



The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530

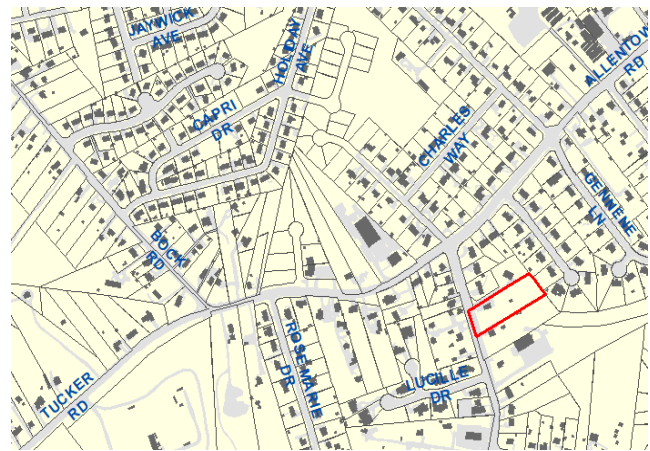
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Detailed Site Plan Remand Hearing Oaklawn

DSP-16004

REQUEST	STAFF RECOMMENDATION
Remand Hearing	APPROVAL with conditions

Location: On the east side of Allentown Road, approximately 400 feet south of the intersection of Allentown Road and Tucker Road.	
Gross Acreage:	1.58
Zone:	R-R
Dwelling Units:	3
Gross Floor Area:	9,891 sq. ft.
Planning Area:	76B
Council District:	08
Election District:	09
Municipality:	N/A
200-Scale Base Map:	211SE03
Applicant/Address: Daniel Mwavua 8314 Allentown Road Fort Washington, MD 20744	
Staff Reviewer: Henry Zhang, AICP LEED AP Phone Number: 301-952-4151 Email: Henry.Zhang@ppd.mncppc.org	




Planning Board Date:	10/07/2021
Planning Board Action Limit:	09/24/2021
Memorandum Date:	09/24/2021
Date Accepted:	11/20/2019
Informational Mailing:	08/04/2018
Acceptance Mailing:	11/18/2019
Sign Posting Deadline:	08/24/2021


The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

September 20, 2021

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: William Capers III., PTP, Supervisor, Urban Design Section, Development Review Division 

FROM:  Henry Zhang, AICP, LEED AP, Master Planner, Urban Design Section, Development Review Division

SUBJECT: Detailed Site Plan DSP-16004 (Remanded)
Oaklawn

BACKGROUND

Detailed Site Plan DSP-16004, Oaklawn, for a development of three single-family detached dwelling units on a 1.58-acre property, in the Rural Residential Zone, was accepted on November 20, 2019, for review by the Development Review Division, in accordance with Section 27-282, Submittal Requirements, of the Prince George's County Zoning Ordinance. The subject site has a governing Preliminary Plan of Subdivision, 4-06055, which was approved by the Prince George's County Planning Board (PGCPB Resolution No. 07-65), for three lots, on March 15, 2007, with 12 conditions, and is valid through December 31, 2021. Two of the three approved lots are new lots, and one lot has been developed with an existing single-family detached home. According to the applicant, the existing home will be demolished and rebuilt with the proposed architecture model.

DSP-16004 was approved by the Planning Board on March 4, 2021, and a final resolution (PGCPB Resolution No. 2021-30) was adopted on March 25, 2021. The Prince George's County District Council elected to review this application on April 26, 2021. The District Council conducted oral arguments on June 14, 2021 and remanded the DSP back to the Planning Board for further consideration. The Order of Remand was issued on June 21, 2021.

The subject site was posted on August 24, 2021, for a public hearing on September 23, 2021.

In a letter dated August 30, 2021, the applicant's representative, Daniel F. Lynch, requests a two-week continuance of the Planning Board hearing date from September 23, 2021 to October 7, 2021. The continuance is necessary to allow time for the applicant to obtain the approval of the amended stormwater management (SWM) concept plan from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).

On September 23, 2021, the Planning Board approved the applicant's request for continuance to schedule this DSP on the October 7, 2021 Planning Board agenda.

ORDER OF REMAND FINDINGS

Within the Order of Remand, the District Council requires the Planning Board to reopen the record and take further testimony or evidence on five specific issues. This memorandum, as supplemental to the original resolution, provides the required findings to address those five issues (in **BOLD**, followed by staff's analysis), as follows:

1. **Applicant(s): Evidence shall be presented and received concerning the person, persons, business entity or entities legally authorized to file this DSP. If it is determined that the applicant or co-applicant is a business entity or are entities, the application shall be amended in accordance with all requirements of the Zoning Ordinance, including revising the DSP where appropriate. The business entity or entities shall present proof of legal status in Maryland and shall file all necessary required public ethics affidavits in accordance with Md. Code Ann., General Provisions §§5-833–5-839 (2012 Repl. Vol., 2020 Supp.).**

In a letter dated August 19, 2021, the applicant's attorney, Mr. Daniel Lynch of McNamee Hosea, stated that the applicant and property owner for this DSP is Daniel Mwavua. There are no other individuals or entities associated with this application that have an ownership or contractual interest in the property, or this DSP. Packard and Associates, Inc. is the engineering firm that was commissioned by the applicant to prepare all DSP drawings and survey documents for this project.

2. **Submittal Requirements: The appropriate applicant or applicants shall revise the DSP and submit all rights-of-way and easements necessary to extend the proposed stormwater pipe or any other stormwater management across neighboring properties for stormwater drainage. All rights-of-way and easements submitted shall indicate [a] grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, the use of which must be included in the conveyance of land affected by such easement. PGCC § 32-171(a)(26).**

A revised DSP that reflects a new SWM arrangement was submitted with this review. The applicant has filed an amendment to the previously approved SWM concept plan that requires only one off-site stormwater pipe to travel across the adjacent Lot 14, which is owned by Wynton L. and Barbara L. Boyette. The prior off-site SWM easement across Lot 358, which is owned by Daniel Ayala, is not needed anymore on the revised SWM concept plan. DPIE approved the off-site SWM easement document, and it was signed off by Mrs. Boyette, as the surviving spouse, on August 23, 2021.

In addition, the revised DSP is not consistent with the landscape plan and Type 2 tree conservation plan regarding the shared driveway of the two flag lots. Those plans should be revised to show the exact same driveway location.

3. **Stormwater Management Concept Plan: The appropriate applicant or applicants shall file a revised application for stormwater management concept plan approval with DPIE, which shall include all rights-of-way and easements submitted with the DSP deemed necessary to extend the proposed stormwater pipe or any other stormwater management across neighboring properties for stormwater drainage. The revised application shall include the proposal to install an engineered drainage solution to collect and discharge stormwater drainage from Mr. Daniel R. Ayala's property onto the property of Wynton and Barbara Boyette. All rights-of-way and easements submitted with the DSP shall indicate [a] *grant* or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, the use of which must be included in the conveyance of land affected by such easement. PGCC § 32-171(a)(26).**

As discussed above, the revised SWM concept plan only requires one off-site easement across Lot 14, owned by Wynton L. and Barbara L. Boyette, to accommodate the proposed SWM concept plan for the development. As noted correctly by the applicant's response to the Order of Remand, usually DPIE does not prepare any off-site SWM easement documents as part of concept approval. Since the Order of Remand specifically requires so, DPIE worked with the applicant and prepared the stormdrain easement document that has been signed by Mrs. Boyette, as the surviving spouse. The signed easement document is included in the backup of this DSP.

4. **DPIE: Upon receipt of this Order of Remand, Planning Board or its authorized designee shall transmit the Order to DPIE.**

On July 2, 2021, the Development Review Division of The Maryland-National Capital Park and Planning Commission sent an official referral request to DPIE with the Order of Remand attached. The referral due date was August 2, 2021.

5. **Design Features: The applicant shall provide testimony or evidence on the feasibility of a revised exterior design for the proposed dwelling units to include elements such as a dormer and increased brick façade.**

The one architectural model proposed for the development, and included in the original approval, has a base finished area of 3,297 square feet and a building height of approximately 34 feet. The model features a pitched roof with multiple cross gables above the entrance portico and garage on the front façade and a sunroom on the rear. Varied architectural options, including carriage-style garage door, entrance portico, and finish materials of brick and cementitious siding will be provided for the houses to be built on each lot to avoid identical appearance. A condition has been included in the Recommendation section of this report, to require the applicant to submit front elevation variations for the other two lots to be reviewed and approved by the Urban Design Section, as the designee of the Planning Board. The applicant agrees to increase the percentage of the brick finish on both side elevations to 30 percent of the wall areas. The proposed model is of the same style of the predominate single-family houses within the Washington Metropolitan area and therefore, is acceptable.

REFERRAL COMMENTS: This remanded DSP was referred to DPIE for comments, as follows:

Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)—In a memorandum dated September 21, 2021 (Giles to Zhang), DPIE stated, among other issues, that this DSP is consistent with the Site Development Concept Plan filed under 53170-2018-0, approved by DPIE on October 5, 2020.

All SWM facilities and drainage systems are to be designed and constructed in accordance with the standards and specifications set forth by DPIE and the Prince George's County Department of Public Works and Transportation. Approval of all facilities are required prior to permit issuance.

All easements, on-site and off-site, as well as a maintenance agreement are to be approved by DPIE and recorded prior to technical approval. The proposed development will require a site development permit approved by DPIE.

DPIE further stated that their memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:

- a) Final site layout, exact impervious area locations are shown on plans.
- b) Exact acreage of impervious areas has not been provided.
- c) Proposed grading is shown on plans.
- d) Stormwater volume computations have not been provided.
- e) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth.
- f) Disturbances and impacts to natural resources, and an overlay plan showing the types and locations of environmental site design devices and erosion and sediment control practices are not included in the submittal.
- g) A narrative in accordance with the code has not been provided.
- h) Applicant shall provide items (a-g) at the time of filing final site permits.

All other DPIE comments will be enforced in their separate permitting process.

RECOMMENDATION

Based on the forgoing supplemental evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the additional findings of this memorandum that fully address the five specific issues, as identified in the District Council's Order of Remand, and issue an amendment to PGCPB Resolution No. 2020-30, subject to two new conditions:

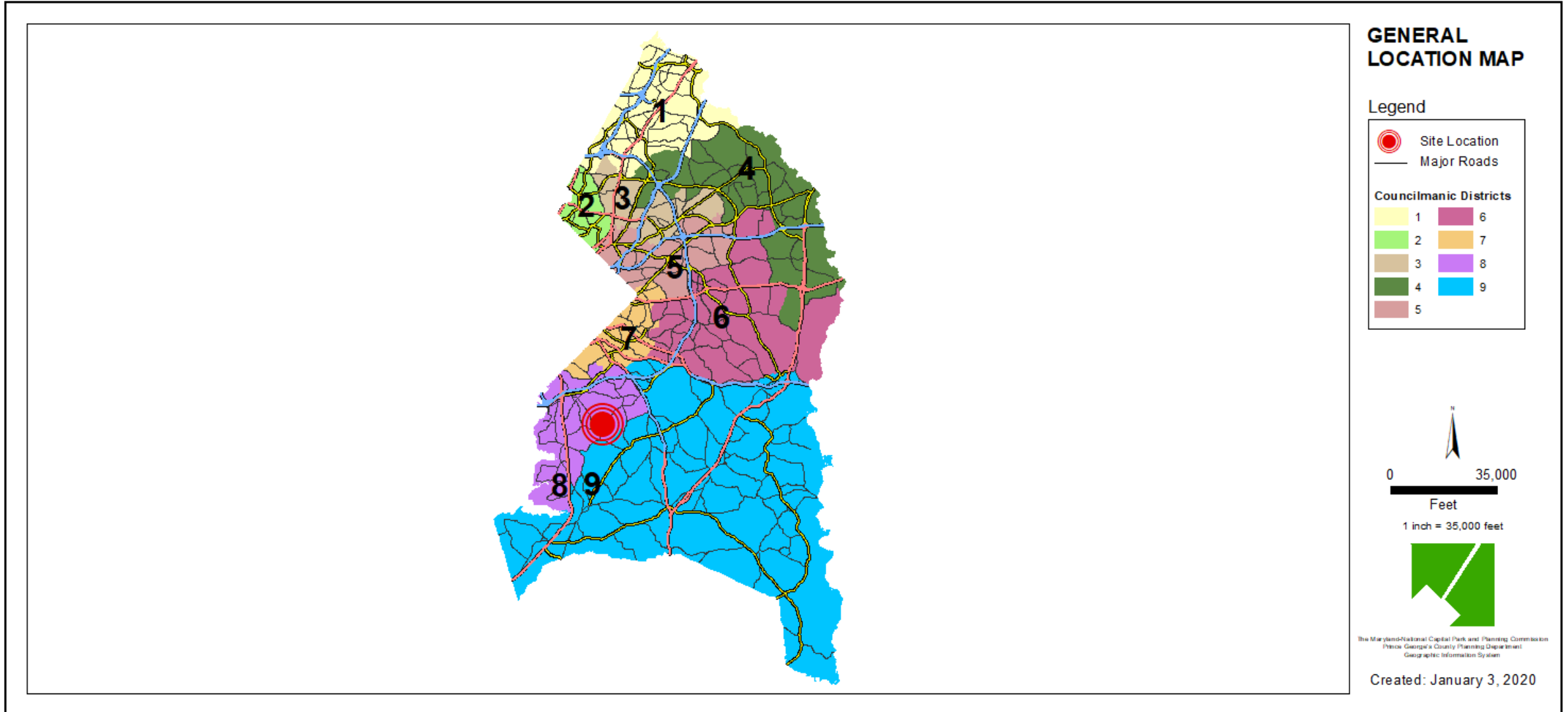
2. Prior to certification of the detailed site plan, the following corrections shall be made:
 - j. Show the exact location of the driveway serving the two flag lots on all plans.
4. Prior to certification of this detailed site plan, the applicant shall provide two front elevation variations, with different architectural options and combination of finish materials, and revise the side elevations to include a minimum of 30 percent brick, to be reviewed and approved by the Urban Design Section, as the designee of the Prince George's County Planning Board.

