

MAGRUDER POINTE
PRELIMINARY PLAN OF SUBDIVISION (4-18001)
STATEMENT OF JUSTIFICATION
VARIATION FROM 24-122(a)

OWNER/APPLICANT: Werrlein WSSC, LLC
522 Defense Highway
Annapolis, MD 21401

ATTORNEY/AGENT: Law Offices of Norman D. Rivera, Esq. LLC
17251 Melford Blvd., Suite 200
Bowie, MD 20715
301-352-4973

CIVIL ENGINEER: Dewberry Engineers Inc.
4601 Forbes Blvd., Suite 300
Lanham, MD 20706
301-731-5551

1. DESCRIPTION OF PROPERTY

The subject property is located in the southeast quadrant of the intersection of Hamilton Street and 40th Avenue, north of Gallatin Street and west of 40th Place, in Planning Area 68, Council District 2. The subject site is also located within the Traditional Residential Neighborhood (TRN) Character Area of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (Gateway Arts District Sector Plan and SMA).

The subject property is located on Tax Map 50 in Grid B1, consists of 35 existing lots, and contains a total of 8.26 acres. The subject site houses the former Washington Suburban Sanitary Commission (WSSC) headquarters building on Hamilton Street to the north and the parking lot serving the building to

the south across Gallatin Street. The building (3.6-acre parcel) is located in the R-55/D-D-O Zones and the parking lot (4.66-acre parcel and right-of-way to be vacated) is located in the O-S/D-D-O Zones. A CSP (CSP-18002) to rezone the underlying O-S Zoned portion of the site to the R-55 Zone and do allow single-family attached residential development at a density not to exceed 9 dwelling units per acre was recently approved by the Planning Board (PGCPB Resolution No. 18-74) and is pending final District Council approval. A companion detailed site plan has been submitted for review concurrent with this preliminary plan application.

**2. REQUEST FOR APPROVAL OF A VARIATION FROM SECTION 24-122(a) OF THE
SUBDIVISION REGULATIONS**

The applicant is requesting approval of a preliminary plan and detailed site plan to construct 56 single-family attached townhome units and 16 single-family detached units on an 8.26 +/- acre site. A Variation from Section 24-122(a) of the Subdivision Regulations is requested to eliminate the requirement for a public utility easement (PUE) along a portion of the site's public road frontage on the north side of Gallatin Street, adjacent to Parcels A-1 and A-2 and Lots 16, 17, and 31, Block A (see exhibit).

Section 24-122(a) of the Subdivision Regulations includes the following requirement relating to the provision of public utility easements along public rights of way:

Sec. 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.

In this instance, all public streets serving the proposed lots are existing and do not currently include PUEs as all dry utilities are located within the respective rights-of-way. The applicant has submitted a request to PEPCO to confirm that PUEs are not required along the north side of Gallatin Street. As such, the applicant requests a Variation from the above requirement as follows:

Sec. 24-113. - Variations

a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

(1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;

RESPONSE: *The granting of the variation will not be detrimental to public safety, health, or welfare, or injurious to other property. Gallatin Street is an existing right-of way and does not currently include PUEs as all dry utilities are located within the right-of-way. All proposed and existing lots in the vicinity will/will continue to be adequately served by public utilities without the addition of a designated PUE adjacent to Gallatin Street. The utility exhibit submitted clearly shows that all existing and proposed lots will be adequately served. Elimination of the requirement for a PUE in this locations will have no effect on public safety, health, or welfare of residents and will not be injurious to other property.*

(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

RESPONSE: *As noted above, the condition unique to the property is that dry utilities are existing along Gallatin Street and are located within the existing right-of-way with no PUE currently in place.*

Therefore, a public utility easement is not necessary in order to accommodate utilities adjacent to the right-of-way as is typical along most proposed roadways. What's more, existing storm drain and/or sanitary sewer systems are located outside of the right-of-way in some areas and are within the area where a PUE would typically be provided. In addition, many areas adjacent to the right-of-way do not meet PUE standards due to grade and site constraints, such as steep slopes and specimen trees.

- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

RESPONSE: *The requested variation does not constitute a violation of any other law, ordinance or regulation.*

- (4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out**

RESPONSE: *Particular physical surroundings include existing utilities within existing rights-of-way, no existing PUEs and grade and site conditions that are not ideal for the provision of PUEs even if they were necessary. Due to these particular physical surroundings, provision of unnecessary public utility easements would result in a particular hardship to the applicant. As noted above, the area where the PUE would typically be required is encumbered by stormdrain, steep slopes, specimen trees, etc. Removal and/or disturbance for a utility easement that is not necessary to serve existing or proposed uses would constitute a particular hardship to the applicant.*

CONCLUSION

For all of the foregoing reasons, the Applicant believes the subject Variation conforms to the required findings stated in Section 24-113 of the Subdivision Regulations. Based on the foregoing analysis, as well as the plans and supporting documentation filed in conjunction with this application, the

