



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm

Zoning Map Amendment

Petition No.A-9967

Application	General Data
Project Name: Bevard East Location: East side of Piscataway Road approximately 595 feet northeast of Mary Catherine Drive. Applicant/Address: Washington Park Estates, LLC 448 Viking Drive #220 Virginia Beach, Virginia 23452	Date Accepted: 4/18/05
	Planning Board Action Limit: N/A
	Plan Acreage: 562.85
	Zone: R-E
	Dwelling Units: 845
	Square Footage: N/A
	Planning Area: 81B
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 215SE03

Purpose of Application	Notice Dates
Rezoning from R-E (Residential-Estate) Zone to R-L (Residential Low Development) Zone	Adjoining Property Owners Previous Parties of Record Registered Associations: 1/18/05 (CB-12-2003)
	Sign(s) Posted on Site @ Notice of Hearing Mailed:

Staff Recommendation			Staff Reviewer: Evelyn Kasongo
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
			X

September 1, 2005

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Evelyn Kasongo, Senior Planner

SUBJECT: **Zoning Application No. A-9967**

REQUEST: **Rezoning from R-E (Residential Estate) to R-L (Residential Low Development)**

RECOMMENDATION: DISCUSSION

NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS:

- A. **Location and Field Inspection:** The property consists mainly of 562.85 acres of reclaimed mined land and woodland. The site is bordered by a combination of undeveloped woodlands, agricultural areas, and residential homes containing streams, wetlands, and steep slopes.
- B. **History:** This property is currently located in the R-E Zone. Special Exception 3266 permitted the mining of sand and gravel in the western half of the site on June 23, 1983, Zoning Ordinance No. 37-1983.

C. **Master Plan Recommendation:**

2002 General Plan: This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

Master Plan: 1993 Subregion V Approved Master Plan and Sectional Map Amendment.

- D. **Request:** This request is to rezone 562.85 acres of R-E-zoned property to the R-L (Residential Low Development) at a dwelling unit density range of 1.5 dwellings per acre, as recommended by the master plan.

The proposed basic plan reflects the following land use types and quantities:

Total area (gross)	562.85 acres
Land in the 100-year floodplain	23 acres
Net acreage (gross AC-1/2 floodplain)	551.35 acres
R-L base density	1 DU/AC
R-L maximum density	1.5 DU/AC
Proposed basic plan density:	845 units
Proposed land use types and quantities:	
Single Family Detached Units	676 units
Single Family Attached Units	169 units
	845 total units
Public passive open space:	50 acres
Public active open space:	10 acres

E. **Neighborhood and Surrounding Uses:**

North—Tippett Road
East—Thrift Road
South—undeveloped land
West—Piscataway Road

The applicant provides the following neighborhood description: “More specifically, the property is located between Thrift Road and Piscataway Road and between Tippet Road and Windbrook Drive. The property will be accessible from the west by Piscataway Road, from the northeast by Tippet Road, and by Thrift Road from the southeast. To the east and south, the subject property is bordered by undeveloped woodlands and agricultural areas located in the R-E and Residential Agricultural (R-A) Zones, to the west by Mary Catherine Estates and the Windbrook development located in the R-E and Rural Residential (R-R) Zones, and to the north the Wards Subdivision located in the R-E Zone.

F. Zoning Requirements: Section 27-195(b) provides that prior to the approval of the application and the Basic Plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:

(A) The proposed Basic Plan shall either conform to:

- (i) The specific recommendation of a General Plan map, Area Master Plan map, or urban renewal plan map; or the principles and guidelines of the plan text which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties; or**
- (ii) The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential buildings, and the location of land uses.**

APPLICANT’S POSITION:

The proposed basic plan conforms to the 1993 Subregion V Approved Master Plan and Sectional Map Amendment. The master plan specifically addresses the Developing Tier, in which Bevard East is located. It recognizes that the portion of the master plan area that lies within the Developing Tier is a viable, residential community that provides low- to moderate-density, suburban, and diverse residential development, renovated mixed-use activity centers, multimodal transportation, and a Regional Center connected to a major transit hub supported by the required public facilities. The plan has also identified overall planning issues for the Developing Tier:

- “Lack of pedestrian-oriented environments that give identity to an area or create a sense of place.
- “Need for more diversity of housing.
- “Need to protect existing housing neighborhood character and quality of housing.
- “Need for senior housing.
- “Achievement of high-quality development.

