

R E S O L U T I O N

WHEREAS, Ron Dlouhy and Jane Hamerlink are the owners of a 5.59-acre parcel of land known as Tax Parcel 32, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned Rural Residential (R-R); and

WHEREAS, on December 9, 2016, Ron Dlouhy and Jane Hamerlink filed an application for approval of a Preliminary Subdivision Plan for two lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-16032 for Laurelind'orinan Estate, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on February 23, 2017, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on February 23, 2017, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-16032, including a Variation from Section 24-122.01(b)(2)(i), for two lots with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to make the following technical corrections or provide the additional information indicated:
 - a. Revise the plans to show the existing swimming pool.
 - b. Provide evidence that the nonstandard on-site cul-de-sac bulb at the end of Tilghman Drive has the approval of the Prince George's County Department of Public Works and Transportation and/or the Department of Permitting, Inspections, and Enforcement.
 - c. Add to Note 12 that "Lot 1 will be served by the existing private sewer until time of system failure or redevelopment of Lot 1."
 - d. Add to the general notes that "the site is not within a center or corridor."
 - e. Add to the general notes that "the site is in Sustainable Growth Tier 1."

- f. Add to General Note 10 that “Existing Lot is Tax Parcel 32.”
 - g. Show the proposed water and sewer line connections.
 - h. Provide the lot coverage for Lot 1.
- 2. Total development within the subject site shall be limited to uses that generate no more than 2 AM and 2 PM peak-hour vehicle trips. Any development that is determined to generate more peak-hour vehicle trips than identified herein shall require a new preliminary plan of subdivision with a new determination of adequacy for transportation facilities.
- 3. A substantial revision to the uses and lot layout on the subject property that affects Subtitle 24 adequacy findings shall require the approval of a new preliminary plan of subdivision prior to approval any building permits.
- 4. Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions. The final plat shall note the stormwater management concept plan number.
- 5. At the time of final plat, the applicant and the applicant’s heirs, successors, and/or assignees shall:
 - a. Grant a 10-foot-wide public utility easement along all public and private rights-of-way as delineated on the approved preliminary plan of subdivision.
 - b. Provide dedication of right-of-way along Brooklyn Bridge Road of 30 feet from the existing centerline, as shown on the preliminary plan of subdivision.
 - c. Provide dedication of right-of-way for the extension of Tilghman Drive as determined by the Prince George’s County Department of Public Works and Transportation and/or the Department of Permitting, Inspections and Enforcement and shown on the preliminary plan of subdivision.
 - d. Reflect the alignment of the 20-foot-wide Washington Suburban Sanitary Commission right-of-way for a sewer line connection from Tilghman Drive to Lot 1.
- 6. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment*, the applicant and the applicant’s heirs, successors, and/or assignees shall provide, in phase with development, the following, unless modified by the Prince George’s County Department of Permitting, Inspections and Enforcement:
 - a. A standard sidewalk along the subject site’s entire frontage of Brooklyn Bridge Road.

- b. A standard sidewalk along the subject site's entire extension of Tilghman Drive.
- 7. Prior to issuance of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$420.00 to the Prince George's County Department of Public Works and Transportation for the placement of a bikeway sign(s) along Brooklyn Bridge Road, a designated master plan bikeway. A note shall be placed on the final plat for payment to be received prior to issuance of the first building permit.
- 8. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall submit to the Subdivision Section evidence of the submittal of an easement agreement to the Washington Suburban Sanitary Commission (WSSC), or a declaration of covenant in a form agreeable to WSSC, to facilitate the future sewer house connection for Lot 1 as shown on the preliminary plan of subdivision. The Liber and folio of the recorded document and the future extension location shall be reflected on the final plat prior to recordation.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

- 1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
- 2. **Background**—The subject property is located on the south side of Brooklyn Bridge Road, directly east of the boundary line between Montgomery County and Prince George's Counties, and approximately 1,250 feet southwest of Joyce Lane. The property also has frontage along Tilghman Drive, a dedicated 50-foot-wide right-of-way abutting to the southeast. The property is known as Tax Parcel 32 recorded in Land Records in Liber 6900 Folio 416 and has never been the subject of a preliminary plan of subdivision (PPS) or record plat. The property consists of 5.59 acres of land, is zoned R-R (Rural Residential), and contains one existing single-family detached dwelling.