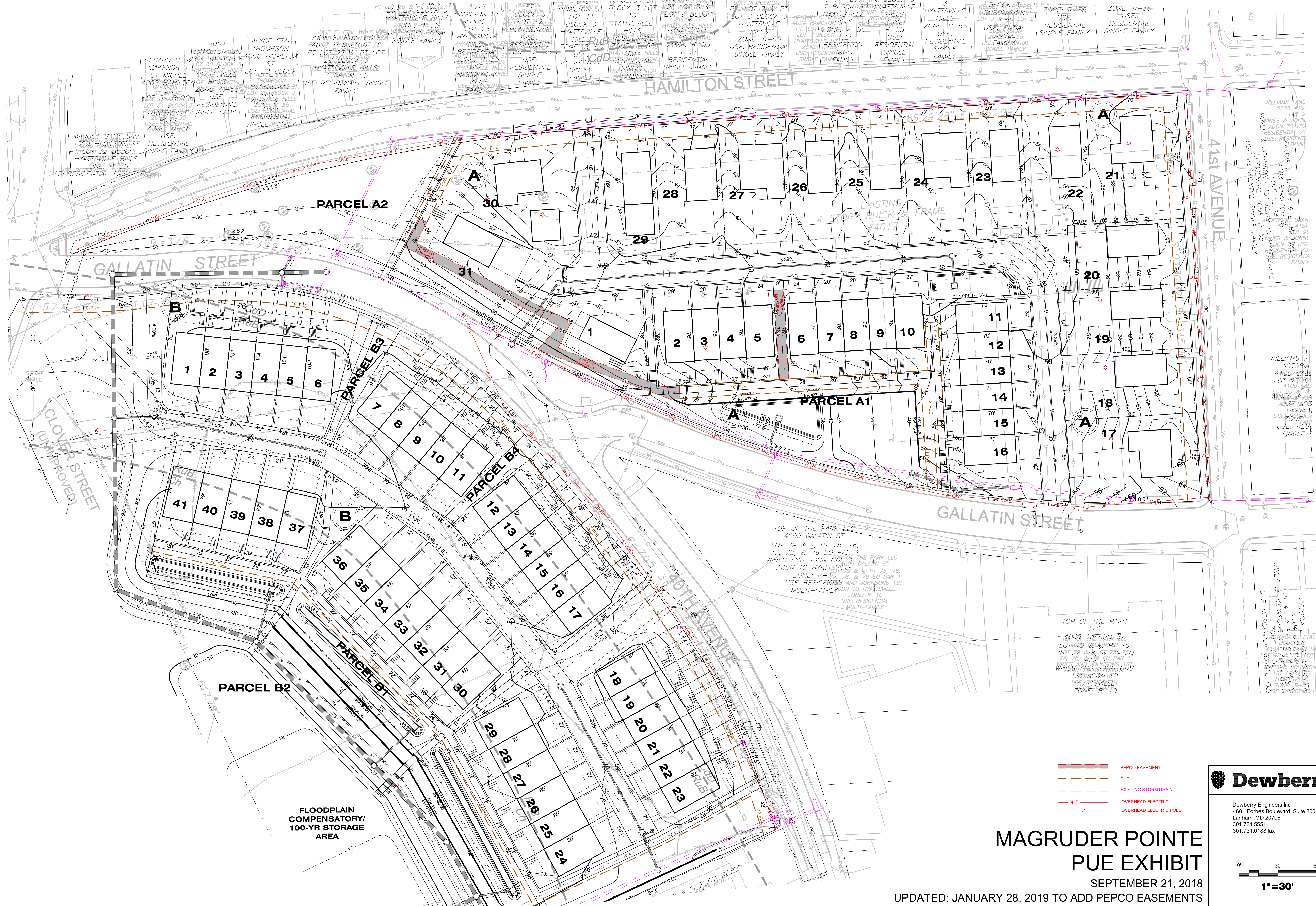
applicant respectfully requests the approval of a Variation from Section 24-122(a) to eliminate the requirement for a public utility easement along the north side of Gallatin Street, adjacent to Parcels A-1 and A-2 and Lots 16, 17, and 31, Block A as shown in the enclosed exhibit.