ITEM: 7

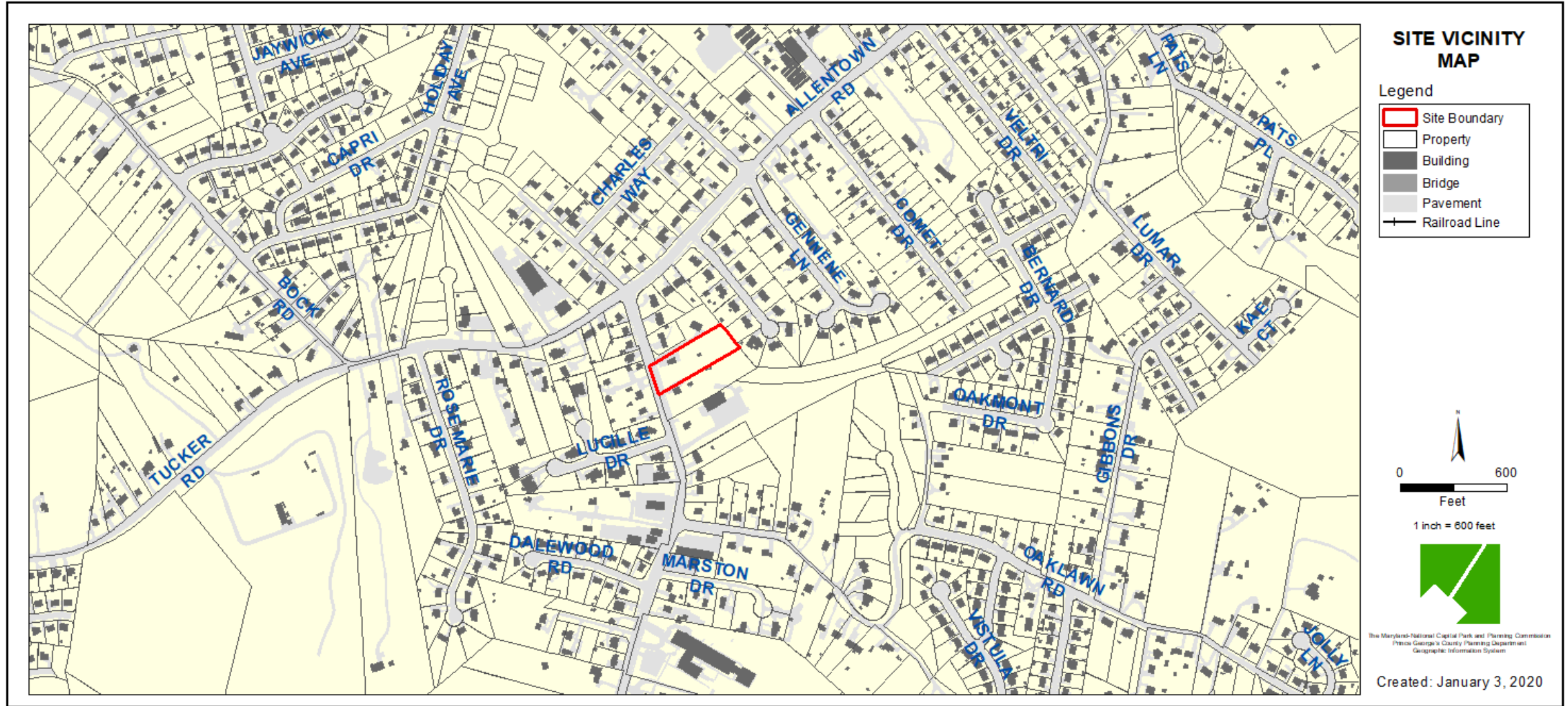
CASE: REMANDED DSP-16004

OAKLAWN

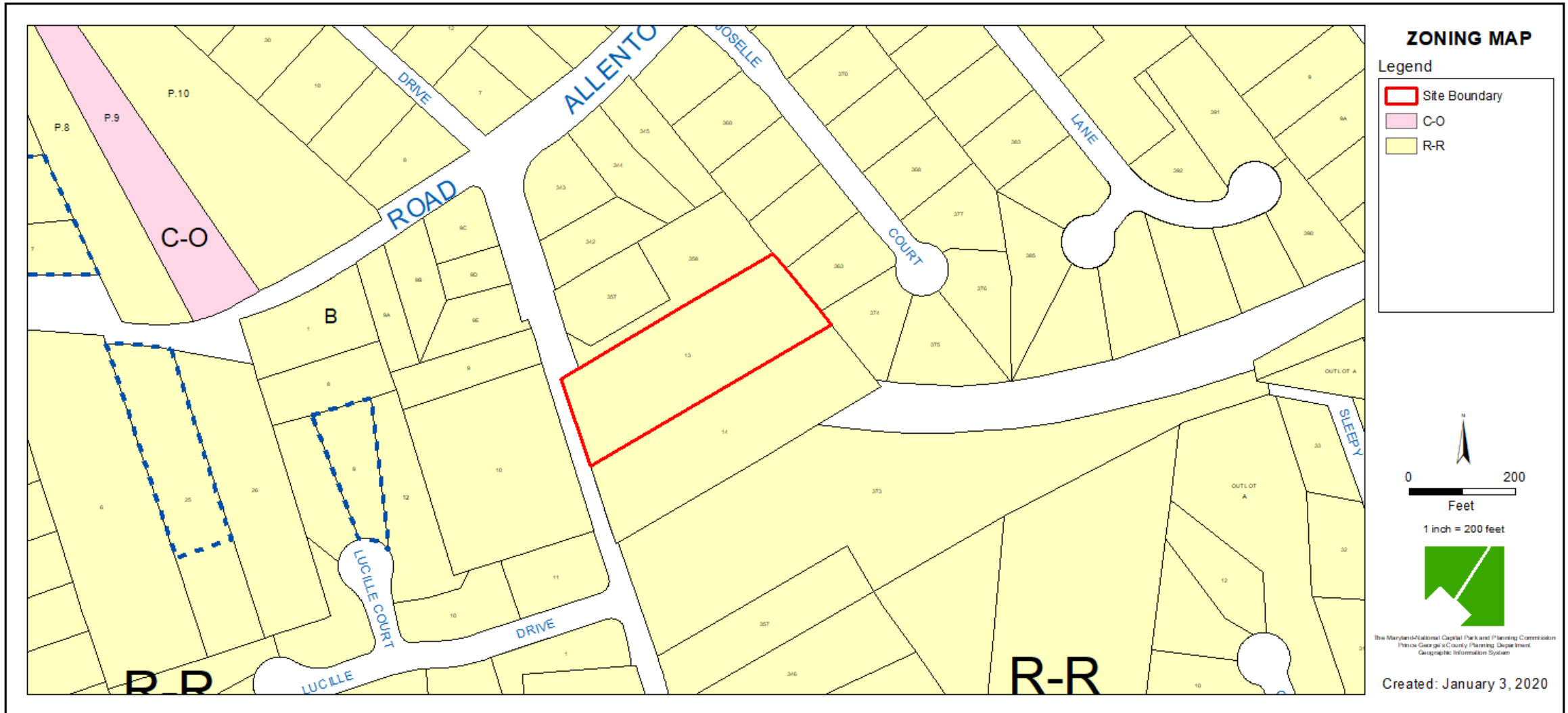
GENERAL LOCATION MAP



SITE VICINITY



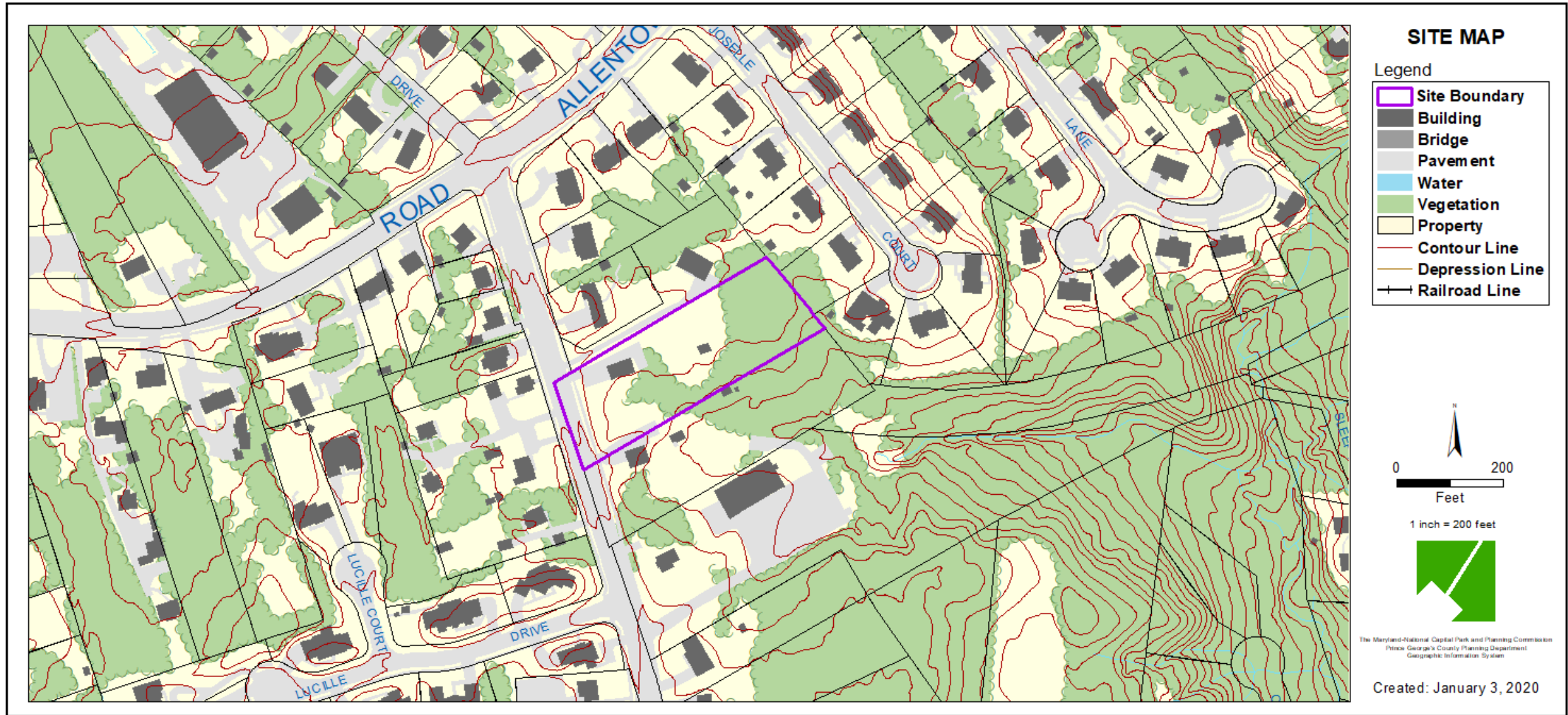
ZONING MAP



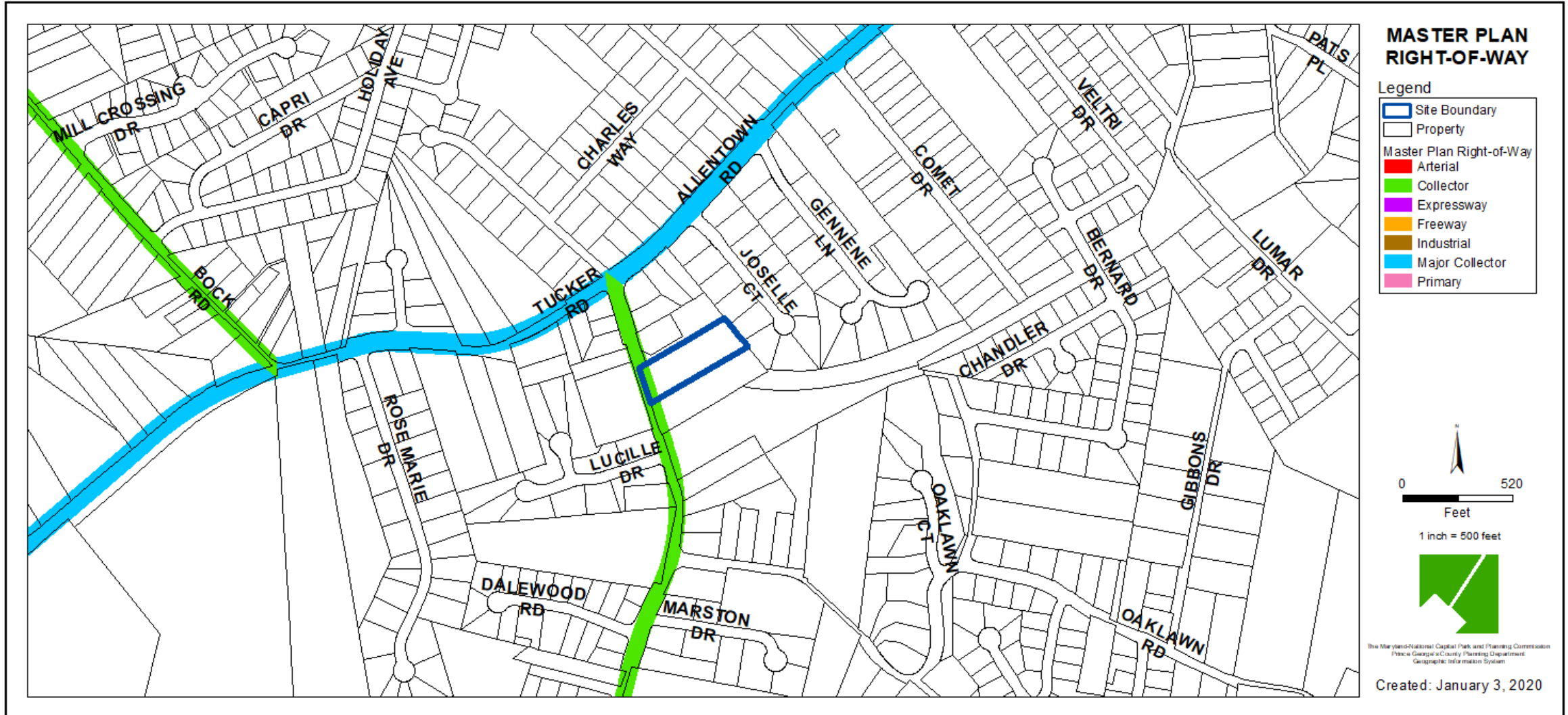
AERIAL MAP



SITE MAP



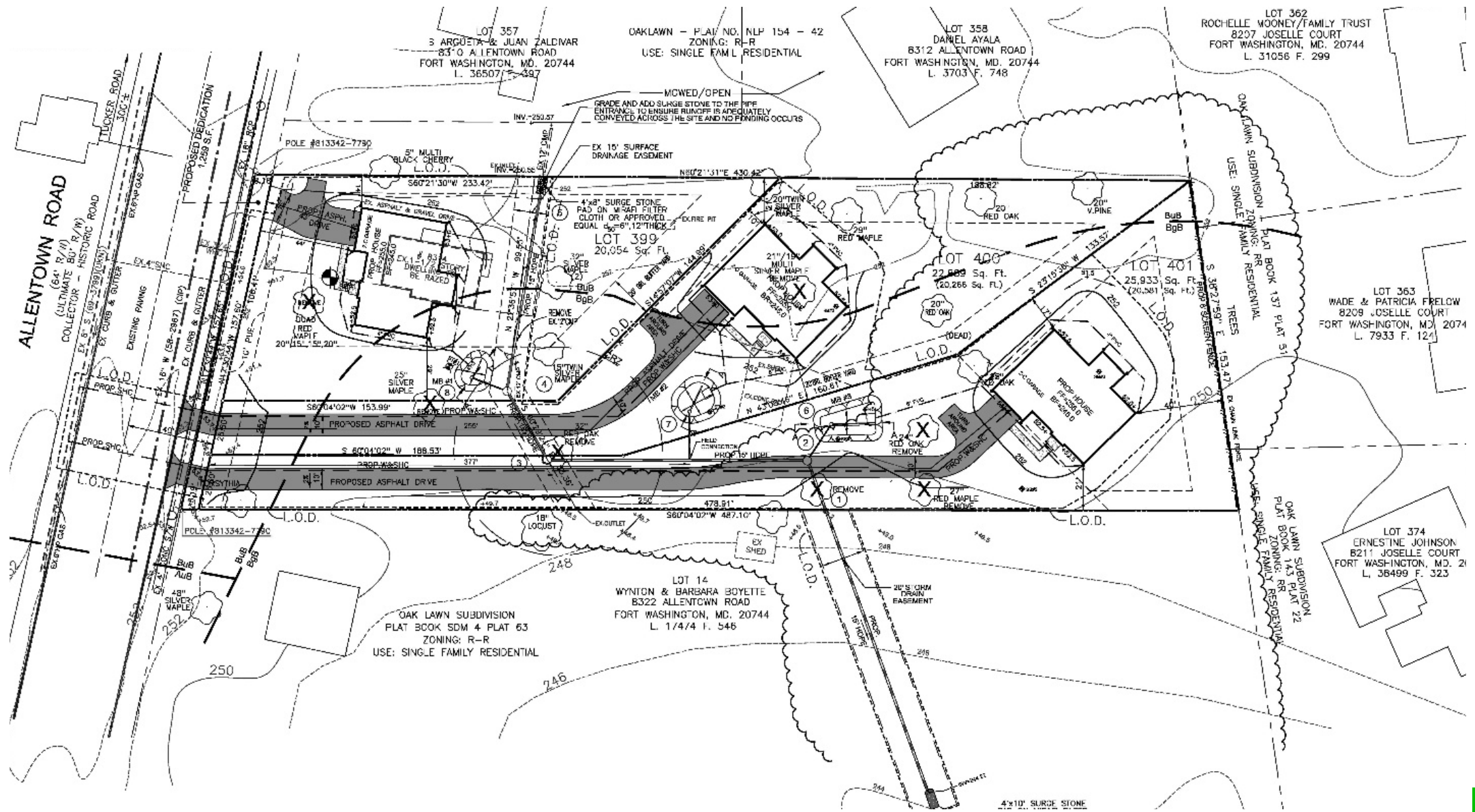
MASTER PLAN RIGHT-OF-WAY MAP



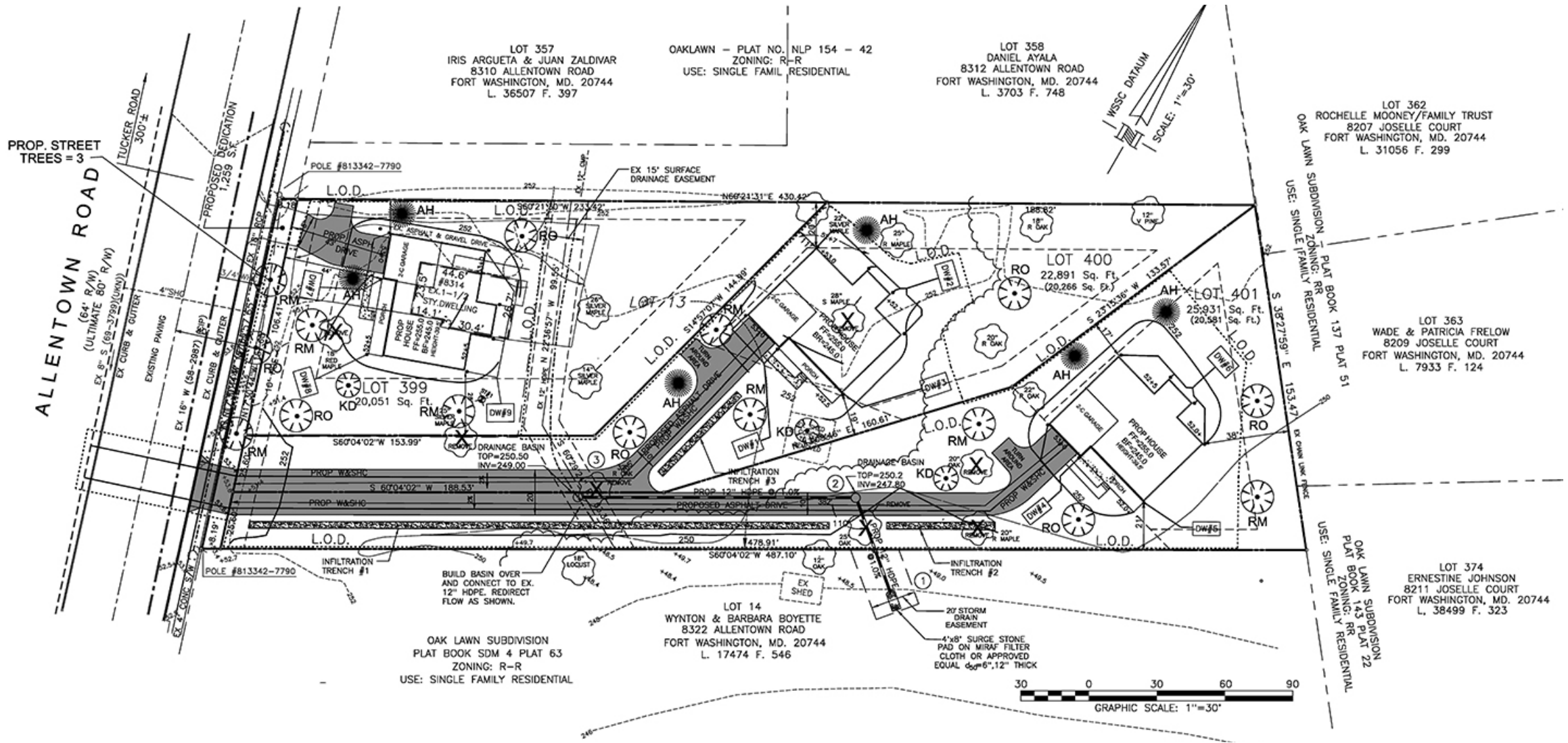
BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



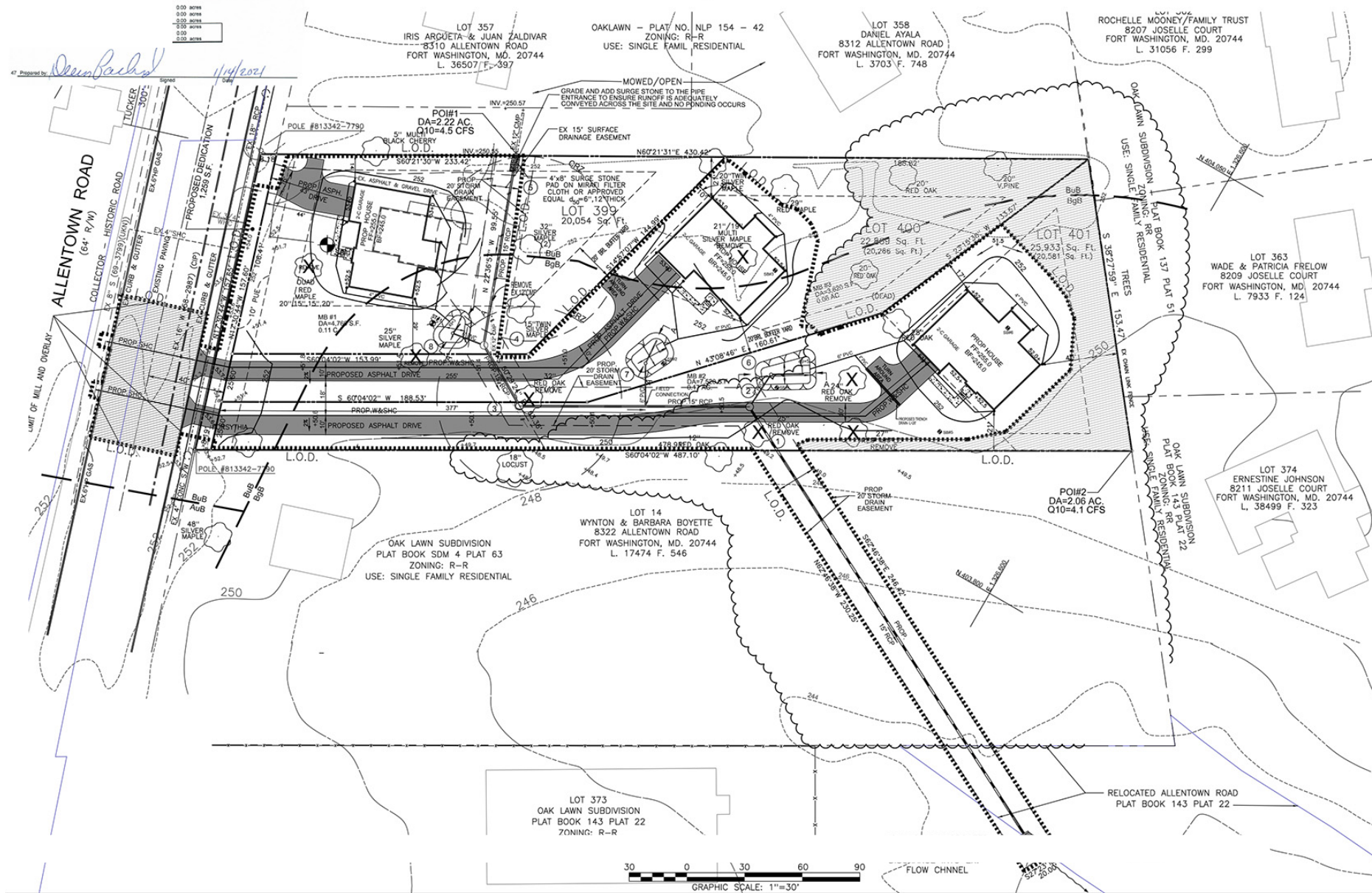
SITE PLAN



LANDSCAPE PLAN



TYPE II TREE CONSERVATION PLAN



FRONT ELEVATIONS



REAR ELEVATION



SIDE ELEVATIONS



SIDE ELEVATIONS





THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

June 25, 2021

**RE: DSP-16004 Oaklawn
Daniel Mwavua, Applicant**

NOTICE OF DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on June 21, 2021.