“The establishment of the R-L Zone on this property is in compliance with the recommendations of the Subregion V Master Plan for development through the use of Comprehensive Design Zone techniques. The master plan encourages large assemblages of property, such as the 562.85 acres included in Bevard Farms East, to utilize the R-L Comprehensive Design Zone. The master plan was

developed within the context of its regional location. As stated in the plan, ‘regional development...is increasingly advantageous to Prince George’s County.’

“Long-range development options for the subregion include agricultural preservation and large-lot, residential development. Since the subregion does not exist in isolation of neighboring Washington, D.C., Rockville, Gaithersburg and other urban and suburban centers, the proposals set forth in the master plan reflect an idea for the future which includes a well-planned community in rural areas in order to establish the overall parameters for development in the future.”

Staff Comment: This Zoning Map Amendment is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

THE CURRENT MASTER PLAN

The Subregion V Approved Master Plan and Sectional Map Amendment (1993) recommends low development densities for this area, also known as the Village of Tippet. A range of development types and densities are recommended, and flexible development techniques are advocated in many areas. The following are some of the relevant recommendations for this property:

- “Most of the land for residential development in the Tippet community is recommended for suburban estate or low density, planned neighborhood development; the R-E Zone is recommended as the base density. Large assemblages of property are encouraged to utilize the Residential-Low Density Comprehensive Design Zone (R-L 1.0-1.5) or the Village- Low (V-L 1.3) Zones.
- “At the northeast end of Piscataway Road, around the Miller Farms properties and the proposed employment area, higher suburban densities are recommended. A ‘traditional village’ development style, incorporating commercial facilities also recommended here, would be particularly well suited for this area.”

PLANNING ISSUES

The proposed Old Fort Road/Old Fort Road Extended (A-65) is shown on the master plan running through the center of the site in a northwest to southeast direction. More detailed right-of-way information indicates it runs through the northern portion of the site in the same northwest to southeast direction. The proposal does not show this proposed road and, therefore, does not conform to the transportation recommendations of the master plan. Other issues regarding future access to this proposed road, buffers/landscaping, and appropriate land uses need to be resolved.

The subject property is affected by air traffic from Washington Executive Airport (Hyde Field). Approximately 3,300 feet of the northern part of site falls within the Aviation Policy Area APA 6, with the most northerly portion of the site falling within APA 3M. Acoustical construction techniques for reduction of interior noise levels and buyer notification of location within the AAFB airport environment on subdivision plats and deeds of sale should be considered.

Approximately 23 acres of the site is in the 100-year floodplain. Floodplains fall within the Regulated Area designation of the Green Infrastructure Plan; a significant portion of the site falls within the Evaluation Area or Network Gap designations. Countywide Planning Division, Environmental Planning Section needs to be consulted.

- (B) The economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the Basic Plan.**

There are no retail commercial uses proposed for this site.

- (C) Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which 100 percent of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation program, or will be provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plan or urban renewal plans.**

Traffic Circulation/Capacity

A traffic study was submitted to address the traffic impact of this proposal. The traffic study examines the site impact at twelve existing intersections and one site access point adjacent to the site. These intersections are listed below:

MD 223 and Old Branch Avenue/Brandywine Road (signalized)
Brandywine Road and Surratts Road (signalized)
Brandywine Road and Thrift Road (signalized)
Floral Park Road and Winbrook Drive (unsignalized)
MD 223 and Floral Park Road (unsignalized)
MD 223 and Gallahan Road (unsignalized)
MD 223 and Windbrook Drive (unsignalized)
MD 223 and site access (future/unsignalized)
MD 223 and Tippet Road (unsignalized)
MD 223 and Steed Road (signalized)
MD 223 and Temple Hill Road (signalized)
Old Fort Road South and Gallahan Road (unsignalized)
Old Fort Road North and Allentown Road (unsignalized)
MD 210 and Old Fort Road North (signalized)

The traffic counts were completed in January 2005. The site is proposed for development with 676 detached and 169 townhouse residences. The proposal would generate 625 AM (125 in, 500 out) and 743 PM (488 in, 255 out) peak-hour vehicle trips. Under total traffic, the traffic study makes the following determinations:

1. The signalized intersections of MD Old Branch Avenue/Brandywine Road and MD 223/Steed Road are determined to operate at LOS F in both peak hours. The signalized intersection of MD 223/Temple Hill Road is determined to operate at LOS D in the AM peak hour and LOS F in the PM peak hour. For all three intersections, improvements are proposed that will achieve LOS D or better in both peak hours.