Parcel 32 is currently a through lot with frontage on two streets. This PPS is for the subdivision of the property into two lots, Lot 1 will contain the existing single-family detached dwelling that is to remain and Lot 2 is for a new single-family detached dwelling. Lot 1 (3.68 acres) will front onto Brooklyn Bridge Road. The existing single-family detached dwelling will be located on Lot 1 and will retain the existing driveway access from Brooklyn Bridge Road. Lot 2 (1.57 acres) will front on Tilghman Drive to the southeast. Right-of-way dedication of 6,037 square feet along the property's frontage of Brooklyn Bridge Road and 8,734 square feet for the extension and cul-de-sac of Tilghman Drive is approved as part of this application.

Lot 1, containing the existing single-family detached dwelling, is currently served by public water and a private sewer (septic) system. Section 24-122.01(b)(2)(i) of the Subdivision Regulations requires that all lots of residential subdivisions in Tier I, as designated per the Sustainable Growth Act, Section 9-206 of the Environmental Article, shall be served by public sewer. The subject property is designated within Tier 1 and the provision of connection to public sewer systems is

applicable to all proposed lots (Lots 1 and 2) of this PPS. The applicant is proposing Lot 1 continue to be served by the existing private sewer system and is requesting approval of a variation to Section 24-122.01(b)(2)(i) of the Subdivision Regulations to do so. The Planning Board approves the variation as set forth herein.

3. **Setting**—The property is located on Tax Map 2, Grid B-3 in Planning Area 60 and is zoned R-R. The subject site is surrounded by existing single-family detached development, with properties north and south of the site being zoned R-R and properties to the east of the site being zoned One-Family Detached Residential (R-80). Brooklyn Bridge Road abuts the northwest property line and Tilghman Drive is stubbed at the southeast property line of the site.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	APPROVED
Zone	R-R	R-R
Use(s)	Single-Family Detached	Single-Family Detached
Acreage	5.59	5.59
Lots	0	2
Outlots	0	0
Parcels	1	0
Dwelling Units:	1 (to remain)	2 (1 new)
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	Yes
		24-122.01(b)(2)(i)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on December 30, 2016. The requested variation to Section 24-122.01(b)(2)(i) of the Subdivision Regulations was accepted on December 9, 2016 and was heard along with the PPS at the SDRC meeting on December 30, 2016, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—The property was the subject of a pre-preliminary plan of subdivision P-16001 for the purpose of providing information to the applicant of potential major issues, for which no approval is issued. The site has not been the subject of any other development application. During the review of P-16001, staff evaluated the possibility of providing a right-of-way dedication for the extension of Tilghman Drive north to Brooklyn Bridge Road. The property has the future potential to be subdivided into approximately 10 lots based on the gross acreage less the right-of-way dedication. However, it was determined that the right-of-way extension is not feasible due to the steep grades on the subject site. Providing the cul-de-sac at the

terminus of Tilghman Drive is required by the operating agency (Prince George's County Department of Public Works and Transportation/Department of Permitting, Inspections and Enforcement (DPW&T/DPIE)), for adequate circulation.

6. **Community Planning**—This PPS is consistent with the Plan Prince George's 2035 policies for established communities and conforms to the residential land use recommendations for the subject property in the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* (Planning Areas 60, 61, 62 and 64).
7. **Stormwater Management**—A stormwater concept plan (1282-2017-00) was submitted with this application, but has not yet been approved by DPIE. Section 24-120(a)(8) of the Subdivision Regulations requires that the applicant file with a PPS "[A]n approved Stormwater Management Concept Plan or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority." In this case, the applicant will be required by DPIE to obtain approval of the stormwater concept plan prior to the approval of grading. Development of the site shall conform to the approved stormwater management concept plan and any subsequent revisions to ensure that development of this site does not result in on-site or downstream flooding.
8. **Parks and Recreation**—Pursuant to Section 24-134(a)(3) of the Subdivision Regulations, the PPS is exempt from the requirement of mandatory dedication of parkland because the lots being created have a net lot area greater than one acre in size.
9. **Trails**—This PPS application has been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the area master plan in order to implement planned trails, bikeways, and pedestrian improvements.

The application is for the creation of two lots for residential development. The site is covered by the MPOT and the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* (Area Master Plan). Because the subject application is not located within either a designated Center or Corridor, it is not subject to Section 24-124.01 or the "Transportation Review Guidelines, Part 2, 2013."

