



STATEMENT OF JUSTIFICATION

Preliminary Plan of Subdivision 4-17033

Tinker's Preserve

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Prepared for:

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Site Description

The subject of this Preliminary Plan is a 14.08 acre parcel to be subdivided into 22 residential lots including stormwater management, landscaping and tree conservation. The property is currently undeveloped and mostly wooded. The southeastern portion of the property is flat and the remainder slopes down to the Meetinghouse Branch of Tinker's Creek to the west and one of its tributaries to the north. The property is zoned R-80 which allows residential lots no larger than 9500 square feet. The surrounding properties to the south, east and north are also zoned R-80 and to the west is the Camp Springs Recreation Center.

Plan Description

The proposed development is situated on the flattest area of the property utilizing a grid road network with sidewalks proposed on both sides of all roads. Of the total 14.08 acre property, only xxx acres are proposed to be disturbed. The remaining xxx acres consist of the Meetinghouse Branch stream valley with associated woodland, floodplain, wetlands and their buffers. Subdivision layout and lot sizes conform to the R-80 zoning district requirements and are compatible with surrounding subdivisions.

Section 24-121 - Planning and Design Requirements:

1. The Preliminary Plan of Subdivision ("PPS") has been designed and prepared in accordance with all pertinent requirements in this section. In particular, Section 24-121 of the Subdivision Ordinance requires the PPS to conform to the Sub-region 5 Master Plan (2013) and the approved Central Branch Avenue Corridor Revitalization Sector Plan (April, 2013).
2. The lot layout is designed to avoid unnecessary and costly roads, utility extensions, grading and energy consumption.

Furthermore, the subdivision has been designed to avoid sensitive environmental features such as, 100 year floodplain, streams, wetlands and associated buffers. Only one storm drain outfall will encroach on these buffers with careful location and engineering design to minimize impacts.

Section 24-122 - Public Facilities Requirements:

(a) When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.

(b) Land for public facilities shown on the General Plan, functional master plans and/or area master plans, and watershed plans shall be reserved, dedicated, or otherwise provided for.

(c) Stormwater management facilities, existing or proposed as part of the development, shall have sufficient capacity to convey surface water runoff.

RESPONSE: The PPS shows and provides for all necessary utility easements. All existing road

right-of-ways are shown and no new rights-of-way are proposed. A Stormwater Concept Plan has been submitted to the City of Bowie and has been recommended for approval.

A. Section 24-122.01 - Adequacy of Public Facilities:

(a) The Planning Board may not approve a subdivision plat if it finds that adequate public facilities do not exist or are not programmed for the area within which the proposed subdivision is located, as defined in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" and "Guidelines for the Analysis of the Traffic Impact of Development Proposals." The Planning Board shall require adequate public facilities, as provided in this Section and in Division 4 of this Subtitle.

RESPONSE:

Schools Adequacy – Because this is a residential subdivision, a school surcharge fee will be paid at time of building permit.

Transportation Adequacy – Included with this Preliminary Plan submission are Traffic Counts requested by Tom Masog at Transportation Planning.

The PPS proposes 22 single family detached units. The Central Branch Avenue Corridor Revitalization Sector Plan recommends no additional improvements or right-of-way dedication to Tarquin Avenue or Rosecrans Drive, the two roads which provide access to the property.

Existing Rosecrans Drive 50' wide right-of-way is proposed to be extended into the subject property with a single cul-de-sac off of it. Sidewalks are provided on both sides of the proposed roads as required by Section 24-123 (6) of the Subdivision Regulations.

(b) Water and sewerage.

(1) The location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.

RESPONSE: The subject property is within Water and Sewer Systems Area 3 and thus adequate public water and sewer is available. There will also be adequate on-site fire hydrant coverage and or fire lanes in addition to buildings which are designed in accordance with the latest building codes with respect to fire suppression requirements.

(c) Police facilities.

