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### PRELIMINARY PLAN OF SUBDIVISION No. 4-21027

### STATEMENT OF JUSTIFICATION

Ray's Towing Service, LLC (the "Applicant") and its resident agent, Ms. Linda Hayden, hereby submit this request to the Prince George's County Development Review Division for review/approval of a Preliminary Plan of Subdivision ("PPS") to create four (4) new Record Lots from the existing parcel known as Parcel 95 located at 12705 10<sup>th</sup> Street in Bowie, Prince George's County, Maryland. This PPS is being filed pursuant to the criteria for subdivision of a property in Subtitle 24 and the zoning requirements for the R-R Zone in Subtitle 27 of the Prince George's County Zoning Ordinance (the "Code"). The development within this PPS is consistent with Section 27-428 (a) (1) of the Code. O'Connell & Lawrence, Inc. ("O'C&L") is the engineer/surveyor for the proposed development and has prepared this Statement of Justification on behalf of the Applicant.

The existing property to be subdivided is roughly "L" shaped and is 104,674.90 Sq. Ft. (2.40± Acres) based on a boundary survey performed by O'C&L. O'C&L notes the existing property is listed as 2.721 Acres by the Maryland State Department of Assessment and Taxation ("SDAT") and by deed. The existing property fronts on both 10<sup>th</sup> Street and Zug Road in the City of Bowie, Maryland. The existing property has been developed with two separate uses. The easternmost and southernmost portion of the property fronts on Zug Road and is developed with a singlefamily two-story residence, driveway, detached garage, carport, deck, shed, and utilities. This property is used residentially; Ms. Hayden lives in the existing residence on the property. The northernmost portion of the of the property fronts to 10<sup>th</sup> Street and is the location of Ray's Towing Service, a Vehicle Towing Station owned/operated by the Applicant. This side of the property is developed with a single story office building and a combination asphalt and asphalt millings lot for use by the business. The towing lot portion of this property is considered a nonconforming use in the R-R Zone according to the Code. The Applicant previously applied for a Use & Occupancy Permit with a Certified Non-Conforming Use with DPIE and M-NCPPC. That review was conducted under case number 11494-2021-00 and was not certified. The Applicant has decided to eliminate the request to certify the use as Non-Conforming. Further discussion on this shall occur later in this Statement of Justification.

The subdivision proposed four (4) new residential lots for single-family detached dwelling units. The existing house fronting Zug Road is proposed to remain on Proposed Lot 3. The development of single-family dwelling units is an encouraged use in the R-R Zone as defined by the Code. In particular, the Code states that the purpose of this zone is "To facilitate the planning of one-family residential developments with moderately large lots and dwellings of various sizes and styles" (Sec. 27-428 (a) (1) (A)). The requirements for a property located in the R-R Zone are further defined in Section 27-442. **Table 1** shows critical design requirements and proposed conditions on the proposed subdivision lots.

 Table 1. Design Requirements and Proposed Conditions

Requirement	R-R Req.	R-R Req. Prop. Lot 1 Prop. Lot 2 Prop. Lot 3 Prop. Lot			
Kequirement	K-K Key.	1 Top. Lot I	1 1 Op. Lot 2	յ 1 ւսի. Իսւ 3	4
Lot					<del>-1</del>
Restrictions					
Lot Area	20,000 Sq.	20,097.15	23,807.70	25,416.36 Sq.	28,435.37
Lot Mea	Ft.	Sq. Ft.	Sq. Ft.	Ft.	Sq. Ft.
Lot Width at	80 Ft*	80 Ft	80 Ft	99.94 Ft (ex.)	89.47 Ft
Front	0011	0011	0011	)).)   I t (CA.)	05.17 10
<b>Building Line</b>					
Lot Width at	70 Ft	89.44 Ft	70.00 Ft	100.00 Ft	89.18 Ft
Front Lot					
Line					
Lot Coverage	25% (max)	17.18%	13.01%	14.08%	12.16%
<b>Lot Density</b>	2.17 (max)	2.17	1.83	1.71	1.53
Principal					
Building					
Setbacks					
Front Setback	25 Ft (min)	74.73 Ft	87.13 Ft	30.75 Ft (ex.)	33.85 Ft
Side Setback	8 Ft (min)	15.92 Ft	15.83 Ft	27.86 Ft (ex.)	34.50 Ft
Rear Setback	35 Ft (min)	154.43 Ft	139.19 Ft	243.70 Ft (ex.)	227.63 Ft
Accessory					
Structure					
Setbacks					
Front Setback	60' (min)	N/A	N/A	105.16 Ft (ex.)	N/A
Side Setback	2' (min)	N/A	N/A	26.51 Ft (ex.)	N/A
Rear Setback	2' (min)	N/A	N/A	39.23 Ft (ex.)	N/A
Principal	35 Ft (max)	35 Ft (max)	35 Ft (max)	$20' \pm (ex.)$	32 Ft
Building					
Height					
Use		Single	Single	Single Family	Single
		Family	Family	Residence	Family
		Residence	Residence		Residence
<b>Building Area</b>		2,000 SF	2,000 SF	1,430 SF (ex.)	2,000 SF

