

STATEMENT OF JUSTIFICATION

Preliminary Subdivision Plan 4-20008

Heppe Property

Applicant: Strittmatter Land LLC

The Owners of the property forming the subject matter of this application are Clarence and Mary Heppe. The Applicant for this Preliminary Subdivision Plan is Strittmatter Land, LLC ("Strittmatter"). Strittmatter is also the contract purchaser of the property. Strittmatter has extensive experience in the development of both residential and mixed-use projects in Prince George's County. Strittmatter has developed an approximate 67± acre parcel of land zoned M-X-T in the Northeast Quadrant of the intersection of I-95 and Van Dusen Road. That project ("Westside") includes approximately 675 multifamily residential units, approximately 140 residential townhomes, approximately 40,000 square feet of commercial retail space and a hotel. Strittmatter is also in the process of developing an approximate 180 townhouse development known as the Flester Property which fronts on Contee Road and which is located immediately north of Westside. In addition, Strittmatter has developed single family residential properties in Brandywine within the subdivision known as Lakeview.

THE PROPERTY

The property forming the subject matter of this application consists of approximately 3.82 acres which is located on the south side of Westphalia Road just west of the intersection of Westphalia Road and Melwood Road. The property is irregular in shape. It has approximately 300 feet of frontage on Westphalia Road. The property bears an address of 9007 Westphalia Road, Upper Marlboro, Maryland 20772. It may be found depicted on Tax Map 90, Grid D-1. It is designated as Parcel 105 (the "Property" or "Heppe Property"). It is more particularly described in a deed recorded among the Land Records of Prince George's County, Maryland in Liber 5969, Folio 920. It is presently zoned R-R. A copy of a portion of Tax Map 90 with the Property shown outlined thereon in red is marked Exhibit "A" and attached hereto. A copy of the current zoning map also with the Property shown outlined in red, is marked Exhibit "B" and attached hereto. The Property is presently undeveloped and mostly wooded. A copy of an aerial photograph with the Property once again outlined in red is marked Exhibit "C" and attached hereto.

The Property is located within a developing area of Prince George's County known generally as Westphalia. Westphalia Road is classified as a Collector (C-626) in the Master Plan of Transportation. It has an 80 foot variable right-of-way width and two lanes of pavement with a posted speed limit of 30 miles per hour. Westphalia Road runs generally in an east-west direction. It intersects to the west with Pennsylvania Avenue (MD 4). Access to the Capital Beltway (I-495) may be gained by proceeding west from the Property to Pennsylvania Avenue. From there, vehicles may proceed north a short distance to intersect with the Capital Beltway. In addition, a second access to the Beltway may be gained by proceeding east on Westphalia Road to its intersection with Ritchie Marlboro Road. Vehicles may proceed north on Ritchie Marlboro Road to once again access the Beltway via an interchange at Ritchie Marlboro Road.

The section of Westphalia Road nearest Pennsylvania Avenue may be described as industrial in character. Service commercial and industrial uses are found on both the north and south sides of Westphalia Road. As you proceed east, the character of Westphalia Road changes to residential. This transition occurs where the residential subdivision known as Westphalia Woods is located on the north side of Westphalia Road. Immediately east of that subdivision is the Westphalia Community Center. Scattered single family detached subdivisions and open fields characterize the remaining distance along Westphalia Road eastward to its intersection with Ritchie Marlboro Road.

The major development in the area is the Smith Home Farm project (now known as "Parkside"). The Parkside development includes approximately 727 acres. It was rezoned from the R-A Zone to the R-M Zone through two Zoning Map Amendment applications (A-9965-C and A-9966-C), which were both approved by the District Council in February of 2006. A copy of a map depicting Sections 1, 2 and 3 of the Parkside development is marked Exhibit "D" and attached hereto. On this map, the Heppe Property is shaded in yellow. As can be seen from a review of Exhibit "D", Section 2 of Parkside abuts the Heppe Property on both its west and south boundaries. Originally, the portion of Section 2 abutting the Heppe Property was approved to be developed with single family detached homes. However, pursuant to Specific Design Plan SDP-1003-07, the developer of Parkside requested to shift single-family detached residential units to the south and to develop the area in the northern portion of Section 2 with single family attached units (townhomes). This change was approved in SDP-1003-07. The Planning Board approval was evidenced in Resolution PGCPB No. 15-121. A copy of this Resolution has been filed with this application. This SDP revision was also reviewed and approved by

the Prince George's County Council, sitting as the District Council, as evidenced in its Order Affirming the Planning Board Decision approved on April 8, 2016. A copy of this Order has also been filed with this application. SDP-1003-07 authorized the addition of townhouse units 16 feet wide for rear loaded units and 20 feet wide for front loaded units in this area. The result of the change in Parkside's development scheme places residential townhomes abutting the Heppe Property on both its west and south boundary. Those townhomes are now under construction. The insertion of residential townhomes in this area abutting the Heppe Property had a substantial impact on how the Heppe Property itself should be developed.

As can be seen from a review of Exhibits "B" and "C", there is a triangular shaped parcel of land located immediately east of the Heppe Property. It is split zoned R-R and C-O. A large building is located on the C-O zoned portion. This building is owned by the Joint Carpenters App Ed and Jr. Trust Fund and is used for educational/training purposes. To the west of Parkside and also on the south side of Westphalia Road is a parcel of land zoned M-X-T. That parcel consists of approximately 69 acres. It is presently improved with industrial uses. It is the subject of a proposed development known as Cambridge at Westphalia. Preliminary Subdivision Plan 4-11012 was approved for Cambridge at Westphalia in June of 2014. The approval of that Preliminary Subdivision Plan authorized the development of 301 multifamily units in addition to approximately 142,500 square feet of existing industrial uses. Undeveloped land which is zoned R-T (Residential Townhouse) is located immediately north of the Property, also fronting on the north side of Westphalia Road.

DEVELOPMENT PROPOSAL

As noted above, the Property is presently undeveloped and partially wooded. The applicant proposes to subdivide the Property into 37 fee simple lots for the construction of single family attached units (townhomes). The Property is zoned R-R. Generally, single family attached units are not permitted in the R-R Zone. However, on November 14, 2017, the District Council adopted CB-93-2017. Pursuant to that bill, townhomes are permitted in the R-R Zone subject to certain very express conditions. Those conditions are set forth in Footnote 118 to Section 27-441 of the Zoning Ordinance. Footnote 118 provides as follows:

118 Notwithstanding any other provision of this Section, townhouses are a permitted use, provided:

- (A) The use is located on a lot(s) or parcel(s) that is less than four (4) acres in size and is adjacent to land zoned R-T;
- (B) The property is adjoined on two (2) sides by land which was zoned R-M as of November 1, 2017 and which is improved with or is the subject of an approved development application which includes townhouses;
- (C) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle. Regulations concerning the net lot area, lot coverage, frontage, setbacks, density, landscaping and other requirements of the R-R Zone shall not apply. All such requirements shall be those as shown, established and approved on the Detailed Site Plan. The Detailed Site Plan shall also include architectural review to ensure high quality design and construction materials compatible with that approved for development on the abutting property.

The Heppe Property conforms with each of the criteria set forth in Footnote 118. Specifically,

(A) The Heppe Property, consisting of 3.82 acres, is less than four acres in size. It is also adjacent to land which is zoned R-T. R-T zoned land is located immediately north of the Heppe Property across Westphalia Road.

(B) The Heppe Property is adjoined on two sides by land zoned R-M as of November 1, 2017. That of course is the Parkside property discussed above. It abuts the Heppe Property on its western and southern boundaries. Further, pursuant to SDP-1003-07 as approved by both the Planning Board and the District Council for the Parkside project, townhomes were expressly permitted to be developed within the Parkside community in the area immediately abutting the Heppe Property. Further, construction of these townhomes is currently underway.

(C) A Detailed Site Plan (DSP-20023) has been filed concurrent with this Preliminary Subdivision Plan application. Access to the site is proposed from a single connection to Westphalia Road. Individual lots are proposed to be located around the perimeter of the site. In addition, nine individual lots are proposed in the center of the site. Internal circulation is achieved from two private roads which are 22 feet in width and which allow for two-way traffic circulation. The lots are all 20 feet wide with the exception of end units where

the lots are 25 feet wide. However, all of the units proposed to be constructed are 20 feet in width. A grass amenity area is proposed toward the rear of the site behind Lots 13 through 19. A four-foot wide asphalt trail provides access into the this area. All internal lots are 1,480 square feet in area, with the exception of end units which will in general be 1,850 square feet in area. There are four open space parcels which are proposed to be dedicated to a homeowners association. These range in size from 3,712 square feet to 72,129 square feet.

CONFORMANCE WITH MASTER PLAN/SECTOR PLAN

The Heppe Property is located within the area subject to the Approved Westphalia Sector Plan and Sectional Map Amendment. The District Council approved the Plan pursuant to the adoption of CR-2-2007 in February of 2007. The Westphalia Sector Plan amends portions of the 1994 Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia. The Applicant submits that its proposed development conforms in general to the recommendations of the Westphalia Sector Plan. An overall development concept for the Sector Plan area is depicted on Map 3 of the Text document found on page 16. A copy of this map is marked Exhibit "E" and attached hereto. This map recommends that the Heppe Property be developed with residential uses. The recommended development pattern is set forth in the Vision Statement for the Westphalia Sector Plan found on pages 17 and 18 of the Text document. One of the recommendations within the Vision Statement recommends promoting residential neighborhoods as follows:

- **Attractive and safe residential neighborhoods with a range of housing types and densities, convenient access to schools, recreation, green spaces, and shopping, designed to minimize the visual impact of cars.** (Text p. 17)

The applicant submits that its proposed development for the Heppe Property will assist in achieving this vision. The 37 townhomes being proposed will result in a safe and attractive residential neighborhood which is in line with the goal of providing a range of housing types and densities.

The Goals of the Westphalia Sector Plan appear on page 18 of the Text document. There, among other Goals, the following is stated:

- **Maintain low-to-moderate-density land uses for the Sector Plan area, except in the Westphalia town center core.**
- **Preserve and enhance environmentally sensitive areas, such**

as streams, woodlands and wetlands.

Again, the applicant submits that its proposed development constitutes a moderate density land use. Further, as can be seen from a review of the Preliminary Plan, sensitive environmental features including wetlands, are proposed to be preserved.