Respectfully submitted,

By: _____

Attorney for Applicant

Norman D. Rivera



MAGRUDER POINTE PUE EXHIBIT

SEPTEMBER 21, 2018
UPDATED: JANUARY 28, 2019 TO ADD PEPCO EASEMENTS

Dewberry

Dewberry Engineers Inc.
4601 Forbes Boulevard, Suite 300
Lanham, MD 20706
301.731.5551
301.731.0188 fax

0' 30' 60'

1"=30'

MAGRUDER POINTE

PRELIMINARY PLAN OF SUBDIVISION: 4-18001

GENERAL NOTES:

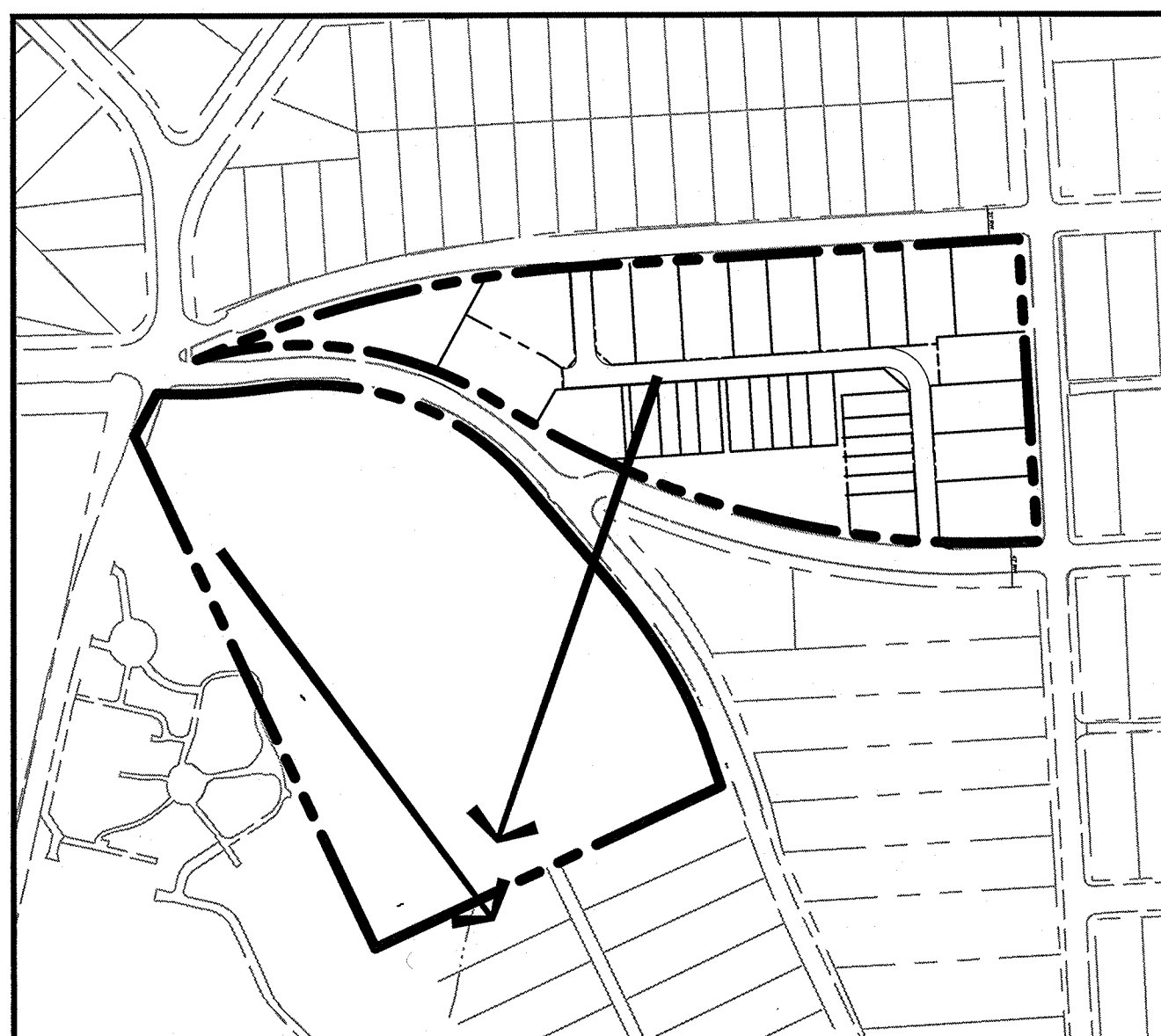
- EXISTING PARCEL/LOT, DEED DESCRIPTION/LIBER FOLIO, & PLAT NUMBER
 - PARCEL 1; (LOTS 80 THROUGH 93) & PARCEL 2; (LOTS 23 THROUGH 33 AND LOTS 52 THROUGH 61)
 - L. 42312 F. 541
 - TAX MAP 50 GRID A1, B1
- 200 FOOT MAP REFERENCE (WSSC): 208NE03
- PURPOSE OF SUBDIVISION: RESIDENTIAL SUBDIVISION CONTAINING APPROXIMATELY 16 TOWNHOUSES AND 15 SINGLE FAMILY DETACHED.
- PRIOR APPROVALS: NRI-047-018, CSP-18002
- TOTAL ACREAGE: GROSS: 8.26 ACRES; R-55: 3.60 ACRES, O-S: 4.66 ACRES
- NET DEVELOPABLE AREA OUTSIDE OF PMA: 5.24 ACRES
- ACREAGE OF ENVIRONMENTAL REGULATED FEATURES: 3.02 ACRES
- ACREAGE OF 100-YEAR FLOODPLAIN: 3.02 ACRES
- ACREAGE OF ROAD/ALLEY DEDICATION: 0.73 ACRES
- EXISTING ZONING/USE: R-55, OPENSOURCE/VACANT USE (PREVIOUS), REFER TO CSP-18002 FOR ZONING CHANGES.
- PROPOSED USE OF PROPERTY: RESIDENTIAL SINGLE FAMILY ATTACHED TOWNHOMES & SINGLE FAMILY DETACHED HOMES.
 - LOTS: 31
 - OUTPARCEL: 1
 - PARCELS: 2
- BREAKDOWN OF PROPOSED DWELLING UNIT BY TYPE: 15 TOWNHOMES UNITS & 16 SINGLE FAMILY DETACHED UNITS
- DENSITY CALCULATION: 72 UNITS / 8.26 ACRES = 8.72 UNITS / ACRE; PER CSP-18002 APPROVED ON 2019-09-19
- MINIMUM LOT SIZE REQUIRED: EXEMPT PER 27-544 (c)(2)- LOT SIZE AND LOT WIDTH DO NOT APPLY
- MINIMUM LOT SIZE PROPOSED: 1,400 SF
- MINIMUM LOT WIDTH AT FRONT OF BUILDING LINE AND FRONT OF STREET LINE: 20'