Brooklyn Bridge Road is designated as a master plan bikeway in the MPOT and Subregion 1 Area Master Plan. Brooklyn Bridge Road is currently an open section road with paved shoulders for the majority of its length west of I-95. Currently, no bikeway signage or pavement markings exist along the road in the vicinity of the subject site. Tilghman Drive, which connects to the southeastern edge of the site has sidewalks along both sides. It is required that the cul-de-sac extension onto the site include sidewalk construction, unless modified by DPW&T. The ultimate improvements required within the dedicated public right-of-way are under the authority of DPIE and DPW&T, and will be determined with the street construction permits.

The Complete Streets element of the MPOT reinforces the need for sidewalk construction as frontage improvements are made by including the following policies:

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Sidewalk construction along the site's frontages of Brooklyn Bridge Road and Tilghman Drive are required, unless modified by DPW&T, and the provision of bikeway signage consistent with these recommendations and policies.

10. **Transportation**—The findings outlined below are based upon a review of materials and analyses conducted consistent with the “Transportation Review Guidelines, Part 1, 2012” (Guidelines). Based on the Guidelines the subdivision will generate 2 AM peak-hour trips and 2 PM peak-hour trips.

The subject property is located within Transportation Service Area (TSA) 2, as defined in The Plan Prince George's 2035 General Plan. As such, the subject property is evaluated using the following standards:

Links and signalized intersections: Level of Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,300 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Transportation Guidelines.

Unsignalized intersections: The procedure for un-signalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

No available turning movement counts are available at the critical intersection of MD 198 and Riding Stable Road. Due to the limited trip generation of the site, the Planning Board deems the site's traffic impact at this location to be *de minimis*. The Planning Board finds that 2 AM and 2 PM peak-hour trips will have a *de minimis* impact upon delay in the critical movements at the MD 198 and Riding Stable Road intersection. A *de minimis* development is defined as one that generates 5 trips or fewer in any peak period.

Plan Review

The existing residence that is to remain on Lot 1 will continue to have vehicular access to Brooklyn Bridge Road, and the new lot (Lot 2) will have access from Tilghman Drive, which is acceptable.

The plan shows a right-of-way dedication for a cul-de-sac at the end of Tilghman Drive as required by DPIE, and consistent with County standards. However, the dedication is off-set, and its location shall be verified by DPIE prior to signature approval of the PPS.

Master Plan Roads

Brooklyn Bridge Road is a master plan primary residential facility. Adequate right-of-way dedication of 30 feet from centerline is shown on the plan.

Based on the preceding findings, adequate transportation facilities exist to serve the subdivision as required pursuant to Section 24-124 of the Subdivision Regulations.

11. **Schools**—This preliminary plan reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Council Resolution CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters SF Detached Units

Affected School Clusters #	Elementary School Cluster 1	Middle School Cluster 1	High School Cluster 1
Dwelling Units	2 DU	2 DU	2 DU
Pupil Yield Factor	0.145	0.076	0.108
Subdivision Enrollment	0	0	0
Actual Enrollment	9,518	3,712	5,838
Total Enrollment	9,518	3,712	5,838
State Rated Capacity	8,960	3,938	6,288
Percent Capacity	106%	94%	93%

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between Interstate 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$9,017 and \$15,458 to be paid at the time of issuance of each building permit.

In 2013, Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved transit district overlay zone; or where there is no approved transit district overlay zone within a one-quarter mile of a metro station; or within the

Bowie State MARC Station Community Center Designation Area, as defined in the 2010 *Approved Bowie State Marc Station Sector Plan and Sectional Map Amendment*. The bill also established an exemption for studio or efficiency apartments that are located within the county urban centers and corridors as defined in Subtitle 27A-106 of the County Code; within an approved transit district overlay zone; or where there is no approved transit district overlay zone then within a one-quarter mile of a metro station. This act is in effect from October 1, 2013 through September 30, 2018.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

12. **Fire and Rescue**—This preliminary plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The project is served by Laurel Fire/EMS, Company 810, a first due response station (a maximum of seven minutes travel time), located at 7411 Cherry Lane.

“In the Fire/EMS Department’s Statement of Adequate Apparatus, as of July 15, 2016, the Department states they have developed an apparatus replacement program to meet all the service delivery needs of the County.”

Capital Improvement Program (CIP)

The Prince George’s County FY 2016-2021 Approved CIP provides funding for replacing the existing station with a new four-bay Fire /EMS Station.

13. **Police Facilities**—The subject property is located in Police District VI, Beltsville. The response time standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on December 9, 2016.

