

June 23, 2023

Lynette Garcia
399 North Broadway, Unit 20
Yonkers, New York 10701



Re: Notification of Planning Board Action on
Detailed Site Plan DSP-22032
Yaman's Estates

Dear Applicant:

This is to advise you that, on **June 22, 2022**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-290 of the prior Prince George's County Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice (**June 23, 2023**) of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291 of the prior Zoning Ordinance), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Todd Price 06/23/2023
Reviewer

Attachment: PGCPB Resolution No. **2023-62**

cc: Donna J. Brown, Clerk of the County Council
Persons of Record

R E S O L U T I O N

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George’s County Code went into effect on April 1, 2022; and

WHEREAS, the applicant, Lynette Garcia, submitted an application for approval of a detailed site plan under the requirements of the prior Zoning Ordinance; and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, projects which received development or permit approval prior to the effective date of the current ordinance may continue to be reviewed and decided in accordance with the Zoning Ordinance under which it was approved; and

WHEREAS, pursuant to Section 27-1903(c) of the Zoning Ordinance, development proposals of any type may choose to be reviewed and approved under the requirements of the prior Zoning Ordinance; and

WHEREAS, therefore, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on May 25, 2023, regarding Detailed Site Plan DSP-22032 for Yaman’s Estates, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan (DSP) for one single-family detached dwelling unit.

2. **Development Data Summary:**

| | EXISTING | APPROVED |
|--|-----------------|-----------------|
| Zone(s) | RR | Prior R-R |
| Use(s) | Vacant/wooded | Residential |
| Acreage | 0.46 | 0.46 |
| Net tract area | 0.46 | 0.46 |
| Area within existing 100-year floodplain | 0 | 0 |
| Number of lots | 1 | 1 |
| Minimum lot area (square feet) | NA | 20,000 |

3. **Location:** The site is located at 490 Bryan Point Road, in Accokeek, on the south side of Bryan Point Road, approximately 1,400 feet east of its intersection with Farmington Road, and is within Planning Area 83 and Council District 9.

4. **Surrounding Uses:** The subject site is bound to the north by Bryan Point Road and an existing church; to the east and west by vacant property in the Residential, Rural (RR) Zone; and to the south by Dyer Drive.
5. **Previous Approvals:** Preliminary Plan of Subdivision (PPS) 4-06017 was approved by the Prince George's County Planning Board on November 9, 2006 (PGCPB Resolution No. 06-250), with eight conditions. The subject site has an approved Type I Tree Conservation Plan, TCPI-79-04. The site also has an approved Stormwater Management (SWM) Concept Plan, 23544-2004-00, which expired on August 9, 2010. DSP-06091 and companion TCPII-057-07 were approved by the Planning Board on October 11, 2007. DSP-06091 has expired due to inaction.
6. **Design Features:** The subject site is a rectangular lot with frontage on and accessed from Bryan Point Road. The subject property consists of 0.46 acre of land in the Rural Residential (R-R) Zone. This proposed development consists of one 2-story, single-family detached dwelling, located on the southwest side of Bryan Point Road. Architectural elevations are not subject to review in this limited DSP.

The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* designated Bryan Point Road, which is adjacent to the subject property, as a scenic road in 1993. There is an existing 40-foot scenic easement along the front of the proposed single-family dwelling which will provide a substantial buffer from the road. No road widening is proposed with the development. The applicant provides access to the lot in a manner that best preserves mature trees and the road's scenic characteristics, particularly the arching leaf tunnel formed by mature trees on either side of the existing road.

Architecture

The applicant submitted architecture for reference with this DSP, for a +/-2,000-square-foot single-family detached dwelling. The architecture is from Caruso Homes and is their Emory II model.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application was reviewed for compliance with the requirements of the prior R-R Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-441(b) of the prior Zoning Ordinance, which governs permitted uses in residential zones. The proposed single-family attached dwelling is a permitted use in the prior R-R Zone.
 - b. The proposal was also in conformance with the requirements of Section 27-442, Regulations, of the prior Zoning Ordinance, regarding net lot area, lot coverage and green area, lot/width frontage, yards, building height, and density.

8. **Preliminary Plan of Subdivision 4-06017:** PPS 4-06017 was approved and adopted by the Planning Board (PGCPB Resolution No. 06-250) on November 9, 2006. The following conditions of approval were reviewed for the subject DSP. The conditions are listed in **BOLD** text below, followed by the Planning Board’s findings in plain text.

2. **A Type II Tree Conservation Plan shall be approved in conjunction with the detailed site plan.**

A Type 2 Tree Conservation Plan, TCP2-011-2023, was approved by the Planning Board for the subject site.

3. **Development of this site shall be in conformance with the Stormwater Management Concept Plan.**

The subject site had an approved SWM Concept Plan (23544-2004-00), which expired on August 9, 2010. The site has a new updated SWM Concept Plan, 17336-2022-00, which is in conformance with the submitted DSP and expires February 14, 2026. The concept plan shows the site using three dry wells and non-rooftop disconnection to meet the on-site SWM requirement.