CERTIFICATE OF SERVICE

This is to certify that on June 25, 2021, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script that reads "Donna J. Brown".

Donna J. Brown
Clerk of the Council

**County Administration Building
14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772**

Case No.: DSP-16004
TCP2-040-2019
Oaklawn

Applicant: Daniel Mwavua¹

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL

ORDER OF REMAND

IT IS HEREBY ORDERED that the application, Detailed Site Plan 16004 (DSP-16004) and Type 2 Tree Conservation Plan (TCP2-040-2019), a request to develop three single-family detached dwelling units, on approximately 1.61 acres, in the Rural Residential (R-R) zone, on the east side of Allentown Road, approximately 400 feet south of the intersection of Allentown Road and Tucker Road, Planning Area 76B, Councilmanic District 8, is REMANDED, to Planning Board for further testimony or reconsideration of its decision as set forth herein. PGCC §§ 27-132(f), 27-290(d).

FINDINGS AND CONCLUSIONS

A. Introduction

On June 14, 2021, this matter was considered by the District Council on the record from Planning Board using oral argument procedures. (6/14/2021, Tr.). This is the second time the applicant has advanced this Detailed Site Plan (DSP) for approval. Over ten years ago, the District

¹ The record reflects that Mr. Mwavua (in his individual capacity) is not the only applicant seeking approval of this DSP. The applicant before the Board was Tesia Ventures, Inc.—not Mr. Mwavua. Letter of Representation from Marva Jo Camp to Urban Design Section, 2/20/2020. But Mr. Mwavua is the only applicant identified on the application form. And Tesia Ventures, Inc., does not exist as a corporation in Maryland. *See discussion infra.*

Council may take judicial notice of any evidence contained in the record of any earlier phase of the approval process relating to all or a portion of the same property, including a preliminary plan of subdivision. Council may also take administrative notice of facts of general knowledge, technical or scientific facts, laws, ordinances and regulations. It shall give effect to the rules of privileges recognized by law. Council may exclude incompetent, irrelevant, immaterial or unduly repetitious evidence. District Council Rules of Procedure Rule 6.5(f).

Council denied the DSP because of major stormwater issues. On this second review, many of those issues remain unresolved. And some new legal issues arose during oral argument that require resolution on remand.

For reasons explained below, Planning Board shall reopen the record to take further testimony or evidence from the applicant to address, among other things, stormwater management.

B. The Subject Property

In 2009, this property was the subject of Detailed Site Plan 07054,² which was denied by the District Council for the following reasons:

- A. From the record, the District Council concludes that the applicant has not met reasonable conditions set by the Department of Public Works and Transportation, to control stormwater runoff from the subject property. DPW&T representatives have advised that plans for grading and stormwater management facilities have not been submitted as required, and DPW&T therefore cannot make findings that the applicant's proposed project will have adequate controls for stormwater runoff, as the Code requires.
- B. The District Council further concludes that the applicant has not demonstrated that prior work on the subject property was in full compliance with applicable DPW&T (or Department of Environmental Resources) requirements, showing proposed and as-built stormwater management and control facilities, on and adjacent to the property. The record shows a number of instances where the applicant has failed or refused to keep DPW&T (or DER, in the past) and the neighbors whose properties abut the subject property fully informed of proposed work and existing structures and facilities for stormwater management and control.
- C. The Council further concludes that the applicant has not met the burden of proof under the Zoning Ordinance, in Part 3, Division 9, to show that his proposed site plan and his facilities represent an acceptable design for meeting applicable

² In 2009, the applicant was ACUMEN TSC, which was the same applicant in 2007 that obtained approval of Preliminary Plan of Subdivision (PPS) 4-06055 in PGCPB Resolution No. 07-65, which is valid until December 31, 2021. PGCPB No. 2021-30, pp. 1-2. According to Maryland Department of Assessment and Taxation, the corporate charter for ACUMEN TSC has been forfeited since 2013.

site design guidelines, particularly as they concern stormwater runoff and its effects on adjoining and nearby properties. The applicant on several occasions has demonstrated a marked, significant lack of concern for complying with County government requirements and protecting his neighbors from the adverse effects of development on his property.

Order of Denial, 6/22/2009, PGCPB No. 2021-30, pp. 1-2.

In 2019, this Detailed Site Plan (DSP-16004) was accepted for review and subsequently approved by Planning Board. PGCPB No. 2021-30. The Board is partially correct that the Department of Permitting, Inspections and Enforcement (DPIE) is responsible for ensuring stormwater *implementation*, but the Board is charged, in the *first* instance, with ensuring that *submittal requirements* for a DSP are satisfied—including whether the applicant submitted appropriate easement or easements for *stormwater drainage*, which (in this case) is tied to contested stormwater issues from neighboring property owners. PGCPB No. 2021-30, p. 4, (3/4/2021, Tr.).

C. Submittal Requirements for Detailed Site Plan

A DSP shall include *existing* rights-of-way and *easements* for, among other things, *storm drainage*. PGCC § 27-282(e)(7). Under the Stormwater Management Ordinance, a stormwater management plan shall include an easement. PGCC § 32-182(a)(8). The Ordinance defines an easement as [a] *grant* or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, *the use of which must be included in the conveyance of land affected by such easement*. PGCC § 32-171(a)(26) (Emphasis added). An easement may be created by express grant, by reservation in a conveyance of land, or by implication. And in general, “the terms ‘right-of-way’ and ‘easement’ are synonymous.” *Anderson v. Great Bay Solar I, LLC*, 243 Md. App. 557, 221 A.3d 1050 (2019).

Based on the facts of this case, the District Council finds that the *existing* easement or easements required to be submitted with an application for a DSP is the *same* that is required for the concept plan approval from DPIE because the concept plan is a *prerequisite submission before* review and approval of a DSP. According to the record, the stormwater pipe *will extend across to the two neighboring properties* to the south. (3/4/2021, Tr., p. 5). But the applicant has not submitted any *existing* easement with the DSP. *See* Concept Approval/Case# 53170-2018-00 (*Required easements: STORM DRAIN*). The record reflects a letter of *intent* from Wynton and Barbara Boyette (1 of the neighboring property owners) to grant an easement to the owners of 8314 Allentown Road, subject to the approval of *DSP-07054*—which has already been *denied*. Letter of Intent from Boyettes, 6/30/2020. And the applicant has not submitted an *existing* easement for the stormwater pipe that will *extend* across the *other* neighboring property owner to the south.

D. Stormwater Concept Approval Plan

The applicant for the stormwater concept plan is Dean Packard of Packard & Associates, LLC (Packard). Concept Approval/Case# 53170-2018-00, 10/5/2020. Packard's corporate charter has been *forfeited* since October 2019—a year *prior* to DPIE's approval of the concept plan. The application indicates that Packard is the representative/engineer of Daniel Mwavua. Mr. Mwavua *signed* the application as the owner of the property but not as the applicant. Application Form, 8/12/2018. The record reflects that Mr. Mwavua is associated with Shield Investments, LLC. But Shield Investment LLC is not associated with Mr. Mwavua. The address for Shield Investments LLC is 7419 Baltimore-Annapolis Boulevard, Glen Burnie, Maryland 21061 and the resident agent is Mr. Byran M. Hyre, which are unrelated to Mr. Mwavua. Packard also filed a Statement of

Justification on behalf of Mr. Mwavua. Relevant to longstanding stormwater issues, the Statement provides as follows:

On June 29, 2009, the County Council, sitting as the District Council, issued an Order of Denial. This denial was based on the fact that we didn't have the time to work out a solution between the neighbors regarding drainage issues. We have met with the same owners as part of Community Outreach and have determined that drainage issues continue to be a problem. The problem is the uphill owner, Daniel R. Ayala, residing at 8312 Allentown Road, installed a small metal pipe draining water from his "Flag Lot" driveway, across our property, without permission, out-falling the water to the downstream owner, Wynton L. and Barbara L. Boyette, at 8322 Allentown Road.

The two neighbors were adversarial with each other over ten years ago and continue to be extremely argumentative with each other, to the point where the Boyette's have plugged the end of the pipe to back the water up to Mr. Ayala's property. We have met with both of them in the same room, at a community meeting and proffered to be a solution to each of their issues. With their inability to speak to themselves directly, *we proposed to install an engineered drainage solution to collect the water from Mr. Ayala's property, convey it across our property and discharge it on the Boyette's property, at an acceptable location away from their house.*

We never got to this point in 2009 and that was the reason the District Council issued the Order of Denial. After great efforts to convince each of the two neighbors that we would work with each of them separately to act in their combined best interest. *This problem will continue with out the proposed underground piped drainage solution* and re-approval of the attached site plan will proffer construction of the system.

We hereby request that this Detailed Site Plan be processed with the same, but updated, reviews from 2009 with DSP-07054. *The site conditions are the same with only the drainage solution proposed and verbally agreed upon by the neighbor being the difference.* There will only be a limited time left before the Preliminary Plan dies, therefore we ask for assistance to re-process the Detailed Site Plan for approval as soon as possible.

Statement of Justification, Packard (Undated) (Emphasis added).

In February 2020 (*after* Packard filed the application and statement of justification), the Planning Department was notified that the applicant for the DSP is Tesia Ventures, Inc. Letter of Representation from Camp to Hurlbutt, 2/20/2020.³ The letter was *copied* to Daniel and Andrew Mwavua. Tesia Ventures, Inc. *does not exist* as a corporation in Maryland. If Tesia is in fact the applicant, it calls into question the validity of the application and documents submitted so far by Mr. Daniel Mwavua and Packard. And if Tesia is the applicant, it has failed to file appropriate amendments to the application and it has also failed to comply with the State Public Ethics Law, which requires filing of appropriate public ethics affidavits. Md. Code Ann., General Provisions §§5-833–5-839 (2012 Repl. Vol., 2020 Supp.). But if Tesia is *not* the applicant, it also calls into question the validity of the point-by-point response to Planning Department’s comments, and the hearing before the Planning Board because legal counsel appeared on behalf of Tesia—*not* Mr. Daniel Mwavua.

Despite these legal irregularities, Tesia Ventures, Inc. provided a written response to comments from the Planning Department in May 2020. Relevant to stormwater management, Tesia provided the following response:

Approved Stormwater Concept Plan

Response: Stormwater Management Plan was submitted and reviewed by DPIE. Applicant received comments from DPIE and provided a written response to those comments *on June 6, 2020. Applicants to receive approval of revised Stormwater Management Plan submission.*

³ A corporation is considered a person and must be represented by an attorney admitted to practice law in Maryland. *Turkey Point Property Owners' Ass'n v. Anderson*, 106 Md. App. 710, 666 A.2d 904 (1995).

Point-by-Point Comment Response Letter, 5/11/2020 (Emphasis added). But Tesia's May 11 response conflicts with the *June 30* letter from the Boyettes because DPIE *could not have known* on *May 11* about the letter of *intent* from the Boyettes to grant the applicant an easement for the stormwater pipe. To be sure, the concept approval from DPIE indicates as much: *Required easements: STORM DRAIN. See Concept Approval/Case# 53170-2018-00.* Moreover, Mr. Daniel R. Ayala (a neighboring property owner), testified extensively before the Planning Board about unresolved stormwater drainage issues and the record reflects that he was apparently unaware of applicant's concept approval plan from DPIE—which appears to impact his property. (3/4/2021, Tr.), Packard Statement of Justification (*we proposed to install an engineered drainage solution to collect the water from Mr. Ayala's property, convey it across our property and discharge it on the Boyette's property, at an acceptable location away from their house*) (Emphasis added).

The purpose of Stormwater Management is to protect, maintain and enhance the public health, safety and general welfare by establishing minimum requirements and procedures that control the *adverse impacts* with increased stormwater runoff. PGCC § 32-170(b). Adverse impact is defined as [a]ny deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life, property, and including outdoor recreation. PGCC § 32-171(a)(3).

E. Remand Issues

On remand, Planning Board shall reopen the record to take further testimony or evidence as follows:

1. Applicant(s): Evidence shall be presented and received concerning the person, persons, business entity or entities legally authorized to file this DSP. If it is determined that the applicant or co-applicant is a business entity or are entities, the application shall be amended in accordance with all requirements of the Zoning Ordinance, including revising the DSP where appropriate. The business entity or entities shall present proof of legal status in Maryland and shall file all necessary required public ethics affidavits in accordance with Md. Code Ann., General Provisions §§5-833–5-839 (2012 Repl. Vol., 2020 Supp.).
2. Submittal Requirements: The appropriate applicant or applicants shall revise the DSP and submit all rights-of-way and easements necessary to extend the proposed stormwater pipe or any other stormwater management across neighboring properties for stormwater drainage. All rights-of-way and easements submitted shall indicate [a] *grant* or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, the use of which must be included in the conveyance of land affected by such easement. PGCC § 32-171(a)(26).
3. Stormwater Management Concept Plan: The appropriate applicant or applicants shall file a revised application for stormwater management concept plan approval with DPIE, which shall include all rights-of-way and easements submitted with the DSP deemed necessary to extend the proposed stormwater pipe or any other stormwater management across neighboring properties for stormwater drainage. The revised application shall include the proposal to install an engineered drainage solution to collect and discharge stormwater drainage from Mr. Daniel R. Ayala's property onto the property of Wynton and Barbara Boyette. All rights-of-way and easements submitted with the DSP shall indicate [a] *grant* or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, the use of which must be included in the conveyance of land affected by such easement. PGCC § 32-171(a)(26).
4. DPIE: Upon receipt of this Order of Remand, Planning Board or its authorized designee shall transmit the Order to DPIE.

5. Design Features: The applicant shall provide testimony or evidence on the feasibility of a revised exterior design for the proposed dwelling units to include elements such as a dormer and increased brick façade.

ORDERED this 21th day of June, 2021, by the following vote:

In Favor: Council Members Anderson-Walker, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter, Taveras, and Turner.


Opposed:

Abstained:

Absent: Council Member Davis.

Vote: 10-0.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF THE
MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: 

Calvin S. Hawkins, II, Chair

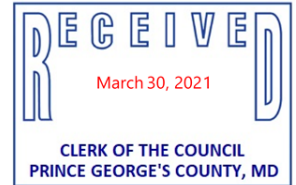
ATTEST:



Donna J. Brown
Clerk of the Council

March 30, 2021

Daniel Mwavua
8314 Allentown Road
Fort Washington, MD 20744



Re: Notification of Planning Board Action on
Detailed Site Plan DSP-16004
Oaklawn

Dear Applicant:

This is to advise you that, on **March 25, 2021**, 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, the Planning Board's decision will become final 30 calendar days after the date of this final notice 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), 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: Jeremy Hurlbutt
Reviewer

Attachment: PGCPB Resolution No. **2021-30**

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

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on March 4, 2021, regarding Detailed Site Plan DSP-16004 for Oaklawn, the Planning Board finds:

1. **Request:** This detailed site plan (DSP) requests to develop three single-family detached dwelling units.
2. **Development Data Summary**

	EXISTING	APROVED
Zone(s)	R-R	R-R
Use(s)	Residential	Residential
Acreage	1.61	1.58 (0.03 acre dedication)
Lots	1	3
Square Footage/GFA	0	9,891*

Note: *3,297 square feet per dwelling unit

Parking Requirements

Section 27-568(a) of the Prince George’s County Zoning Ordinance requires a minimum of two parking spaces be provided for one-family detached dwellings. The proposed development includes a two-car attached garage in each unit, satisfying the requirement.

3. **Location:** The subject site is on the east side of Allentown Road, approximately 400 feet south of the intersection of Allentown Road and Tucker Road, in Planning Area 76B and Council District 8. The site is zoned Rural Residential (R-R).
4. **Surrounding Uses:** The subject property is bounded to the north, east, and south by existing single-family detached houses in the R-R Zone, and the right-of-way of Allentown Road to the west, with existing single-family detached houses in the R-R Zone beyond.
5. **Previous Approvals:** The site is subject to Preliminary Plan of Subdivision (PPS) 4-06055, which was approved by the Prince George’s County Planning Board on March 15, 2007 with 12 conditions (PGCPB Resolution No. 07-65), and is valid until December 31, 2021 via Prince George’s County Council Bill CB-74-2020.

DSP-07054 was submitted on October 28, 2008, for the subject property, proposing two new single-family detached dwellings, in addition to the existing single-family dwelling on the site.

The DSP was approved by the Planning Board (PGCPB Resolution No. 09-21) on January 22, 2009. DSP-07054 was subsequently denied by the Prince George's County District Council on June 22, 2009 for not meeting site design guidelines for control of stormwater runoff from the subject property.

6. **Design Features:** The applicant has submitted this DSP to construct three new single-family detached dwellings on proposed Lots 399, 400, and 401. The existing single-family detached dwelling located on Lot 399 is proposed to be razed. Lots 400 and 401 were designed as flag lots in the eastern portion of the property behind Lot 399. Per Section 27-441(b) of the Zoning Ordinance, flag lot development is permitted in the R-R Zone, in accordance with Section 24-138.01 of the Prince George's County Subdivision Regulations. Per Section 24-138.01 and CB-4-2006, flag lots may be permitted for PPS accepted prior to November 1, 2006, in accordance with Subtitle 24 of the Prince George's County Zoning Ordinance. PPS 4-06055 was accepted on October 17, 2006, which approved two 25-foot-wide stems, leading to two new lots in the southeast corner of the property. Each stem will have a 10-foot-wide asphalt paved driveway from Allentown Road and the houses on Lots 400 and 401 will be angled to face the southwest corner of the property.

The proposed house on Lot 399 will be located in the general location of the existing house that is to be razed and will have a 15-foot-wide driveway on the northwest corner of the property that will provide vehicular access to Allentown Road.

Architecture

All three houses are to use one common architectural model that will be 3,297 square feet and approximately 34 feet in height. A front stoop and garage with gabled roofs above will highlight the front elevation entry points. The two-car garage will have windows in the door and a metal mansard roof above the door. Most of the front façade will be brick with a vertical column of Hardie plank that will separate the main entrance from the garage on the front façade. Keystones over the windows, columns, and different brick courses add additional detail to the front façade. A brick water table is provided on all four sides of the houses with Hardie plank siding and windows on all elevations.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the R-R Zone of the Zoning Ordinance:
 - a. In accordance with Section 27-441(b), the Table of Uses for Residential Zones, the proposed single-family detached residential development (in general) is a permitted use in the R-R Zone.

- b. The DSP conforms with Section 27-442 of the Zoning Ordinance, Regulations for Development in Residential Zones, for the R-R Zone, as follows:

	Required	Provided
(b) Net Lot Area (minimum in sq. ft.)	20,000 sq. ft.	20,054 sq. ft. minimum
(c) Lot Coverage (maximum percent of net lot area)	25 percent	15.1-23.9 percent
(d) Lot/Width Frontage (minimum in feet)		
At front building line	100 ft.*	100 ft.
At front street line	25ft (flag lot)**, 45 ft.	25 & 106 ft.
(e) Yards (minimum depth/width in feet)		
Front	25 ft.	44 ft.
Side	17 ft. /8 ft.	17 ft./9 ft.
(total of both yards/ minimum of either yard)		
Rear	20 ft.	20 ft.
(f) Building Height (maximum in feet)	35 ft.	34 ft.

