Rural Tier."

Staff has, therefore, reviewed recent traffic data at intersections to the north and south of the subject site. The following conditions exist at the critical intersections.

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 301/Trade Zone Avenue	1,248	1,425	C	D
US 301/Leeland Road	1,198	1,268	C	C

The list of nearby developments is long, and it includes several million square feet of industrial space on approved lots, along with more than 2,000 approved residences. Given the assumptions

of approved development, growth, and the CIP project, the following background traffic conditions were determined:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 301/Trade Zone Avenue	1,286	1,396	C	D
US 301/Leeland Road	1,377	1,304	D	D

The application is a plan for a residential subdivision consisting of two single-family detached residences. The proposed development would generate 2 AM (0 in, 2 out) and 2 PM (2 in, 0 out) peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site was analyzed using the following trip distribution:

- US 301 from the north: 65%
- US 301 from the south: 35%

With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 301/Trade Zone Avenue	1,286	1,396	C	D
US 301/Leeland Road	1,377	1,304	D	D

Staff has identified that one additional northbound and southbound through lane would be needed in order to provide LOS C at intersections along the link of US 301 between MD 214 and MD 725. With additional through lanes in place, the following service levels are estimated:

TOTAL TRAFFIC CONDITIONS WITH "LOS C" IMPROVEMENTS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 301/Trade Zone Avenue	1,058	1,139	B	B
US 301/Leeland Road	1,137	1,152	B	C

The staff's analysis has identified that two additional northbound and southbound through lanes along US 301 would serve to provide LOS C at key signalized intersections within the corridor, and this finding was made by the Planning Board during hearings for Marshall's Landing (4-03131) and Cadeaux de ma Mere (4-03134). The basic CIP improvement, which provides LOS D in the corridor and involves one additional northbound and southbound through lane, has a cost of \$24 million, of which a portion is being paid through pro-rata shares by developers, according to the description given for the CIP item. The additional northbound and southbound through lanes—which are not funded as part of the CIP and are needed to provide LOS C at nearby intersections in the US 301 corridor—have an additional estimated cost of \$13.7 million in 1989 dollars.

It should be noted that due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. The site generates 2 AM and 2 PM peak-hour trips, and the definition of de minimus in the guidelines indicates that the

site is eligible because this application is “a development which generates 5 or fewer peak hour trips.” Nonetheless, the use of a de minimus finding is purely discretionary, and given the Planning Board’s action regarding the two recent cases referenced above, it is recommended that the same condition as recommended for the other cases be recommended for the subject case as well.

Transportation Issue Conclusions

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 with a condition requiring the necessary improvements.

8. **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.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	2 sfd	2 sfd	2 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.48	0.12	0.24
Actual Enrollment	6141	5131	10098
Completion Enrollment	198.24	217.62	398.97
Cumulative Enrollment	167.76	125.16	250.32
Total Enrollment	6507.48	5473.90	10747.53
State Rated Capacity	5858	4688	8770
Percent Capacity	111.09	116.76	122.55

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

These figures were correct on the day the referral memorandum was written. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers that will be used in the resolution will be the ones that will apply to this project.

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 an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

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. 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.

9. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
- a. The existing fire engine at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive, has a service travel time of 4.77 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance at Bowie Fire Station, Company 43, has a service travel time of 4.77 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic at Bowie Fire Station, Company 43, has a service travel time of 4.77 minutes, which is within the 7.25-minute travel time.

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

10. **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 January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
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, # 11242-2004-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. This plan incorporates the low impact development technique. The approval is valid through April 12, 2007. Development must be in accordance with this approved plan, or any revisions thereto.
12. **Cemeteries**—There are no known cemeteries on or adjoining the subject property. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.

The subject property adjoins a small part (106 feet of the boundary) of the 4.6-acre environmental setting of Goodwood, Historic Site 74B-14. The historic house stands at the top of the highest point in the surrounding landscape; the house is surrounded by mature woodlands. Goodwood is a two-story brick Federal-style house; it is the west wing and only surviving section of a three-part mansion. This wing was constructed circa 1799 as a dwelling, and circa 1830 it became part of a much larger house when a three-story central block and a balancing easterly two-story wing were added. It was the home of George Calvert and later of his daughter at the time of her marriage to Charles H. Carter. A fire in 1934 destroyed the central block and the east wing, leaving only the original west wing, which we know today as Goodwood. A modern L-wing was added to the historic section in the 1990s.

In 2002 the Historic Preservation Commission reviewed Preliminary Plan of Subdivision 4-01084 (Claggett Landing Estates), 37.39 acres on which was Goodwood was located. At its meeting on February 19, 2002, the Historic Preservation Commission considered and approved the request of

the applicant for the determination of a 4.6-acre environmental setting, all of proposed Lot 11 of the Claggett Landing Estates subdivision. (The subdivision plan for Claggett Landing Estates was subsequently withdrawn.)

The *Prince George's County Landscape Manual* requires that a 40-foot tree buffer be retained or planted on the developing property wherever it adjoins a historic site. The applicant should plant a 40-foot-wide, D bufferyard along the 120-foot northwest boundary of the developing property where it adjoins the historic site.

Goodwood was part of a large plantation owned by George Calvert at the end of the eighteenth century. In 1836, Calvert deeded the 728-acre Goodwood plantation (including the very large three-part house) to his daughter, Rosalie Calvert Carter. The plantation comprised all of the surrounding acreage, including the 4.88-acre subject property.

The development of the subject property will have minimal effect on the Goodwood Historic Site. However, because the historic house is located on high ground, potentially overlooking the area to be developed, the applicant should provide sight lines/section drawings indicating the view from the historic site to the proposed houses on Lots 1 and 2 of the developing subdivision.

Because the subject property was part of the Goodwood plantation, it should be investigated before development to be sure that any evidence of slave quarters or burials, or of Native American occupation, is documented and possibly preserved.

13. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement parallel and contiguous to all public rights-of-way. The easement will be shown on the final plat.
14. **Access to Adjoining Properties**—A neighboring property owner met with staff and raised an issue regarding access to the properties to the rear of this parcel. Any future consideration of approval of a subdivision on this parcel may need to include an analysis of this information.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Outlot A shall be absorbed into Lot 2, creating a one-lot subdivision.
2. A letter of exemption from the Woodland Conservation Ordinance shall be obtained from the Environmental Planning Section prior to submittal of grading permits.
3. Development shall be in accordance with approved Stormwater Management Concept Plan #11242-2004-00, or any revisions thereto.
4. The applicant shall provide a paved shoulder along the site frontage of Claggett Landing Road, unless modified by DPW & T.
5. Prior to signature approval of the preliminary plan, the applicant shall determine the extent of the land that should be the subject of a Phase I archeological investigation with the concurrence of the Development Review Division (DRD). The applicant shall complete and submit a Phase I investigation (including research into the property's history and archeological literature) for those lands determined to be subject. Prior to approval of the final plats, the applicant shall submit

Phase II and Phase III investigations as determined by DRD staff as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.