(1) Before any preliminary plat may be approved, the Planning Board shall find that:

(A) The population and/or employees generated by the proposed subdivision at each stage of the proposed subdivision will not exceed the service capacity of existing police stations as determined by the Planning Board in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" as may be amended from time to time; or

(B) An adequate police facility available to serve the population and/or employees generated by the proposed subdivision has been programmed with one hundred percent (100%) of the expenditures for the construction of such a facility within the adopted

County Capital Improvement Program as determined under the "Guidelines"; or

(C) That improvements participated in or funded by the subdivider, including participation in a specific Public Facilities Financing and Implementation Program as defined in Section 27-107.01(186.1), will alleviate any inadequacy as determined under the "Guidelines."

RESPONSE: Police service is available from Police District 5 in Clinton and to the Applicant's knowledge there are adequate police facilities to accommodate the proposed development.

(d) Fire and rescue facilities.

(1) Before any preliminary plat may be approved, the Planning Board shall find that:

(A) The population and/or employees generated by the proposed subdivision at each stage of the proposed subdivision will be within the adequate coverage area of the nearest fire and rescue station(s) as determined by the Planning Board in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" as may be amended from time to time; or

(B) An adequate fire and rescue station(s) available to serve the population and/or employees generated by the proposed subdivision has been programmed with one hundred percent (100%) of the expenditures for the construction of such a facility within the adopted County Capital Improvement Program as determined under the "Guidelines", provided, however, that if construction of such improvements has not commenced within nine (9) years after the first year the project is fully funded in an adopted County Capital Improvement Program, the preliminary plat may not be considered and approved by the Planning Board based upon future construction until such facilities are actually constructed; or

(C) That improvements participated in or funded by the subdivider, including participation in a specific public facilities financing and implementation program as defined in Section 27-107.01(186.1), will alleviate any inadequacy as determined under the "Guidelines."

(2) Before any preliminary plat may be approved, if the location of the property proposed for subdivision is outside the appropriate service area of the Ten Year Water and Sewerage Plan or is in the Rural Tier, the Planning Board shall require the subdivider to provide water storage tanks, the availability of water tanker trucks, or other appropriate source of water for fire extinguishing purposes.

RESPONSE: Fire and Rescue service is provided by Station Battalion 7, Company 825, in Clinton and to the Applicant's knowledge this provides adequate fire and rescue facilities to accommodate the proposed development.

Sec. 24-129. - One hundred (100) year floodplain.

(a) Land shall be platted in a manner that protects the public against loss of life or property due to the one hundred (100) year flood, while minimizing the public and private costs of flood control measures. The Planning Board shall require that proposed subdivisions conform to the following:

(1) Except as provided in Paragraphs (2) and (3), lots shall comply with the minimum net lot areas prescribed by the Zoning Ordinance, exclusive of any land area within the one hundred (100) year floodplain.

(2) In the R-A and O-S Zones, where any lot contains a floodplain area, there shall be a minimum of forty thousand (40,000) contiguous square feet of area exclusive of any land within the one hundred (100) year floodplain.

(3) In the R-E Zone, and in the R-R Zone for the purposes of compliance with [Section 24-128\(b\)\(1\)\(B\)](#), any area of a lot in excess of twenty thousand (20,000) contiguous square feet may be in the one hundred (100) year floodplain provided that such lot is to be served by a public water and sewerage system, and is in water and sewer service area category one, two, or three at the time of approval of the final plat of subdivision.

(4) The floodplain areas shall be delineated in accordance with [Section 27-124.01](#) of Subtitle 27 of this Code.

(5) A twenty-five (25) foot setback from the floodplain shall be established for residences as a building restriction line.

(6) In the event that the proposed subdivision is located partially or fully within an area covered by an officially adopted comprehensive watershed management plan, the Planning Board shall require conformity to such plan.

(b) In the case of a proposed subdivision which includes a one hundred (100) year floodplain area along a stream, unless such area is to become a public park or recreation area maintained by a designated responsible public authority, the area shall be denoted upon the final plat as a floodplain easement. Such easement shall include provisions for ingress and egress, where practicable. The floodplain easement area may be used, if necessary, for utility lines and/or storm drainage facilities, open-type fencing, or passive recreation, provided that no structures are built that would interfere with the flood conveyance capacity of such easement area.