The Land Use map appears on page 19 of the Text. A copy of that map is marked Exhibit "F" and attached hereto. The Land Use map itself recommends low density residential for the Heppe Property. Significantly, the Land Use map makes the same land use recommendation for the Parkside development which of course is zoned R-M.

The Sector Plan sets forth a number of development policies for land areas included within the Plan. Policy 5 is titled "Residential Areas". That discussion appears on pages 30 and 31 of the Text document. There it is noted that approximately 3,500 acres of developable land is available for "new low to medium-density residential areas". Policy 5 goes on to discuss design principles. The following are particularly relevant to the Preliminary Subdivision Plan proposed for the Heppe Property. They are as follows:

Design Principles:

- **Design new low-to medium density residential neighborhoods that are varied in housing styles and architecture and promote best practices for residential design**
- **Incorporate a variety of housing types in single-family projects/subdivisions:**
- **Build townhomes and small lot single-family homes to add diversity to neighborhoods or as a transition between higher density units and lower density single-family neighborhoods.**
- **Design residential developments that connect and appropriately transition to pre-existing communities and neighboring commercial areas**
- **Create lot diversions that respect the existing pattern of development for neighborhood continuity and compatibility.**
- **Design an efficient, safe, and interconnected residential street system. (Text, p. 31)**

The proposed Preliminary Subdivision Plan for the Heppe Property conforms to these design principles. The townhomes being proposed will provide a new medium density residential neighborhood with various housing styles and with architecture which promotes best practices. The townhomes being proposed will add diversity to the Westphalia Road corridor. In addition, providing townhomes on the Heppe Property results in the design of a residential development which appropriately transitions to the pre-existing Parkside development to the south and west. It also respects the existing pattern of development which has been established for Parkside and thus allows for neighborhood continuity and compatibility. As such, the Preliminary Subdivision Plan as proposed for the Heppe Property conforms with the Strategy and Design Principles for Residential Areas as set forth in Policy 5 of the Sector Plan.

CONFORMANCE WITH PRINCE GEORGE'S 2035 GENERAL PLAN

Development of the Property with uses permitted in the R-R Zone as expressly authorized by CB-93-2017, is also in conformance with the recommendations of the Prince George's 2035 General Plan. The Plan's Growth Policy Map found on page 18 of the Plan Text locates the Property in the vicinity of the Westphalia Center, an area recommended for substantial development. Specifically, the Property is designated within the Established Communities Policy Growth Area. This designation indicates that a property is most appropriate for context sensitive infill and low-to medium-density development. Clearly, the proposed development of the Property conforms to this recommendation as the 37 townhouse units being proposed represent a medium density development. Further, the General Feature Land Use Map found on page 101 of the Plan Text document recommends the Property for residential medium development. Once again, the proposal for the development of the Heppe Property, as set forth in this Preliminary Subdivision Plan, conforms to this recommendation. The Property is also within Tier 2 of the Sustainable Growth Act which supports development. Given the above, the Applicant submits that this application is in general conformance with the recommendations of the Prince George's 2035 General Plan.

CONFORMANCE WITH MARYLAND SMART GROWTH ACT

The Maryland Smart Growth Act lists four goals for proper growth.

- A. Support existing communities by targeting resources to support development in area where infrastructure exists.

The proposed subdivision of the Heppe Property as noted above, directly fronts on Westphalia Road. Westphalia Road runs generally in an east/west direction. It allows motorists to obtain access to the Capital Beltway either by proceeding west and intersecting with Pennsylvania Avenue and proceeding a short distance north to connect with the Pennsylvania Avenue/Capital Beltway interchange or by proceeding east to Ritchie Marlboro Road. An interchange with the Capital Beltway exists at Ritchie Marlboro Road. The Heppe Property is located within an area subject to the Westphalia Public Facilities Financing and Implementation Program District ("PFFIP") which was created pursuant to CR-66-2010 in order to provide for "pro rata" contributions from properties within the PFFIP District to assist in funding construction of a new MD 4/Westphalia Road Interchange. As such, a per unit contribution will be established pursuant to the approval of this Preliminary Subdivision Plan which will allocate a share to the Heppe Property for the construction of this new infrastructure element.

B. Save our most valuable natural resources before they are lost forever.

This subdivision proposal for the Heppe Property will allow for meaningful development of a rather small parcel of land which is substantially impacted by existing and ongoing development on its east, west and south boundaries. As can be seen from a review of the Preliminary Subdivision Plan, sensitive environmental features including wetland areas which exist in the southern portion of the Property will be preserved and will not be subject to development.

C. Save taxpayers from the high cost of building infrastructures to serve development that has spread far from our traditional population centers.

The Heppe Property is within the Westphalia Sector Plan area. This Plan encourages development in a strategic location near the intersection Pennsylvania Avenue and the Capital Beltway. The Westphalia Sector Plan provides for high density development around the Westphalia Town Center. A legislative determination has been made that development density should be allowed in this area given the Sector Plan recommendation for the Town Center. Thus, development of the Heppe Property will be in an area targeted for development and thus does not encourage development distant from population centers. In addition and as discussed above, the Heppe Property will contribute to the construction of much needed road infrastructure pursuant to an allocation formula established for the Westphalia PFFIP District.

- D. Provide Marylanders with a high quality of life, whether they choose to live in a rural community, suburb, small town or city.**

Subdivision of the Heppe Property will allow for medium density residential development with attractive townhome units. The Heppe Property is located in close proximity to the Westphalia Town Center. The homes that will be constructed on the Property will promote a high quality lifestyle for the future residents of this community.

**CONFORMANCE WITH APPLICABLE PROVISIONS OF SUBTITLE 24/
SUBDIVISION ORDINANCE**

Analysis of the applicable provisions of the Subdivision Ordinance follows:

Section 24-121 sets forth Planning and Design Requirements. Those Requirements are:

Section. 24-121. - Planning and Design Requirements.

- (a) The Planning Board shall require that proposed subdivisions conform to the following:**

- (1) All lots shall be designed to be located wholly within the County and platted in conformance with all of the requirements of the Zoning Ordinance applicable to the subject property.**

All of the lots proposed on this Plan are entirely located within Prince George's County and will be platted in conformance with the requirements of the Zoning Ordinance pursuant to CB-93-2017, Footnote 118 which amended Section 27-441 of the Zoning Ordinance.

- (2) In cases where the proposed subdivision is situated in a portion of the Regional District not planned to be served by public water and/or sewerage facilities, proposed lots shall be designed to meet the minimum lot size requirements for individual systems, as contained in Subtitle 22 of this Code and in the Comprehensive Ten Year Water and Sewerage Plan.**

This provision is inapplicable as the Property is in Water Category 3 and Sewer Category 4 with immediate planned service. Water and sewer lines are located either within Westphalia Road

abutting the Property or in close proximity to the Property.

- (3) When lots are proposed on land adjacent to an existing or planned roadway or arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.

The Property fronts exclusively on Westphalia Road which is a roadway of collector classification. Notwithstanding that fact, no individual lots are proposed to have access on to Westphalia Road. Rather, a single access point into a private road is proposed. All of the lots will front on and be accessed by internal private roadways.

- (4) Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.

This provision is inapplicable to this subdivision as no residential lots are adjacent to existing or planned roadways of arterial classification.

- (5) The preliminary plan and final plat shall conform to the area master plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant plan recommendations no longer appropriate or the District Council has not imposed the recommended zoning. Notwithstanding any other requirement of this Section, a proposed preliminary

plan or final plat of subdivision may be designed to conform with the land use policy recommendations for centers, as approved within the current County general plan, unless the District Council has not imposed the recommended zoning.

As discussed above, the Applicant asserts that the development being proposed in this Preliminary Subdivision Plan conforms to the recommendations of the Approved Westphalia Sector Plan and Sectional Map Amendment and to the recommendations of the Prince George's County General Plan 2035. While the Westphalia Sector Plan proposed Land Use map recommends low density residential development for the Heppe Property, as discussed above, the subdivision being proposed conforms to both Strategies and Goals of the Sector Plan as well as Design Criteria and recommendations for Residential Properties as set forth in the Sector Plan. Conformance with these principles has been discussed hereinabove.

In addition, even if an argument were to be made that the townhomes being proposed in this Preliminary Subdivision Plan are not in strict conformance with a low density residential recommendation as set forth in the Land Use plan, the applicant submits events have occurred which would render that plan recommendation no longer appropriate. In particular, there are two events which bear discussion.

First, the approved Westphalia Sector Plan was adopted in February of 2007. In November of 2017, the District Council adopted CB-93-2017. While the R-R Zone typically does not allow single-family attached residences, CB-93-2017 specifically authorized the construction of townhomes on R-R zoned property in certain specific circumstances. The Heppe Property meets those conditions set forth in Footnote 118 of CB-93-2017. The Applicant submits that CB-93-2017 specifically recommended that when an R-R zoned parcel of less than four acres abuts other property which is proposed to be developed with townhomes, it is appropriate to allow townhome development on the R-R zoned parcel. CB-93-2017 therefore represents a specific act taken by the District Council, with clear recognition of the normal density and unit type restrictions which exist in the R-R Zone, to nonetheless allow townhomes in the R-R Zone. Further, the bill expressly provides that the density to be approved shall be established pursuant to the approval of the Detailed Site Plan. Accordingly, there was an express action on the part of the District Council not to restrict density to any particular range but rather to have the Detailed Site Plan establish that range. This again is an express recognition of the inherent difficulty in developing a small parcel of R-R zoned property when it is

effectively surrounded by other much more intense development. In effect, it is a recognition on the part of the District Council that single-family detached development at density standards dictated by the R-R Zone would simply be inappropriate in the circumstances indicated by Footnote 118.