- SUSTAINABLE GROWTH TIER: TIER 1
- MILITARY INSTALLATION OVERLAY ZONE: NO
- CENTER OR CORRIDOR LOCATION: NO
- GROSS FLOOR AREA (NON-RESIDENTIAL ONLY):
 - EXISTING: N/A
 - PROPOSED: N/A
- STORMWATER MANAGEMENT CONCEPT NUMBER: 10823-2018-00, APPROVED MARCH 22, 2019.
- WATER/SEWER CATEGORY DESIGNATION:
 - EXISTING: S-3 & W-3
 - PROPOSED: S-3 & W-3
- AVIATION POLICY AREA (AIRPORT NAME & APA#): NO AVIATION POLICY AREAS ARE KNOWN TO EXIST ON SITE.
- MANDATORY PARK DEDICATION: FEE IN LIEU
- CEMETERIES ON OR CONTIGUOUS TO THE PROPERTY: NO
- HISTORIC SITE ON OR IN THE VICINITY OF THE PROPERTY: NO
- TYPE ONE CONSERVATION PLAN: EXEMPT
- WITHIN CHESAPEAKE BAY CRITICAL AREA: NO
- WETLANDS: YES
- STREAMS: YES
- SOILS BY TYPE: C&D, Ch, Rub
- IN OR ADJACENT TO AN EASEMENT HELD BY THE MARYLAND ENVIRONMENTAL TRUST, THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION, OR ANY LAND TRUST OR ORGANIZATION: NO
- SOURCE OF TOPOGRAPHY: FIELD TOPO BY DEWBERRY ENGINEERS INC. ON FEBRUARY 2018.
- THE SITE DOES NOT CONTAIN WETLANDS OF SPECIAL STATE CONCERN AS DEFINED IN COMAR 26.23.06.01
- WETLANDS ARE SHOWN ON NRI-047-018, PREPARED BY KLEBASKO ENVIRONMENTAL LLC, IN A STUDY DATED FEBRUARY 2018, RECONFIRMED IN THE FIELD BY MICHAEL J. KLEBASKO OF WETLAND STUDIES AND SOLUTIONS, INC. ON FEBRUARY 2018, AND APPROVED BY MNCPPC ON OCTOBER 31, 2018.
- EXISTING MAJOR IMPROVEMENTS WITHIN 50' OF THE PROPERTY LINE ARE SHOWN.
- EXISTING EASEMENTS ARE SHOWN.
 - WSSC EASEMENT, PART 1, 2, & 3; L: 29181 F:165
- ALL EXISTING PAVEMENT AND RIGHT-OF-WAY ARE SHOWN.
- 10' PUBLIC UTILITY EASEMENT ADJACENT TO PUBLIC ROAD RIGHT-OF-WAY IN LOCATIONS AS SHOWN ON PLAN: NO; PLEASE SEE ATTACHED STATEMENT OF JUSTIFICATION; VARIATION FROM 24-122(A).
- BOUNDARY COMPILED BY DEWBERRY, FEBRUARY 2018.
- OWNER & APPLICANT:

OWNER:
JEMAL WSSC LLC
702 H STREET NW.
SUITE 400
WASHINGTON, DC 20001

APPLICANT:
WERRLEIN WSSC LLC
522 DEFENSE HIGHWAY
ANNAPOLIS, MD 21401

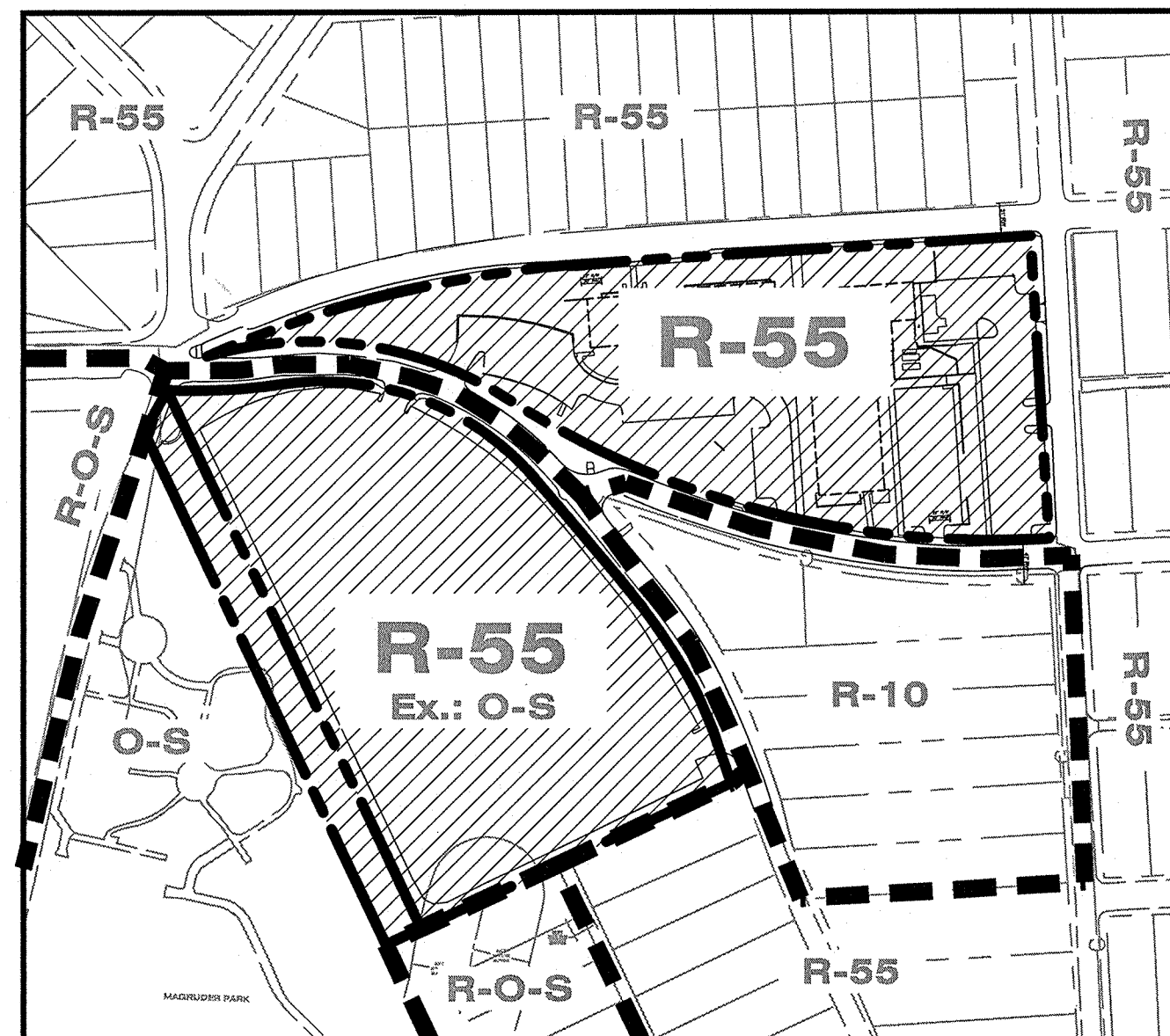
CONTACT:
JONATHAN WERRLEIN
443-510-1274
Jonathan@werrleinproperties.com