(c) The floodplain associated with a watercourse having less than fifty (50) acres of watershed upstream may be excluded from the floodplain area computation, subject to the approval of the Department of the Environment in accordance with the provisions of Subtitle 4 of this Code.

RESPONSE: The proposed development avoids and protects the 100 year floodplain with two exceptions. A proposed sewer line connects to an existing sewer in the Meetinghouse Branch and impacts xxx square feet of floodplain. The second impact is from a proposed storm drain outfall which impacts approximately xxx square feet of the floodplain. The storm drain outfall is required to extend as close to the stream as possible to insure that storm water reaches the stream

and any impacts are minimized. Variation requests for these impacts are included with the Preliminary Plan package.

Sec. 24-130. - Stream, wetland, and water quality protection and stormwater management.

(a) Proposed subdivisions shall be designed to minimize the effects of development on land, streams and wetlands, to assist in the attainment and maintenance of water quality standards, and to preserve and enhance the environmental quality of stream valleys.

(b) The Planning Board shall require that proposed subdivisions conform to the following:

(1) The preliminary plan shall demonstrate adequate control of the increased runoff due to the ten (10) year storm or such other standards as State law or the County shall adopt.

(2) The stormwater control shall be provided on-site unless the Planning Board, on recommendation from the County, waives this requirement.

(3) The submission of a storm drainage and stormwater management concept plan, and approval thereof by the County, may be required prior to preliminary plan approval.

(4) Where a property is partially or totally within an area covered by an adopted Watershed Plan, the preliminary plan shall conform to such plan.

(5) Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.

(c) The submission of a sediment control concept study, and approval thereof by the Soil Conservation District, may be required prior to final plat approval.

RESPONSE: The proposed development will not impact any streams or wetlands. A Stormwater Concept plan has been submitted to the Department of Permits and Inspections (DPIE) for review. A stormwater management pond with a gravel wetland is proposed to manage the 100-year storm event and prevent no additional stormwater runoff due to a 10-year

storm. No lots are proposed to impact any 100-year floodplain, streams, wetlands or environmental buffers.

Sec. 24-134. - Mandatory dedication of parkland.

(a) In all residential subdivisions, except as provided in paragraphs (2), (3), and (4) of this Subsection, the Planning Board shall require the platting and conveyance to the Commission or to a municipality located within the Regional District but not within the Maryland-Washington Metropolitan District, upon request of such municipality, of suitable and adequate land for active or passive recreation, or the payment of a monetary fee in lieu thereof, or the provision of recreational facilities as otherwise provided by this Division.

(1) Amount of Land Required. The amount of land in a subdivision to be dedicated shall be: five percent (5%) of any land on which a density of one (1) to four (4) dwelling units per net acre is permissible; seven and one-half percent (7.5%) of any land on which a density of four (4) to seven and one-half (7.5) dwelling units per net acre is permissible; ten percent (10%) of any land on which a density of seven and one-half (7.5) to twelve (12) dwelling units per net acre is permissible; and fifteen percent (15%) of any land on which a density exceeding twelve (12) dwelling units per net acre is permissible.

(2) Specific Exemptions. The Planning Board may exempt from mandatory dedication requirements any subdivision developed under cluster, Comprehensive Design, urban renewal, optional residential design approach, townhouse, or recreational community development provisions, provided that the Planning Board determines that the provisions of [Section 24-135](#) have been satisfied.

(3) Other Exemptions. Mandatory dedication shall not apply to:

(A) Any lot that was legally created by deed prior to April 24, 1970;

(B) Any lot being created by the subdivision in a one-family zone, that has a net lot area of one (1) acre or more;

(C) Any lot being created by the subdivision upon which a dwelling legally exists at the time of subdivision;

(D) Any resubdivision of property on which land was previously dedicated or fee in lieu paid. The applicant shall be credited to the extent that land dedication or fees would otherwise be required upon such resubdivision.