<sup>\*&</sup>quot;If the lot is served by a public or other approved water supply system... the minimum width may be reduced to not less than eighty (80) feet." (Sec. 27-442 (d) (2))

# Compliance with Zoning Requirements and Master Plan

As can be seen in the table above, each proposed Lot meets all relevant requirements associated with the subject R-R Zone.

The Bowie and Vicinity Master Plan (the "Master Plan") outlines goals, policies and strategies to

guide development in the area.

## Development Pattern Element

One goal for redevelopment in Old Town Bowie is to "provide for a modest increase in residential density to support local businesses" (Old Town Bowie Development District Standards, B.2). It is O'C&L's opinion that this subdivision plan will support this goal by creating three additional lots with single-family homes.

## Building Street Types

The Master Plan identifies Zug Road as an industrial street, and provides additional building specifications. **Table 2** identifies these requirements and proposed conditions on the proposed subdivision lots, which front to Zug Road. Lots 1 and 2 front to 10<sup>th</sup> Street and are not required to meet these specifications.

**Table 2.** Master Plan Requirements and Proposed Conditions

Requirement	Master Plan	Lot 3	Lot 4
Minimum	20% (min)	85.92%	87.84%
Green Area			
<b>Build-to Line</b>	40 to 50 Ft	30.75 Ft	33.85 Ft
Side Yard	20 Ft	27.86 Ft	34.50 Ft
Principal	32 Ft	$20 \text{ Ft} \pm (\text{ex.})$	32 Ft
Building			
Height			
Use	Single	Single	Single
	Family	Family	Family
	Detached	Detached	Detached
	House	House (ex.)	House

The intent of the Building Street Types is to "recognize the unique characteristics of two distinct street types ... and establish the building form and placement upon the site for development along each street type" (Old Town Bowie Development District Standards, B). Although Zug Road is identified as an industrial street, it is O'C&L's opinion that the section of Zug Road where the Property is located is not an industrial street in the same manner as the south section of Zug Road. The Property is located in a rural residential area, and the subdivision does not propose an industrial, employment or commercial development. Further, the section of Zug Road being reviewed is split from the "industrial" area of Zug Road by the railroad tracks.

### Utility Services, Stormwater Management, Emergency Services and Other Site Conditions

The existing property is served by public water and sanitary sewer service, as supplied by the Washington Suburban Sanitary Commission ("WSSC"). The proposed Lots shall continue to be serviced by WSSC. The service categories for WSSC are W-3 and S-3. Overhead electric and communication lines are available to each Lot. Gas is available to each proposed lot. Additionally, there are no proposed developments or alterations, or tie-ins to the existing Prince

George's County or City of Bowie storm drain systems. Stormwater management requirements are proposed to be met with on-site microbioretention planter boxes for proposed houses; new planter paxes shall also be added to the existing house. All existing on-site drainage patterns shall be maintained following the completion of this development.

O'C&L surveyed a 36" corrugated metal pipe that generally conveys runoff from an off-site northwest of the property to the existing train tracks. There is no disturbance proposed as part of this development to this pipe. O'C&L was unable to locate the deeded owner of this storm drain, but believes it is a publicly owned; as such, O'C&L has proposed access to the subject drain through Lots 3 and 4 and a storm drain easement to allow for public maintenance of the existing storm drain system.

The site is largely cleared, although there is a concentration of trees generally located at the rear corner of the property. An approved Natural Resources Inventory/Forest Stand Delineation is included with this submission package; a proposed Type 1 Tree Conservation Plan is also included with this submission package. Both plans are prepared by Norton Land Design. The Applicant is expected to submit a fee in lieu of woodland conservation. This development is not exempt from parkland dedication. The Applicant is expected to submit a fee in lieu of parkland dedication.

The Prince George's County Fire Station 819, located at 13008 9th Street in Bowie, Maryland, is 0.5 miles away from the proposed lots shall provide the nearest fire and rescue protection. Fire hydrants are currently located both on Zug Road and 10<sup>th</sup> Street and are readily accessible to the proposed development.