Second, after the approval of CB-93-2017, the District Council approved a Sewer Category Change for the Heppe Property pursuant to the adoption of CR-34-2018, a copy of which has been filed with this application. This action taken by the District Council is significant for several reasons. Initially, it should be noted the Prince George's County Ten Year Water and Sewer Plan is not simply a document which approves water and sewer categories for properties based upon availability of water and sewer service. Quite to the contrary, as set forth in Chapter 1, page 1-1, a copy of which is marked Exhibit "G" and attached, of the Adopted 2018 Water and Sewer Plan, the District Council expressly states that **"[T]he Plan serves as a tool to implement the land use plan found in the County's General Plan."**

Further, the Plan Goals and Objectives are set forth in Section 1.2 of the Plan. Among those Goals and Objectives are the following:

- **"Enhance the quality of life and the economic well being of the County and its residents by supporting land use policies and orderly development".**
- **"Implement the goals of the Prince George's County adopted General Plan, 'Plan Prince George's 2035', area master plans, functional master plans, all applicable County land use plans and building practices." (See 2018 Adopted Water and Sewer Plan, page 1-2, a copy of which is marked Exhibit "H" and attached hereto.**

Chapter 2 of the Adopted Plan also addresses the Framework for Water and Sewer Planning. There, the District Council states:

- **"[T]herefore, water and sewer planning must be based on consideration of geographical features and environmental factors, community needs as expressed in the County's land use and development policies, Federal and State policy guidance, and public health requirements." This statement appears on page 2-1 of the Adopted Plan, a copy of which is marked Exhibit "I" and attached hereto.**

Chapter 2.1.4 sets forth considerations for Category Changes. Therein, the District Council states:

- **"[T]he policies governing changes to a designated category must take into account environmental factors, economic concerns, planning requirements, regulatory policies, engineering constraints, and public health concerns."** This statement appears on page 2-6 of the Adopted Plan, a copy of which is marked Exhibit "J" and attached hereto. Included within those policies and criteria for Category Changes is the heading **"Federal, State, Regional, County and Municipal land use plans and planning policies."** Therein, the District Council states: **"Water and sewer service shall be provided in concert with the availability of other public facilities, and in accordance with the General Plan and applicable Area and Functional Master Plans."** The District Council further states: **"[P]roposed development shall be analyzed for consistency with the General Plan, master/sector plans and functional master plans as defined by the land use article of the Maryland Annotated Code."** These comments appear on pages 2-7 thru 2-8 of the Adopted Plan, a copy of which is marked Exhibit "K", and attached hereto.

Finally, the Legislative Amendment Process for Category Changes appears in Chapter 6 of the Adopted Plan. There, within Section 6.3 and 6.3.1, the District Council notes that category changes shall be made:

- **" in concert with land use and sustainable growth policies by the adopted General Plan ..."**. Copies of those sections which appear on pages 6-2 and 6-3 of the Adopted Plan, are marked Exhibit "L" and attached hereto.

Based on the above, there can be no dispute that the 2018 Adopted Prince George's County Ten Year and Water Sewer Plan mandates that determinations regarding the appropriate Water and Sewer Categories are made not just on technical analyses as to whether or not water and sewer service can engineeringly be provided, but also based upon conformance with appropriate State and County planning documents, including the General Plan and appropriate area Master Plans or Sector Plans. Therefore, those determinations were before the Council for its consideration when it approved the Category Change for the Heppe Property pursuant to the adoption of CR-34-2018.

In addition, and of particular significance, is the fact

that the Applicant is required to describe a development in terms of density, residence size and even sales price when filing an application. In adopting CR-34-2018, the District Council considered and expressly approved 42 residential townhomes to be developed on the Heppe Property.

These considerations as set forth above clearly represent and constitute subsequent and overriding events which have occurred which would render a recommendation of low density residential development to no longer be appropriate.

- (6) When indicated by a master plan or the General Plan or when requested by a public agency, land may be placed in reservation, pursuant to Division 7 of this Subtitle.**

There are no recommendations in either the Master Plan or General Plan which would require reservation of any land area included in this Preliminary Subdivision Plan.

- (7) Provision shall be made for the eventual ownership of outlots or residue parcels by incorporating them into platted lots or into adjacent parcels or by other means deemed acceptable by the Planning Board.**

This provision is inapplicable as no residue parcels or outlots are proposed on this Preliminary Subdivision Plan other than parcels proposed to be deeded to a Homeowners Association to be formed.

- (8) Corner lots shall be rounded with a radius of not less than twenty (20) feet or provided with an equivalent truncation.**

This provision is inapplicable as all lots will be served by private roads.

- (9) Walkways, with rights-of-way not less than ten (10) feet wide, shall be provided through all blocks over seven hundred fifty (750) feet long, when deemed necessary by the Planning Board.**

No blocks over 750 feet long are being proposed. Therefore, this provision is inapplicable.

- (10) Generally, subdivisions shall be designed to avoid unnecessary and costly roads, utility extensions, grading, and energy consumption.

This subdivision will be designed so as to avoid unnecessary and costly roads or utility extensions. Westphalia Road presently exists. Internal roads will be private as authorized by Section 24-128.

- 11) Significant natural features which are impossible or difficult to reproduce, such as waterways, streams, hills, wooded lands, and specimen trees, should be preserved to the degree practicable.

Regulated environmental features are found on this site. Wetlands will be preserved. A variance has been filed requesting authorization to remove a single specimen tree.

- (12) Lot size averaging may be permitted for preliminary plans accepted prior to July 1, 2006 in accordance with the Zoning Ordinance when the Planning Board finds that:

- (A) The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.
- (B) The subdivision design provides for an adequate transition between the proposed sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.
- (C) The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of the site and any natural features of adjacent parcels.

Lot size averaging is not being proposed in this Subdivision.

- (13) Generally, lots, except at corners, should have access to only one (1) street.**

All lots within this subdivision are proposed to access on private roads. The use of private roads in this instance is specifically authorized by Section 24-128(b)(19) which provides that in the R-R Zone, when developing townhomes in accordance with Section 27-441, the Planning Board may approve the use of private streets. As required by that section, the private streets being proposed in this instance are 22 feet in width.

- (14) If an entrance feature or gateway sign is proposed in a residential subdivision, it shall be identified on the preliminary plan on a separate Homeowners' Association parcel, or easement located on a homeowner's lot, and be designed in accordance with the standards in Section 27-624 of the Zoning Ordinance. A Homeowners' Association or other entity or person designated in a maintenance arrangement approved by the Department of Permitting, Inspections, and Enforcement, shall be responsible for the maintenance of the entrance feature or gateway sign.**

An entrance sign for this subdivision is proposed. It is shown on the Preliminary Plan to be located on Parcel D, which will be a separate Homeowners Association parcel.

- (15) The Planning Board shall not approve a preliminary plan of subdivision until evidence is submitted that a stormwater management concept plan has been approved by the Department of Permitting, Inspections, and Enforcement or the municipality having approval authority, unless the Planning Board finds that such approval will not affect the subdivision.**

A stormwater management concept plan has been approved (Case No. 12733-2020). A copy of the approval letter has been filed with this application. The approval occurred on August 10, 2020.

- (16) Except as indicated in Section 24-132, the subdivision shall be designed and platted in accordance with the provisions for woodland conservation and tree preservation contained in Subtitle 25.**

A site development concept plan has been approved. A Type 1 Tree Conservation Plan has been filed with this application and will

be approved by the Planning Board as part of the approval of this Preliminary Subdivision Plan.

(17) Historic resources should be preserved.

No historic resources are located on the Heppe Property.

(18) Significant archeological sites identified in accordance with the Planning Board Guidelines for Archeological Review should be preserved in place, to the extent practicable and should be interpreted as appropriate.

It is the Applicant's belief and understanding that no archeological review will be required for this Preliminary Subdivision Plan. A Historic Presubmittal Checklist was submitted by the Applicant at the time of filing this Preliminary Subdivision Plan for pre-acceptance review.

(19) Condominium townhouse dwelling units approved after September 1, 2012 shall conform to the lot standards of this Subtitle and Subtitle 27 for possible future conversion to fee simple lots.

No condominium townhouse units are proposed and therefore this provision is inapplicable.

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.**

A 10 foot public utility easement is proposed to be provided along the Property's Westphalia Road frontage.

- (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.**

No public facilities are shown on the General Plan or on the Sector Plan which impact this property. A Site Development

Concept Plan has been prepared and submitted. In addition, a Stormwater Management Concept Plan as referenced above has been approved. The Applicant believes that appropriate measures are being proposed to handle and treat all stormwater runoff as required by applicable ordinances.

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

See above response.

24-122.01. - Adequacy of public facilities.

- (a) **The Planning Board may not approve a preliminary plan of subdivision 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.**

Due to the minimal number of units proposed and the resulting minimal number of peak hour trips, a full Traffic Impact Analysis is not required by the Guidelines. The Transportation Submittal Checklist which was countersigned by the Transportation Division confirms that no Traffic Impact Study is required. Counts were in fact provided. It should be noted that these counts are based on 38 townhomes being developed when in reality, only 37 townhouses are being proposed. The counts indicate that the trip generation for this subdivision will be 27 AM peak hour trips and 30 PM peak hour trips.

Notwithstanding this fact, and as referenced above, the Westphalia PFFIP, as authorized by CR-66-2010, will result in a per unit fee being contributed by the Heppe Property towards a new interchange at Pennsylvania Avenue.

DIVISION 4. - REQUIREMENTS: TRANSPORTATION AND CIRCULATION.

Section 24-123.- General requirements.

(a) The Planning Board shall require that preliminary plan conform to the following:

- (1) The rights-of-way of all highways, streets, and transit facilities shown on the General Plan, functional master plans, and area master plans shall be shown on the preliminary plan and, when reserved or dedicated, shown on the final plat.

All rights-of-way shown on the General Plan and the Sector Plan have been observed on the Preliminary Subdivision Plan as filed.

- (2) All proposed streets shall be continuous and in alignment with existing or platted streets in adjoining subdivisions so as to create a street network that is functional and easily understandable. Generally, streets should cross other streets at right angles.

This subdivision is not proposing the dedication of any new public streets. All streets internal to the development will be private. Access will be to Westphalia Road via a single access driveway.

- (3) All internal subdivision streets shall be wholly within the County and shall not be designed to directly connect to an adjacent county unless the applicant has obtained the prior written approval of the District Council and the appropriate land use authority of the adjacent County.

- (A) An applicant must file a written request for said approval. The request shall be filed with the Clerk of the District Council. The District Council must either approve or disapprove said request within said forty-five (45) day period shall constitute an approval of the request. For purposes of this provision an internal subdivision street shall be deemed to be a public roadway having a right-of-way width of eight (80) feet or less.

- (B) After public hearing before the District Council, the Council shall not allow the proposed bi-county subdivision unless it finds that delivery of public safety services, utility services, and tax collection will be timely and adequate for the lots in Prince George's County.