(E) Any development comprised of lands zoned Residential, R-M, and M-X-T, for which there is an approved single Conceptual Site Plan applicable to all of the properties.

(4) When land is shown for preservation as part of a stream valley park on an official master plan, such land may be dedicated or preserved in lieu of active recreation, provided that the Planning Board finds that there is a reasonable amount of active recreation in the general area and that any trails shown on the master plan are provided.

(5) Where on-site detention and/or retention ponds are provided, the Planning Board may credit such area towards mandatory dedication, regardless of ownership, provided that the Planning Board determines that such area will provide active or passive recreation due to specific access provisions, recreational facilities, or visual amenity. The Planning Board must be satisfied that appropriate maintenance agreements have been, or will be, made.

RESPONSE: The Preliminary Plan proposes to dedicate 5.3173 acres of parkland to MNCPPC. The required dedication is 5% on land with a density of 1-4 dwelling units per net acre. Thus the required parkland dedication is 0.533 acres (.05 x 10.66 ac)

C. Sec. 24-135. - Fee in lieu and recreational facilities.

(a) Fee in Lieu. The Planning Board may require the payment of a fee in lieu of dedication equal to five percent (5%) of the total new market value of the land as stated on the final assessment notice issued by the State Department of Assessments and Taxation when it finds that dedication of parkland is unsuitable or impractical due to size, topography, drainage, physical characteristics, or similar reasons, or if adequate open space has been acquired and is available to serve the subdivision. The fee shall be paid prior to recording the subdivision and shall be used by the Commission to purchase or improve parkland for the benefit of the future residents. Preliminary plans approved prior to the effective date of this legislation shall not be subject to this change.

(b) Recreational Facilities. Recreational facilities may be provided instead of land or fees in any residential zone, provided that a plan for such recreational facilities is approved by the Planning Board after determining that:

(1) Such facilities will be superior, or equivalent, to those that would have been provided under the provisions of mandatory dedication;

(2) The facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement, or other appropriate means, that such instrument is legally binding upon the subdivider and his heirs, successors, and assigns, and that such instrument is enforceable, including enforcement by the Planning Board;

RESPONSE: The PPS reflects in the General Notes that the Applicant will provide mandatory dedication of parkland rather than a fee in lieu in accordance with Section 24-134.

D. Section 24-131 – Unsafe Land:

(a) The Planning Board shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to natural conditions, such as, but not confined to, flooding, erosive stream action, high water table, unstable soils, or severe slopes, or to man-made conditions on the property, such as, but not confined to, unstable fills or slopes. The Planning Board shall require that proposed subdivisions conform to the following:

(1) When the County Soils and Geological Map indicates that a portion of the land is unsafe, the Board may permit it to be platted as part of a lot in which there is sufficient land to erect a building within the building lines established by the zone in which the property is located, plus an additional twenty-five (25) foot setback between the structure and the unsafe area, which shall be indicated on the final plat with a building restriction line.

(2) If the unsafe land has, by subsequent change, become safe for building construction, upon appropriate findings by the Planning Board, the building restriction line may be removed by the recording of a new final plat approved by the Board.

(3) When the applicant proposes remedial actions to correct or alleviate unsafe soil conditions, the Planning Board shall refer such proposals to the Chief Building Inspector for a determination of whether such measures are sufficient to protect the health and safety of future residents. The Board may approve the platting of such land, upon recommendation of the Chief Building Inspector, provided that covenants are attached to incorporate the remedial actions.

(4) The Planning Board may require that the owner(s) of any property on which unsafe conditions have been found to exist shall notify any potential purchaser of such conditions.

RESPONSE: To the Applicant's knowledge there are no unsafe conditions on the property.

CONCLUSION:

The Preliminary Plan included with this submission was designed with regard to setbacks, lot layout, safety concerns, and environmental preservation is submitted for approval to allow the applicant to proceed with development of this property which is allowed by-right based on the R-80 zoning regulations. The above statement of justification demonstrates the Preliminary Plan addresses all applicable requirements and we request your favorable consideration of this application.



Michael Clay
Senior Planner