7. **Prior to issuance of any building permits, the applicant, his heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board. The detailed site plan shall include:**

- a. **The preservation of scenic Bryan Point Road, including further evaluation of access points/driveways.**

The Bryan Point Road corridor is characterized as predominantly woodland with some agricultural fields flanked by forests, hedgerows, fencing, and with glimpses of Piscataway Creek and its tributaries. The approved single-family dwelling unit will have a 40-foot scenic easement in the front, which will provide a significant buffer from the street. One entrance point for the subject site was approved, which will result in minimal removal of trees on-site and preserve the scenic character of Bryan Point Road. No specimen trees are proposed for removal with this application.

- b. **The preservation of the arching leaf tunnel formed by the mature trees located on both sides of Bryan Point Road, and compliance with CR-113-1992, and the “Design Guidelines and Standards for Scenic and Historic Roads.”**

On November 10, 1992, the Prince George’s County Council approved Council Resolution CR-113-1992, designating Bryan Point Road as a scenic road, pursuant to Section 23-192(b)(17)(H) of the Prince George’s County Code This

section states “a scenic road, as defined therein, is a public or private road which provides scenic views along a substantial part of its length through natural or manmade features such as forest or extensive woodland, cropland, pasturage, or meadows; distinctive topography, including outcroppings, streambeds, or wetlands; traditional building types; historic sites; or roadway features such as curving, rolling roadway alignment and leaf tunnels.” Preservation of existing trees and rural road character along the Bryan Point Road frontage of the subject property is vital to maintaining the entryway image. The proposed single-family dwelling is set back from the existing 40-foot scenic easement fronting Bryan Point Road. Also, the location of the proposed driveway will ensure the preservation of the scenic road by removing the least number of mature trees and preserving the arching leaf tunnel along this segment of Bryan Point Road.

- c. **Any road improvements within the right-of-way that have been requested by the Department of Public Works and Transportation.**

No road widening is proposed or will be required for this development.

- d. **The location of utilities, and their method of placement shall be reviewed by the Environmental Planning Section and the utility companies to minimize disturbance along the scenic right-of-way.**

The individual house connects to the existing sanitary sewer, and water lines shown on the DSP will not create a disturbance to the scenic right-of-way of Bryan Point Road.

- e. **The completed Phase I archaeological investigation.**

A Phase I archeology survey was completed, and an archeological report was submitted for review. No archeological sites were identified on the property, and no further work was recommended. However, local residents have raised concerns about potential Native American burials within the Yaman’s Estates subdivision. A condition was included in the resolution, that the applicant contact Historic Preservation staff one week in advance of any grading, to arrange for monitoring for the potential presence of human burials on the site.

- 9. **2010 Prince George’s County Landscape Manual:** The approved development is subject to Section 4.1, Residential Requirements, of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual). Section 4.1 requires single-family detached lots of 20,000 to 39,000 square feet to plant four shade trees and three ornamental or evergreen trees. The four shade trees and three ornamental trees approved are in conformance with the requirements of the Landscape Manual. The Planning Board reviewed the landscape plan and found that the submittals are in compliance with the applicable sections of the Landscape Manual.

10. **2010 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. TCP2-011-2023 was submitted with the DSP application. The subject lot is part of a 1.99-acre, 3-lot, single-family residential subdivision.

Based on the TCP2 submitted with this application, the site’s gross tract and net tract areas are 0.46 acre and contains 0.46 acres of woodlands. The woodland conservation worksheet proposes the removal of 0.28 acre of the net tract area, for a woodland conservation requirement of 0.09 acre. The Planning Board approved the use of 0.09 acre of the on-site wooded scenic easement area, along Bryan Point Road, to meet this requirement. The remaining on-site woodlands, 0.09 acre, are within an area of woodlands preserved, not credited. This lot fronts on Bryan Point Road and backs onto future (not constructed) Dyer Drive. A 10-foot public utility easement is proposed off both roadways and is shown as retained woodlands assumed cleared.

Currently, the TCP2 shows the proposed development of a single house, a driveway, a parking pad, three dry wells (stormwater structures), and woodland preservation.

11. **Prince George’s County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, of the Prince George’s County Code requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties in the prior R-R Zone are required to provide a minimum of 15 percent of the gross tract area in TCC. According to the TCC schedule, the site is 0.46 acre, resulting in a TCC requirement of 2,999 square feet. The schedule shows that the requirement will be met on-site through a combination of woodland preservation and proposed landscaping.

12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Historic Preservation**—The Planning Board has reviewed and adopts the memorandum dated April 3, 2023, which stated the subject property does not contain and is not adjacent to any designated Prince George’s County historic sites or resources. The Planning Board approved the following conditions:
- (1) Prior to approval of a grading permit, the applicant shall submit a grading plan to Historic Preservation staff for review.
 - (2) One week prior to the commencement of grading, the applicant shall contact Historic Preservation staff to arrange for monitoring of the grading of the site for the potential presence of human burials. If human burials are encountered, all grading shall cease, and the applicant shall contact the Prince George’s County State’s Attorney’s Office to report the presence of human burials on the site.