2. The signalized intersection of MD 210 and Old Fort Road North is determined to operate at LOS F in both peak hours. The applicant has proposed improvements that will mitigate the traffic impacts of the development, in accordance with Section 24-124(a)(6), in both peak hours. The intersection is eligible for mitigation, and the proposed mitigation improvements meet the numerical criteria required by the guidelines.
3. Five of the nine unsignalized intersections studied are recommended to have possible signalization studied.
4. All other intersections in the study area would operate acceptably in consideration of existing traffic, traffic generated by approved developments, and traffic to be generated by the subject application.

This synopsis of the traffic study is provided for purposes of establishing a record and allowing comment upon the scope of this study as a part of this process. Detailed transportation conditions will be imposed at the time of the comprehensive design plan (CDP) and the preliminary plan applications. Nonetheless, based on the materials submitted, evidence is provided that shows that the transportation system as exists, with improvements to be funded and constructed by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density.

Master Plan

A total of 845 residences, or 1.5 dwelling per net acre, is proposed by the subject application. Within the Subregion V Master Plan, each of the roadway facility recommendations in the master plan is the result of a comprehensive analysis of existing traffic plus traffic that would result from planned land uses. Concerning development within the Tippet Planning Area, in which the subject property is located, the following language was included in the master plan:

“Most of the land for residential development in the Tippet community is recommended for suburban estate or low density, planned neighborhood development; the R-E Zone is recommended as the base density. Large assemblages of property are encouraged to utilize the Residential-Low Density Comprehensive Design Zone (R-L 1.0-1.5) or the Village-Low (V-L 1.3) Zones.”

It is clear that the transportation analysis done for the Subregion V Master Plan assumed land uses that are consistent with the zone being requested. Therefore, the land use is consistent with the transportation elements of the applicable master plan.

MD 223, Piscataway Road, is shown as an arterial facility in the Subregion V Master Plan. Subsequent plans are required to reflect right-of-way dedication of 60 feet from centerline along MD 223. Likewise, Thrift Road is shown as a collector facility on the Subregion V Master Plan, and subsequent plans are required to reflect right-of-way dedication of 40 feet from centerline along Thrift Road.

The Subregion V Master Plan includes an arterial facility, A-65. This facility connects Old Fort Road East with MD 5 south of Piscataway Creek, and is ultimately planned to provide a new northwest-to-southeast connection between MD 210 and MD 5. The subject plan to

date has not recognized this right-of-way or proffered any action to preserve the potential right-of-way. This is a deficiency in the plan that must be resolved during review of the comprehensive design plan (CDP) and the preliminary plan applications. It is noted for the record that two other preliminary plans—Wolfe Farm (4-04099) and Saddle Creek (4-02124)—were approved by the Planning Board without dedication or reservation of the needed right-of-way for A-65 (although it is noted that a right-of-way preservation strategy was identified in the approval of Saddle Creek). Given that A-65 is on the Subregion V Master Plan, it is recommended that the Basic Plan be revised to show the right-of-way for A-65. A determination shall be made at the time of preliminary plan concerning dedication, reservation, or no preservation strategy for the right-of-way for this facility within the subject property.

Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that existing transportation facilities and those to be provided by the applicant will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. Furthermore, the uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved area master plan, in accordance with Section 27-195 of the Prince George's County Code, if the application is approved with the following condition:

1. The basic plan shall be revised to show the right-of-way for A-65 as designated on the Subregion V Master Plan. A determination shall be made at the time of preliminary plan concerning dedication, reservation, or no preservation strategy for the right-of-way for this facility within the subject property.

(D) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six years of the adopted County Capital Improvement Program (such as schools, recreation areas, water and sewerage systems, libraries and fire stations) will be adequate for the uses proposed.

Other public facilities are generally considered to be adequate for the uses proposed as indicated in the referral replies below:

Department of Parks and Recreation

The Department of Parks and Recreation, Park Planning and Development Division offered the following comments:

“The property consists of 562 acres located south of Piscataway Road. The property is bisected by Butler Branch and a tributary to it. The Master Plan for Subregion V designates a 15-acre floating park symbol on the subject property. The master plan recommendation was established based on current recreational needs in Subregion V and the current R-E zoning of the subject property. The calculation of needed parkland did not contemplate rezoning of the Bevard Farms East from R-E to the denser R-L Zones.