Notes: *Footnote 14: For a flag lot, the front building line shall be established by the approved building envelope.

**Per Section 24-138.01(d)(2), the flag stem shall have a minimum width of 25 feet at the street line. This minimum width shall be maintained from the street line to the lot area. Driveways located within flag lot stems serving single lots shall be set back a minimum of five feet from the parallel lot lines, unless modified to address unique site characteristics.

8. **Preliminary Plan of Subdivision 4-06055:** The Planning Board approved PPS 4-06055 on March 15, 2007 with 12 conditions (PGCPB Resolution No. 07-65), the following of which are applicable to this DSP:

5. **The driveways to proposed Lots 400 and 401 shall be designed with a turnaround capability in order to minimize the need for vehicles accessing the lot to have to back onto Allentown Road. The design of the driveways shall be verified at the time of building permit.**

The DSP reflects a turnaround area in the driveway on all three proposed lots.

6. **At the time of final plat approval, the applicant shall dedicate right-of-way along Allentown Road of 40 feet from centerline, as shown on the submitted plan.**

The DSP reflects dedication of 40 feet wide right-of-way from centerline along Allentown Road, in accordance with the approved PPS. Dedication of the right-of-way will be required with the final plat.

7. **Development of this site shall be in conformance with the approved stormwater management concept plan and any subsequent revisions.**

The applicant submitted a copy of approved Stormwater Management (SWM) Concept Plan 53170-2018-0, which shows conceptual SWM for the proposed development. The approval was issued on October 5, 2020 by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The plan proposes to use three micro-bioretenment facilities, replace the failing stormdrain pipe, and construct a stormwater outfall off-site. A SWM fee of \$750.00 is required in lieu of providing on-site attenuation and quality control measures.

At the Planning Board hearing, a neighbor of the subject property expressed concern over stormwater problems in the neighborhood and on this property. The applicant's representative indicated that the proposed off-site stormwater outfall will help the existing conditions. The Planning Board noted that DPIE is responsible for ensuring the SWM Concept is implemented and to deal with any other larger drainage issues.

11. **Prior to Final Plat approval the applicant shall have a Detailed Site Plan approved by the Planning Board. The Detailed Site Plan shall address architecture (elevation and placement on all the lots, specifically the two flag lots), buffering, screening, fencing, the location of the driveways and parking drives on the flag lot, turnaround capabilities and landscaping.**

The proposed DSP includes the required information to address this condition. Exhibits submitted with this application include architectural and rendered elevations, and the landscape plan shows planted buffering, screening, and fencing. The driveways of both flag lots are designed with hammerhead turnaround areas, and the proposed houses are oriented to avoid a direct front-to-rear relationship with each other.

The applicant proposes to screen the two flag lots from the lots to the east with a 6-foot-tall sight-tight fence. In addition, the applicant proposes planting trees in the yards of the two new lots, which will contribute to the screening of the new houses from their surroundings.

12. **If the applicant is not able to demonstrate to the Planning Board through the Detailed Site Plan that they meet the criteria for Flag Lots, then the applicant shall have a two-lot subdivision.**

The applicant has submitted a statement of justification (SOJ), addressing how the DSP meets the design standards for flag lots, which are stated in Section 24-138.01(d), and are as follows:

- (1) A maximum of two (2) tiers of flag lots may be permitted from the street line.**

The DSP proposes a maximum of two tiers of flag lots from the street line (Lots 400 and 401), with Lot 399 being proposed as an interior lot. This layout is consistent with the layout which was approved by the Planning Board under 4-06055.

- (2) The flag stem shall have a minimum width of twenty-five (25) feet at the street line. This minimum width shall be maintained from the street line to the lot area. Driveways located within flag lot stems serving single lots shall be set back a minimum of five (5) feet from the parallel lot lines, unless modified to address unique site characteristics.**

Each flag stem is at least 25 feet in width at the street line, and the driveways are set back a minimum of 5 feet from the parallel lot lines, though these widths and setbacks are not dimensioned on the DSP.

- (3) The minimum net lot area required in the respective zone shall be provided exclusive of the flag stem connection to the street.**

The minimum net lot area in the R-R Zone is 20,000 square feet. The proposed lots provide this minimum area outside of the flag stem area; however, the plans do not clearly label this area as the net lot area.

- (4) Building envelopes shall be established at the time of preliminary plan approval.**

(A) Flexibility in determining the front building line should be based on an evaluation of yards and their relationship to adjoining properties. The front building line is not necessarily parallel to the street line.

(B) Building restriction lines shall be determined in the following manner:

- (i) The front of the building restriction line shall be a minimum of twenty-five (25) feet from the front street line. The minimum width shall be that which is permitted by Section 27-442(d) of the Zoning Ordinance.**

- (ii) **The minimum side and rear yard shall be that which are permitted by Section 27-442(e) of the Zoning Ordinance.**

The front building lines for the flag lots are located where the lot width allows them to meet the minimum 100 foot front building line width in the R-R Zone, but has not been labeled on the DSP. The required minimum side and rear yards have been provided, but again, have not been clearly labeled or dimensioned.

- (5) **Shared driveways shall not be permitted unless the lot is located within the Chesapeake Bay Critical Area or the M-X-C Zone. When shared driveways are provided, they shall be in accordance with the following:**
- (A) **Shared driveways shall only be permitted for a maximum of two (2) lots when the applicant can demonstrate that their use will minimize disturbance of existing vegetation, will be a benefit to public safety by minimizing the number of access points to the public street, and will enhance the appearance of the subdivision. Where two (2) lots are proposed to be served by a shared driveway, the driveway shall have a width of eighteen (18) feet. Parking spaces shall not be provided within the driveways.**
- (B) **Easement locations for shared driveways must be shown on the preliminary plan and the final plat.**
- (C) **Shared driveways must be designed such that at least some portion of the width of the driveway falls within each flag lot stem for its entire length from the street line to the dwelling.**

The site is not located in the Chesapeake Bay Critical Area or the Mixed Use Community Zone, and the applicant does not propose shared driveways.

- (6) **Where a rear yard is oriented towards a driveway that accesses other lots, or towards a front or side of another lot, the rear yard shall be screened by an "A Bufferyard" as defined by the Landscape Manual, unless Alternative Compliance is approved at the time of preliminary plan. The location of the bufferyard shall be shown on the preliminary and final plat. (See Figures 1 and 2.)**

The rear yard of Lot 399 is oriented toward the driveway and side yard of Lot 400, and the rear yard of Lot 400 is oriented toward the side yard of Lot 401 and the front of the adjacent Lot 358. Type "A" bufferyards are therefore required along the rear yard of Lot 399 and along the northern and eastern sides of Lot 400. The landscape plan shows a Type "A" bufferyard located to screen

the rear yard of Lot 399, and the rear yard of Lot 400 toward Lot 401, as required by this criterion. However, the required bufferyard to screen the rear yard of Lot 400, that is oriented toward the front of the adjacent Lot 358, and has an existing dwelling, is not shown. The Planning Board finds that a Type "A" bufferyard be provided along the rear lot line of Lot 400.

- (7) **Where a front yard is oriented towards a rear yard, a "C Bufferyard" as defined by the Landscape Manual shall be provided, unless Alternative Compliance is approved at the time of preliminary plan. The location of the bufferyard shall be shown on the preliminary and final plat. (See Figure 1.)**

The proposed houses have been oriented on the lots such that no front yards are oriented toward a rear yard.

9. **2010 Prince George's County Landscape Manual:** The proposed project is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Special Roadways; and Section 4.9, Sustainable Landscape Requirements, of the 2010 *Prince George's County Landscape Manual*. The Planning Board finds that the DSP provides the required plantings, in conformance with these requirements.
10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is subject to the provisions of Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. A revised Type 2 tree conservation plan (TCP2) was submitted with the revised DSP review package on January 15, 2021. The 1.61-acre site contains 0.55 acre of woodlands. The TCP2 shows clearing with small, wooded areas to remain in the rear yard of two new lots. Single-family residential lots are required to have a minimum of 40 feet of area counted as cleared behind the house to provide for an active rear yard area. These small, wooded areas do not qualify as woodlands, and must be considered as "woodland retained-assumed cleared." The woodland conservation worksheet assumes the entire site being cleared, which results in a woodland conservation requirement of 0.81 acre. This application proposes to meet the woodland requirement with fee-in-lieu for the entire 0.81 acre.

Minor revisions are required to the TCP2, as conditioned herein.

Specimen Trees

Section 25-122(b)(1)(G) of the WCO requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Environmental Technical Manual."

The site contains two specimen trees which have a good condition rating. The current design proposes to remove one specimen tree. A Subtitle 25 variance application and an SOJ in support of a variance were received for review with this application, dated December 2, 2019.

Section 25-119(d)(1) of the WCO contains six required findings be made before a variance can be granted. The letter of justification submitted seeks to address the required findings for the two specimen trees and details specific to individual trees have been provided in the following chart.

SPECIMEN TREE SCHEDULE SUMMARY

ST #	COMMON NAME	Diameter (in inches)	CONDITION	DISPOSITION
1	Southern Red Oak	32	Good	To be removed
2	Silver Maple	32	Good	To be saved

The text in **BOLD**, labeled A–F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

(A) Special conditions peculiar to the property have caused the unwarranted hardship.

The site contains an existing single-family dwelling with the remaining area in woodlands. Behind the existing dwelling, to the east, there is an existing stormdrain line with a north-south alignment. The two specimen trees are located to the east of this stormdrain. The proposed residential development requires the on-site stormdrain system to be re-sized to correct on-site floodplain and to outfall in a DPIE approved location.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

The applicant is proposing to remove one specimen tree, which is located adjacent to an existing stormdrain line and between two proposed driveways. The grading for the two driveways and replacement of the drainage pipe is required for the proposed development. The applicant proposes to retain the specimen tree located on Lot 399. The proposed development of the site is in keeping with similar projects within the area.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.

Based on the failing on-site stormdrain line and the existing specimen tree, the granting of this variance will allow the project to be developed in a functional and efficient manner, in conformance with the zoning of the site.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant.

This request is not based on conditions or circumstances which are solely the result of actions by the applicant. The applicant proposes to remove one specimen tree, due to its location, adjacent to a failing stormdrain line that requires replacement and extension to a DPIE-approved, off-site location.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

This request is based on the nature of the existing site, the location of the subject tree, and the required on-site infrastructure. This request is not based on conditions related to land or a building use on a neighboring property.

(F) Granting of the variance will not adversely affect water quality.

The removal of one specimen tree will not adversely affect water quality. Also, the proposed Oaklawn development will not adversely affect water quality because the project will be subject to the requirements of the Prince George's County Soil Conservation District, and the approval of a SWM concept plan by DPIE. The applicant is proposing to meet the woodland conservation requirement with paying fee-in-lieu.

The required findings of Section 25-119(d) have been adequately addressed by the applicant for the removal of Specimen Tree 1 and the Planning Board approves of the variance.

11. Prince George's County Tree Canopy Coverage Ordinance: The proposed project is subject to the requirements of Section 25-128 of the WCO, Tree Canopy Coverage Requirements. The subject site is in the R-R Zone, which requires 15 percent tree canopy coverage (TCC). The site is 1.61 acres and provides the required 0.24 acre of TCC, in conformance with the requirement. However, a TCC schedule is not provided on the submitted plans and should be, prior to certification, as conditioned herein.

12. Further Planning Board Findings and Comments from Other Entities: The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows, and are incorporated herein by reference:

- a. **Historic**—The Planning Board adopts a memorandum dated December 20, 2019 (Stabler and Smith to Bush), which noted that the subject property does not contain, and is not adjacent to, any Prince George's County historic sites or resources. This proposal will not impact any historic sites, historic resources, or known archeological sites. A Phase I archeology survey is not required.
- b. **Community Planning**—The Planning Board adopts a memorandum dated January 6, 2021 (Lester to Hurlbutt), which noted pursuant to Part 3, Division 9, Subdivision 3, of the Zoning Ordinance, master plan conformance is not required for this application.

- c. **Transportation**—The Planning Board adopts a memorandum dated June 25, 2020 (Masog to Hurlbutt), which noted that proposed site access from Allentown Road is acceptable and provided comments on previous conditions. The Planning Board finds that the DSP is acceptable from the standpoint of transportation, and meets the findings required for a DSP, as described in the Zoning Ordinance.
- d. **Trails**—The Planning Board adopts a memorandum dated February 20, 2020 (Masog to Hurlbutt), which provided comments on the application and conditioned bike signage along the property's frontage on Allentown Road.
- e. **Environmental Planning**—The Planning Board adopts a memorandum dated January 20, 2021 (Schneider to Hurlbutt), which provided an analysis of previous conditions of approval incorporated into findings above, as well as the additional information:

The site has an approved Natural Resources Inventory plan (NRI-098-06-01), which was approved on September 9, 2019. During the Subdivision and Development Review Committee meeting, the applicant's DSP, TCP2, and SWM plan showed the off-site drainage outfall in three different directions. The NRI needs to show the correct off-site outfall location to determine if there are any regulated environmental features that could be impacted by this off-site stormwater structure. A revised NRI was submitted with the June 17, 2020 revised DSP review package. The revised NRI verifies that the subject site and off-site stormdrain and outfall location contains no regulated environmental features, but contains woodlands and specimen trees. The submitted TCP2 is in conformance with the revised NRI and no revisions are required.

- f. **Subdivision**—The Planning Board adopts a memorandum dated January 22, 2021 (Gupta to Hurlbutt), which provided a review of conditions attached to prior approvals, and necessary revisions to the plan, which are conditioned herein.
- g. **The Department of Parks and Recreation (DPR)**—The Planning Board adopts a memorandum dated November 22, 2019 (Asan to Bush), in which DPR has reviewed and evaluated this DSP for conformance with the requirements and conditions of prior approvals as they pertain to public parks and recreational facilities. The two proposed lots are required to pay a fee-in-lieu of parkland dedication at the time of final plat, as approved with the PPS.
- h. **Prince George's County Police Department**—The Planning Board adopts a memorandum dated December 6, 2019 (Yuen to Planning Coordinator), in which the Police Department provided no comments on the subject application.
- i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board adopts a memorandum dated January 3, 2020 (Giles to Bush), in which DPIE provided standard comments on this DSP that will be enforced in their separate permitting process.

13. As required by Section 27-285(b) of the Zoning Ordinance, the DSP, if revised as conditioned, 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 proposed development for its intended use.
14. Per Section 27-285(b)(4), 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.**

Development of this site has retained regulated environmental features to the fullest extent possible because there none located on the subject property.

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 TCP2-040-2019, and further APPROVED Detailed Site Plan DSP-16004 for the above described land, subject to the following conditions:

1. Prior to certification of the detailed site plan, the applicant shall obtain signature approval of the preliminary plan of subdivision.
2. Prior to certification of the detailed site plan, the following corrections shall be made:
 - a. Dimension the width of each flag stem to be at least 2 feet in width at the street line.
 - b. Dimension the setback from each driveway to the parallel lot lines to be a minimum of 5 feet.
 - c. Clearly label the net lot area for each flag lot exclusive of the flag stem.
 - d. Label the front building line width, side yard, and rear yard widths.
 - e. Provide a Type "A" bufferyard along the rear lot line of Lot 400.
 - f. Provide a north arrow on all plans
 - g. Provide consistent height, footprint, and gross square footage of the houses on the architecture and site plans.
 - h. Provide a tree canopy coverage schedule demonstrating conformance to the requirements.

- i. Revise the Type 2 tree conservation plan (TCP2), as follows:
 - (1) Add a “Retain and Remove” column on the specimen tree table.
 - (2) Revise the woodland conservation worksheet numbers.
 - (a) The gross area of the site is 1.61 acres.
 - (b) The total woodland area is 0.55 acre.
 - (c) The off-site area of woodlands cleared is 0.11 acre.
 - (3) Add the following note to the plan under the specimen tree table:

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of one specimen tree (Section 25-122(b)(1)(G), ST-1, a 32-inch Southern Red Oak.”
 - (4) Add a property owner awareness signature block on Sheets 1 and 2 of the TCP2.
 - (5) Have the revised plan signed and dated by the qualified professional who prepared it.
 - (6) Place the following note on the TCP2:

“Prior to the issuance of the first permit for the development shown on this TCP2, all off-site woodland conservation required by this plan shall be identified on an approved TCP2 plan and recorded as an off-site easement in the land records of Prince George’s County. Proof of recordation of the off-site conservation shall be provided to the M-NCPPC, Planning Department prior to issuance of any permit for the associated plan.

In accordance with Subtitle 25, Division 2, Sec. 25-122. Methods for Meeting the Woodland and Wildlife Conservation Requirements, if off-site woodland conservation is approved to meet the requirements, then the following locations shall be considered in the order listed: within the same eight-digit sub-watershed, within the same watershed, within the same river basin, within the same growth policy tier, or within Prince George's County. Applicants shall demonstrate to the Planning Director or designee due diligence in seeking out opportunities for off-site woodland conservation locations following these priorities. All woodland conservation is required to be met within Prince George's County.”

3. Prior to the first building permit, the applicant, and the applicant's heirs, successors and/or assignees shall provide \$420 to the Prince George's County Department of Public Works and Transportation for the placement of one "Share the Road with a Bike" signage assembly along Allentown Road.


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 Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 4, 2021, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of March 2021.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:JH:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: March 19, 2021

CASE NO: DSP-16004
CASE NAME: OAKLAWN SUBDIVISION
PARTY OF RECORD: 8
PB DATE: 3-25-2021



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SARAH CAVITT
INDIAN HEAD HIGHWAY AREA ACTION
COUNCIL (IHHAAC)
FORT WASHINGTON MD 20749
(CASE NUMBER: DSP-16004)

SARAH CAVITT
RIVERBEND ESTATES NEIGHBORHOOD
ASSOCIATION (RENA)
FORT WASHINGTON MD 20749
(CASE NUMBER: DSP-16004)

LAWRENCE JONES
1202 KINGS TREE DRIVE
BOWIE MD 20721
(CASE NUMBER: DSP-16004)

MS. BERTHA R PARBEY
8218 BIRDSONG DRIVE
FORT WASHINGTON MD 20744 -1236
(CASE NUMBER: DSP-16004)

PACKARD & ASSOCIATES
16220 FREDERICK ROAD SUITE 300
GAITHERSBURG CA 20877
(CASE NUMBER: DSP-16004)

DANIEL R AYALA
8312 ALLENTOWN ROAD
FORT WASHINGTON MD 20744
(CASE NUMBER: DSP-16004)

DANIEL MWAVUE
SHIELD INVESTMENTS, LLC.
8314 ALLENTOWN ROAD
FORT WASHINGTON MD 20744
(CASE NUMBER: DSP-16004)

MARVA JO CAMP
LAW OFFICES
1301 SEA PINES TERRACE
MITCHELLVILLE MD 20721
(CASE NUMBER: DSP-16004)



August 19, 2021

VIA ELETRONIC DELIVERY

Henry Zhang
Master Planner
Development Review Division
M-NCPPC
County Administration Building
Upper Marlboro, Maryland 20772

Re. DSP-16004; Oaklawn

Dear Henry:

In response to the District Council's Order of Remand in the above referenced matter that was transmitted on June 25, 2021, the applicant has been working through each of the issues and is providing the following information the five remand issues:

1. Applicant: The applicant and property owner is Daniel Mwavua. There are no other individuals or entities associated with this application for Detailed Site Plan.
2. Submittal Requirements: The applicant has filed an amendment to the SDCP 53170-2018. As part of this amendment, the applicant has submitted to DPIE the following documents (copies of which are attached):
 - **SDCP 52170-2018** that has been amended and shows the off-site stormdrain easements. The SDCP was also revised to remove one stormdrain easement that falls within dedicated right-of-way for "Relocated Allentown Road".
 - Description of stormdrain easement to be granted across Lot 14 (Exhibit A).
 - Plan showing location of easement (Exhibit B).