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INFORMATION CONCERNING UNDERGROUND
UTILITIES WAS OBTAINED FROM AVAILABLE
RECORDS BUT THE CONTRACTOR MUST
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BY HAND AT ALL UTILITY CROSSINGS WELL IN
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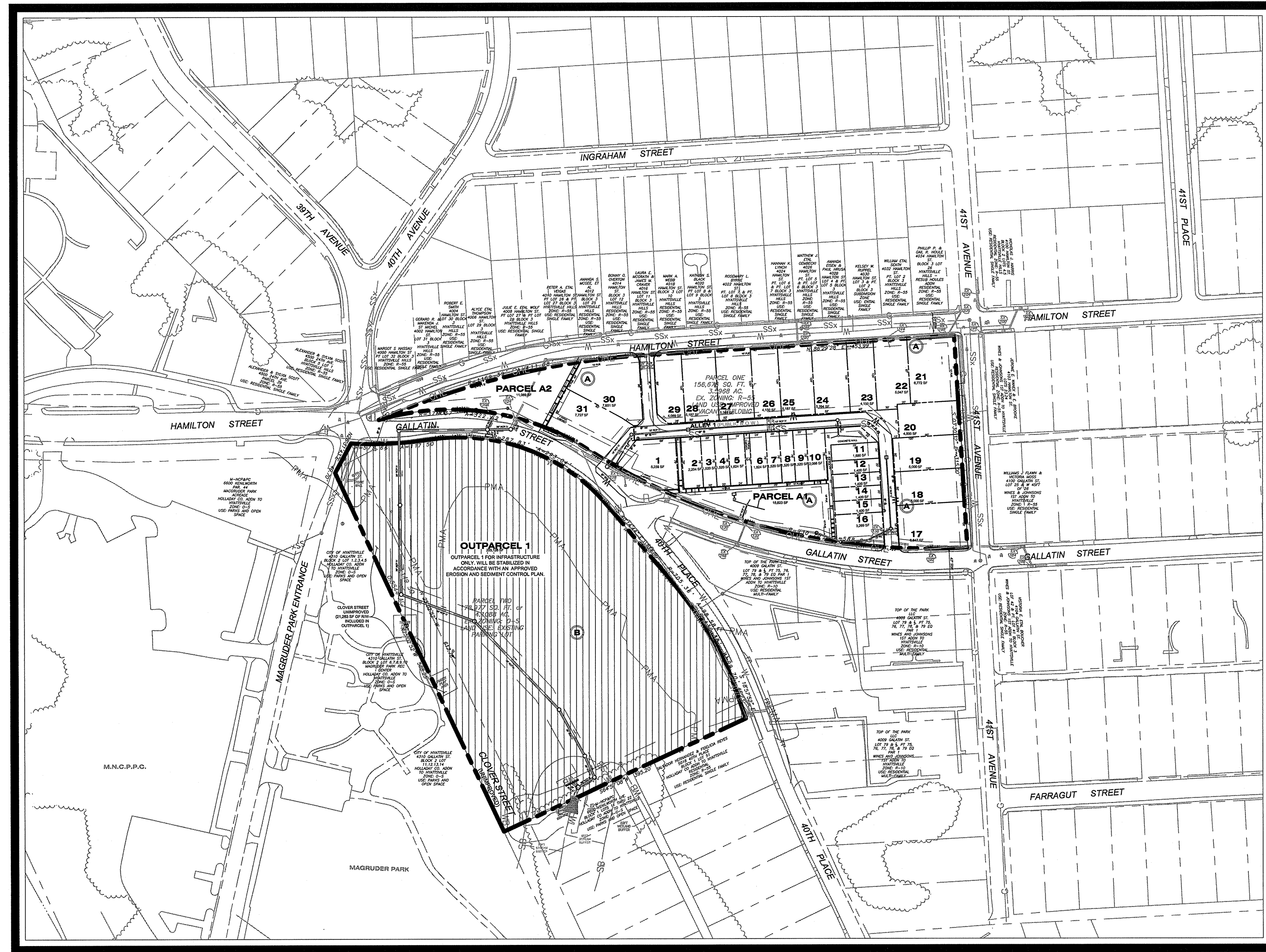
2 PROPOSED DRAINAGE AREA MAP DETAIL

SCALE: 1"=175'
NOTE: REFER TO SITE DEVELOPMENT CONCEPT PLAN #10823-2018-0



3 ZONING MAP DETAIL

SCALE: 1"=175'



1 LOCATION PLAN
PLAN VIEW

SCALE 1" = 100'

LEGEND

---	EXISTING MAJOR CONTOUR
---	EXISTING MINOR CONTOUR
---	EXISTING BOUNDARY
---	EXISTING ADJACENT PROPERTY
---	EXISTING GAS LINE
---	PRIMARY MANAGEMENT AREA/75' STREAM BUFFER
---	EXISTING STREAM
---	EXISTING FLOODPLAIN
---	EXISTING FLOODPLAIN EASEMENT
---	EXISTING FLOODPLAIN BUFFER
---	EXISTING WATER
---	EXISTING SANITARY SEWER
---	EXISTING SANITARY SEWER EASEMENT
---	EXISTING WATER EASEMENT
---	PROPOSED ROAD RIGHT-OF-WAY
---	PROPOSED PROPERTY LINE
---	PROPOSED ROAD CENTERLINE
---	PROPOSED CURB
---	PROPOSED STORM DRAIN
---	PROPOSED PUBLIC UTILITY EASEMENT
---	PROPOSED BUILDING RESTRICTION LINE (BRL)
---	PROPOSED STORM DRAIN EASEMENT
---	PROPOSED WSSC RIGHT OF WAY
---	PROPOSED SWM EASEMENT
---	PROPOSED SIDEWALK
(R)	PROPOSED SUBDIVISION BLOCK
8	PROPOSED PARCEL
	PROPOSED LOT NUMBER

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THE PLAN SHOWN HEREON IS CORRECT; THAT THE INFORMATION HAS BEEN TAKEN FROM AVAILABLE RECORDS AND FIELD SURVEYS.
FOR DEWBERRY ENGINEERS INC.