“The applicant’s proposal includes 845 single-family residential dwelling units. Using current occupancy statistics for single-family dwelling units, one would anticipate that the proposed development would result in a population of 2,535 residents in the new community. The Prince George’s County General Plan establishes objectives related to the public parkland. They indicate that a minimum of 15 acres of M-NCPPC local parkland should be provided per 1,000 population (or equivalent amenity in terms of parks and recreation service) and 20 acres of regional, countywide and special M-NCPPC parkland per 1,000 population. By applying the General Plan standards for projected population in the new community (2,535 residents), staff has determined that 38 acres of local and 51 acres of regional public parkland suitable for active recreation would be needed to serve the proposed community. The application for a change in zoning does not propose any parkland dedication or address the symbol for a master planned park in the subject property.

“The applicant proposes a recreational and equestrian theme development featuring a 14-acre equestrian and therapeutic riding center. The applicant is describing this facility as a public and private facility. The applicant also indicated that the proposed equestrian facility would be located on HOA land. In addition, it is our understanding that a riding stable is not a permitted use in the Comprehensive Design R-L Zone.

“The applicant’s proposal also includes an illustrative plan which shows a community center with a swimming pool, small pocket park, and tennis courts. No playing fields are shown on the plan. It is the opinion of DPR staff that these recreation facilities will not adequately serve the recreational needs of the community. DPR staff finds that the demand for public parkland and recreation facilities will grow with the extensive residential development that is anticipated in this region of Prince George’s County. Further, Planning Area 81B is currently in need of public parkland and public recreational facilities, such as football, soccer and baseball fields, basketball and tennis courts, playgrounds and picnic areas.

Findings

“Section 27-195 of the Zoning Ordinance describes the criteria for approval of a zoning map amendment. It states that the basic plan shall conform to the specific recommendations of a General Plan map, area master plan map, or urban renewal plan map, or the principles and guidelines of the plan text which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties. The master plan map for Subregion V designates a 15-acre floating park symbols on subject property. The applicant did not show any parkland dedication; for that reason, we believe that the basic plan is not in conformance with the specific recommendations of the area master plan map.

“Section 27-514.08 of the Zoning Ordinance describes the purposes of the Comprehensive Design Zone in R-L Zone (Residential Low Development). This section requires establishment (in public interest) of a plan implementation zone, in which permissible residential density is dependent upon providing public benefit features. It states that the location of the zones must be in accordance with the adopted and approved General Plan or master plan. The purposes of the R-L Zone are to encourage amenities and public facilities to be provided in conjunction with residential development and improve the overall quality and variety of residential environments in the regional dDistrict. The applicant indicates, that by providing the unique equestrian-themed residential community, which includes the charitable and community-oriented feature of the therapeutic riding center, he provides a facility to be used by the residents of Prince George’s County. Because the riding stable is not a

permitted use in the Comprehensive Design R-L Zone, the status of the equestrian facility in the subject rezoning application is in question.

“Conclusion

“DPR staff concludes that the applicant has not demonstrated that the proposed development addresses the recommendations of the approved Master Plan for Subregion V Planning Area 81B or the Prince George’s County General Plan, which addresses current and future needs for public parks and recreational facilities in this planning area.

“DPR staff finds that to satisfy the master plan recommendation and General Plan objectives regarding the recreational needs of a new residential community, the applicant should dedicate at least 28 acres of developable parkland and should construct recreational facilities on the dedicated land to address immediate recreational needs of the community.

“Recommendations

“Staff of the Department of Parks and Recreation recommends that the above-referenced plans be approved, subject to the following conditions:

1. “The dedication of 28+ acres of developable land for active recreation to M-NCPPC as shown on DPR Exhibit “A” (attached).
2. “The land to be conveyed to M-NCPPC shall be subject to the conditions of attached Exhibit “B.”
3. “Prior to signature approval of the subject application, a revised plan showing the dedicated parkland shall be reviewed and approved by Department of Parks and Recreation (DPR) staff.
4. “The applicant shall construct recreational facilities on dedicated parkland. The recreational facilities package shall be reviewed and approved by DPR prior to Comprehensive Design Plan (CDP) submission.
5. “The public recreational facilities shall be constructed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. The concept plan for the development of the parks shall be shown on the Comprehensive Design Plan.”

EXHIBIT “B”

CONDITIONS FOR CONVEYANCE OF PARKLAND TO THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

1. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
2. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.

3. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits that include such property.
4. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
5. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
6. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
7. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
8. The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.
9. No stormwater management facilities or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.