All internal streets in this proposed subdivision will be wholly within Prince George's County and will not connect in any way to an adjoining county.

- (4) All streets proposed for dedication to public use shall be designed to the standards of the County road ordinance and street standards for width and minimum curve radii or to the standards of municipalities having jurisdiction. Variations from these standards may be granted by the Planning Board upon the recommendation of the Department of Permitting, Inspections, and Enforcement or upon the recommendation of the municipality or other governmental authority having jurisdiction.

As noted above, Westphalia Road is presently in existence. A minimal amount of new dedication will be required along the Property's Westphalia Road frontage. This dedication (0.16 ac.) is shown on the Preliminary Subdivision Plan.

- (5) Arterial highways shall have a minimum right-of-way width of one hundred and twenty (12) feet; collector streets, a minimum right-of-way width of eighty (90) feet; and parkways, such right-of-way width as may be designated by the Planning Board. The width of secondary subdivision streets shall be not less than fifty (50) feet and the width of primary subdivision streets not less than sixty (60) feet.

This provision is inapplicable.

- (6) Land for bike trails and pedestrian circulation systems shall be shown on the preliminary plan and, where dedicated or reserved, shown on the final plat when the trails are indicated on a master plan, the County Trails Plan, or where the property abuts an existing or dedicated trail, unless the Board finds that previously proposed trails are no longer warranted.

It is the applicant's understanding and belief that no bike trails or pedestrian trails are required for this subdivision.

Section 24-124.- Adequate roads required.

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

- (1) There will be Adequate access roads available to serve traffic which would be generated by the proposed subdivision, or there is a proposal for such roads on an adopted and approved mater plan and construction scheduled with one hundred percent (100%) of the construction funds allocated within the adopted County capital Improvement Program, within the current State Consolidated TRANSFORMATION Program, and/or such roads are incorporated in a specific public facilities financing and implementation progr4am as defined in Se3ction 27-107.01 (186.1); and
- (2) The traffic generated by the proposed subdivision will be accommodated on major intersections and major roadways within the established study area such that they will be functioning below the minimum peak-hour service levels adopted by the Planning Board in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," as may be amended from time to time (hereinafter the "study area" refers to major intersections and major roadways as defined in the "Guidelines"); or

See analysis regarding transportation adequacy as described above.

Section 24-124.01. - Adequate Public Pedestrian and Bikeway Facilities Required in County Centers and Corridors.

It is the applicant's understanding that no pedestrian or bikeway facilities are required along Westphalia Road.

Section 24-128 - Private Roads and Easements

- (a) No subdivision plat or plan of development (however designated) shall be approved that provides for a

private road, right-of-way, or easement as the means of vehicular access to any lot6, and no building permit shall be issued for the construction of any building in a subdivision unless such building is to be located on a lot or parcel of land having frontage on and direct vehicular access to a public street, except as hereinafter provided.

- (b) The Planning Board may approve plats and plans of development containing private roads, rights-of-way or easements under the following conditions:

* * * * *

(19) In the R-R, R-55, R-T, C-S-C, C-M, C-O, and I-3 Zones, when developing townhouse or two-family dwelling residential uses, in accordance with Sections 27-441, 27-461, and 27-473 of this Code, the Planning Board may approve the use of private streets and alleys. The pavement width of private streets shall not be less than twenty-two (22) feet in width, and the pavement width of private alleys shall not be less than eighteen (18) fee in width, provided that the accessibility of the private roads to emergency equipment is ensured by the County Fire Chief or the Chief's designee.

* * * * *

As discussed above, the Heppe Property is zoned R-R and townhomes are being proposed pursuant to Section 27-441. Given that fact, the Planning Board may approve the use of private roads within the subdivision as the applicant is proposing. The pavement width of the streets as proposed by the applicant is to be 22 feet.

DIVISION 5.- REQUIREMENTS: ENVIRONMENTAL AND PARKS.

Section 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.

The Preliminary Subdivision Plan as proposed in this submittal conforms with the above requirement.

Section 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.

Sensitive environmental features exist along the southern portion of the Property. In particular, there are wetlands, forested wetlands and primary management area. The Applicant proposes to preserve these areas and does not propose to disturb them.

- (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.

As noted above, a Stormwater Management Concept Plan has been submitted and approved. As also noted above, the sensitive environmental areas consisting of wetlands, forested wetlands and primary management area are proposed to be preserved. A Natural Resources Inventory has already been filed and approved.

Section 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.

* * * * *

- (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.

Section 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.

The Applicant submits that this Preliminary Subdivision Plan should be determined to be exempt from the requirement to provide

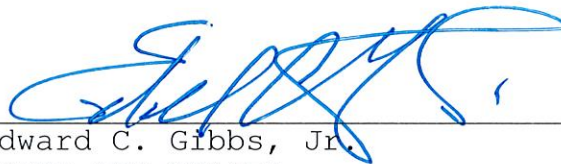
mandatory dedication of parkland. The Applicant submits that it is exempt from mandatory dedication given that the Preliminary Subdivision Plan proposes a townhouse development. Further, the Planning Board should determine that the provisions of Section 24-135, requiring a fee in lieu of mandatory dedication, should be applicable. The Property is small in size and has limiting physical characteristics. As has been described above in detail, there are sensitive environmental features along the entire southern boundary which must be preserved. In addition, there is other adequate open space available to serve this subdivision. Specifically, the Westphalia Community Center is located on the north side of Westphalia Road just west of the Heppe Property. That center is expansive and includes both indoor and outdoor recreational facilities. Further, the Heppe Property will ultimately have pedestrian access to the Westphalia Central Park which is to be located just south of the Heppe Property.

PRIOR CONDITIONS OF APPROVAL

There have been no previous applications other than the Water and Sewer Category Change application referenced above and which was approved pursuant to the adoption of CR-34-2018.

CONCLUSION

On the basis of all of the foregoing, the applicant, Strittmatter Land LLC, proposes that all relevant statutory criteria for the grant and approval of this Preliminary Subdivision Plan are met and satisfied. Therefore, the applicant requests that this Preliminary Subdivision Plan be approved as submitted.



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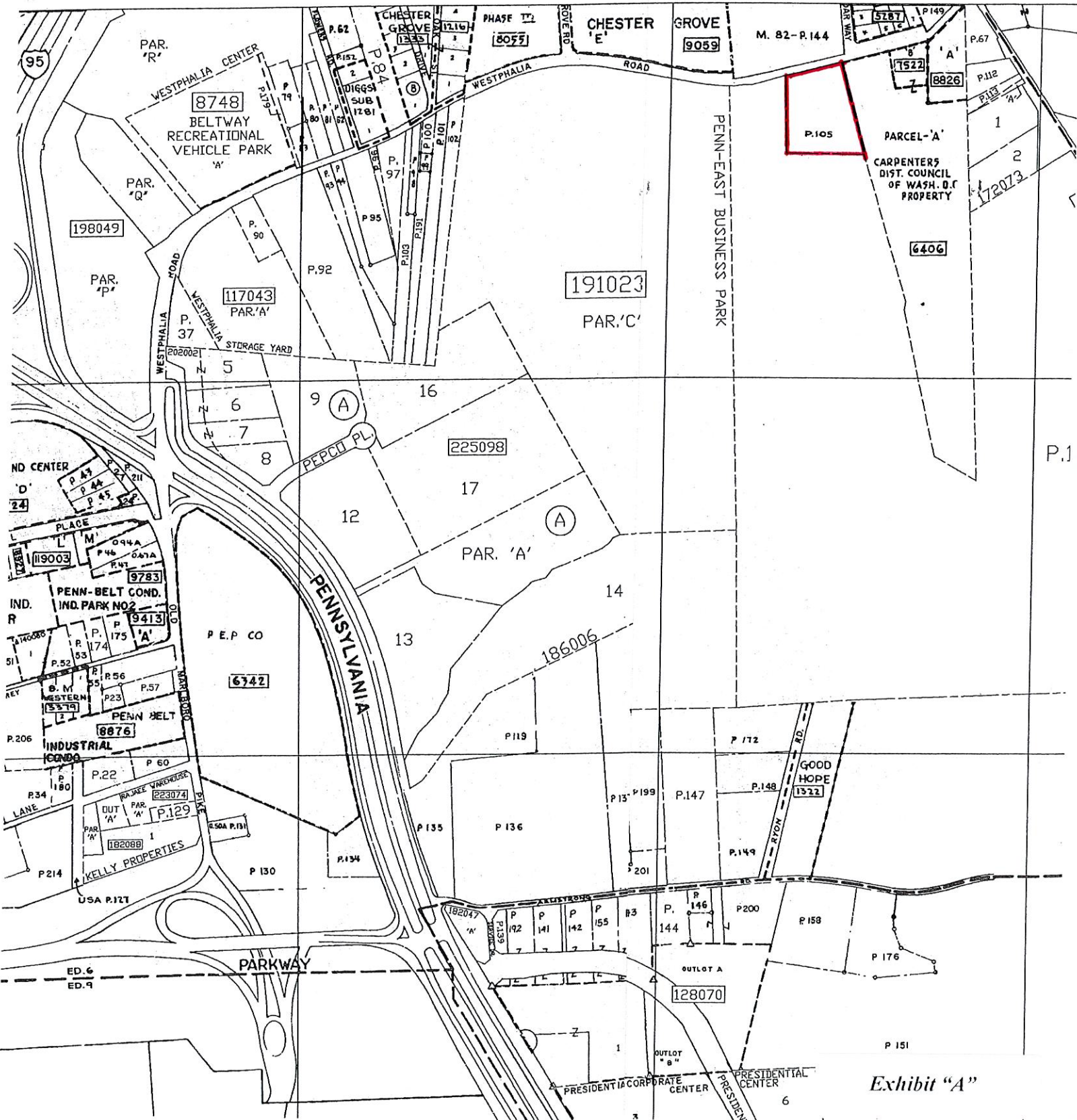


Exhibit "A"