- b. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated April 19, 2023, which found that, pursuant to Part 3, Division 9, Subdivision 3 of the prior Zoning Ordinance, master plan conformance is not required for this application and the proposed single-family detached property is consistent with the recommended land use.
- c. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated May 1, 2023, which found that the subject property is in general conformance with Section 27 of the prior zoning ordinance.
- d. **Subdivision**—The Planning Board has reviewed and adopts the memorandum dated April 24, 2023, which stated that the DSP has been found to be in conformance with the approved PPS, and approved the following conditions.
 - (1) All bearings and distances must be clearly shown on the DSP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected. Subdivision staff recommended the following conditions:
 - (2) Add a general note to list PPS 4-06017 as the prior approval applicable to the subject property.
 - (3) Label Lot 2 with the recording plat reference.
- e. **Prince George’s County Department of Parks and Recreation (DPR)**—In an email dated April 14, 2023, DPR stated they had no comments.
- f. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated April 25, 2023, and found that no specimen trees are proposed for removal with this application.

No regulated environmental features (REF) are located on the subject property.
- g. **Prince George’s County Fire/EMS Department**—As of the writing of this resolution, the Fire/EMS Department did not provide comments.
- h. **Prince George’s County Department of Permitting, Inspections, and Enforcement (DPIE)**—The Planning Board has reviewed and adopts the memorandum dated March 23, 2023, in which DPIE offered the following:
 - (1) The 2018 Water and Sewer Plan designates Lot 2 in water and sewer Category 3, inside the sewer envelope, in the Growth Tier, and within Tier 1 under the Sustainable Growth Act, to be developed on the public sewer system. The property appears undeveloped in the aerial views.

- (2) A water line in Bryan Point Road abuts the property. A sewer line in Bryan Point Road is within 225 feet of Lot 2.
 - i. **Prince George’s County Police Department**—As of the writing of this resolution, the Police Department did not provide comments.
 - j. **Prince George’s County Health Department**—As of the writing of this resolution, the Health Department did not provide comments.
 - k. **Washington Suburban Sanitary Commission (WSSC)**—As of the writing of this resolution, WSSC did not provide comments.
13. Based on the foregoing analysis, and as required by Section 27-285(b) of the prior Zoning Ordinance, the DSP represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George’s County Code, without requiring unreasonable cost and without detracting substantially from the utility of the approved development for its intended use.
14. As required by Section 27-285(b)(4) of the prior Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:
- (4) **The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

The REFs on this property have been preserved and/or restored to the fullest extent possible, consistent with conservation easements approved at the time of final plat.

15. The Planning Board hearing for this DSP was held on May 25, 2023. There was citizen opposition to the application made by Megan Crigger. Ms. Crigger expressed concerns regarding stormwater runoff and possible standing water on the site. The citizen gave a brief presentation which included a contention that the SWM plan did not take into consideration development that occurred in recent years. After the presentation, staff pointed out to the Planning Board that the subject development had a SWM concept plan that was approved by DPIE on February 14, 2023. Staff referred Board members to the three stormwater drywells depicted on the site plan. The Board found that the approved plan adequately addressed Ms. Crigger’s concerns.

In addition, it was noted by staff that Historic Preservation suggested conditions in their referral that they receive a copy of the grading plan, prior to permit approval, and that they be notified one week prior to commencement of any grading, to arrange for monitoring of the grading of the site for the potential presence of human remains. The applicant agreed to this condition and it has been added to the conditions of approval.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George’s County Code, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 2 Tree Conservation Plan TCP2-011-2023, and further APPROVED Detailed Site Plan DSP-22032 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan (DSP), the applicant shall:
 - a. Provide the following note on the DSP:

“The house type/template shall be constructed as shown on the approved plan. The house type may not be modified at the time of building permit unless a revision to this DSP is approved by the Prince George’s County Planning Board or its designee.”
 - b. All bearings and distances must be clearly shown on the DSP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected.
 - c. Add a general note to list Preliminary Plan of Subdivision 4-06017 as the prior approval applicable to the subject property.
 - d. Label Lot 2 with the recording plat reference.
2. Prior to approval of a grading permit, the applicant shall submit a grading plan to Historic Preservation staff, for review.
3. One week prior to the commencement of grading, the applicant shall contact Historic Preservation staff to arrange for monitoring of the grading of the site for the potential presence of human burials. If human burials are encountered, all grading shall cease, and the applicant shall contact the Prince George’s County State’s Attorney’s Office to report the presence of human burials on the site.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council of Prince George’s County within thirty (30) days following the final notice of the Planning Board’s decision.

* * * * *

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 Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, May 25, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of June 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:TP:jah



Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 6/14/23