Comment: We concur with the analysis of the Department of Parks and Recreation and the recommendations listed above. It is our understanding that the applicant has agreed to dedicate approximately 28 acres of land to M-NCPPC for active open space use. Approximately 50 acres of passive open space and 10 acres of active open space are proposed. As noted above, approximately 28 acres of space usable for active recreational uses would have been required as part of a mandatory dedication at the time of subdivision. Also, in order to receive density increments for public benefit features at the comprehensive design plan phase of this process, the applicant will need to provide amenities above and beyond those normally required. The applicant has revised the Basic Plan to eliminate the equestrian element.

Private recreational facilities will also be required in accordance with the above-referenced guidelines. We note that no community centers are identified in the basic plan. We recommend that in order to obtain full credit for public benefit features, the applicant provide for the development of ball fields and other recreational facilities on the proposed site.

Other Community Facilities

Fire and Rescue

The following comments were provided by the Historic Preservation and Public Facilities Planning Section:

“The existing fire engine service at Clinton Company 25, located at 9025 Woodyard Road, has a service travel time of 4.99 minutes to the site, which is within the 5.25-minute travel time guideline.

“The existing ambulance service at Clinton Company 25, located at 9025 Woodyard Road, has a service travel time of 4.99 minutes to the site, which is within the 5.25-minute travel time guideline.

“The existing paramedic service at Clinton Company 25, located at 9025 Woodyard Road, has a service travel time of 4.99 minutes, which is within the 7.25-minute travel time guideline.

“The above findings are in conformance with the *Approved Public Safety Master Plan* (1990) and the *Guidelines For The Analysis Of Development Impact on Fire and Rescue Facilities*.

“The required fire and rescue facilities are determined to be adequate.”

Public Schools

“County Council Bill CB-31-2003 establishes a school facilities surcharge in the amount of \$7,161 per dwelling if a building is located between I-495 and the District of Columbia; \$7,161 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 \$12,276 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. An adequate public facility schools test will be conducted at the time of subdivision application.

“The applicant proposes an 11-acre school site on the subject property. Its proposed location is on the south side of the property’s frontage on Piscataway Road. Staff from the Board of Education has given the 11-acre property tentative approval for a school site. Pending in-house approvals, we recommend that it be dedicated to the School Board at the time of final plat, prior to approval.”

Police Facilities

“The proposed development is within the service area for Police District V–Clinton. The Planning Board’s current test for police adequacy is based on a standard complement of officers. As of 1/2/05, the county has 1,302 sworn officers and 43 student officers in the academy, for a total of 1,345 personnel, which is within the standard of 1,278 officers. This police facility will adequately serve the population generated by the proposed residential development.”

(E) Environmental relationships reflect compatibility between the proposed general land use types, or identified, the specific land use types, and surrounding land uses, so as to promote the health, safety and welfare of the present and future inhabitants of the Regional District.

Natural Environment

1. The Environmental Planning Section provided the following comments on the relationship between this proposal and the natural environment:

“According to the “Prince George’s County Soil Survey,” the principal soils on the site are in the Aura, Beltsville, Bibb, Chillum, Croom, Iuka, Matapeake, Rumford, Sassafra and Westphalia soils series; however, portions of the site were mined for sand and gravel after the publication of the “Prince George’s County Soil Survey.” Marlboro clay is not found to occur in the vicinity of this property.

“Portions of this site have been mined for sand and gravel as approved by applications SE-1823, SE-3266, and SE-3755. These gravel pit areas are of concern. Due to the unknown nature of the soils and the limitations associated with these areas, a soils report addressing the soil structure, soil characteristics, and foundation stability needs to be submitted. The soils report is required in order to allow analysis of the site with regard to the required findings of Section 24-131 of the Subdivision Regulations. The study shall at a minimum clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.

“An approved natural resources inventory should be submitted as part of the comprehensive design plan application.

“Recommended Condition: As part of any application for a natural resources inventory, a soils study shall be submitted. The study shall clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.

2. “This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Subregion V Master Plan indicates that there are substantial areas designated as natural reserve on the site. As noted on page 136 of the Subregion V Master Plan:

‘The natural reserve area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural reserve areas must be preserved in their natural state.’

“The Subregion V Master Plan elaborates on page 139:

‘The natural reserve areas containing floodplain and other areas unsuitable for development should be restricted from development except for agricultural, recreational and other similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.’

“For the purposes of this review, the natural reserve includes all expanded stream buffers and isolated wetlands and their buffers. A wetland study and plan were submitted with the application. All streams shown as perennial or intermittent on the plans will require

minimum 50-foot stream buffers that shall be expanded in accordance with Section 24-130(b)(6) of the Subdivision Regulations. The expanded stream buffer on the jurisdictional determination plan has not been reviewed for conformance with Section 24-130(b)(6) and Section 24-130(b)(7) of the Subdivision Regulations; however, the natural resources inventory is required to show all regulated buffers.