8.5X11_Landscape

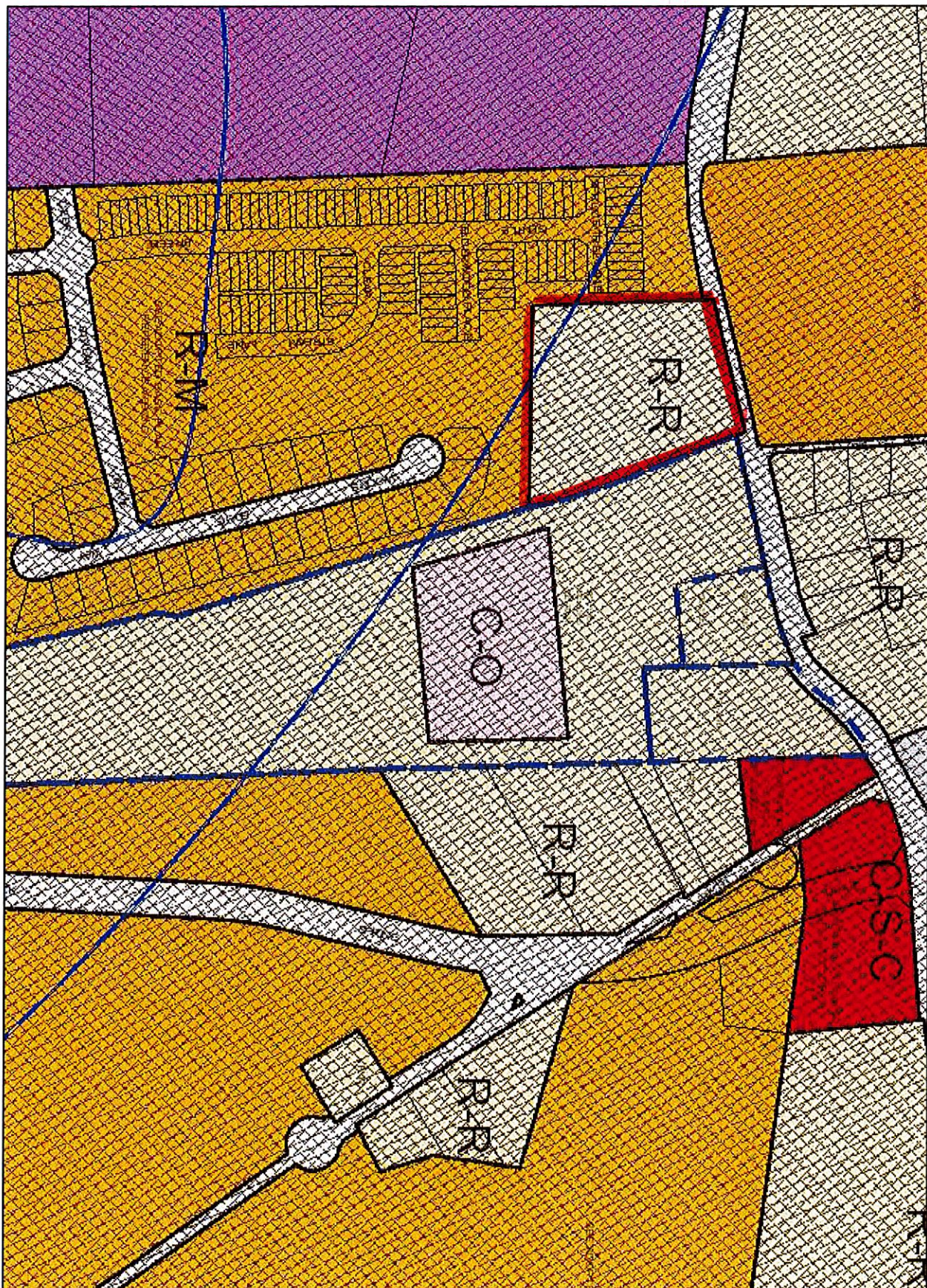
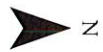


Exhibit "B"



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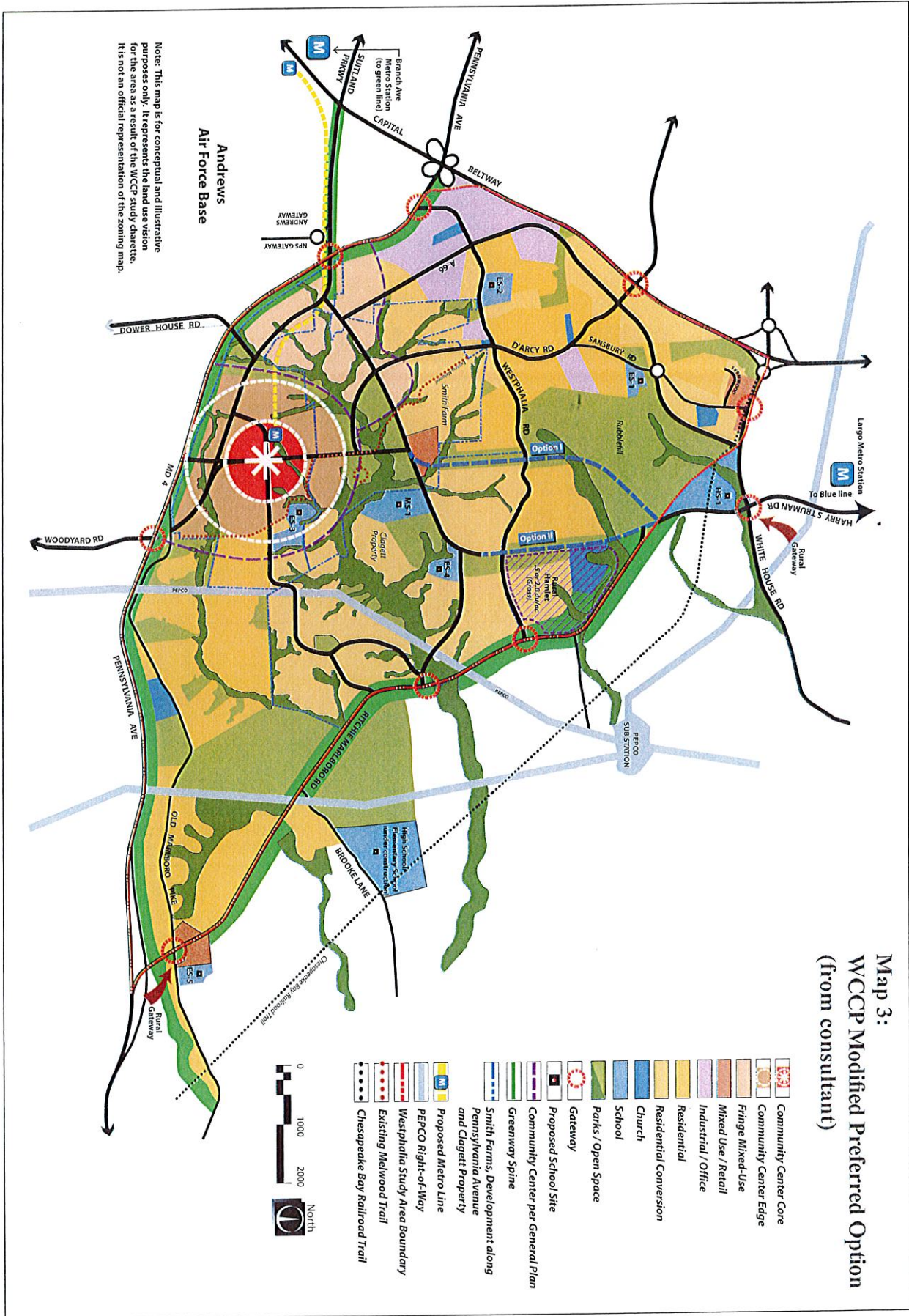


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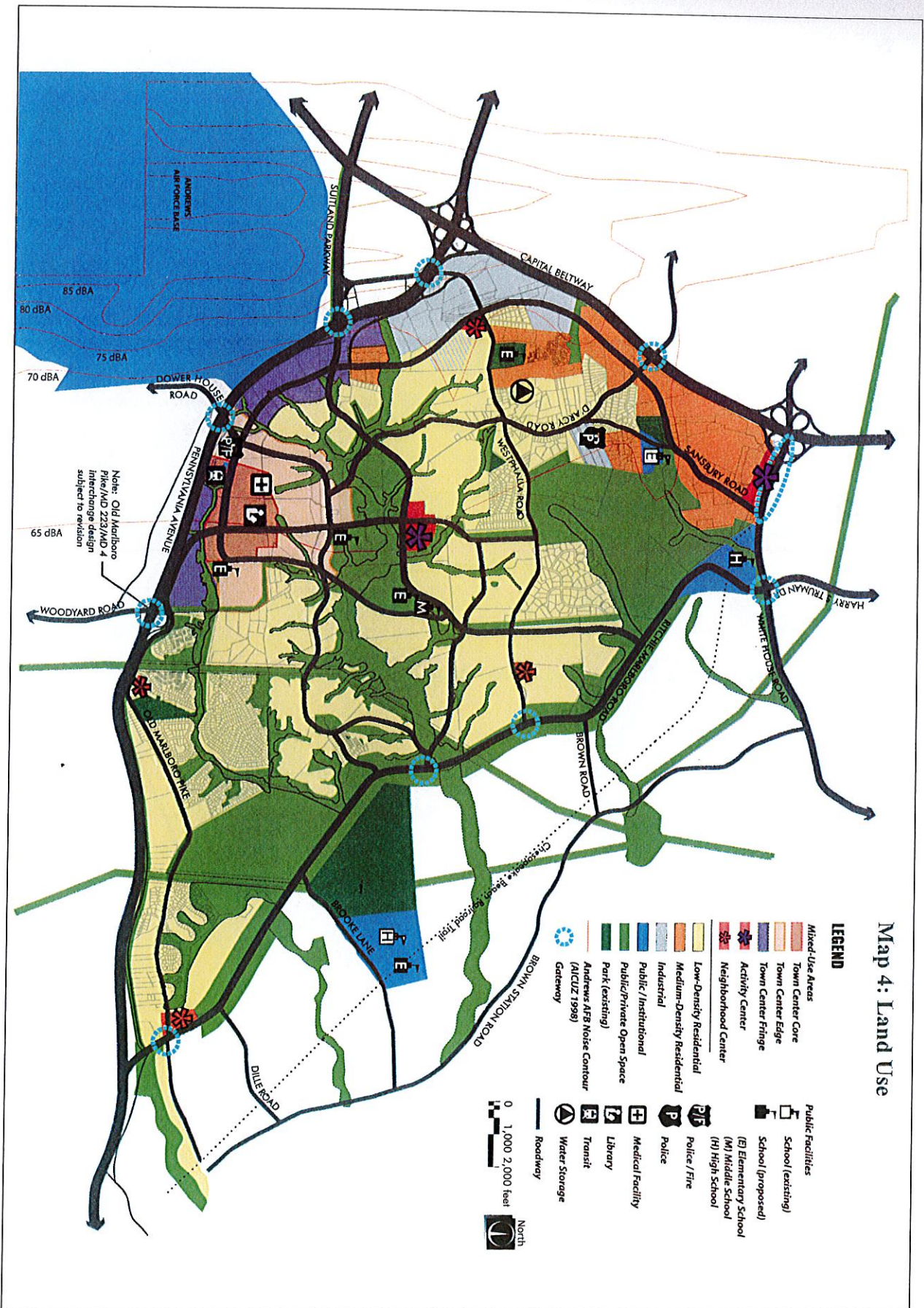


Exhibit "D"

**Map 3:
WCCP Modified Preferred Option
(from consultant)**



Map 4: Land Use



ADOPTED 2018 WATER AND SEWER PLAN

CHAPTER 1 INTRODUCTION

The Water and Sewer Plan is the embodiment of the County's goals, objectives and legal requirements for providing water and sewer service in Prince George's County. Together with other operational plans, such as solid waste, housing and transportation, the Water and Sewer Plan provides guidance for the implementation of the County's General Plan and area master plans as they relate to water and sewer service.