Based on the most recent available information provided by the Police Department as of December 2015, the police response time standards of 10 minutes for emergency calls and the 25 minutes for nonemergency calls are met.

14. **Water and Sewer**—Section 24-122.01 of the Subdivision Regulations requires the following:

(b) **Water and sewerage.**

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

(2) **Applications filed on or after October 1, 2012, pursuant to the Sustainable Growth Act Section 9-206 of the Environment Article, the following restrictions apply to residential subdivisions:**

(i) **Tier 1. All lots shall be served by public sewer.**

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System. The property is within Tier 1 under the Sustainable Growth Act and therefore, is required to be served by public systems. The existing dwelling is currently served by public water. However, the applicant proposes to continue to utilize the existing private sewer system for the existing dwelling on the property (Lot 1). The applicant is proposing public water and sewer connections for Lot 2, as required. The applicant has requested a variation from the requirements of Section 24-122.01(b)(2)(i), which requires that all lots (Lots 1 and 2) be served by public sewer with this PPS.

15. **Variation 24-122.01(b)(2)(i)**—Section 24-122.01(b)(2)(i) of the Subdivision Regulations sets forth the requirement that all lots in residential subdivision that are designated within Tier 1 of the Sustainable Growth Act shall be served by public sewer. This requirement is only applicable to the subject application because the applicant has filed a subdivision. The requirement for connection to public sewer for the existing dwelling would not exist saving the applicant's desire to create new lots.

The provisions of Section 24-122.01(b) were adopted following the enactment of the 2012 Sustainable Growth Act, Section 9-206 of the Environmental Article, Maryland Annotated Code, to carry forward the State requirements and, in part, to designate the four tiers within Prince George's County. **Section 9-206** of the Environmental Article provides the following regarding the subdivision of land within Sustainable Growth Tier 1:

(g)(1) **Except as provided in subsection (f)(2) of this section and subject to subsection (i) of this section, a local jurisdiction may authorize a residential subdivision plat only if:**

(i) **All lots proposed in an area designated for Tier I growth will be served by public sewer;**

The provisions of the Subdivision Regulations are more restrictive in that all lots of a subdivision shall connect to public sewer, whereas the Environmental Article requires that properties “will” connect. The applicant provides that the existing dwelling on proposed Lot 1 “will” connect, as required by the Environmental Article, at the time of failure of the existing private on-site sewer system.

The applicant has provided a letter from the office of the Attorney General of Maryland, (Rowe to Peña-Melnyk) dated June 10, 2016, which provides further interpretation that the Environmental Article “is not intended to require connection of residences already in existence to a public sewer system” which have a well-functioning system and that the Sustainable Growth Act was focused on future development rather than existing. The local jurisdiction has established a more stringent standard from which the applicant has requested this variation. The applicant has proposed to retain the existing private on-site sewer (septic) system for proposed Lot 1, which contains an existing single-family detached dwelling until such time as that system fails as determined by the Prince George’s County Health Department.

This requested variation to Section 24-122.01(b)(2)(i) of the Subdivision Regulations was accepted on December 9, 2016 and was heard at the SDRC meeting on December 30, 2016 as required by Section 24-113(b) of the Subdivision Regulations.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests as follows:

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

Approval of the applicant’s request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations which is to implement the Sustainable Growth Act. Strict compliance with the requirements of Section 24-122(b)(2)(i) would result in a practical difficulty in that the applicant would be required to remove a functioning septic system if strict compliance were carried out.

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

The existing house on Lot 1 is currently served by an existing private sewer system which is not proposed to be disturbed. The Health Department of Prince George's County provided a letter dated January 12, 2017 (Dawodu to Conner), that the property was inspected and offered no comments regarding the application. Three of the surrounding properties are also served by existing private sewer systems all located with a Sewer Category 3. Lot 2 will be served by public water and sewer and therefore, no new growth will contribute to use of the existing private on-site sewer system on Lot 1. The approval of the requested variation will not be detrimental to the public safety, health, or welfare, or injurious to other property because the existing septic system is properly functioning and a condition is recommended that "will" result in the eventual connection to the public system.

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

The subdivision of land is typically for purposes of new development or redevelopment, whereas the subject property proposes to retain the existing single-family residence currently served by a private sewer system. The Subdivision Regulations contain no provisions for existing systems which are proposed to remain, a unique circumstance for which no previous variation has been requested with any PPS since the adoption of the 2012 Sustainable Growth Act.