It should be noted that in the Order of Remand, the Council found that Section 27-282(e)(7) requires that all existing easements must be shown on the DSP. This is correct, but the proposed easements associated with the SDCP are proposed and not existing and are subject to change prior to the approval of the technical plans. This is evidenced by the fact that the revised SDCP submitted in this package no longer requires one of the off-site easements originally proposed. Nevertheless, the applicant has requested that DPIE issue the remaining off-site easement document and in order to comply with this Order of Remand.

3. Stormwater Management Concept Plan: Attached please find a copy of the transmittal of the SDCP to DPIE. Normally, DPIE does not prepare the off-site easement documents as part of the review and approval of a SDCP. This occurs as part of the technical review and approval of the stormwater management plans. However, DPIE has agreed to work with the applicant and prepare the stormdrain easements as part of its review of the concept plan. As noted above,

attached is the revised SDCP and description of stormdrain easement to be granted across Lot 14 that was submitted to DPIE for preparation of the stormdrain easement.

4. Architecture: The applicant will revise the elevations to provide additional brick (a minimum of 30%) on each of the two side elevations for the homes. The applicant believes that the additional brick on the side elevations will add additional visual interest to the architecture.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Daniel F. Lynch". The signature is written in a cursive, flowing style.

Daniel F. Lynch

Enclosures

THE PRINCE GEORGE'S COUNTY GOVERNMENT



Department of Permitting, Inspections and Enforcement

Site/Road Plan Review Division

9400 Peppercorn Place, Suite 420

Largo, Maryland 20774

(301) 883-5710



STORMWATER MANAGEMENT CONCEPT APPROVAL

CASE NAME: OAKLAWN, PT LOT 13 INFILL

CASE #: 53170-2018-00

APPLICANT'S NAME: Dean Packard

ENGINEER : Packard Associates, LLC

REQUIREMENTS:

Technical Review is required for PUBLIC/PRIVATE Storm Drain/SWM Construction.

Type of Storm Drainage/SWM Construction is PRIVATE.

These additional approvals are required: None.

These fees apply: REVIEW, FEE-IN-LIEU.

These bonds apply: None.

Required water quality controls: BIORETENTION.

Required water quantity controls: 10 YEAR ATTENUATION(S).

A maintenance agreement is required.

No special conditions apply.

Required easements: STORM DRAIN.

**Storm Water Management fee payment of \$750.00 in lieu of providing on-site attenuation/quality control measures.
(Fee-In-Lieu subject to change during technical review.)**

CONDITIONS OF APPROVAL:

1. THIS PROJECT IS FOR THE CONSTRUCTION OF THREE NEW SINGLE FAMILY HOUSES.
2. AT THE TIME OF BUILDING PERMIT REVIEW, PLEASE PROVIDE THE REVIEWER WITH A GEOTECHNICAL REPORT TO DETERMINE UNDERGROUND WATER TABLE AS PER CB-94-2004.
3. ALL STORM DRAIN OUTFALLS TO HAVE STEPPED RIP-RAP PLUNGE POOLS.
4. SITE DEVELOPMENT PERMIT REQUIRED TO INCLUDE ULTIMATE R/W FRONTAGE IMPROVEMENTS, INCLUDING STORM DRAINAGE, STREET TREES AND STREET LIGHTING AND ON-SITE GRADING.
5. RESTORATION BOND IS REQUIRED FOR THE EXISTING IMPROVEMENTS WITHIN THE PUBLIC RIGHTSOF-WAY ALONG FRONTAGE OF THE SITE.
6. THIS PROJECT WILL REQUIRE A SITE DEVELOPMENT FINE GRADING PERMIT.
7. PRIOR TO FINAL PERMIT APPROVAL, RECORDED STORM DRAIN EASEMENT MUST BE PROVIDED.THE EASEMENT HAS BEEN EXCUTED BY THE PROPERTY OWNER AND SENT TO OFFICE OF FINANCE FOR RECORDATION.
REVIEWED BY YST.

CASE NAME:

OAKLAWN, PT LOT 13 INFILL

CASE #:

53170-2018-00

APPROVED BY:



Rey De Guzman

APPROVAL DATE:

October 5, 2020

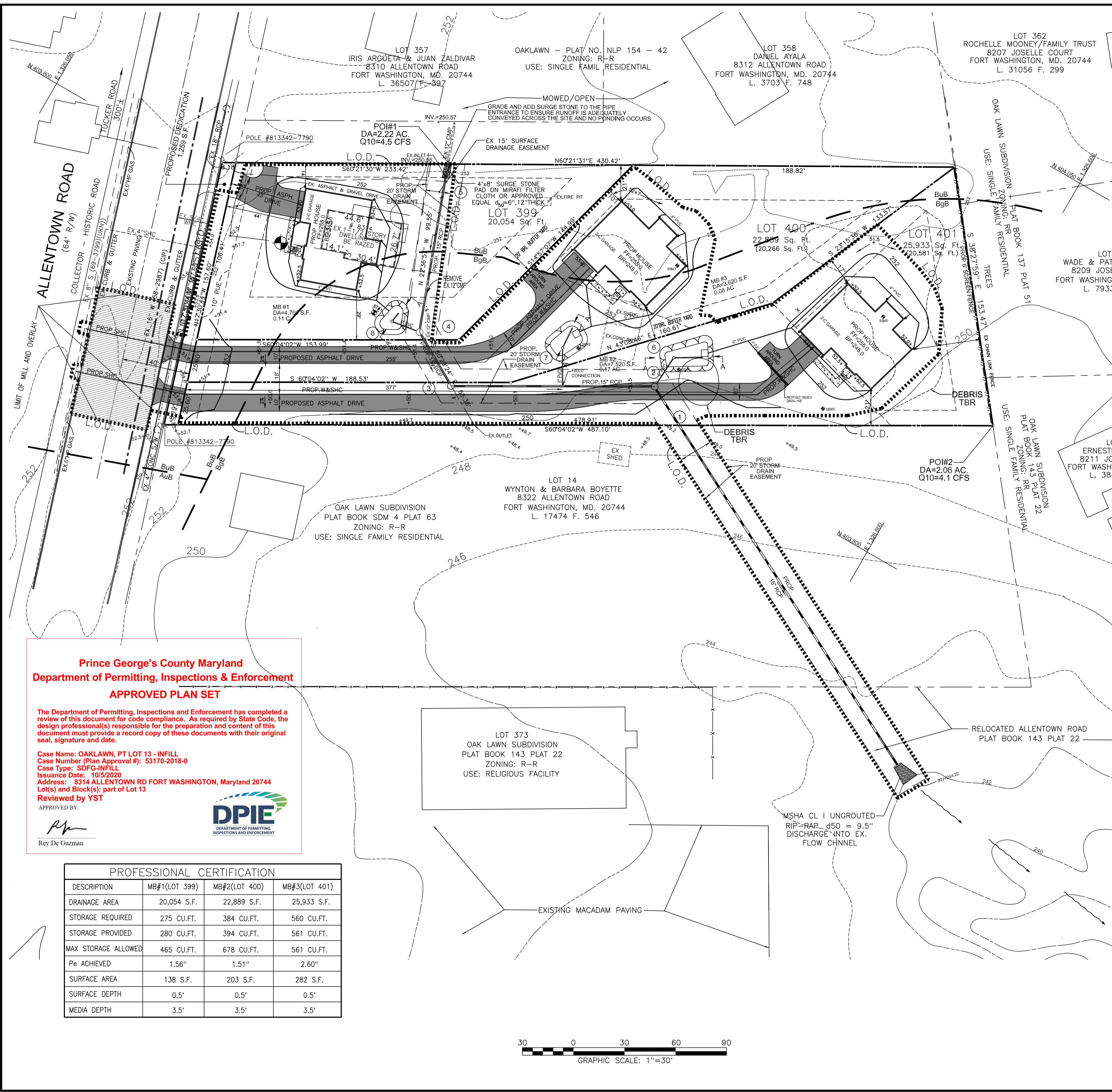
EXPIRATION DATE:

October 5, 2023

CC: APPLICANT, SCD, PERMITS

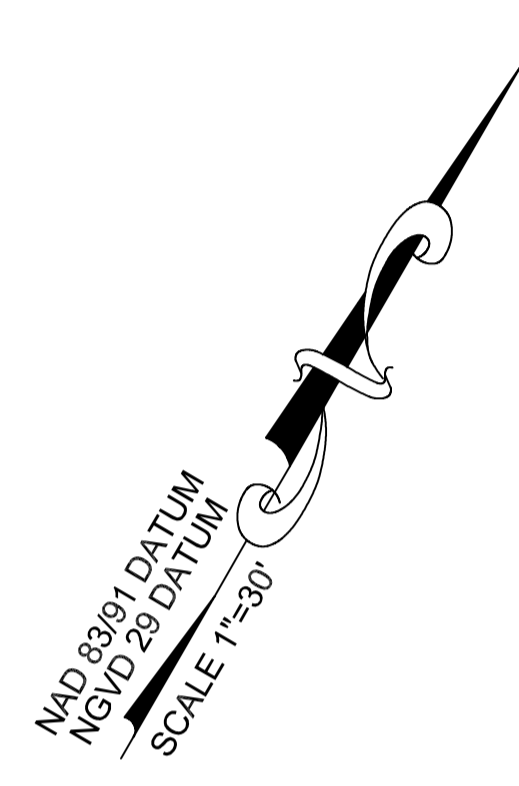
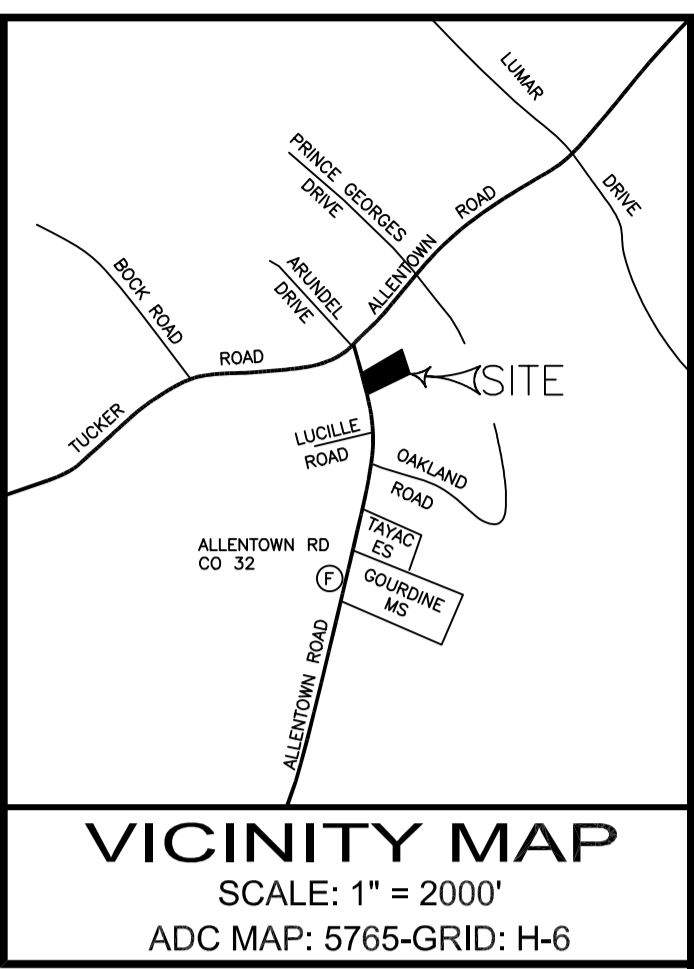
P.G.C. FORM #3693 (REV 04/93)

<u>FOR OFFICE USE ONLY</u>			
ADC MAP:	5765 h-6	200' SHEET:	211SE03
STREET NAME:	ALLENTOWN RD		
WATERSHED:	60-Piscataway Creek		
NUMBER OF D.U.'S:	0	COST PER DWELLING:	0



GENERAL NOTES

1. SITE AREA = 70,135 Sq. Ft. / 1,6101 AC.
2. BOUNDARY FROM FIELD SURVEY BY PACKARD & ASSOCIATES, LLC
3. TOPOGRAPHY BY FIELD SURVEY BY PACKARD & ASSOCIATES, LLC
4. EXISTING ZONING: RR
5. WSSC 200 SHEET: 211-SE-03
6. WSSC CATEGORY: S-3, W-3
7. TAX MAP: 115-A1
8. TAX ID: 9-884924
9. DEED: LIBER 6391 / FOLIO 286
10. WATERSHED: TINKERS CREEK
11. ADDRESS: 8314 ALLENTOWN ROAD FORT WASHINGTON, MD 20744
12. PRELIMINARY PLAN No. 4-06055 APPROVED JUNE 12, 2007
13. POLICE STATION: FOREST HEIGHTS, DISTRICT #4 - 4.2 MILES
14. FIRE STATION: ALLENTOWN ROAD, CO. 32 - 2400 FEET
15. UTILITY COMPANIES:
ELECTRIC - PEPCO
TELEPHONE - VERIZON
GAS - WASHINGTON GAS
WATER/SEWER - WSSC
16. SETBACKS
FRONT: 25 FEET
SIDE: 8 FEET MIN / 17 FEET TOTAL
REAR: 20 FEET
LOT WIDTH AT BRL: 100 FEET
LOT WIDTH AT STREET: 25 FEET
17. STORMWATER MANAGEMENT:
ESDV PROVIDED WITH 3 MICRO-BIORETENTION FACILITIES.
CONCEPT PLAN No. 53170-2018-0
18. IN ACCORDANCE WITH SECTION 24-134(g) OF THE PRINCE GEORGES COUNTY SUBDIVISION REGULATIONS A FEE-IN-LIEU PAYMENT FOR PARK DEDICATION SHALL BE PROVIDED.
19. THERE ARE NO WETLANDS OR FLOODPLAIN ON THIS SITE, AND IT IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
20. THERE ARE NO HISTORIC SITES OR CEMETERIES ON THIS SITE.
21. OWNER/APPLICANT: DANIEL HAWAJIA
8314 ALLENTOWN ROAD
FORT WASHINGTON, MD 20744
22. AREA OF DISTURBANCE = 52,568 Sq. Ft.
23. GROSS TRACT AREA = 70,134 S.F.
PROPOSED DEDICATION = 1,259 S.F.
NET TRACT AREA = 68,875 S.F.
LOTS ALLOWED = 3 PROPOSED = 3
24. PROPOSED USE = SINGLE FAMILY RESIDENTIAL
25. APPROVED NATURAL RESOURCE INVENTORY - NRI/098/06
APPROVED TCPI PLAN - TCPI/49/06
IN ACCORDANCE WITH THE ENVIRONMENTAL REVIEW STAFF, THE USE OF A FEE-IN-LIEU FOR THE TOTAL WOODLAND CONSERVATION REQUIREMENT OF 0.70 ACRES IS PROPOSED.
SOILS ARE buB - BELTSVILLE-URBAN COMPLEX, 0 TO 5% SLOPES, AND BELTSVILLE-GROSSTOWN-WOODSTOWN COMPLEX, 0 TO 5% SLOPES AND ARE CLASSIFIED AS HYDROLOGIC GROUP C.




LEGEND

- PROPERTY LINE
- - - EX. CONTOUR
- PROP. CONTOUR
- L.O.D.
- 75% RTD @ 4.0%
- ROOF TOP DISCONNECT FLOW PATH
- TREE LINE
- EX. OVERHEAD
- EX. WATER
- EX. SEWER
- EX. STORM DRAIN
- EX. UNDERGROUND GAS
- EX. UNDERGROUND ELEC.
- EX. UNDERGROUND TEL./CABLE
- EX. WOOD FENCE
- PROP. 6" VINYL FENCE (LS SCREEN)
- EX. WIRE FENCE
- EX. RAIL FENCE
- PROP. SPOT GRADES
- PROP. DRY WELLS
- SB#1 SOIL BORING
- PROPOSED PAVING
- PROPOSED MILL AND OVERLAY
- MB #1 MICRO-BIORETENTION FACILITY #1
- DRAINAGE DIVIDE


PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, DEAN PACKARD, LICENSE No. 16518, EXPIRATION DATE: JUNE 10, 2021

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON CONFORMS TO THE REQUIREMENTS OF SUBTITLE 4, DIVISION 3 OF THE PRINCE GEORGE'S BUILDING CODE, EXCEPT FOR SPECIFIC MODIFICATIONS AND/OR WAIVERS, IF ANY, AS LISTED BELOW. I ALSO CERTIFY THAT I HAVE INSPECTED THIS SITE AND THAT DRAINAGE ONTO THIS SITE FROM OTHER UPGRADE PROPERTIES, AND FROM THIS SITE ONTO OTHER DOWNGRADE PROPERTIES HAS BEEN ADDRESSED IN SUBSTANTIAL ACCORDANCE WITH APPLICABLE

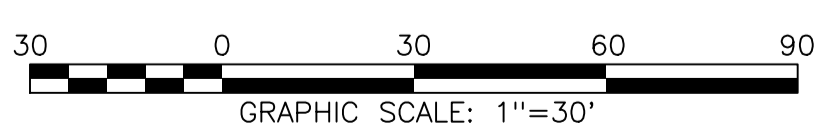
09-08-20 DATE

 DEAN PACKARD, PE
 PROFESSIONAL ENGINEER
 MARYLAND REGISTRATION NO. 16518

**Prince George's County Maryland
Department of Permitting, Inspections & Enforcement
APPROVED PLAN SET**

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 Address: 8314 ALLENTOWN RD FORT WASHINGTON, Maryland 20744
 Lot(s) and Block(s): part of Lot 13
 Reviewed by YST
 APPROVED BY:

 Rey De Guzman



PROFESSIONAL CERTIFICATION	DESCRIPTION	MB#1(LOT 399)	MB#2(LOT 400)	MB#3(LOT 401)
DRAINAGE AREA		20,054 S.F.	22,889 S.F.	25,933 S.F.
STORAGE REQUIRED		275 CU.FT.	384 CU.FT.	560 CU.FT.
STORAGE PROVIDED		280 CU.FT.	394 CU.FT.	561 CU.FT.
MAX STORAGE ALLOWED		465 CU.FT.	678 CU.FT.	561 CU.FT.
Pe ACHIEVED		1.56"	1.51"	2.60"
SURFACE AREA		138 S.F.	203 S.F.	282 S.F.
SURFACE DEPTH		0.5'	0.5'	0.5'
MEDIA DEPTH		3.5'	3.5'	3.5'