The Water and Sewer Plan (the Plan) documents existing water resources and wastewater treatment capacities, identifies needed mechanisms to meet future demand, and develops tools for sustaining these resources well into the future. **The Plan serves as a tool to implement the land use plan found in the County's General Plan.** It encourages the orderly expansion of the public water and sewer systems where appropriate and the use of private water and sewer systems where public service is not available or accessible.

The Water and Sewer Plan for Prince George's County acts as a statement of policy and as a working document. As a policy statement, the Plan implements the land use and development policies set by the County. As a working document, it guides the County planning and development processes by setting out the criteria under which both public and private water and sewer services can be provided.

The Water and Sewer Plan consists of two parts: the written plan and the maps. The Plan's text in Chapter 1 sets the goals and responsibilities for water and sewer planning in Prince George's County. Since the State of Maryland requires each County to prepare a Water and Sewer Plan, the State and local legal requirements are also included, as are the various government responsibilities. Chapter 2 outlines the policies and procedures for water and sewer planning, including the water and sewer categories, category change policies, and their connection to the County's development review process. It describes the basis for the County's water and sewer planning process by defining the environmental setting, community planning and legal framework. The water plan for community systems is covered in Chapter 3. It addresses the existing water systems and facilities, including water resources, treatment and transmission issues, current demand, financing, and planning for future needs. The sewer plan for community systems is included in Chapter 4. It describes the existing public sewer systems, policies, financing and biosolids management issues, and analyzes the future capacity demands. Chapter 5 documents the regulations and policies pertaining to individual and shared water supply wells and septic systems. The procedures and requirements to amend the Water and Sewer Plan and to amend water and sewer service categories are covered in Chapter 6.

The water and sewer maps play an important role in land use planning and development review. The maps reflect the official designation for all properties in the County water and sewer service categories, which determine if and when water and sewer service is available to the property. As category changes occur through the plan amendment process, the maps are regularly amended. The County maintains the water and sewer category maps in a Geographic Information

ADOPTED 2018 WATER AND SEWER PLAN

System (GIS) format. Small-scale maps are included as appendices to this Plan document. Special printouts can be obtained from the Department of Permitting, Inspections and Enforcement. See **Appendix 6-2** for the related fee structure.

1.1 LEGAL AUTHORITY

Maryland State law and implementing regulations govern the County's Water and Sewer Plan. The specific legal requirements are found in the Environment Article, Title 9, Subtitle 5, "County Water and Sewerage Plans," Sections 9-501 through 9-521 of the Annotated Code of Maryland, and in the Code of Maryland Regulations, Title 26, "Department of the Environment," Subtitle 3, Chapter 1, "Planning Water Supply and Sewerage Systems" (COMAR 26.03.01.01 - .08). The pertinent Federal and State legislation is further described in Chapter 2, and may be found as **Appendix A** and **Appendix B** of this Plan.

1.2 PLAN GOALS AND OBJECTIVES

The following goals for water and sewer planning comply with requirements in Maryland's Environment Article, Title 9, Subtitle 5, while others support the County's planning and development policies and affect interagency agreements. The goals and objectives fall into three categories:

Meet all regulatory requirements to ensure adequacy of the water and sewer system

- Provide for orderly expansion of community water supply and sewer systems.
- Provide for adequate treatment facilities.
- Ensure proper financing for and staging of construction and operation of programmed community water supply and sewer systems.
- Promote sustainable, cost-efficient water and sewer service in all parts of the County.
- Comply with all requirements of Maryland's Environment Article.

Support managed development in Prince George's County

- Enhance the quality of life and the economic well-being of the County and its residents by supporting land use policies and orderly development.
- Identify all physical, geographic and population factors that provide a framework to support water and sewer planning.
- Implement the goals of the Prince George's County adopted General Plan, "Plan Prince George's 2035," area master plans, functional master plans, all applicable County land use plans, and building practices.
- Meet the objectives of inter-agency agreements related to water and sewer planning.

ADOPTED 2018 WATER AND SEWER PLAN

CHAPTER 2 FRAMEWORK FOR WATER AND SEWER PLANNING

A water and sewer service network is important in managing and directing development in the County. Urban development requires community or multi-use water and sewer service; urban growth is directly dependent on expansion of this service. On the other hand, individual water supply and septic systems, as well as shared facilities, can only support relatively low-density development. Water and sewer management that provides for adequate water supplies, healthy drinking water and appropriate sewage disposal methods promotes public health and environmental quality.

Water and sewer systems provide the basic building blocks for a modern, growing and environmentally healthy community. Water and sewer planning is critical to the staging and promotion of orderly growth of communities and the prevention of urban sprawl. Therefore, water and sewer planning must be based on consideration of geographical features and environmental factors, community needs as expressed in the County's land use and development policies, Federal and State policy guidance, and public health requirements.

The contextual framework for water and sewer planning includes the natural environment, community planning and development, and legal requirements. These parameters are discussed in more detail in this chapter.

2.1 POLICIES AND PROCEDURES FOR WATER AND SEWER PLANNING

The State of Maryland requires every County to develop a Water and Sewer Plan to ensure that there is adequate public water and sewer for planned development. Since the public drinking water supply is a precious resource, the County must plan to provide this supply for its residents in a comprehensive and staged manner. One aspect of the Plan is the designation of every piece of property into service categories used to stage development.

Pursuant to State Law, each County and all municipalities governed by the Land Use Article must prepare a comprehensive water resources element (WRE) plan. This Water and Sewer Plan will be amended to address the policies contained in the 2010 Approved Water Resources Plan. As part of the water resources plan element being developed by the County, an assessment will be made of the adequacy of each aquifer in the County, its capacity to accommodate future growth and the impact of development in adjacent counties.

2.1.1 Sewer Envelope

The Sewer Envelope is depicted on the Category Maps as a boundary beyond which no community water and sewer facilities will be approved. The Sewer Envelope boundary is based on topography, existing sewer service areas, and proposed development density according to the General Plan and the Area Master Plans. The Sewer Envelope boundary was established in 1994. The County Council reaffirmed the envelope boundary by adopting it as the template for the Rural Tier boundary adopted in the Commission 2000 Biennial Growth Policy Plan and the 2002 General

ADOPTED 2018 WATER AND SEWER PLAN

1. All property outside the Sewer Envelope boundary is designated in Category 6 (dark green hue on the category maps) except certain parcels approved for and connected to public water or sewer service prior to the adoption of this Plan. These properties are listed in **Appendix 2-1** of this Chapter. Properties approved for shared community systems, outside the Sewer Envelope, are shown outlined on the water and sewer maps (Category 6P).
2. All property located inside the Sewer Envelope is designated in Category 5, 4 or 3 with the exception of certain larger tracts of open space, generally parks and cemeteries.
3. Administrative and technical mapping changes and corrections of drafting errors, including changes to incorporate the adoption of Subregion plans that may not have been affected by the prior versions of the Prince George's County Water and Sewer Category Maps.

Properties referenced above are listed in Appendices 2-1, and 2-2 of this chapter. Small-scale water and sewer category maps are included as appendices to this Plan. Special printouts and larger scale maps may be obtained from DPIE, and follow the applicable fee structure adopted for the Water and Sewer Plan. See Appendix 6-2 for related fee structure.

2.1.4 Category Change Policies and Criteria

Based upon its legal authority, Prince George's County has developed special policies to govern water and sewer planning in a manner consistent with the County's goals for development review. The County Executive and the County Council review these policies, which must be in concert with the County's goals and objectives and, through a legislative process, amend categories within the adopted Water and Sewer Plan. This is known as the "Category Change" procedure. Executive authority delegates the processing of category amendments to DPIE, which acts as the County's steward on development and permitting matters and, as the administrator to the Water and Sewer Plan. **The policies governing changes to a designated category must take into account environmental factors, economic concerns, planning requirements, regulatory policies, engineering constraints, and public health concerns.** An application may be rejected if these policies and criteria are not met unless a hardship in meeting the policies and criteria is demonstrated by the applicant and concurred by the elected body. Specifically, these include:

A. Environmental factors

Under this criterion, the proposal must:

- Protect the integrity of the water supply and the receiving waters;
- Protect natural resources; and
- Preserve, protect, and enhance environmental quality.

ADOPTED 2018 WATER AND SEWER PLAN

B. Economics and general fiscal concerns

Under this criterion, the proposal must:

- Be analyzed for its fiscal impact related to location, community needs, public facilities, services and infrastructure.
- Correlate with County strategies and not unduly burden the existing taxpayers or the WSSC ratepayers.
- Enhance business, housing, retail development and employment opportunities throughout the County.

C. Planning, zoning, and subdivision requirements

- No Water or Sewer Category Change Request shall be processed or approved for land for which a change in zoning is proposed in:
 1. A Sectional Map Amendment transmitted by the Planning Board to the District Council; or
 2. A Zoning or Special Exception application pending before the Hearing Examiner or Prince George's County District Council.