“Comment: The natural resources inventory submitted with the comprehensive design plan application will contain all necessary information.

3. “Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations are proposed. The design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff will not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], street crossings, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. Impacts to sensitive environmental features require variations to the Subdivision Regulations.

“The design should be revised to avoid any impacts to streams and their associated buffers unless the impacts are essential for the development as a whole. Staff will generally not support impacts to sensitive environmental features that are not associated with necessary road crossings or the installation of public utilities that are required to serve the development as a whole.

“Recommended Condition: The comprehensive design plan shall avoid impacts to sensitive environmental features. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole.

“Recommended Condition: If impacts to regulated environmental features remain after the redesign, variation requests shall be submitted as part of any application for a preliminary plan of subdivision. The variation request must have a separate justification statement for each impact or impact type, in conformance with Section 24-113 of the Subdivision Regulations, a map on 8.5-inch by 11-inch paper showing each impact, and note the quantities of impacts proposed for each individual impact.

4. “A forest stand delineation (FSD) has been reviewed and was found to require revisions. The patterns used to illustrate steep slopes with highly erodible soils and severe slopes are difficult to distinguish when printed in black and white. Expanded buffers should not be shown on the FSD. As noted earlier, the soils boundaries need to be amended to show the areas that were mined after the publication of the ‘Prince George’s County Soil Survey.’

“A forest stand delineation (FSD) is a required submission as part of any application for a comprehensive design plan. A natural resources inventory (NRI), which contains all of the information of a FSD plus additional information, is required as part of any application for a preliminary plan of subdivision. Because of the extent of sensitive environmental features on this property, a condition is recommended to require the submittal of a natural resources inventory for the review of the comprehensive design plan.

“Comment: The natural resources inventory submitted with the comprehensive design plan application will contain all required forest stand delineation information.

5. “The property is subject to the requirements of the Prince George’s County Woodland Conservation and Tree Preservation Ordinance because the site is more than 40,000 square feet in size and contains more 10,000 square feet of existing woodland. A Type I tree conservation plan is required as part of any application for a comprehensive design plan. The woodland conservation threshold for R-E-zoned land is 25 percent of the gross tract and the woodland conservation threshold for R-L-zoned land is 25 percent of the gross tract.

“Comment: No further action regarding woodland conservation is required for the review of this zoning map amendment.

6. “Piscataway Road is the nearest source of traffic-generated noise and is designated as an arterial in the Subregion V Master Plan. Two master plan arterial roads, A-54 and A-65, could impact the property. Section 24-121(a)(4) requires that residential lots adjacent to existing or planned roadways of arterial classification or higher be platted to a minimum depth of 150 feet and that adequate protection and screening from traffic nuisances be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line for new residential structures.

“The noise model used by the Environmental Planning Section predicts that the unmitigated 65 dBA Ldn noise contour will be about 168 feet from the centerline of Piscataway Road in ten years. The Environmental Planning staff does not know if dedication for A-65 will be required. If the plans need to be revised to show A-65, then traffic-generated noise from that arterial roadway will need to be addressed.

“Recommended Condition: A Phase I noise study shall be required as part of any application for a comprehensive design plan. The comprehensive design plan and TCPI shall show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise.

7. “Piscataway Road and Thrift Road are designated scenic roads. Development will have to conform to the Department of Public Works and Transportation publication “Design Guidelines and Standards for Scenic and Historic Roads.” Visual inventories for Piscataway Road and Thrift Road are required as part of any application for a preliminary plan of subdivision. At a minimum, the comprehensive design plan should provide for 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road. These easements can serve to preserve the scenic nature of these roads. Most of the proposed scenic easements are devoid of trees and significant landscaping will be required. The detailed landscaping will be reviewed concurrently with the Type II tree conservation plan.

“Recommended Condition: The comprehensive design plan shall provide for minimum 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road.

Archeological Resources

The proposed development may also have some impacts on archeological resources. The M-NCPPC Planning Department's staff offered the following comment:

"Archeological investigation was recommended for both these parcels. The investigation was conducted and the applicant submitted a draft report, 'Phase I Archeological Survey of the Bevard Farm Property, Prince George's County, Maryland' (URS, June 2005), received in this office on July 13, 2005. Bevard East and Bevard West (and Bevard North) were the subject of the Phase I survey. The archeological consultants recommended no further work, as no potentially significant archeological sites were identified during the investigation." A synopsis of the archeological investigation report was included with the memorandum.