The subject property is located directly adjacent to train tracks for the AMTRAK MARC Train services, as well as occasional use by CSX. As part of this submission package, the Applicant commissioned the preparation of a Phase 1 Noise study by Straughan Environmental; that noise study is included with this submission package. According to the Phase 1 Noise study, "all of the proposed residences are anticipated to experience moderate to severe noise impacts due to the close proximity to the existing rail line." Proposed Lot 4 is the only one with an FTA Impact Level rating of severe. A noise barrier was recommended along the south edge of the property and is shown on the subdivision plan. The exact size of the noise wall is expected to be determined at the time of final permits.

In addition, a Phase 1 ESA prepared by Straughan Environmental is included with this submission package for review; this study reported evidence of the following two recognized environmental conditions ("RECs") at the subject property:

- (1) The direct observation of soil impacted by petroleum, associated with the use of the site for automotive sales, towing, and salvage.
- (2) The reported presence of a historical gas station on the property adjoining to the northeast and the possibility of undocumented subsurface impacts from petroleum.

The Phase 1 ESA did not identify any environmental risks other than the RECs listed above. No

remediation recommendations were made in the ESA.

## **Existing Vehicle Towing Service**

At the time of this application, the vehicle towing service is an operating business that has existed in the same location since approximately 1948. As previously stated, the Applicant has filed for a Use and Occupancy permit with a certified non-conforming use for this facility; this administrative application was rejected by Staff.

The existing business is a family-business that is currently managed and maintained by Ms. Hayden's son. Due to the rejection of the administrative Certification of Non-conforming Use attached with this Use and Occupancy, the Applicant has authorized O'C&L to proceed with the subject development. The towing lot will be removed as part of the final development process. This is noted in the attached drawings and is in accordance with O'C&L communication with M-NCPPC Staff in December of 2021 and City of Bowie Staff in January 2022.