MICHAEL B. DAVIS
PROFESSIONAL LAND SURVEYOR
MARYLAND REGISTRATION NO. 11033
EXPIRATION DATE: 09/10/2020



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION
PRELIMINARY PLAN 4-18001

TCP
PLANNING BOARD ACTION:
PER PGCPB RESOLUTION #:
ADOPTION DATE:
SIGNATURE APPROVAL DATE:

AUTHORIZED SIGNATURE

NOT FOR CONSTRUCTION

FOR OFFICIAL USE ONLY
OR label certifies that this plan
meets conditions of final approval
by the Planning Board, its designee
or the District Council.

M-NCPPC
APPROVAL

PROJECT NAME: MAGRUDER POINTE

PROJECT NUMBER: 4-18001

For Conditions of Approval see Site Plan Cover Sheet or Approval Sheet
Amendment numbers must be included in the Project Number

SITE STATISTICS

PARCEL	TOTAL
GROSS TRACT AREA (PARCEL 1, 2, AND VACATED RIGHT OF WAY)	8.26 AC
EXISTING 100-YEAR FLOODPLAIN	3.02 AC
NET TRACT AREA	5.24 AC
EXISTING WOODLAND IN THE FLOODPLAIN	0.00 AC
EXISTING WOODLAND NET TRACT	0.00 AC
EXISTING PMA	3.02 AC
REGULATED STREAMS (LINEAR FEET OF CENTERLINE)	3.00 LF
VACATED RIGHT-OF-WAY (CLOVER STREET)	0.49 AC

DEVELOPMENT TYPE SUMMARY

LAND USE	ACRES	LAND PERCENTAGE
RESIDENTIAL	2.60	31.47%
OPEN SPACE	0.64	7.75%
PUBLIC RIGHT-OF-WAY	0.36	4.37%
OUTPARCEL 1	4.66	56.41%
TOTAL	8.26	100%

SUBDIVISION SUMMARY TABLE

TOTAL NUMBER OF PARCELS	2
NUMBER OF BLOCKS	2
NUMBER OF LOTS	31
NUMBER OF OUTPARCELS	1
AVERAGE PARCEL SIZE	13,946 SQFT
AVERAGE LOT SIZE	2,716 SQFT

PARCEL AREA SUMMARY

BLOCK	PARCEL	SQ. FOOTAGE	ACRES	DESCRIPTION	DEDICATION
A	PARCEL A1	16,823	0.39	OPEN SPACE	HOA
A	PARCEL A2	11,069	0.26	OPEN SPACE	HOA
B	OUTPARCEL 1	203,126	4.66	PRIVATE	N/A
TOTAL HOA DEDICATION					
TOTAL:	2	231,018	5.31	OPEN SPACE PARCELS	HOA

Dewberry
Engineers Inc.

4801 FORBES BOULEVARD
SUITE 300
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301.731.8591
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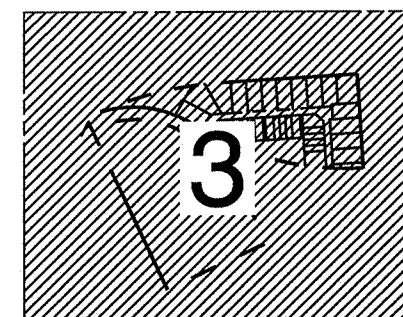
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MAGRUDER POINTE
PRELIMINARY PLAN OF SUBDIVISION
PPS 4-18001
PRINCE GEORGE'S COUNTY, MD
16TH ELECTION DISTRICT
TAX MAP 50 GRID A1, B1
2007 MAP REFERENCE 208NE03

SEAL

KEY PLAN



SCALE

AS-SHOWN

No.	DATE	BY	Description
REVISIONS			

DRAWN BY PN

APPROVED BY MD

CHECKED BY RM

DATE MARCH 2018

TITLE

PRELIMINARY
PLAN OF
SUBDIVISION
COVER SHEET

DEWBERRY JOB NO. 50099455

1

SHEET NO. 1 OF 3

F
E
D
C
B
A



NOTE
FOR LOCATION OF UTILITIES CALL
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LEGEND	
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	EXISTING BOUNDARY
	EXISTING ADJACENT PROPERTY
	EXISTING GAS LINE
	PRIMARY MANAGEMENT AREA/75' STREAM BUFFER
	EXISTING STREAM
	EXISTING FLOODPLAIN
	EXISTING FLOODPLAIN EASEMENT
	EXISTING FLOODPLAIN BUFFER
	EXISTING WATER
	EXISTING SANITARY SEWER
	EXISTING SANITARY SEWER EASEMENT
	EXISTING WATER EASEMENT

