

Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530



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SPECIAL EXCEPTION APPLICATION No. 4406

Application	General Data
Project Name: Marlboro Horse Farm Location: East side of the Consolidated Rail Corporation railroad at the end of Town Farm Road, known as 2402 Manor Gate Terrace Applicant: Charles K. Kilby 2402 Manor Gate Terrace Upper Marlboro, Maryland 20774	Date Accepted 1/31/01
	Planning Board Action Limit N/A
	Tax Map & Grid 084/F-2
	Plan Acreage 24.43
	Zone R-E
	Dwelling Units N/A
	Square Footage N/A
	Planning Area 79
	Council District 06
	Municipality None
	200-Scale Base Map 203/4SE13

Purpose of Application			Notice Dates	
Two Mobile Homes as One-Family Detached Dwellings for Employees of a Riding Stable in accordance with Section 27-441(b)(6) Footnote 64.			Adjoining Property Owners (CB-15-1998)	1/31/01
			Previous Parties of Record (CB-13-1997)	2/07/01
			Sign(s) Posted on Site	N/A
			Variance(s): Adjoining Property Owners	N/A
Staff Recommendation			Staff Reviewer Tom Lockard	
APPROVAL	APPROVAL WITH	DISAPPROVAL	DISCUSSION	

	CONDITIONS		
		X	

June 12, 2002

TECHNICAL STAFF REPORT:

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

VIA: Arie Stouten, Zoning Supervisor

FROM: Tom Lockard, Senior Planner

SUBJECT: **Special Exception Application No. 4406**

REQUEST: **Two mobile homes as one-family dwellings for employees of a riding stable in accordance with Section 27-441(b)(6) Footnote 64**

RECOMMENDATION: **DENIAL**

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 subject property is located on the east side of the Consolidated Rail Corporation railroad at the end of Town Farm Road, known as 2402 Manor Gate Terrace. The property is an unusual ■horseshoe■ shape, and is developed as the Marlboro Horse Farm, a riding and boarding stable/farm. Buildings on the site include a single-family residence, three stables with associated parking lots, one large barn, and numerous sheds and outbuildings of various sizes.
- B. History: The subject property was placed in the R-E (Residential-Estate) Zone by the 1994 *Sectional Map Amendment for Subregion VI*.
- C. Master Plan Recommendation: The subject property is recommended for estate densities (one dwelling/acre) by the 1993 *Approved Master Plan for Subregion VI*.
- D. Request: The applicant requests permission to place two mobile homes on the site to be used as one-family dwellings by employees of the riding stables. One of the mobile homes is already in place, the other is located elsewhere and is to be relocated. The existing mobile home appears in need of repair.
- E. Neighborhood and Surrounding Uses: The site is surrounded by the following uses:
- North and east: Floodplain associated with the Collington Branch in the R-E Zone. Across the floodplain is the proposed Beechtree community in the R-S Zone.
- South: A family cemetery and three undeveloped lots in the R-E Zone.
- West: The ConRail railroad line in the R-E Zone. Across the railroad tracks is the Brock Hall Manor subdivision in the R-E Zone.

The neighborhood is defined by the following boundaries:

North, east and south: Collington Branch

West: ConRail tracks

This neighborhood is a thin sliver of mostly undeveloped land, much of it floodplain associated with the Collington Branch. It contains the Marlboro Horse Farm and a small family cemetery.

- F. Specific Special Exception Requirements - Section 27-441(b)(6) Footnote 64:

In order for a mobile home to be permitted as a special exception in the R-E Zone:

- 1. The mobile homes are restricted to employees of the riding stable on the special exception property;**

Finding: If approved, the mobile homes would be restricted to employees of the riding stable.

- 2. No more than two homes may be located on such property;**

Finding: The site plan shows two mobile homes to be located on the site, one on the east side near the floodplain and the other on the west side, near the railroad tracks.

3. **Each mobile home must be on its own R-E lot, as required by Section 27-118.01(c);**

Finding: The applicant has chosen to file this special exception prior to the resubdivision of the subject property. While the subdivision requirement may not be a prerequisite for the filing and consideration of this request, it does add complications. The site plan shows proposed lots upon which the mobile homes are to be located; however, there are serious questions as to their suitability. None of the analyses normally performed at the time of subdivision (soils, percolation, access, noise etc.) has been done. If approved, it is unlikely the special exception could ever be implemented due to the following factors:

1. The area east of the railroad tracks presently constitutes four lots (the subject property being Lot 1) and several floodplain parcels which are served by an easement. If this special exception were approved and Lot 1 resubdivided into three separate lots, that number would increase from four to six. **However, according to Section 24-128 of the Subdivision Ordinance, an easement may serve no more than four lots.** Furthermore, the combination of a horse farm and up to six single-family residences would result in far more trips along a private right-of-way than county regulations were intended to allow. Not to mention these trips must access the site via an unsignalized railroad crossing.
- B. One of the two trailers is approximately 250 feet from the centerline of the railroad tracks. In approving the previous subdivision for this site (4-90082), the Planning Board imposed a condition requiring:

■All dwellings within 500 feet of the railroad's centerline shall be certified by a professional engineer with competency in acoustical analysis. The building shells of all structures shall have an estimated laboratory rating of 37 STC on the average, which should reduce the exterior noise levels to acceptable standards [so that the interior noise level does not exceed 45 dBA(Ldn)].
(Condition 5, PGCPB Resolution No. 90-453)

It is reasonable to expect that this condition would be carried over if and when Lot 1 (the subject property) was resubdivided into three lots. Whether or not the existing trailer could be repaired or retrofitted to meet this requirement is questionable at best. The only other alternative would be to move the trailer more than 500 feet from the tracks.
- C. Each of the proposed lots upon which the trailers are to be located must support a 10,000 square foot septic field area. Each trailer is located adjacent to the floodplain. Until percolation tests have been done, it will be difficult to designate boundaries for the lots. However, the location of the trailers must be shown on the special exception site plan, and once approved, cannot be varied without the special exception being revised or a new special exception approved.

D. Section 24-138(b)(1) of the Subdivision Regulations requires lots to be served by a private right-of-way to be at least two acres in area. The lots shown on the site plan are only one acre in size.

4. A building permit shall be issued by the Department of Environmental Resources for each mobile home.

Finding: If approved, these permits will need to be obtained.

5. Any mobile home unoccupied for more than 60 days must be removed from the property.

Finding: The applicant is aware of this regulation and will abide by it.

G. Parking Regulations: A riding stable is required to have one parking space for every two stalls, whereas a residence is required to have two parking spaces. The site plan shows 45 parking spaces, including two spaces for the handicapped. The site plan needs to show a parking schedule showing the number of stalls in order to ascertain whether adequate parking is provided in accordance with the Zoning Ordinance.

H. Landscape Manual Requirements: The site plan shows landscaping in conformance with the requirements of the *Landscape Manual*.

I. Zone Standards: The site plan shows conformance with the requirements of the R-E Zone.

J. Sign Regulations: There are no signs proposed for the subject property.

K. Other Issues: The referral from the Permits Section (M-NCPPC) dated March 5, 2001 (attached), discusses several of the subdivision questions addressed earlier. It also points out several site plan deficiencies that would need to be corrected if this application were approved:

1. Notes should be added to all site plans indicating that:

- a. The use of permitted mobile homes is restricted to employees at a riding stable on the special exception property.
- b. Any mobile home unoccupied for more than 60 days must be removed from the property.

L. Required Findings:

Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

(1) The proposed use and site plan are in harmony with the purposes of this Subtitle.

Finding: The purposes are many and varied, but can generally be characterized as protecting the health, safety and welfare of the present and future citizens of the county by promoting

beneficial land use relationships. The applicant's proposal to have two trailers on the subject property for farmhands would not be objectionable, in and of itself. The trailers have apparently existed on the site for some time and are scarcely visible from even the nearest adjacent properties.

The greatest concern with this application is the requirement that each trailer be on its own recorded lot. It is unlikely that the applicant would be able to subdivide the subject property to meet the requirement that each trailer be on a record lot because of access, noise and sewerage issues. Until these concerns can be addressed, the proposal cannot be found to be in harmony with the purposes of the Zoning Ordinance.

- (2) **The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

Finding: The proposal does not conform with all requirements. There is no reasonable expectation that the lots shown on the site plan for the two trailers could be created, given the current Subdivision Regulations. To the contrary, it is a fair certainty that they could not. Because the subdivision is a requirement for the special exception approval, this application and site plan cannot be found to be in conformance with all applicable requirements and regulations.

- (3) **The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Master Plan, the General Plan.**

Finding: The proposed use will not substantially impair the 1993 *Master Plan for Subregion VI*, which recommends an estate density (one acre lots) for the property.

- (4) **The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

- (5) **The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

Finding: The applicant's proposal is to have six single-family lots, one of which has an associated horse farm, served by a private easement which crosses an unsignalized railroad crossing. This level of activity is well beyond that envisioned by the county when it agreed to allow private access and could result in far more vehicle trips than many county-maintained residential streets. Given the concerns about access, noise and sewerage, the proposal cannot be found to meet these two criteria.

- (6) **The proposed site plan is in conformance with an approved Tree Conservation Plan.**

Finding: The proposal is in conformance with TCPI/87/90 and TCPII/120/91.

CONCLUSION:

This application is not in harmony with the purposes of the Zoning Ordinance, and it does not meet all requirements. In particular, it does not meet the specific requirement that each trailer be located on its own R-E lot; nor is there a reasonable expectation that the lots as proposed could be approved, given the current Subdivision Regulations. Furthermore, there are no conditions that could adequately address these concerns. Therefore, staff is compelled to recommend DENIAL of SE-4406.