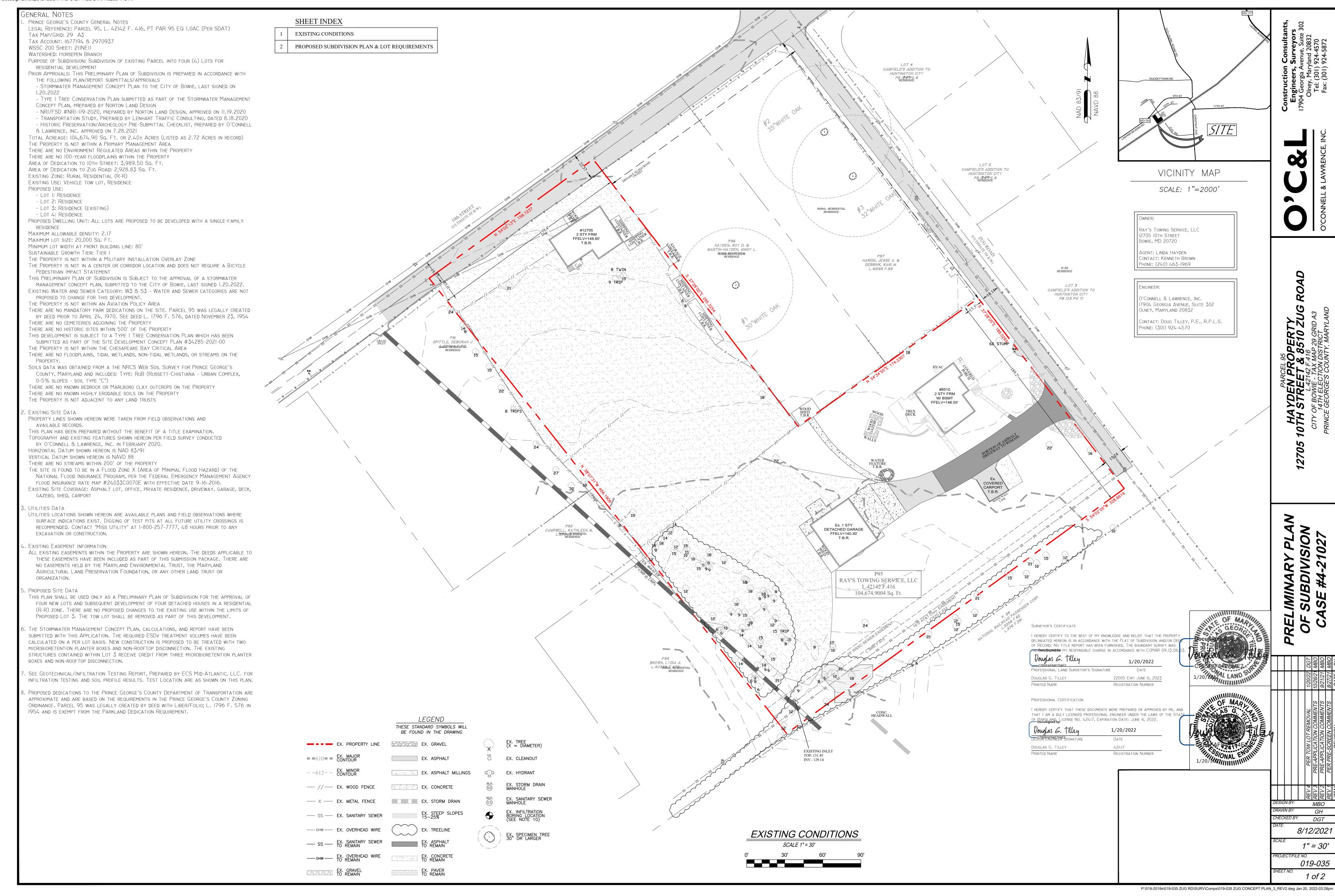
#### **Previous Submissions**

O'C&L understands a previous Owner submitted an application for a subdivision of the subject property to Staff on October 9, 1997; the previous file number #419970990. Based on the historical record, this request was denied largely due to the applicant not submitting documentation as requested by Staff. It appears to O'C&L that the application was abandoned, but, never formally withdrawn, by the original applicant.

### **Conclusions**

This Subdivision Application complies with forest conservation, stormwater management, and environmental protection requirements. An NRI/FSD has been submitted and approved by Prince George's County prior to the submission of this Application. A Stormwater Management Concept Plan has been submitted to the City of Bowie for review; OC&L has addressed two rounds of comments from the City's consulting engineer. Approval of this drawing is expected in the very near future.

The Applicant certifies that the information set forth in this Statement of Justification is true, complete, and correct to the best of their knowledge, information and belief, and hereby requests that the subject Application be approved as submitted. Thus, the Applicant respectfully requests that the Prince George's County Planning Director grant approval of this Application, which will permit the creation of four (4) new Record Lots in the R-R Zone for the eventual development of a single family dwelling unit on each lot.