Surrounding Development

The issue of compatibility with the built environment and with the surrounding approved development in the area is also relevant to the eventual determination of the most appropriate densities, housing type locations, and zoning. Reference was made earlier (in the master plan discussion) to the densities of surrounding properties, with the subject property conforming with the densities of the surrounding neighborhood. The Community Planning staff concurs that the density range of 1.0 to 1.5 dwelling units per acre is consistent with the surrounding community. A proposal for residential development on the subject property with a density of approximately 1.5 dwellings per acre could be compatible with this character.

Because comprehensive design zones are intended to create a superior environment through the use of public benefit features, approval of this application in the R-L Zone will allow the requested density, but only with the provision of the public benefit features for which these zones were created.

Comment: Staff is not in support of this application with the equestrian riding center and therapeutic center in place until proof has been rendered that the use will be operated by a public or quasi-public entity, as the applicant has indicated. Additional comments related to this issue and other issues of compatibility with surrounding development are found in the Urban Design Section memorandum of August 30, 2005, which is quoted below:

"The project would be subject to Subtitle 27, Zoning Part 8, Comprehensive Design Zones Division 2, Specific Comprehensive Design Zones, Subdivision 8, R-L Zone (Residential Low Development) of the Prince George's Zoning Ordinance regarding purpose, uses, regulations, general standards and public benefit features and density increment factors and minimum size exceptions or the district.

"If the proposal for rezoning were approved, the project would also be subject to certain sections of the *Landscape Manual*. These include Section 4.1 Residential Requirements, Section 4.3 Parking Lot Requirements, Section 4.4 Screening Requirements, and 4.6 Buffering Residential Development from Streets. Although Section 4.7 Buffering Incompatible Uses, does not technically apply in comprehensive design zones, staff uses the requirements of that section as a guide in evaluating buffering between what would be considered incompatible uses under the *Landscape Manual*. Compatibility issues with surrounding uses, both interior and exterior to the development, will be examined at the time of the comprehensive design plan.

The Urban Design Section notes that:

“The subject site is currently zoned R-E. The maximum density allowed for the residential portion of the site would be 583 units (based on 1.08 units per acre of the gross tract, minus the floodplain), however, this calculation does not include the incorporation of roads to serve the units or does it take into consideration the steep topography of the site, both of which would contribute to a substantial reduction in density. This application to rezone the property to the R-L Zone (1.0 base density) will allow for a base density of 551 units (based on the gross tract area minus one-half of the floodplain). Provision of density increments would allow the maximum density of the property to be as high as 827 units, not 845 as shown on the plan.

“The existing zoning surrounding the site varies from R-E to R-A Zones. The lot sizes adjacent to existing housing developments should be compatible in size to existing lots sizes at the periphery of the site. This is particularly appropriate adjacent to the Mary Catherine Estates development to the west of the subject property and the Ward’s subdivision to the east of the subject property.

“The determination for mandatory park dedication per Subtitle 24 should be considered at this time in order to determine the feasibility of parkland or recreational facilities for the site. If it is determined that parkland is appropriate, then the plan should be modified to show the area for conveyance. If on-site recreational facilities are determined to be appropriate, then they should be dispersed throughout the subdivision so as to provide nearby recreational facilities for all residents. The type of recreational facilities should accommodate all ages of residents and should include a pool, tot lots, preteen lots, tennis courts, trails, and passive recreational facilities. At the time of comprehensive design plan, the recreational facilities will be determined to either fulfill the requirements of Subtitle 24 or as public benefit features, resulting in density increments.

“The plan indicates a pod of development that combines equestrian and residential uses in the central area of the site. The applicant has stated on page 2 of the justification statement that the development ‘...will be an exquisite, upscale residential community with a recreational and equestrian theme, featuring community facilities that include an approximately fourteen acre Equestrian Riding Center and Therapeutic Center accessible to residents and citizens throughout the region....’ Further, on page 8 of the justification statement, clarification of the equestrian riding center states, ‘The Therapeutic Center will provide opportunities for those with varying degrees of disabilities to share in the experience of horseback riding, a therapeutic technique which had proven to be very beneficial to all participants.’