Once the District Council has adopted a zoning change, the processing of a water and sewer category change can proceed.

- No Water or Sewer Category Change request shall be processed or approved for properties designated Category 6 where the following conditions exist:
 1. Properties in Water and/or Sewer Category 6 within the defined planning or study area for which a master, or sector plan, or sectional map amendment, has been initiated by the District Council but not yet adopted/disapproved by the Planning Board and/or District Council.
 2. Properties in Water and/or Sewer Category 6 within the defined planning or study area for which a master, or sector plan, or sectional map amendment, has been initiated by the District Council and adopted by the Planning Board, but remanded by the District Council for further Planning Board review.

Applicants may submit Water and/or Sewer Category Change Requests for these properties upon a Planning Board disapproval or District Council approval of a master plan, sector plan, sectional map amendment, or zoning application, if necessary.

- A hydraulic planning analysis (HPA) should be submitted to WSSC prior to submittal of the preliminary plan of subdivision to M-NCPPC.
- All preliminary plans of subdivision must show a conceptual alignment of all proposed onsite and offsite water and sewer facilities before DPIE may deem the public water and sewer facilities adequate and allocated for the proposed development.
- All final plats of subdivision must be approved by DPIE for public water and sewer service, or by the County Health Department for individual well and septic systems.

D. Federal, State, Regional, County and Municipal land use plans and planning policies

Under this criterion, the proposal must conform to governed mandates, policies and ordinances:

ADOPTED 2018 WATER AND SEWER PLAN

- Water and sewer service shall be provided in concert with the availability of other public facilities, and in accordance with the General Plan and applicable Area and Functional Master Plans.
- Water and sewer lines traversing the Rural and Agricultural areas are designated as controlled access facilities and are not available for connection or extension. Controlled access facility lines serve the purpose of transmission to a public entity (*Federal, State, Regional, County, and Municipal*) or a project that has been granted a Certificate of Public Convenience and Necessity by the Maryland Public Service Commission. Water and sewer lines for extension of service into the rural and agricultural areas of the County may be approved if the following applies:
 - An approved Area Master Plan or Sector Plan designates the area for public water and sewer service consistent with the policies in the General Plan or the proposed development has been determined to be compatible with other County growth policies relating to location, community needs, residential capacity, public facilities and other appropriate policies.
- Proposed development in the Growth Policy Areas shall meet existing contiguity policies, and demonstrate:
 - Contiguity to existing built developments;
 - Location within 1,500 feet of existing public water and sewer systems;
 - Roadways are capable of supporting demands from the proposed development; and,
 - Require developer(s) to bear the full responsibility of the costs of on- and off-site public facilities.
- Proposed development may not hinder the County's ability to provide adequate public services to the County and its residents. Adequacy of public facilities shall be measured in accordance with subdivision and zoning ordinances.
- Proposed development shall be analyzed for consistency with the General Plan, master/sector plans, and functional master plans as defined by the land use article of the Maryland Annotated Code. This analysis shall include, but not be limited to, the impact of proposed developments and water and sewer extensions on land use, development patterns, historic sites and districts, public facilities, green infrastructure, and transportation system, including, but not limited to, traffic impacts, road construction needs, sidewalks, pedestrian trails and road connectivity in the surrounding neighborhoods.

E. Water and sewer facility plans, engineering constraints, and the availability of transmission and treatment capacity

- Public water and sewer service extensions shall not be allowed in the area outside the limit of planned sewer services – also called the Sewer Envelope – unless the project is deemed to be compatible with other County growth policies after an analysis of the impact of the project related to its location, community needs, residential capacity, services, infrastructure, public facilities and other appropriate policies have been evaluated.
- Any proposed use of grinder pumps shall be in accordance with WSSC policy and standards.
- A development proposal must meet any conditions of an allocation policy set for the specific basin or water pressure zone.

ADOPTED 2018 WATER AND SEWER PLAN

6.2 AMENDMENT PROCESSES

The adopted Water and Sewer Plan assigns a category to every piece of property in the County. These categories determine whether land can be developed using public, or community, water and sewer or individual well and septic systems. A category change is usually required for a development proposal that needs a subdivision, or that disturbs more than 5,000 square feet of land. The categories are discussed in Section 2.1.2. “Water and Sewer Categories.”

Requests for changes to these categories, also known as the Water and Sewer Plan Amendments, can be achieved through two processes: The Legislative Amendment process and the Administrative Amendment process. The Legislative Amendment process is used when changes are proposed from Category 6 or 5 to Category 4 and for variations to policies, procedures, and practices established by the adopted Water and Sewer Plan. The Administrative Amendment process is used when changes are proposed from Category 4 to Category 3 and for public projects that are to be allocated for “public convenience and necessity” use. Both processes require the filing of an application for water and sewer plan amendment. Applications are discussed further in Sections 6.3.3 and 6.4.2, and as **Appendix 6-1**.

6.3 LEGISLATIVE AMENDMENT PROCESS

Landowners, County agencies, the Maryland-National Capital Park and Planning Commission (M-NCPPC), and the Maryland Department of the Environment (MDE) can initiate applications for the Legislative Amendment process. Plan amendments can be requested for water and sewer category changes, and for water withdrawal points and points of discharge, in excess of 5,000 gallons per day as an annual daily average. Additionally, a contract purchaser, with the owner’s written consent, may initiate the application.

The County Executive has delegated the management of the Water and Sewer Plan, including the preparation of Legislative Amendments, to the Department of Permitting, Inspections and Enforcement (DPIE). **DPIE leads in implementing the County’s goals, objectives and legal requirements for providing water and sewer service in Prince George’s County, in concert with land use and sustainable growth policies established by the adopted General Plan, and through the Department’s protection of the County’s natural and manmade resources.** In its management of the Water and Sewer Plan and amendments, DPIE coordinates with County and Bi-County agencies and evaluates, prepares and submits proposed Legislative Amendments for the County Executive's review and recommendation. These recommendations are then sent with an accompanying proposed Council Resolution for consideration by the County Council.

The County Council provides a notice of the pending amendments to the public, County, and State agencies prior to a public hearing. Anyone interested in an amendment or an application in the proposed Water and Sewer Plan Amendment package may testify at the public hearing. After the public hearing, a work session of the appropriate County Council Committee is held. After considering matters raised at the public hearing and work session, the County Council acts

ADOPTED 2018 WATER AND SEWER PLAN

on the proposed Legislative Amendments. The County Executive has 10 days following adoption of the resolution to comment on the County Council's action before the resolution is effective.

Prince George's County will schedule four Water and Sewer Plan Legislative Amendment cycles each year. This is one more cycle than previous adopted plans have allowed. Applications to amend the Plan must be submitted to DPIE by the respective closing dates: **March 1**, **June 1**, **September 1**, and **December 1**. DPIE provides application forms (see **Appendix 6-1** of this chapter). The applications, with all required attachments, must be completed before the closing date to be accepted for review (see Section 6.3.3). DPIE, the County Executive and the County Council reserve the right to request any additional information deemed appropriate. An application may be rejected from the process if requested information is not received within a designated time frame. Additionally, an application may be rejected if the policies and criteria listed in Section 2.1.4 are not met for the development review processes or for the development proposed. Incomplete applications received, via courier, mail or electronic transfer, will be returned to the applicant or the correspondent of record. Applications found to be incomplete after the closing date will be required to re-file, and may be subject to an additional filing or late fee.

6.3.1 Referral and Review Process

Applications are reviewed by the Washington Suburban Sanitary Commission (WSSC), the Maryland-National Capital Park and Planning Commission (M-NCPPC), the County Health Department (PGCHD), and the Department of Permitting, Inspections and Enforcement (DPIE). DPIE may also request reviews or comments from other appropriate agencies and municipalities. One copy of each application is sent to the County Council. Reviewing agencies are given 15 days from the date of referral to submit comments to DPIE on applications received.

DPIE, as the agency integrally involved in permitting services for the County and the administrator of this process, evaluates each application proposal based on criteria listed in Section 2.1.4, and consistency to other Federal, State, Regional, County, and Municipal land use plans and planning policies outlined or implied in the Water and Sewer Plan. DPIE comments on the existence of and requirements for permits prior to, during, and after the disturbance of land, and the proposed development's need for road improvements and other transportation facilities.

State and County agencies involved in the review process provide information and assistance pertinent to water and sewer planning and development specific to its area of proficiency. These comments are considered in recommendations presented to the County Executive and County Council. In addition to DPIE, the plan administrative agency, the following agencies provide written comments on all amendment applications: WSSC calculates an estimated sewage flow for each project and describes whether the project can be served by existing water and sewer lines, or estimates what size and type of improvements would be necessary to provide service; M-NCPPC compiles information on general plan policies, master plan recommendations, zoning, subdivision status, and adequacy of public facilities, residential capacities, community needs, infrastructure, and services; and PGCHD provides information about existing wells, septic systems and percolation tests conducted on the subject property, as well as soils and other environmental health and sanitation issues.

THE SUBJECT SITE IS LOCATED ON THE SOUTHERN SIDE OF WESTPHALIA ROAD. IT IS APPROXIMATELY 0.05 MILES WEST OF THE INTERSECTION WITH CEDAR WAY AND 0.23 MILES EAST FROM THE INTERSECTION WITH CHESTER GROVE ROAD. THE SUBJECT PARCEL INTO 37 TOWNHOUSE LOTS, HOA PARCELS, 24 INGRESS/EGRESS DRIVEWAY FROM WESTPHALIA ROAD, INSTALLATION OF NECESSARY UTILITIES AND STORMWATER MANAGEMENT FACILITIES. THIS WILL RESULT IN CONSTRUCTION ACTIVITIES WITH LIMITS OF DISTURBANCE AREAS OF 1.35 ACRES. THE TOTAL GROUND FLOOR AREA IS 29,600 SF. THE BUILDING AND SURFACE PARKING WILL INCREASE THE SITE IMPERVIOUS AREA BY 1.43-ACRES.

OTHER ONSITE IMPROVEMENTS WILL INCLUDE LANDSCAPING, AND FOUR ESD FACILITIES. ALL PROPOSED ESD FACILITIES ARE LOCATED OUTSIDE THE PUBLIC RIGHT-OF-WAY AND THEREFORE WILL BE PRIVATELY MAINTAINED BY THE PROPERTY OWNER.