Preliminary Plan of Subdivision General Notes PROPOSED SITE DATA This plan is prepared as a Preliminary Subdivision to create a total of four (4) LOTS. PROPOSED USAGE: LOT I: SINGLE FAMILY DETACHED HOUSE LOT 2: SINGLE FAMILY DETACHED HOUSE LOT 3: SINGLE FAMILY DETACHED HOUSE LOT 4: SINGLE FAMILY DETACHED HOUSE CAMFIELD'S ADDITION TO HUNTINGTON CITY PB 124 PG 8 PROPOSED TRACT SIZE: Lot I: 20,097.15 SF LOT 2: 23,807.70 SF LOT 3 25,416.36 SF LOT 4: 28,435.37 SF AREAS OF DEDICATION: 10TH STREET: 3,989.50 SF ZUG ROAD: 2,928.83 SF PROPOSED UTILITIES ARE ANTICIPATED TO BE PROVIDED BY THE FOLLOWING PROVIDERS: WATER/SEWER: WSSC ELECTRIC: PEPCO Washington Gas TELECOM: Various Providers LOCATIONS OF PROPOSED MICROBIORETENTION PLANTER BOXES AND OVERFLOW PIPING IS APPROXIMATE - FINAL LOCATION TO BE ESTABLISHED AT TIME OF FINAL PERMITS. CAMFIELD'S ADDITION TO EXACT HOUSE LOCATIONS, SIZES, FINISHED FLOOR ELEVATIONS AS NOTED IN THE ZONING DATA TABLE (THIS SHEET) ARE AS SHOWN ON THE LATEST VERSION OF THE PB 124 PG 8 SWM CONCEPT PLAN AND ARE EXPECTED TO BE FINALIZED AT TIME OF FINAL EMERGENCY SERVICES LOCATIONS POLICE DEPARTMENT | 17321 MELFORD BLVD BOWIE, MD 20715 FIRE DEPARTMENT 13008 9th STREET BOWIE, MD 20720 8118 GOOD LUCK ROAD LANHAM, MD 20706 HAYDEN, ROY D. & MARTIN-HAYDEN, GINNY L. L.28451 F.524 P97 HARDIN, JESSE A. & DEBBINK, KARI M. LAND USE SUMMARY SQ. FT. ACRES CAMFIELD'S ADDITION TO 2.40 TOTAL AREA (P. 95) 104,674.90 PB 103 PG 71 NET DEVELOPABLE AREA 104,674.90 2.40 0.00 0.00 ENVIRONMENTAL REGULATED AREA PARKLAND DEDICATION AREA FEE IN LIEU FEE IN LIEU TREE CONSERVATION AREA FEE IN LIEU FEE IN LIEU SPITTLE, DEBORAH J. L.29664 F.712 100-YR FLOODPLAIN AREA 0.00 0.00 0.092 10th 3,989.50 AREA OF DEDICATION ZUG 2,928.83 0.067 2 STY FRM W/ BSMT THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING - - EX. PROPERTY LINE EX. CONCRETE — – – PROP. PROPERTY LINE PROP. LOT 1 ---- x ---- EX. METAL FENCE \*\*\*\* LOD \*\*\*\* PROP. LOD EX. STRUCTURE 20,097.15 S.F. —144— PROP. CONTOUR --144 EX. CONTOUR EX. DRIVEWAY EX. WOOD FENCE — //— PROP. WOOD FENCE EX. RIPRAP/PAVERS EX. SANITARY SEWER LINE ---- w ---- EX. WATER LINE —— OHW —— PROP. OVERHEAD WIRE PROP. AREA OF DEDICATION ----- OHW ----- EX. OVERHEAD WIRE PROP. LOT 3 25,416.36 S.F. CAMPBELL, KATHLEEN M. L.37249 F.174 PROP. MICROBIO— RETENTION PLANTER EX. PIPE — — — EX. UTILITY EASEMENT C/O O PROP. CLEANOUT 28,435.37 S.F. ALL PROPOSED EASEMENTS ARE SHOWN TO EXISTING RIGHT-OF-WAY LINE IN THE EVENT DEDICATION TO THE PUBLIC RIGHT-OF-WAY IS NOT REQUIRED. ALL EASEMENTS SHALL EXTEND RAY'S TOWING SERVICE, L ONLY TO THE FINAL ESTABLISHED RIGHTS-OF-WAY L.42142 F.416 104,674.9004 Sq. ZONING REQUIREMENTS SUMMARY PROP. LOT 1 | PROP. LOT 2 | PROP. LOT 3 | PROP. LOT 4 LOT RESTRICTIONS LOT AREA 20,000 SF (MIN) | 20,097.15 SF | 23,807.70 SF | 25,416.36 SF | 28,435.37 SF LOT WIDTH AT FRONT BUILDING LINE 89.47 80' (MIN)\* 80.00 80.00' 99.94'(EX.) P94 BROWN, LYDIA A. LOT WIDTH AT FRONT LOT LINE 70.00 100.00' 89.18 70' (MIN) 89.44' LOT COVERAGE 12.16% 25% (MAX) 17.18% 13.01% 14.08% LOT DENSITY 2.17 (MAX) 1.83 1.53 2.17 1.71 PRINCIPAL BUILDING SETBACKS FRONT SETBACK 25' (MIN) 74.73' 87.13**'** 30.75'(EX.) 33.85 34.50'\*\* SIDE SETBACK 8' (MIN) 15.92' 15.83 27.86' PROPOSED SUBDIVISION PLAN 35' (MIN) 243.70' (EX.) 227.63 REAR SETBACK 154.43' 139.19' ACCESSORY STRUCTURE SETBACKS INV.: 129.14 FRONT SETBACK 60' (MIN) N/A N/A 105.16'(EX.) N/A SIDE SETBACK 26.51'(EX.) 2'(MIN) N/A N/A N/A REAR SETBACK 2'(MIN) 39.23'(EX.) N/A N/A N/A PRINCIPAL BUILDING HEIGHT 35' (MAX) 20'± (EX.) 32' 35' (MAX) 35' (MAX) MBO NUMBER OF FLOORS 2 (EX.) DGT SINGLE FAMILY RESIDENCE SINGLE FAMILY RESIDENCE SINGLE FAMILY RESIDENCE (EX.) 8/12/2021 PRINCIPAL BUILDING HEIGHT 35' (MAX) 35' (MAX) 32' 35' (MAX) 20'± (EX.) 1" = 30' FINISHED FLOOR ELEVATION 141.00 146.00 146.55 (EX.) 019-035 \*"IF THE LOT IS SERVED BY A PUBLIC OR OTHER WATER SUPPLY SYSTEM... THE MINIMUM WIDTH MAY BE REDUCED TO NOT LESS THAN EIGHTY (80) FEET" (SEC. 27-442 (D) (2)) 2 of 2 \*\*PER THE BOWIE AND VICINITY MASTER PLAN, THE SIDE SETBACK WHEN ADJACENT TO AN INDUSTRIAL ROAD (ZUG ROAD) IS 20'.

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