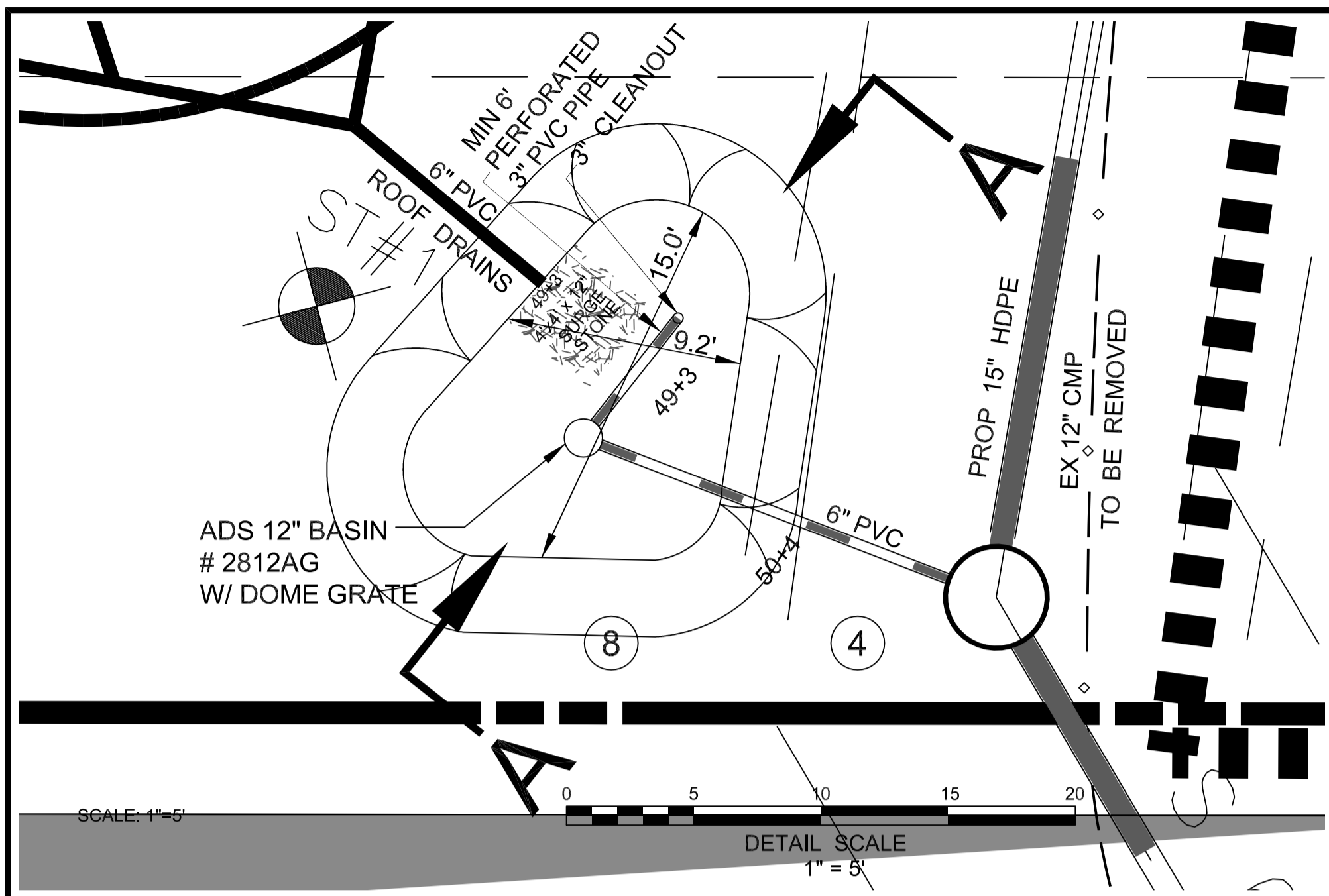


PACKARD & ASSOCIATES, LLC
 CIVIL ENGINEERS * SURVEYORS * LAND PLANNERS
 16220 FREDERICK ROAD, SUITE 300
 GAITHERSBURG, MARYLAND 20877
 PHONE (301) 208-0250 FAX (301) 208-1270

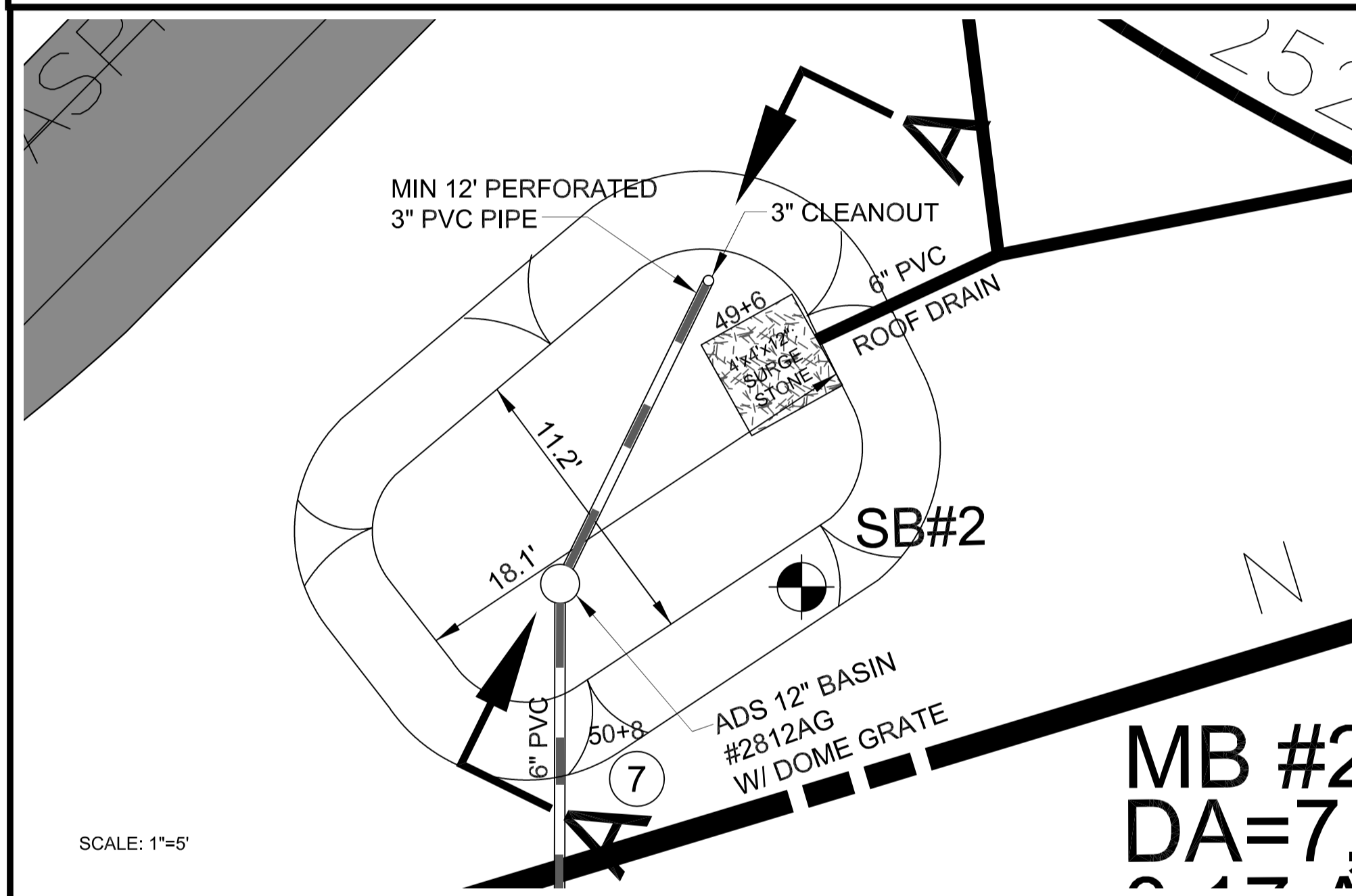
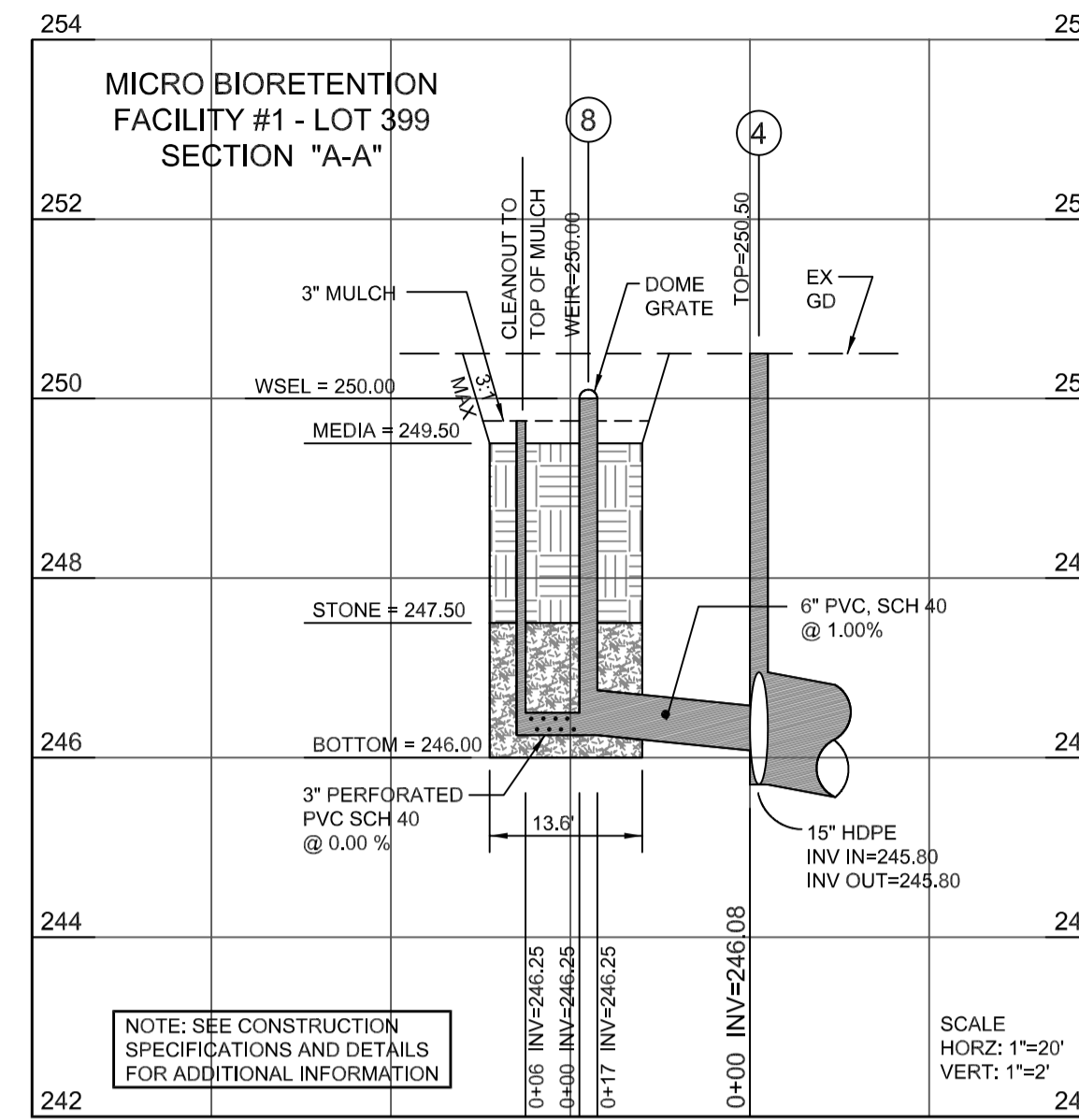


SITE DEVELOPMENT SWM CONCEPT PLAN
 PROPOSED LOTS 399 thru 401
OAKLAWN SUBDIVISION
 A RESUBDIVISION OF LOT 13
 AS RECORDED IN P.B. SDH 4 PLAT 63
 SURRATS ELECTION DISTRICT No. 9 PRINCE GEORGES COUNTY, MARYLAND

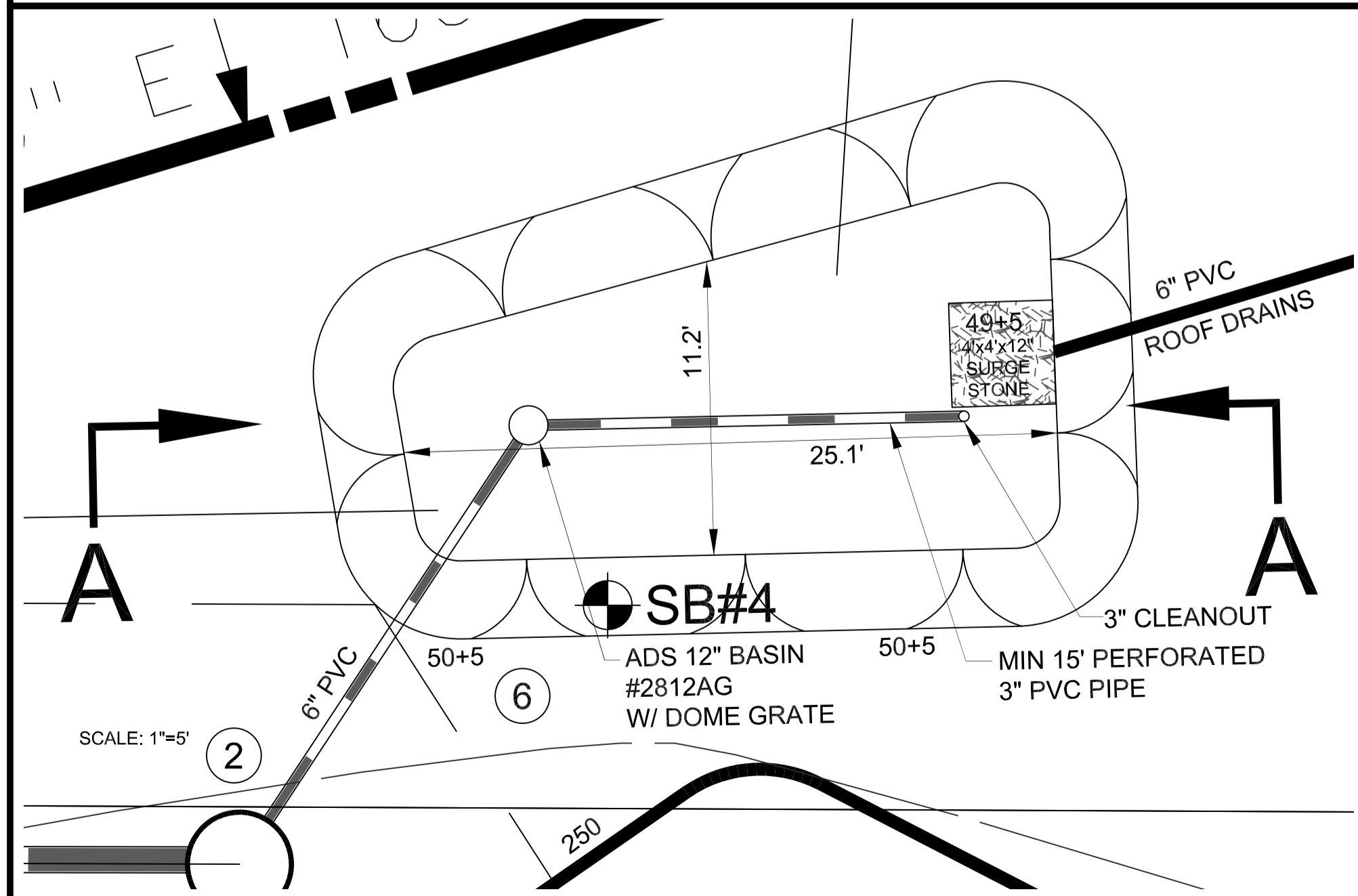
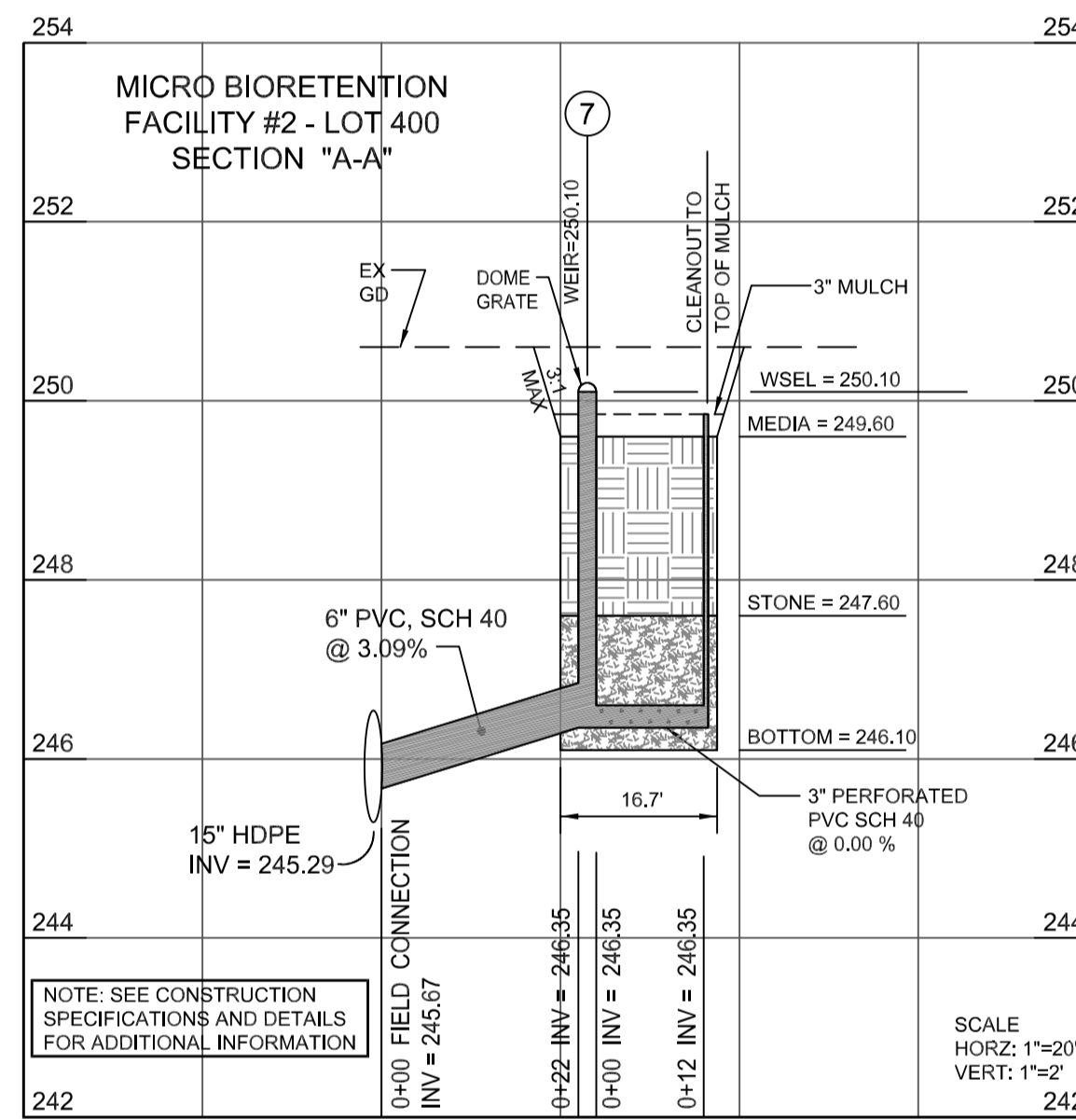
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DATE 09-08-20	
ACAD FILE NAME	
SHEET 1 of 4	