“The Zoning Ordinance prohibits a riding stable in the R-L Zone as stated in Section 27-515 (b) Table of Uses (6) Recreational/Entertainment/Social/Cultural. Comparing the Ordinance treatment of riding stables in an equivalent conventional use, such as the R-E and R-A Zones, reveals that a ‘Stable, private’ is permitted, but only in conjunction with an agricultural use, per Section 27-441(b)(5) Recreational/Entertainment/Social/Cultural. It appears that the use of a riding stable is not permitted in the R-L Zone. The applicant has argued verbally that the use should be permitted under the ‘Public or Quasi-public recreational use’ because the applicant claims to have an agreement with a nonprofit institution that will operate/manage the horseback riding activities. Whether this use could be considered a public or quasi-public recreational use is questionable. The current category of public recreational use most likely permitting the current public parkland system within the county, owned and operated by M-NCPPC. The question then might be, what is the definition of a quasi-public recreational use?

“In addition to the question of the validity of the use, the Urban Design staff also has a concern regarding the location of the equestrian center. The plan indicates the intention of placing the facility

in the center of the development, surrounded by the highest density of residential units, some of which are townhouses. The staff recommends that if the facility is ultimately determined to be a permitted use, that it then be moved to the edge of the development, preferably along one of the historic and scenic road corridors, either Piscataway Road or Thrift Road. Providing a pasture area along the roadway will add to and complement the existing rural character of the area, as well as prevent the general public from entering the community.”

In response to the Urban Design staff’s comments, the applicant has withdrawn the proposal for an equestrian center. A revised basic plan has been submitted and is currently under review. The technical staff believes the area where the equestrian center was located is a good location for a park or a park/school site. A consideration requiring the applicant to explore this alternative is recommended.

- (2) **Notwithstanding subparagraphs (C) and (D) above, where the application anticipates a construction schedule of more than six years (Section 27-179), public facilities (existing or scheduled for construction within the first six years) will be adequate to serve the development proposed to occur within the first six years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.**

Not applicable.

G. Conformance with the Purposes of the R-L Zone:

The purpose of the R-L Zone is found in Section 27-514.08 of the Zoning Ordinance. These purposes are listed as follows:

- (1) **Establish (in the public interest) a plan implementation zone, in which (among other things):**
- (A) **Permissible residential density is dependent upon providing public benefit features and related density increment factors; and**
 - (B) **The location of the Zone must be in accordance with the adopted and approved General Plan or Master Plan;**
- (2) **Establish regulations through which adopted and approved public plans and policies (such as the General Plan and Master Plans) can serve as the criteria for judging individual development proposals;**
- (3) **Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health safety, and welfare of the present and future inhabitants of the Regional District;**

- (4) Encourage amenities and public facilities to be provided in conjunction with residential development;**
- (5) Encourage and stimulate balanced land development;**
- (6) Improve the overall quality and variety of residential environments in the Regional District;**
- (7) Encourage low-density residential development, which provides for a variety of one-family dwelling types, including a large lot component, in a planned development;**
- (8) Protect significant natural, cultural, historical, or environmental features and create substantial open space areas in concert with a unique living environment; and**
- (9) Protect view sheds and landscape/woodland buffers along the primary roadways and woodlands, open fields, and other natural amenities within the Zone.**

Staff finds that development of the subject property in the R-L Zone will satisfy these purposes of development. The provisions of public benefit features is a major reason for creation of this zone, and with the development of this site in the R-L Zone, the applicant has far greater incentives to provide the public benefit features needed to create an excellent development. The location of the R-L Zone conforms to the recommendations of the Community Planning Division, which concluded that although there are some environmental constraints associated with the site, there is a requirement for the flexibility and sensitivity to the environment of a lot layout provided by a lower density residential zone. Moreover, a dwelling unit density ranging from 1.0 to 1.5 dwellings per acre is more consistent with the character of the current and approved development and the zoning along this portion of Thrift Road and Piscataway Road.

The purposes of the R-L Zone are appropriate to the subject site and suggest again the suitability of the R-L Zone at this location. The emphasis of the R-L Zone is on maintaining a rural, low-density character, yet it permits up to 20 percent of units to be townhouses and includes the possibility of mixed-retirement development, should the decision ultimately be made to include an active senior component at this site. The zone also specifies the importance of viewsheds and landscape/woodland buffers along primary roadways; an element we believe is missing from the proposed basic plan.

CONCLUSION:

Based on the above analysis and in consideration of all of the merits of the proposed basic plan, we conclude that the requested R-L is appropriate at this location. However, the applicant has, in response to staff comments, submitted a revised Basic Plan, which among other things, removes the equestrian center. This revised Basic Plan is under review. An amended TSR will be released that includes an analysis of this Plan by September 26, 2005.