



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Preliminary Plan 4-06069

Application	General Data
<b>Project Name:</b> <b>BELLE OAK ESTATES</b>  <b>Location:</b> South of Livingston Road, west of Bealle Hill Road, east on Manning Road and north on Berry Road.  <b>Applicant/Address:</b> Chesapeake Custom Homes 6196 Oxon Hill Road, Suite 340 Oxon Hill, Maryland 20745	Date Accepted: 07/10/06
	Planning Board Action Limit: 01/12/07
	Plan Acreage: 112.75
	Zone: R-L & R-A
	Lots: 85
	Parcels: 6
	Planning Area: 84
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 221/2SE01

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 06/9/06 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 12/05/06

Staff Recommendation		Staff Reviewer: Tom 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 Subdivision Plat 4-06069  
Belle Oak Estates, Lots 1-85, Parcels A-F

OVERVIEW

The site contains approximately 112.75 acres of land in the R-L Zone. It is a combination of three deed parcels (Parcels 3, 194 and 63, Tax Map 151, Grid F-4). The applicant is proposing to subdivide the site into 85 lots and 6 parcels. Access to each of the lots will be from driveways connecting to extensions of existing stub streets (Rolling Tree Road, Farmhouse Road) from the existing subdivision to the northwest and a new cul-de-sac near the intersection of Menk Road and Manning Road East. All roadways within the subdivision are to be dedicated for public use. Parcels A, B, D and F are shown to be conveyed to a homeowners association, while Parcels C and E are shown as to be conveyed the adjoining historic site (Bellevue National Historic Site, 84-020).

This is the third preliminary plan application for this site. Preliminary Plan 4-04212 was withdrawn before being heard by the Planning Board. Preliminary Plan 4-05098 was disapproved by the Planning Board because of inadequate public notice and inadequate staffing levels for fire and rescue services pursuant to Section 24-122.01(e)(2) of the Subdivision Regulations. It was ultimately approved for reconsideration by the Board, but was then withdrawn by the applicant. Both of those prior preliminary plans proposed conventional low density, large-lot residential development corresponding to the R-A Zone pursuant to Section 27-477(c) of the Zoning Ordinance, as did this third application. During the review of this third application, however, the applicant revised its proposal to conform to the R-L Comprehensive Design Zone.

On September 14, 1993, the District Council approved the Subregion V Master Plan and Sectional Map Amendment (SMA) that included Comprehensive Design Zone Application A-9874 for the majority of the subject property. This action rezoned the property from the R-A Zone to the R-L Zone for the subject property as stated in Council Resolution CR-60-1993 with 13 conditions and four considerations. It approved the following land use types and intensities:

**Land Use Types**

- Single-Family Detached Dwellings
- Single-Family Attached Dwellings
- Recreational Center or Other Recreational Facilities
- Day Care Facilities for Children
- Accessory Uses

### **Land Use Quantities**

Gross Acreage	155 acres
Floodplain Less One-Half	13 acres
Adjusted Gross Acreage	142 acres
Base Density of Zone	1.0 du/acre
Base Residential Development	142 dwelling units
Approved Basic Plan Density	1.09 du/acre
Maximum Residential Development	155 dwelling units

Subsequent to approval of the R-L Zone, the southern 53.5 acres of the site were sold to the Maryland State Highway Administration for construction of MD 228.

On March 24, 1998, the Planning Board approved a comprehensive design plan for 109 lots on the site (CDP-9503), subject to 28 conditions and the following development standards:

#### **LARGE LOT COMPONENT** (adjacent to the R-A Zone to the east of Belle Oaks Village)

Minimum Lot Size	40,000 sq. ft.
Minimum Front Yard Setback	25 feet
Minimum Rear Yard Setback	20 feet
Minimum Side Yard Setback	17 feet
	(35 feet combined total)
Minimum Lot Width at Street Line	50 feet

#### **LOTS ALONG THE WESTERN BORDER** (adjacent to the Bellevue Estates Subdivision)

Minimum Lot Size	20,000 sq. ft.
Minimum Front Yard Setback	25 feet
Minimum Rear Yard Setback	20 feet
Minimum Side Yard Setback	8 feet
	(17 feet combined total)
Minimum Lot Width at Street Line	50 feet

#### **INTERIOR LOTS**

Minimum Lot Size	10,000 sq. ft.
Minimum Front Yard Setback	20 feet
Minimum Rear Yard Setback	20 feet
Minimum Side Yard Setback	8 feet
	(17 feet combined total)
Minimum Lot Width at Street Line	17 feet

The applicant appealed to the District Council over some of the conditions. Additionally, the District Council elected to make the final decision in the case. The applicant requested the case be held off the District Court agenda while some details were worked out with SHA. The case then sat dormant for more than five years.