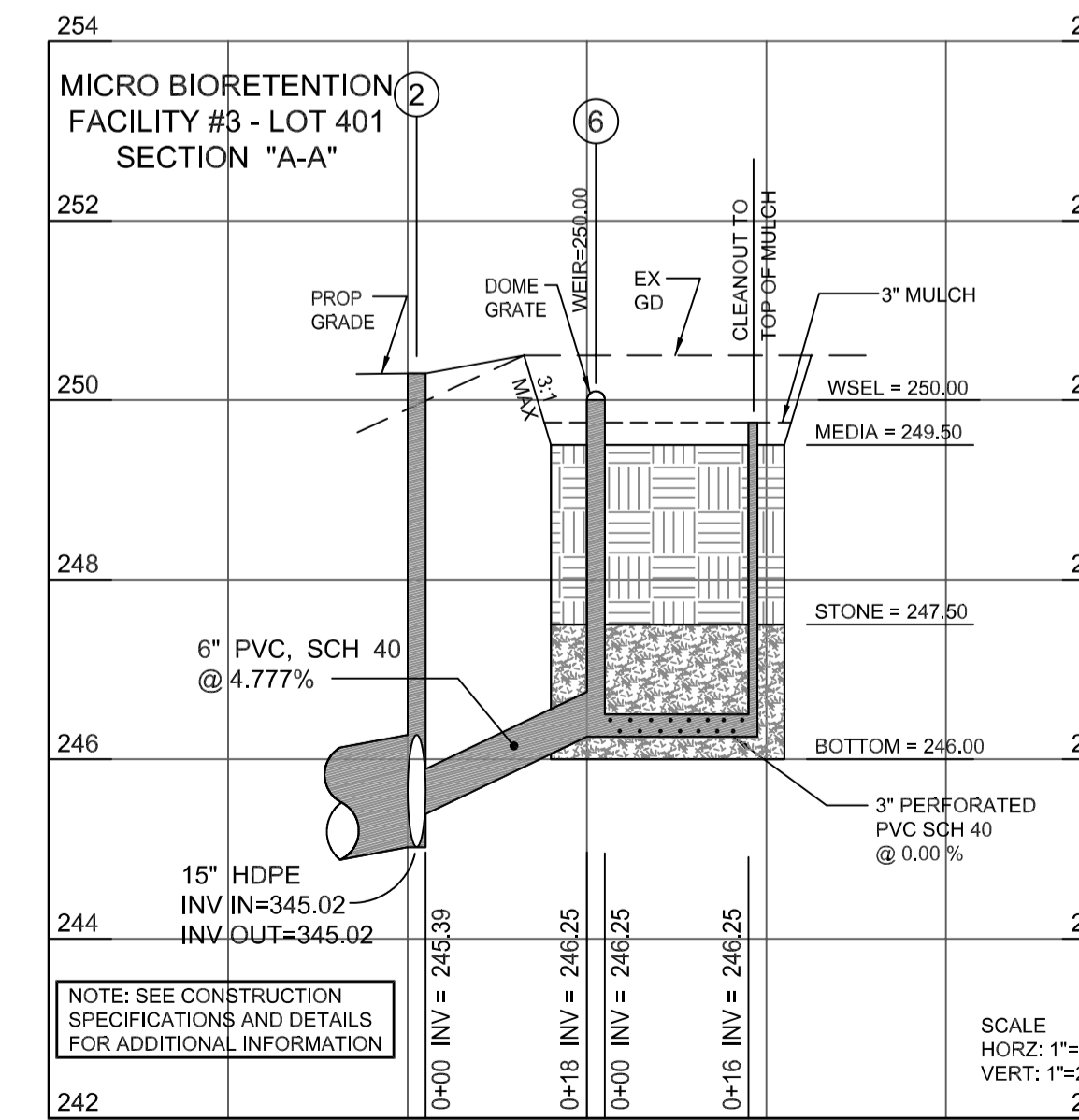
MICRO BIO-RETENTION FACILITY #1, LOT 399
 DRAINAGE AREA = 4,760 S.F.
 IMPERVIOUS AREA = 2,120 S.F.
 MEDIA STORAGE = 193 C.F.
 WET STORAGE = 87 C.F.
 TOTAL STORAGE = 280 C.F.
 SIZE: IRREGULAR @ 9.2'x15.0', 138 S.F.
 MEDIA DEPTH = 2.0' - STONE DEPTH = 1.5'
 BOTTOM ELEVATION = 249.30
 WET STORAGE DEPTH = 0.50'
 WEIR ELEVATION = 249.80
 TOP OF EMBANKMENT = 250.40
 WIDTH OF EMBANKMENT = N/A
 SIDE SLOPES = 3:1 MAX
 PERFORATED UNDERDRAIN = MIN 6 L.F. 3\"/>



MICRO BIO-RETENTION FACILITY #2, LOT 400
 DRAINAGE AREA = 7,520 S.F.
 IMPERVIOUS AREA = 3,060 S.F.
 MEDIA STORAGE = 284 C.F.
 WET STORAGE = 110 C.F.
 TOTAL STORAGE = 394 C.F.
 SIZE: IRREGULAR @ 9.2'x18.1', 203 S.F.
 MEDIA DEPTH = 2.0' - STONE DEPTH = 1.5'
 BOTTOM ELEVATION = 249.60
 WET STORAGE DEPTH = 0.50'
 WEIR ELEVATION = 250.10
 TOP OF EMBANKMENT = 250.80
 WIDTH OF EMBANKMENT = N/A
 SIDE SLOPES = 3:1 MAX
 PERFORATED UNDERDRAIN = MIN 12 L.F. 3\"/>



MICRO BIO-RETENTION FACILITY #3, LOT 401
 DRAINAGE AREA = 3,620 S.F.
 IMPERVIOUS AREA = 2,120 S.F.
 MEDIA STORAGE = 395 C.F.
 WET STORAGE = 169 C.F.
 TOTAL STORAGE = 564 C.F.
 SIZE: IRREGULAR @ 11.2'x25.1', 282 S.F.
 MEDIA DEPTH = 2.0' - STONE DEPTH = 1.5'
 BOTTOM ELEVATION = 249.50
 WET STORAGE DEPTH = 0.50'
 WEIR ELEVATION = 250.00
 TOP OF EMBANKMENT = 250.50
 WIDTH OF EMBANKMENT = N/A
 SIDE SLOPES = 3:1 MAX
 PERFORATED UNDERDRAIN = MIN 15 L.F. 3\"/>



Prince George's County Maryland
Department of Permitting, Inspections & Enforcement
APPROVED PLAN SET

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 Case Number (Plan Approval #): 53170-2018-0
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 Issuance Date: 10/5/2020
 Address: 8314 ALLENTOWN RD FORT WASHINGTON, Maryland 20744
 Lot(s) and Block(s): part of Lot 13
 Reviewed by YST

APPROVED BY:

 Rey De Guzman

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE No. 16518, EXPIRATION DATE: 06/10/2021

DEAN PACKARD, P.E. 08/20/2020
DATE

<p>PACKARD & ASSOCIATES, LLC</p> <p>CIVIL ENGINEERS * SURVEYORS * LAND PLANNERS 16220 FREDERICK ROAD, SUITE 300 GAITHERSBURG, MARYLAND 20877 PHONE (301) 208-0250 FAX (301) 208-1270</p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);">DESCRIPTION REVISIONS</p>
<p>08/20/2020</p>	
<p>SITE DEVELOPMENT SWM CONCEPT PLAN</p> <p>PROPOSED LOTS 399 thru 401 OAKLAWN SUBDIVISION A RESUBDIVISION OF LOT 13 AS RECORDED IN P.B. SDH 4 PLAT 63 SURRATS ELECTION DISTRICT No. 9 PRINCE GEORGES COUNTY, MARYLAND</p>	
<p>SCALE AS NOTED</p>	<p>DATE 08/20/2020</p>
<p>ACAD FILE NAME</p>	
<p>SHEET 2 of 4</p>	

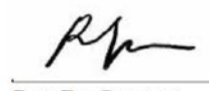
STORM DRAIN SYSTEM				
STRUCTURE SCHEDULE				
No.	TYPE	INVERT	TOP	STANDARD/DESCRIPTION
1	END SECTION	244.22	N/A	15" PRECAST
2	SHALLOW B MH	245.02	250.3	PG CO SD 22.0
3	SHALLOW B MH	245.62	250.5	PG CO SD 22.0
4	SHALLOW B MH	245.80	250.5	PG CO SD 22.0
5	END WALL	250.40	N/A	PG CO SD 30.0
6	DRAIN BASIN	246.25	250.0	ADS 12" No. 2812AG
7	DRAIN BASIN	246.35	250.1	ADS 12" No. 2812AG
8	DRAIN BASIN	246.25	250.0	ADS 12" No. 2812AG


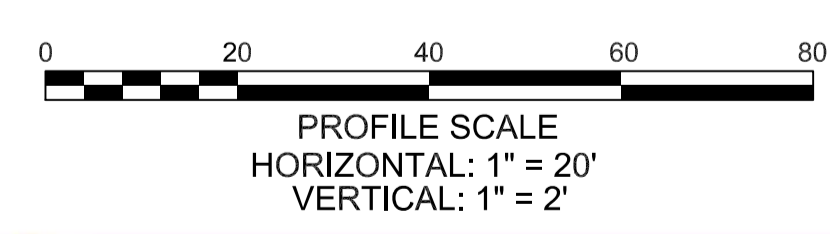
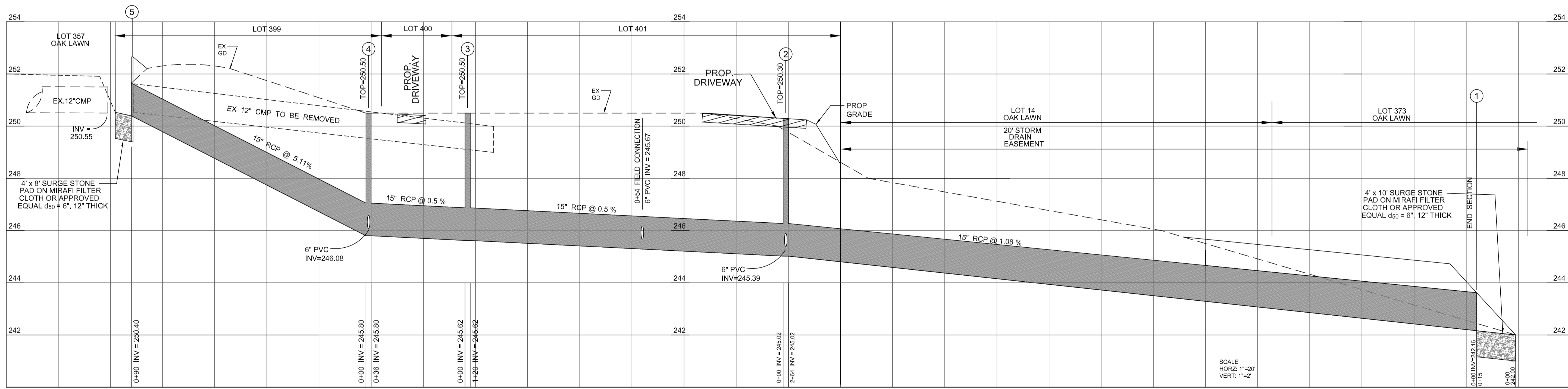
PIPE SCHEDULE		
SIZE	TYPE	LENGTH
15"	RCP CL. III	510 L.F.
6"	PVC, SCH 40	57 L.F.

Prince George's County Maryland
Department of Permitting, Inspections & Enforcement
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APPROVED BY:

Rey De Guzman

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KARD, P.E. 09/21/2020
DATE

Project Name: Wildercroft		Concept No.:		Permit No.:		Total Site Acreage 0.66													
POI	LABEL	NAME	MD NORTH	MD EAST	LAND USE	CONSTRUCTION PURPOSE	DRAINAGE AREA (AC)	TOTAL IMPERVIOUS AREA (AC)	NEW IMPERVIOUS AREA (AC)	EXISTING IMPERVIOUS AREA (AC)	PERCENT IMPERVIOUS	Rv	TARGET P _r (IN)	TARGET VOL (FT ³)	DESIGN VOL (FT ³) USING ESD PRACTICES	DESIGN VOLUME (CF) USING STRUCTURAL PRACTICES	MAX ESD VOL (ESD max) (CF)	RCN	ON/OFF_SITE
LOT 399 - FACILITY #1		MICRO-BIORETENTION FACILITY			RESIDENTIAL	NEW	0.46	0.28	0.22	0.06	0.25	0.275	1.0"	275	280		465	70	ON
LOT 400 - FACILITY #2		MICRO-BIORETENTION FACILITY			RESIDENTIAL	NEW	0.53	0.10	0.10	0	0.276	0.298	1.0"	384	394		678	70	ON
LOT 401 - FACILITY #3		MICRO-BIORETENTION FACILITY			RESIDENTIAL	NEW	0.60	0.14	0.14	0	0.295	0.306	1.0"	560	564		561	70	ON

PACKARD & ASSOCIATES, LLC

CIVIL ENGINEERS * SURVEYORS * LAND PLANNERS
16220 FREDERICK ROAD, SUITE 300
GAITHERSBURG, MARYLAND 20877
PHONE (301) 208-0250 FAX (301) 208-1270



09/21/2020

SITE DEVELOPMENT SWM CONCEPT PLAN

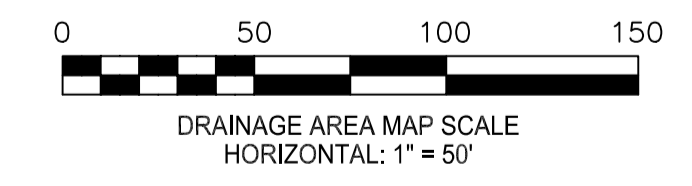
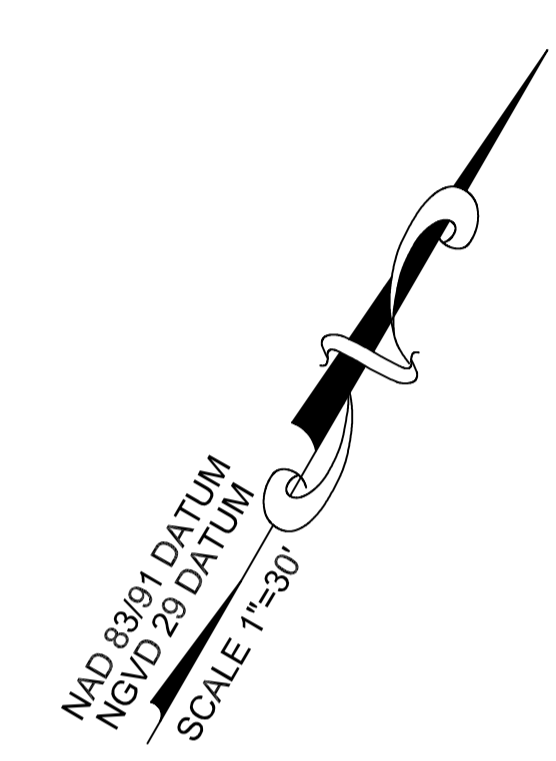
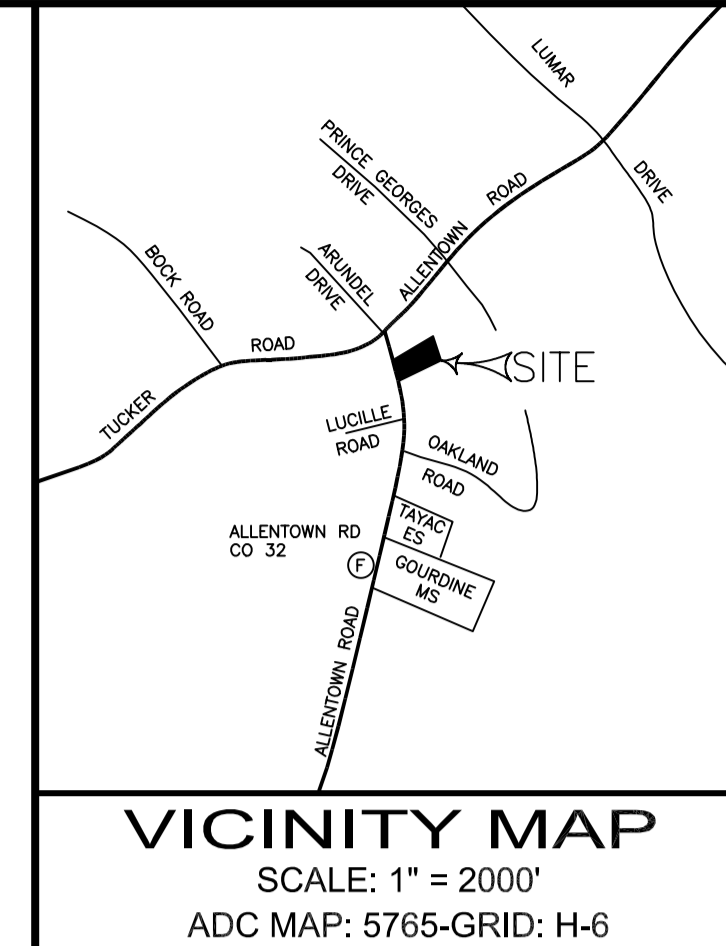
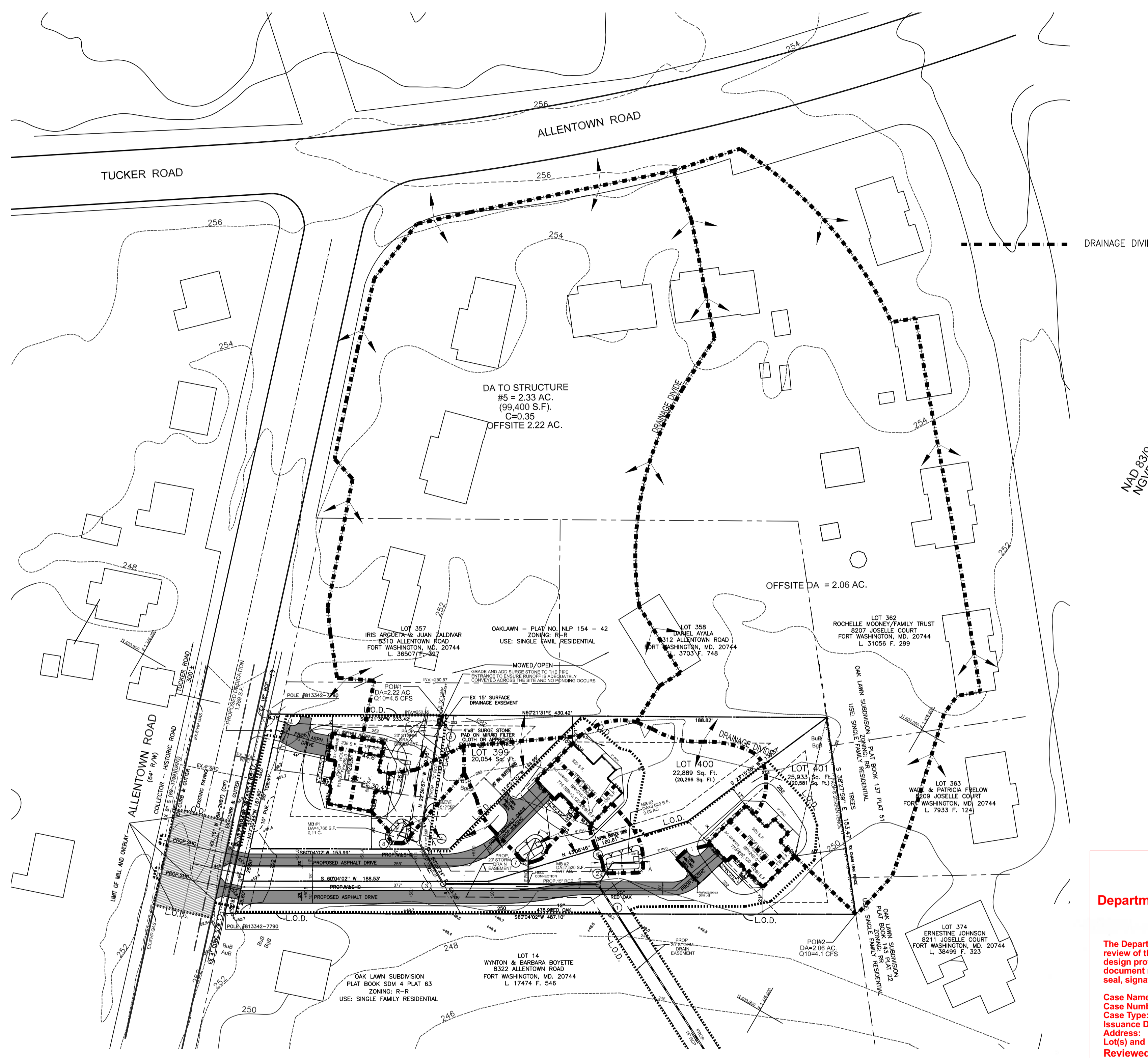
PROPOSED LOTS 399 thru 401
OAK LAWN SUBDIVISION
A RESUBDIVISION OF LOT 13
AS RECORDED IN P.B. SDH 4 PLAT 6.3
SURREITS ELECTION DISTRICT No. 9 PRINCE GEORGES COUNTY, MARYLAND