- DEMOLITION NOTE:**
1. ALL EXISTING PAVEMENT AND RUBBLE WITHIN SITE BOUNDARY WILL BE REMOVED AT TIME OF CONSTRUCTION.
 2. ALL EXISTING BUILDINGS AND STRUCTURES WILL BE REMOVED WITHIN SITE BOUNDARY AT TIME OF CONSTRUCTION.
 3. ALL UNDERGROUND AND ABOVE UTILITIES ON SITE WILL BE REMOVED OR RELOCATED, UNLESS OTHERWISE NOTED.
 4. ALL EXISTING FENCE AND GATES WILL BE REMOVED.
 5. A RAZE PERMIT SHALL BE APPROVED BY PRINCE GEORGE'S COUNTY AND OBTAINED BY THE OWNER OR OWNER REPRESENTATIVE PRIOR TO DEMOLITION.

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MAGRUDER POINTE
PRELIMINARY PLAN OF SUBDIVISION
PPS 4-18001
PRINCE GEORGE'S COUNTY, MD
16TH ELECTION DISTRICT
TAX MAP 50 GRID A1, B1
2007 MAP REFERENCE 208NE03

SEAL

KEY PLAN

SCALE
0 50' 100'
SCALE: 1"=50'

No.	DATE	BY	Description
REVISIONS			

DRAWN BY: PN
APPROVED BY: MD
CHECKED BY: RM
DATE: MARCH 2018

TITLE
**PRELIMINARY
PLAN OF
SUBDIVISION
EXISTING CONDITIONS
AND REMOVAL PLAN**
DEWBERRY JOB NO. 50099455

2

SHEET NO. 2 OF 3

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION
PRELIMINARY PLAN 4-18001

TCP
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SIGNATURE APPROVAL DATE: _____
AUTHORIZED SIGNATURE _____

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FOR DEWBERRY ENGINEERS INC.

MICHAEL B. DAVIS
PROFESSIONAL LAND SURVEYOR
MARYLAND REGISTRATION NO. 11033
EXPIRATION DATE: 09/10/ 2020

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M-NCPPC
APPROVAL

PROJECT NAME: MAGRUDER POINTE
PROJECT NUMBER: 4-18001
For Conditions of Approval see Site Plan Cover Sheet or Approval Sheet
Amendment numbers must be included in the Project Number.

A

B

C

D

E

F

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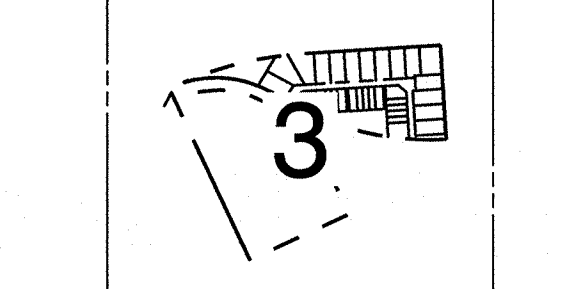
LEGEND	
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---	PRIMARY MANAGEMENT AREA/75' STREAM BUFFER
---	EXISTING STREAM
---	EXISTING FLOODPLAIN
---	PROPOSED 25' FLOODPLAIN BUFFER
---	EXISTING FLOODPLAIN EASEMENT
---	EXISTING FLOODPLAIN BUFFER
---	EXISTING WATER
---	EXISTING SANITARY SEWER
---	EXISTING SANITARY SEWER EASEMENT
---	EXISTING WATER EASEMENT
---	EXISTING 15% STEEP SLOPES
---	PROPOSED ROAD RIGHT-OF-WAY
---	PROPOSED PROPERTY LINE
---	PROPOSED ROAD CENTERLINE
---	PROPOSED CURB
---	PROPOSED STORM DRAIN
---	PROPOSED PUBLIC UTILITY EASEMENT
---	PROPOSED BUILDING RESTRICTION LINE (BRL)
---	PROPOSED STORM DRAIN EASEMENT
---	PROPOSED WSSC RIGHT OF WAY
---	PROPOSED SWM EASEMENT
---	PROPOSED SIDEWALK
---	INFRASTRUCTURE ONLY
---	PROPOSED SUBDIVISION BLOCK
---	PROPOSED PARCEL
---	PROPOSED LOT NUMBER

3

PRELIMINARY
PLAN OF
SUBDIVISION
PLAN SHEET

DEWBERRY JOB NO. 50099455

SCALE: 1"=50'



KEY PLAN

SEAL

MAGRUDER POINTE

PRELIMINARY PLAN OF SUBDIVISION
PPS 4-18001
PRINCE GEORGES COUNTY, MD
16TH ELECTORAL DISTRICT
TAX MAP 50 GRID A1: B1
2007 MAP REFERENCE 206NE03

APPLICANT
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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION
PRELIMINARY PLAN 4-18001

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