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

The variation is unique to the Subdivision Regulations in that the Subdivision Regulations, which require that all lots in a subdivision "shall" connect to public sewer, is more restrictive than the Environmental Article of the State of Maryland which requires that a subdivision "will" be severed by public sewer. Further interpretation has been provided by the office of the Attorney General of Maryland, indicating that the requirement for connection to public sewer systems applies to new growth. Therefore, granting the variation will not violate any other legal requirement.

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

If the strict letter of the Subdivision Regulation was carried out, public sewer connection to the existing dwelling would be required at this time. A public sewer line exists approximately 400 feet south of the existing house in the right-of-way of Tilghman Drive, however, the existing topography on the subject site presents an approximate 44-foot drop in grade from the existing dwelling to the Tilghman Drive right-of-way and there is no sewer line available along Brooklyn Bridge Road in proximity to the subject site. If connection to the existing public sewer line in Tilghman Drive were required, the 44-foot-high change in grade over a 400-foot span would present a practical difficulty.

- (5) **In the R-30, R-30c, R-18, R-18c, R-10, R-10, and R-H zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113 (a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The site is not located in any of the listed zones; therefore, this condition does not apply.

Based on the preceding findings for each of the criteria, the Planning Board approves a variation to Section 24-122.01(b)(2)(i) of the Subdivision Regulations for Lot 1.

16. **Use Conversion**—The total development included in this PPS is two single-family detached residential units. If a revision to the mix of uses or lot layout on the subject property is proposed that affects Subtitle 24 adequacy findings as set forth in this resolution of approval, that revision shall require approval of a new PPS prior to approval of any building permits.
17. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The PPS delineates a ten-foot-wide public utility easement along all public rights-of-way. All PUEs will also be required to be reflected on the final plat prior to approval.

18. **Historic**—The subject site is currently improved with an existing residence built in 1950 that is to remain. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This approval will not impact any historic sites, historic resources or known archeological sites.

19. **Environmental**—The site was previously reviewed for a Natural Resources Inventory (NRI-202-16), which was issued on November 1, 2016, and a Standard Letter of Exemption (S-173-16) which was issued on November 1, 2016.

Grandfathering

The project is subject to the requirements of Subtitles 25 (Woodland and Wildlife Habitat Conservation Ordinance) that became effective September 1, 2010 because this is a new preliminary plan.

Site Description

The site shares frontage with Brooklyn Bridge Road to the north and Tilghman Drive to the south. The site is located approximately 1260 square feet to the southwest of the intersection of Brooklyn Bridge Road with Joyce Lane. The overall site is 5.59 acres and is zoned R-R. According to the approved NRI (NRI-202-16), no woodlands exist on-site. A review of the available information identified that no regulated environmental features such as streams, wetlands, areas of steep slopes, 100-year floodplain, or associated buffers are found on the property. This site is outside of the Chesapeake Bay Critical Area (CBCA). The site straddles two watershed areas. To the north, the site drains into the Rocky Gorge Dam watershed while to the south the property drains into the Walker Branch Watershed. Both of these watersheds are located within the Upper Patuxent River Watershed that drains into the Patuxent River Basin. The site is not located in a stronghold watershed. The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Beltsville-Urban land complex (5-15 percent slopes), Croom-Urban land complex (0-5 percent slopes), Croom-Urban land complex (15-25 percent slopes), Sassafras-Croom complex (5-10 percent slopes), and Sassafras and Croom soils (15-25 percent slopes). According to available information, no soils containing Marlboro clay or Christiana complexes are found on this property. This site is not within a Sensitive Species Protection Review Area based on a review of the SSPRA GIS layer prepared by the Heritage and Wildlife Service, Maryland Department of Natural Resources. None of the streets that the site fronts on are regulated for noise or have a historic or scenic designation. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site does not include any regulated areas, evaluation areas, or network gaps.

Plan Prince George's 2035 Approved General Plan

Prior to submittal of the subject application, a new General Plan was adopted by the District Council. The site is now located within the Established Communities Area of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035).

Conformance with the Water Resources Functional Master Plan

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the County, on a countywide level. These policies are not intended to

be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, County ordinances for stormwater management, floodplain, and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections and Enforcement, Prince George's County Department of Health, Prince George's County Department of the Environment, Prince George's Soil Conservation District, Maryland-National Park and Planning Commission and Washington Suburban and Sewer and Sanitary Commission are also deemed to be consistent with this master plan.