SCALE AS NOTED DRAWN JDJ
DATE 09/21/2020
ACAD FILE NAME

SHEET 3 of 4

LEGEND

---	PROPERTY LINE
300 - - - - -	EXISTING CONTOUR
300	PROPOSED CONTOUR
..... L.O.D.	LIMIT OF DISTURBANCE
75' RTD @ 4.0%	ROOF TOP DISCONNECT FLOW PATH
~~~~~	TREE LINE
OH	EXISTING OVERHEAD LINES
EX 8" W	EXISTING WATER LINES
EX 8" S	EXISTING SEWER LINES
EX 15" RCP	EXISTING STORM DRAIN
G	EXISTING UNDERGROUND GAS LINES
E	EXISTING UNDERGROUND ELECTRICAL LINES
T	EXISTING UNDERGROUND TELEPHONE / CABLE LINES
///	EXISTING WOOD FENCE
-X-X-X-X-	EXISTING WIRE FENCE
-o-o-o-o-	EXISTING RAIL FENCE
+55.5    55.5+	PROPOSED SPOT GRADES
[DW1]	PROPOSED DRY WELLS
SB#1	SOIL BORING
BuB	EXISTING SOIL BOUNDARY
BgB	EXISTING SOIL BOUNDARY
---	DRAINAGE DIVIDE



**Prince George's County Maryland**  
**Department of Permitting, Inspections & Enforcement**  
**APPROVED PLAN SET**

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Reviewed by YST

APPROVED BY:  
  
Rey De Guzman

DESCRIPTION
REVISIONS

**PACKARD & ASSOCIATES, LLC**  
CIVIL ENGINEERS * SURVEYORS * LAND PLANNERS  
16220 FREDERICK ROAD, SUITE 300  
GAITHERSBURG, MARYLAND 20877  
PHONE (301) 208-0250 FAX (301) 208-1270



09/08/2020

**DRAINAGE AREA MAP**  
**SITE DEVELOPMENT SWM CONCEPT PLAN**  
PROPOSED LOTS 399 thru 401  
**OAK LAWN SUBDIVISION**  
A RESUBDIVISION OF LOT 13  
AS RECORDED IN P.B. SDH 4 PLAT 63  
SURRENTS ELECTION DISTRICT No. 9 PRINCE GEORGES COUNTY, MARYLAND

SCALE	DRAWN
1" = 50'	J.D.J.
DATE	09/08/2020
ACAD FILE NAME	
SHEET 4 of 4	

**PROFESSIONAL CERTIFICATION**

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DEAN PACKARD, P.E. 09/08/2020  
DATE

Daniel F. Lynch, Esquire  
Admitted in Maryland

Email: [DLynch@mhlawyers.com](mailto:DLynch@mhlawyers.com)  
Direct Dial: Extension 250

August 30, 2021

**VIA ELECTRONIC MAIL**

Hon. Elizabeth M. Hewlett, Chairperson  
Prince George's County Planning Board of the  
Maryland-National Capital Park and Planning Commission  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772

*Re. DSP-16004;  
Oaklawn*

Dear Madam Chairman:

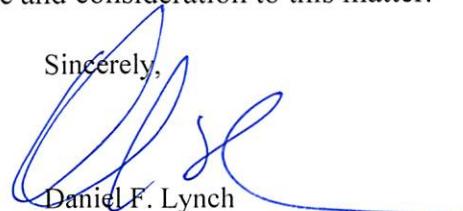
Please accept this letter on behalf of our client and applicant, Daniel Mwavua, as a formal request to continue the September 23, 2021 Planning Board hearing for the above-referenced matter.

As part of the remand on this matter, the applicant filed an amendment with DPIE to the Site Development Concept Plan, but unfortunately, we are still awaiting DPIE's approval of that amendment so that it can be included in the record that will be transmitted to the District Council. Based upon recent conversations with DPIE, we believe the approval is forthcoming, but we will not have it in time for that information to be included in the staff report.

In light of this, the applicant is respectfully requesting a two week continuance of this matter, so that DPIE's approval can be considered by staff in their review of this matter.

Thank you in advance for you time and consideration to this matter.

Sincerely,



Daniel F. Lynch

THIS STORM DRAINAGE EASEMENT made this 23rd day of August 2021 2021, by and between WYNTON L. BOYETTE AND BARBARA L. BOYETTE. party of the first part, hereinafter called the "Landowner," and PRINCE GEORGE'S COUNTY, MARYLAND, a body corporate and politic, party of the second part, hereinafter called the "County."

WITNESSETH: That in consideration of the sum of One Dollar (\$1.00) in hand paid the Landowner by the County, the receipt of which is hereby acknowledged, the Landowner does hereby grant and convey unto the County, its successors and/or assigns, the easement of right of way for the installation, construction, reconstruction, maintenance, repair, operation and inspection of storm drainage and appurtenances within said right of way, together with the right of ingress and egress, for any and all purposes, along the said right of way shown on the Plat or Plan annexed hereto and described as follows:

Permit #  
53170-2018  
Log 4751

**SEE ATTACHED SCHEDULES**

TO HAVE AND TO HOLD the said right of way for the installation of storm drainage, together with all rights, privileges, appurtenances and advantages thereto belonging or appertaining for the proper use, benefit, and behoof forever of the County, its successors and/or assigns.

AND the Landowner, its successors and/or assigns, covenants and agrees with the County, its successors and/or assigns, as follows:

FIRST: That the County, its successors and/or assigns, shall at all times have the right of ingress and egress for the purpose of installing, constructing, reconstructing, maintaining, repairing, operating and inspecting said storm drainage within said right of way. Said ingress and egress to be in, through and/or over the right of way shown and described herein or along such other route as the Landowner and the County may agree to be mutually acceptable.

SECOND: That the County, its successors and/or assigns, is granted the right to restrict the Landowner, its successors and/or assigns, from constructing any structure or building and/or improvement or fill or excavation upon the said right of way unless the prior written consent of the County is given thereto.

THIRD: That the Landowner will warrant specially the said



right of way and will execute such further assurances thereof as may be requisite.

IN WITNESS HEREOF I have hereunto set my hand and seal this day.

WITNESS: _____ (Seal)  
WYNTON L. BOYETTE

WITNESS Barbara L. Boyette (Seal)  
BARBARA L. BOYETTE  
*Surviving Spouse*

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STATE OF Maryland :  
COUNTY OF Prince Georges >ss  
:

BEFORE ME, a Notary Public of the aforesaid State and County, personally appeared **WYNTON L. BOYETTE AND BARBARA L. BOYETTE**, known to me (or satisfactorily proven) to be the persons whose name is subscribed to the within instrument, being authorized to do so and that said person executed the same for the purposes therein contained, and in my presence signed and sealed the same.

WITNESS MY HAND AND NOTARIAL SEAL this 23 day of August 2021.

Candace M Darby

NOTARIAL SEAL

My Commission Expires: 01/28/2025

**Candace M Darby**  
Notary Public of the State of Maryland  
Prince George's County  
My Commission Expires: January 28, 2025

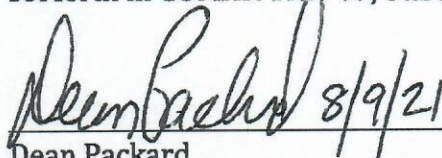
**EXHIBIT "A"**  
**DESCRIPTION OF**  
**STORM DRAINAGE EASEMENT**  
**AND RIGHT OF WAY**  
**ACROSS THE PROPERTY OF**  
**WYNTON L. BOYETTE, AND BARBARA L. BOYETTE, OWNERS**  
**ACROSS LOT 14, OAKLAWN SUBDIVISION**

Being a strip or parcel of land hereinafter described, in, through, over and under part of the property described in a conveyance from Legrand Boyette, AKA Wynton L. Boyette, and Barbara Y. Lancaster, corrected, NKA Barbara L. Boyette to Wynton L. Boyette and Barbara L. Boyette by deed dated April 18th, 2003 and recorded on May 30th, 2003 among the Land Records of Prince George's County, Maryland in Liber 17474 at Folio 546 and also being Lot 14 on a plat entitled Oaklawn Subdivision, recorded in Plat Book SDM4, Plat Number 63 amongst said Land Records, being more particularly described as follows:

Beginning for the same at a point on the N 67° 15' 00" E 502.50' common plat line of Lots 13 and 14, shown on the abovementioned Plat, S 60°04'02" W 172.47' (surveyed), from the northeasterly end as shown on a sketch entitled " EXHIBIT B " attached hereto and made a part hereof by this reference, thence crossing to include a part of said Lot 14 in Maryland State Plane Datum NAD 83/91

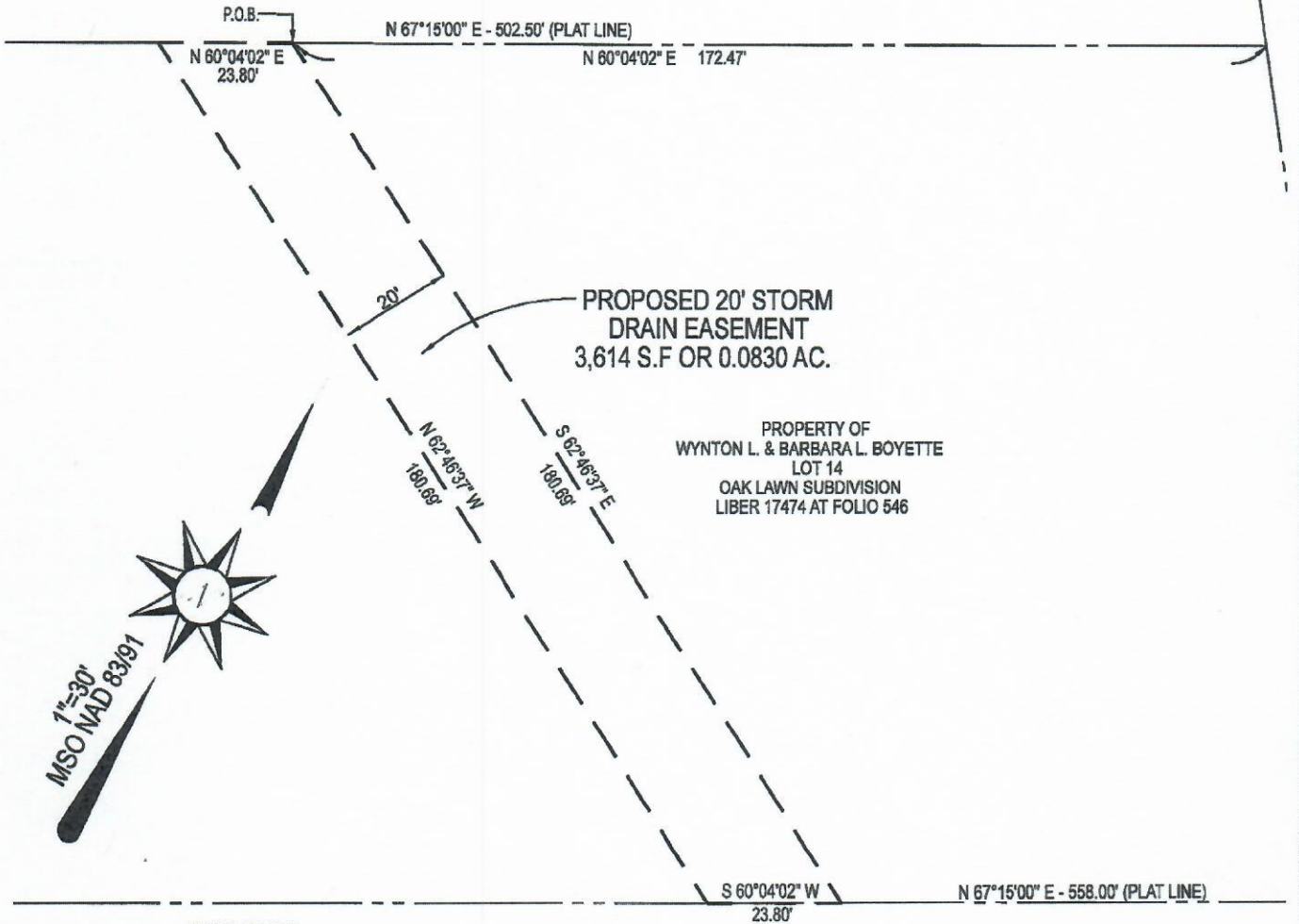
1. S 62°46'38" E 180.69' to a point on the common southerly plat lines of said Lots 14 and 373, thence binding with said plat line
2. S 60°04'02" W 23.80' to a point, thence leaving said plat line and crossing Lot 14
3. 62°46'38" W 180.69' to a point on the said common lot line of Lots 13 and 14, thence binding with said common lot line
4. S 60°04'02" E 23.80' to the point of beginning, containing 3,614 Sq. Ft. or 0.0830 acres of land more or less as shown on a sketch marked EXHIBIT 'B' attached hereto and made a part hereof by this reference.

The licensee below was in responsible charge over the preparation of this metes and bounds description and the surveying work reflected within, all in compliance with the requirements set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation 12.

  
Dean Packard  
Professional Land Surveyor  
Reg. No. 21815 Exp 12/14/2021



PROPERTY OF  
DANIEL MWAVUA  
LOT 13  
OAK LAWN SUBDIVISION  
LIBER 40649 AT FOLIO 256



PROPERTY OF  
WYNTON L. & BARBARA L. BOYETTE  
LOT 14  
OAK LAWN SUBDIVISION  
LIBER 17474 AT FOLIO 546



PROPERTY OF  
OXON HILL ASSEMBLY OF  
JESUS CHRIST, INC.  
LOT 373  
OAK LAWN SUBDIVISION  
LIBER 9823 AT FOLIO 708

PROPERTY OF  
RELOCATED ALLENTOWN ROAD  
PER PLAT BOOK 143 PLAT 22  
L. 2254 AT F. 330

*Dean Packard*  
8/9/21

DEAN PACKARD  
MD. PROFESSIONAL LAND SURVEYOR No.: 21815  
LICENSE EXPIRATION DATE: 12/14/2021

EXHIBIT B

<p><b>PACKARD &amp; ASSOCIATES, INC.</b> Civil Engineers • Land Surveyors • Planners 16220 FREDERICK ROAD, SUITE 300 GAITHERSBURG, MARYLAND 20877 PHONE: (301) 208-0250</p>	<p>STORM DRAINAGE EASEMENT ACROSS THE PROPERTY OF WYNTON L. BOYETTE AND BARBARA L. BOYETTE LOT 14 <b>OAKLAWN SUBDIVISION</b> SURREATS ELECTION DISTRICT No. 09 PRINCE GEORGES COUNTY, MARYLAND</p>	
<p>DATE: 08-04-2021</p>	<p>SCALE: 1" = 30'</p>	<p>DRAWN BY: WKA</p>
<p>JOB NO.:</p>	<p>TAX ID No.: 09-0907071</p>	



Angela D. Alsobrooks  
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT  
Department of Permitting, Inspections and Enforcement  
Site/Road Plan Review Division



**MEMORANDUM**

September 21, 2021

**TO:** Henry Zhang, Urban Design Section  
Development Review Division, M-NCPPC

**FROM:** Mary C. Giles, P.E., Associate Director *Mary Giles*  
Site/Road Plan Review Division, DPIE

**Re:** Oaklawn  
Detailed Site Plan, DSP-16004

**CR:** Allentown Road

This is in response to the Detailed Site Plan, DSP-16004 referral for the development of three single family dwellings and associated infrastructure. The Department of Permitting, Inspections, and Enforcement (DPIE) offers the following:

- The property is located approximately 400-ft south of the southeast corner of the intersection of Allentown Road and Tucker Road.
- **Allentown Road** is an existing County-maintained road to the west of the subject development with a 64-ft right-of-way width. However, an 80' right-of-way width as per the Master Plan (Master Plan Road C-718) is required. The applicant shall provide right-of-way dedication and roadway/frontage improvements as required in accordance with the Department of Public Works and Transportation (DPW&T) Urban 4-Lane Collector Road Standard (Std. 100.03). This work shall be permitted prior to or concurrent with the issuance of a fine grading permit.
- The two (2) proposed driveways along Allentown Road are 8 feet apart. To minimize the access points along Allentown Road, it is recommended to combine these two driveways into one (1) shared driveway apron.
- Full-width, 2-inch mill-and-overlay for all existing County roadway frontages is required.
- Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.

- Compliance with DPW&T's Utility Policy is required. Based upon the plans submitted, proper temporary and final patching and the related mill and overlay in accordance with "DPW&T Policy and Specifications for Utility Installation and Maintenance Permits" is required.
- Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance. Any new sidewalk installation is to match existing sidewalks in the area. In addition, sidewalks must always be kept open for pedestrians.
- The internal subdivision streets' centerline radii are to be designed and constructed in accordance with DPW&T's Table I-2 design criteria.
- Private roads to be at least 22' wide, bonded and permitted in accordance with applicable County codes, standards and specifications.
- Maintenance of private streets is not the responsibility of Prince George's County.
- Conformance with DPIE street lighting specifications and standards are required. Adjustments to street lighting, to accommodate the proposed plan improvements, are required in accordance with Section 23-140 of the Prince George's Road Ordinance.
- Roadside trees will be required along County-maintained roadways within the limits of the permit area.
- All improvements within the public right-of-way as dedicated to the County are to be in accordance with the County Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act (ADA).
- The Detailed Site Plan filed under DSP-16004 is consistent with the Site Development Concept Plan filed under 53170-2018-0 approved by DPIE on October 5, 2020.
- All stormwater management facilities and drainage systems, including their recreational features and visual amenities (if applicable), are to be designed and constructed in accordance with the standards and specifications set forth by the DPIE and the DPW&T. Approval of all facilities are required prior to permit issuance.
- All easements on site and off site are to be approved by DPIE and recorded prior to technical approval.
- A maintenance agreement is to be approved by DPIE and recorded prior to technical approval.
- The proposed development will require a site development permit approved by the DPIE.

- A soils investigation report which includes subsurface exploration and geotechnical engineering evaluation for all proposed roadways and Marlboro Clay is required.
- This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:
  - a) Final site layout, exact impervious area locations are shown on plans.
  - b) Exact acreage of impervious areas has not been provided.
  - c) Proposed grading is shown on plans.
  - d) Stormwater volume computations have not been provided.
  - e) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth.
  - f) Disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal.
  - g) A narrative in accordance with the code has not been provided.
  - h) Applicant shall provide items (a-g) at the time of filing final site permits.

If you have any questions or require additional information, please contact Mr. Mariwan Abdullah, District Engineer for the area, at 301.883.5710.

MA:TJ:AG

cc: Rene' Lord-Attivor, Chief, Traffic Engineering, S/RPRD, DPIE  
Mariwan Abdullah, P.E., District Engineer, S/RPRD, DPIE  
Salman Babar, CFM, Engineer, S/RPRD, DPIE  
MJ Labban, Engineer, S/RPRD, DPIE  
Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE  
Ted Jeong, P.E., Engineer, S/RPRD, DPIE  
Packard Associates LLC, 16220 Frederick Road, Gaithersburg, MD 20877  
Daniel Mwavua, 8314 Allentown Road, Fort Washington, MD 2