On June 30, 2003, the Planning Director approved a minor basic plan amendment to remove the southern section of the site from the plan.

On December 10, 2003, the attorney for the then owner of the site wrote a letter to the Clerk of the Council asking that CDP-9503 be remanded to the Planning Board so that they could amend it to reflect the 50-acre reduction. In reply to that letter, the attorney for the District Council wrote a letter dated December 31, 2003, stating that although there is no Ordinance time constraint for CDPs, he considered the then five-and-a-half-year hiatus (now more than eight years) too long to consider the case active. He concludes that CDP-9503 lapsed years ago and that the applicant has to refile a new application. The applicant disagrees with this interpretation and seeks to go forward with the application based on the fact that there is, at the very least, a Planning Board approval against which this preliminary plan can be judged for conformance.

## SETTING

The site is located on the north side of Berry Road, southeast of Manning Road East, and west of Bealle Hill Road. The site is undeveloped and predominately wooded. The surrounding properties are zoned R-R and R-A and are developed with single-family residences. The Bellevue National Historic Site is surrounded on three sides by the subject property. A long driveway to the historic site bisects the northern portion of the property.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-L & R-A	R-L (As R-A)
Uses	Vacant	Single-Family Residences
Acreage	R-L: 101.44 R-A: 11.31 Total: 112.75	R-L: 101.44 R-A: 11.31 Total: 112.75
Lots	0	85
Parcels	3	6
Outlots	0	0
Dwelling Units	0	85
Public Safety Mitigation Fee		No

2. **Review Process for Comprehensive Design Zones (Section 27-478)**— The Zoning Ordinance sets forth the development review process for property in comprehensive design zones. It reads:

- (a) **The purposes of each individual Comprehensive Design Zone (Division 2 of this Part) are intended to be satisfied by establishing incentives for good development, and the following three (3) phase plan review procedure:**
  - (1) **The initial phase is the review of a Basic Plan, which shall show the types, amounts, and general location of land uses proposed. The Basic Plan shall be reviewed concurrently with the review of, and action on, the Zoning Map Amendment application (Part 3, Division 2, Subdivision 3). When a Comprehensive Design Zone is established through a Sectional Map Amendment intended to implement land use recommendations for mixed-use development as recommended by a Master Plan or Sector Plan, design**

**guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change may constitute the Basic Plan for development on the subject property.**

- (2) The second phase is the review of a Comprehensive Design Plan (CDP), text, and schedule, which shall show amounts and locations of land use, the circulation system, and the portions of development which may be constructed during the same time period.**
- (3) The third phase is the review of a Specific Design Plan (SDP), which serves as the final design of the development for each portion to be constructed during the same time period.**
- (b) All plans referred to in (a), above, shall be reviewed and acted upon prior to, or concurrently with, the review of, and action on, a subdivision proposal.**
- (c) The three (3) phases of review may be filed or considered concurrently.**

The subject application is for a preliminary plan of subdivision for a property in a comprehensive design zone. In accordance with Section 27-478(b) of the Zoning Ordinance, all three plans of the three-phase plan review procedure must be acted upon prior to or concurrently with the review of a subdivision proposal. Of these three plans, only the Basic Plan (A-9874) has been approved. CDP-9503 was approved by the Planning Board, but has never been heard, much less acted upon, by the District Council and is considered by Counsel to the Council to have lapsed. Thus, staff must conclude that this property is not yet eligible for preliminary plan approval.

#### **RECOMMENDATION**

**DISAPPROVAL**, due to the lack of an approved comprehensive design plan for this property.