THE PROJECT SITE IS CURRENTLY ZONED AS RESIDENTIAL: R-R. IT IS CURRENTLY COVERED WITH APPROXIMATELY 2.20-ACRES OF WOODS, 0.27-ACRES OF WETLANDS, 0.15-ACRES OF GRAVEL DRIVEWAY AND 1.20-ACRES OF BRUSHY, OPEN AREAS.

1. SUBDIVISION NAME: BECKUM HILLS

2. PARCEL DB/PG # PLAT #

3. 105 (RR) 05969/00920 N/A

4. TAX MAP 90 GRID D1

5. 200 FOOT MAP REFERENCE (WSSC): 205SE08

6. PURPOSE OF SUBDIVISION: PURPOSE IS TO SUBDIVIDE PARCEL 105 INTO 37 TOWNHOUSE LOTS, HOA PARCELS, 24" INGRESS/EGRESS DRIVEWAY FROM WESTPHALIA ROAD, INSTALLATION OF NECESSARY UTILITIES AND STORMWATER MANAGEMENT FACILITIES.

7. PRIOR APPROVALS: NRI-30-2020, APPROVAL DATE: 04/08/2020

8. SDGP 12733-2020, APPROVAL DATE: 08/10/20

9. PROPERTY AREA:

10. GROSS TRACT AREA: 3.82 AC

11. NET TRACT AREA: 3.66 AC

12. NET DEVELOPMENT AREA OUTSIDE PMA: 2.99 AC

13. ACREAGE OF ENVIRONMENTAL REGULATED FEATURES: 0.96 AC

14. ACREAGE OF 100-YEAR FLOODPLAIN: NONE

15. ACREAGE OF ROAD DEDICATION: 0.16 AC

16. EXISTING ZONING/USE: R-R/VACANT

17. PROPOSED USE OF PROPERTY: SINGLE FAMILY ATTACHED TOWNHOUSES

18. BREAKDOWN OF PROPOSED DWELLING UNIT BY TYPE (RESIDENTIAL ONLY):

19. NUMBER OF DWELLING UNIT: 37

20. TYPE: SINGLE FAMILY ATTACHED

21. SIZE: SEE "LOT AREA TABLE" ON SHEET 2

22. DENSITY CALCULATION (RESIDENTIAL ONLY): 12.37 UNITS/AC

23. MINIMUM LOT SIZE REQUIRED BY ZONING ORDINANCE AND SUBDIVISION REGULATION (24-130): PER SECTION 27-441(b) FOOTNOTE 123, MINIMUM LOT SIZE SHALL BE APPROVED AT THE TIME OF DETAILED SITE PLAN. MINIMUM LOT SIZE PROPOSED: 1,480 SF

24. PER SECTION 27-441(b) FOOTNOTE 123, MINIMUM LOT WIDTH AT FRONT BUILDING LINE AND FRONT STREET LINE SHALL BE APPROVED AT THE TIME OF DETAILED SITE PLAN.

25. PROPOSED FRONT BUILDING LINE: 20' PROPOSED FRONT STREET LINE: 20'

26. SUSTAINABLE GROWTH TIER: TIER 2

27. ANDREWS, INTERIM LAND USE CONTROL: NO, MIOZ HEIGHT: YES, MIOZ NOISE: YES

28. CENTER OR CORRIDOR LOCATION: NO

29. EXISTING AND PROPOSED GROSS FLOOR AREA (NON-RESIDENTIAL ONLY): N/A

30. STORMWATER MANAGEMENT CONCEPT NUMBER AND APPROVAL DATE: 12733-2020, APPROVED AUGUST 10, 2020.

31. WATER/SEWER CATEGORY:

32. EXISTING: W3/S4

33. PROPOSED: W3/S3

34. AVIATION POLICY AREA: N/A

35. MANDATORY PARK DEDICATION AREA: NO

36. CEMETERIES: NO

37. HISTORIC SITES: NO

38. TYPE ONE CONSERVATION PLAN: YES, TCP-

39. WITHIN CHESAPEAKE BAY CRITICAL AREA: NO

40. WETLANDS: YES

41. STREAMS: NO

42. SOILS INFORMATION OBTAINED FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE'S (USDA-NRCS) WEB SOIL SURVEY.

43. Uggg UDDORTMENTS, RECLAIMED GRAVEL PITS

44. Uggg BELTSVILLE-URBAN LAND COMPLEX

45. Uggg UDDORTMENTS, RECLAIMED GRAVEL PITS

46. ADJACENT TO AN EASEMENT HELD BY THE MARYLAND ENVIRONMENTAL TRUST, THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION, OR ANY LAND TRUST OR ORGANIZATION: YES, PB: 248, PG 73.

END	MIDDLE	END
25.00'	20.00'	25.00'
74.00'		74.00'
25.00'	20.00'	25.00'

LOT REQUIREMENTS	
SHALL BE ESTABLISHED WITH THIS PLAN AND DETAILED SITE PLAN AS PER TEXT AMENDMENT SECTION 27.3.441.123 OF ZONING ORDINANCE	
	PROVIDED
MAXIMUM DENSITY	12.37 UNITS/AC
MINIMUM NET LOT AREA	1,480 SF
MAXIMUM LOT COVERAGE	55%
MINIMUM FRONT SETBACK	19'
MINIMUM SIDE SETBACK	0'
MINIMUM REAR SETBACK	15'
MINIMUM LOT WIDTH	20'
MAXIMUM BUILDING HEIGHT	42'

PARKING REQUIREMENT		
USE OF MEASUREMENT	# OF SPACES	REFERENCE
2.04 PER DWELLING UNIT	76	(MUNICODE SEC. 27-56B)
TOTAL PARKING REQUIRED	76	
TOTAL PARKING PROVIDED	79	TWO PER DWELLING UNIT PLUS FIVE SURFACE PARKING

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THE BOUNDARY INFORMATION SHOWN HEREON IS CORRECT, THAT I PERSONALLY PREPARED IT AND THAT THE SURVEY WORK REFLECTED IN IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 09.13.06.12 OF THE ANNOTATED CODE OF MARYLAND MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYORS.

ATCS, PLC
BY: JULIAN M. MIRANDA
PROFESSIONAL LAND SURVEYOR
MD REG. NO. 21763
LICENSE RENEWAL DATE: 12/15/2022

12/22/2020



HEPPE PROPERTY

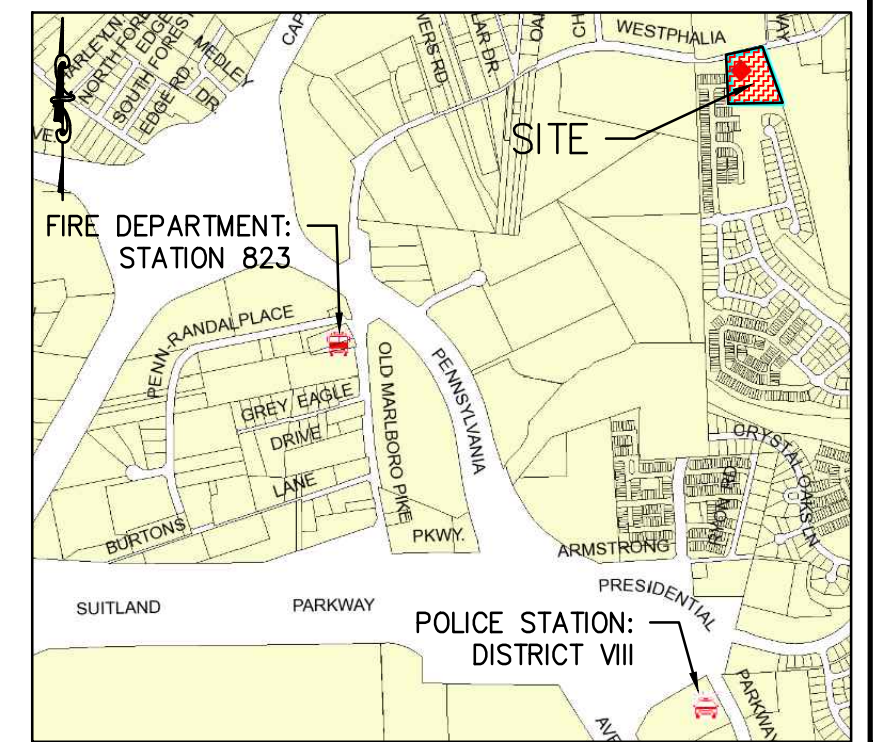


OWNER:
CLARENCE A & MARY F HEPPE
7025 ORCHARD VIEW DR.,
HUGHESVILLE, MD 20637

APPLICANT:
BCE REAL ESTATE
ATTN: BLAKE ESHERICK
5630 CONECTICUT AVENUE NW.
SUITE 200
WASHINGTON, DC 20015

SURVEYOR:
JULIAN MIRANDA, LS
ATCS, P.L.C.
9500 MEDICAL CENTER DR.
SUITE 370
LARGO, MD 20774

ENGINEER:
VICTORIA BALLESTERO, PE
ATCS, P.L.C.
9500 MEDICAL CENTER DR.
SUITE 370
LARGO, MD 20774



VICINITY MAP
SCALE : 1" = 2000'

LEGEND

 PROPERTY LINE
 EDGE OF PAVEMENT
 SITE

[illegible]

Professional Certification. I hereby certify that these documents were prepared or approved by me and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 1279, Expiration Date 7/14/22."

BCE REAL ESTATE
ATTN: BLAKE ESHERICK
5630 CONNECTICUT AVENUE NW.
SUITE 200
WASHINGTON, DC 20015

HERNDON — LARGO — BALTIMORE
BLACKSBURG — NEWPORT NEWS
RALEIGH — RICHMOND
WWW.ATCSPLC.COM

SALES

PRELIMINARY PLAN OF SUBDIVISION
COVER

HEPPE PROPERTY
TAX ACCT #0442947, PARCEL:105;
MAP:90, DISTRICT:6, GRID:D1, ZONE:R

LOCATION
9007 WESTPHALIA ROAD
UPPER MARLBORO, MD 20772

AUTHOR:	AB
CHECK:	VMB
PROJ.#:	002712
DATE:	12/21/2020
SCALE:	AS SHOWN

SHEET: 1 OF 3