Master Plan Conformance

The master plan for this area is the Subregion 1 Master Plan and SMA (June 2010). In the master plan, the Environmental Infrastructure section contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

The project is within the vicinity of the Rocky Gorge Reservoir, which is considered to be a special conservation area (SCA). This project will meet water quality and quantity requirements in accordance with an approved stormwater management concept plan to be approved by the Site/Road Plan Review Division of DPIE.

Policy 3: Implement the State Storm Water Management Act of 2007 in Subregion 1 as of the adoption of this Plan to enhance the water quality and control flooding in the Anacostia and Patuxent River watersheds.

A stormwater management concept letter and plan that is in conformance with the current code will be required by DPIE. The Site/Road Plan Review Division will review the project for conformance with the current provisions of the County Code which addresses the state regulations.

Policy 4: Implement more environmentally sensitive building techniques and reduce overall energy consumption.

The use of green building techniques and energy conservation techniques should be used as appropriate. The use of alternative energy sources such as solar, wind and hydrogen power is encouraged.

Policy 5: Reduce light pollution and intrusion, especially into the Rural Tier and environmentally sensitive areas.

The site is adjacent to existing single-family homes. The use of alternative lighting technologies is encouraged so that light intrusion onto adjacent properties is minimized. Full cut-off optic light fixtures should be used.

Policy 6: Reduce air pollution by placing a high priority on transportation demand management (TDM) projects and programs.

The traffic generated by the proposed development is *de minimis* and therefore, the implementation of transportation demand management is not necessary.

Conformance with the 2005 Approved Countywide Green Infrastructure Plan

The 2005 *Approved Countywide Green Infrastructure Plan* indicates that none of the property is within or near the designated network.

Natural Resources Inventory

An approved Natural Resource Inventory Equivalency letter (NRI-202-16) was submitted with the review package, which was approved on November 1, 2016. No additional information is required with regard to the NRI.

Woodland Conservation

The site is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property contains less than 10,000 square feet of woodland onsite, and has no previous tree conservation plan (TCP) approvals. A standard letter of exemption from the Prince George's County Woodland Conservation Ordinance was issued for this site (S-173-16), which expires on November 1, 2018. No additional information is required regarding woodland conservation.

Preservation of Regulated Environmental Features/Primary Management Area

No regulated environmental features are known to exist on this property. A floodplain study may be required by DPIE at the time of the stormwater concept review.

20. **Urban Design**—The subject PPS has been reviewed for conformance with the following requirements:

Conformance with the Zoning Ordinance

The site is subject to the requirements of Section 27-441 regarding uses permitted in residential zones, Section 27-442 regarding regulations in residential zones, and Part 11 regarding parking. A preliminary review of lot size, setback, and lot width requirements indicates that these regulations will be met with the proposed configuration of lots. Further review for conformance with the requirements of the Zoning Ordinance will be applicable at the time of building permit.

Conformance with the requirements of the 2010 Subregion 1 Approved Master Plan and Sectional Map Amendment

The subject project is located within the boundary of the *Subregion 1 Approved Master Plan and Sectional Map Amendment* (Master Plan), but not included in a development district overlay (DDO) Zone. As the property is not located in a development district overlay zone, a detailed site plan is not required for the project by Subtitle 27.

Conformance with Conditions of Prior Approvals

There are no prior approvals for the subject site that warrant consideration in the review of this PPS. A pre-preliminary plan of subdivision P-16001 was reviewed for the site prior to the subject PPS, but the review is advisory with no approval and non-binding on future development on the site.

Conformance with the 2010 Prince George's County Landscape Manual

The use of the lots for single-family detached dwellings is compatible with the uses of the properties abutting the subject site. The project will be subject to the requirements of Section 4.1, Residential Requirements, and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance with these requirements will be evaluated at time of issuance of a building permit for a single-family detached dwelling.

Conformance with the Tree Canopy Ordinance

Subtitle 25-125 of the Prince George's County Code, requires projects which involve more than 5,000 square feet of land disturbance to provide a certain percentage of the area of the site in tree canopy. More particularly, projects located in the R-R Zone are required to provide 15 percent in tree canopy coverage. As applied to the subject site, the calculations are as follow:

Zone	Acreage	Percent	Acreage Required	Sq. Ft. Required
R-R	5.59	15 percent	.84	36,525

Conformance with the Tree Canopy Ordinance will be evaluated at time of issuance of a building permit for the subject single-family detached dwelling.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Doerner, with Commissioners Washington, Doerner, Bailey, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 23, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of March 2017.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:SC:rpg