

STATEMENT OF JUSTIFICATION

Water and Sewer Category Change

Rustic Woods

The owner of the property forming the subject matter of this application is School Properties, Inc. ("Owner"). This application includes several properties comprising a total of 31.31 acres of land. The Property is located on the east side of MD 197, north of Rustic Ridge Drive. Access to the property is from Randonstone Lane, which is an existing dedicated public right of way that connects to Rustic Hill Drive. The property assemblage consists of the following four parcels of land:

- Lot 17, "Rockledge at Belair", Plat Book WWW 89 Plat No. 52, containing 14.63 acres;
- Outlot A, "Rockledge at Belair", Plat Book WWW 89 Plat No. 52, containing .64 acres;
- Parcel A, "Bowie's Run", Plat Book NLP 105 Plat No. 13, containing 6.97 acres;
- Parcel 227, Tax Map 29, containing 9.78 acres;

The assemblage referenced above comprises the "Property." Lot 17 and Outlot A were acquired by two deeds recorded in 1971 (L. 4024 F 208) and 1972 (L. 4166 F. 880). Parcel A was acquired by the Owner in 1978 (L. 5929 F. 80). Parcel 227 was acquired in 2019 (Book 42454 Page 55). The Property is zoned RR (formerly the R-R Zone). A copy of the zoning map with the Property outlined in red is marked Exhibit "A" and attached hereto.

PROPERTY HISTORY AND DEVELOPMENT PROPOSAL

The Property has historically been the site of the Bowie Montessori Children's House, a well-known and well-regarded Montessori School which served the City of Bowie and its residents for over 50 years. The school was originally founded in 1967 by Anne Byron Riley. The school operated as a Pre-Kindergarten through 8th Grade Private School with 157 students. The school closed within the last few years and the remaining family members are proposing to subdivide the Property into a residential community.

The Property is proposed for development of a residential subdivision consistent with the existing RR Zone. As referenced above, the Property is served by an existing public right of way known as Randonstone Lane, which has provided access to the Property for years during its operation as a school. The Property abuts the Rockledge neighborhood, which is part of the Belair at Bowie development and was subdivided in 1966. The existing adjacent community is currently served by public water and sewer and the proposed subdivision will also be served by public water and sewer.

In addition to the Rockledge neighborhood which abuts the Property to the south, the Property is bounded to the west by MD 197 (although no access is proposed from this road), to the north by land owned by the City of Bowie and the WB&A trail owned by the

M-NCPPC, and to the east by open space owned by M-NCPPC and lots in the Saddlebrook West subdivision. Approximately one third of the Property is located within the municipal limits of the City of Bowie, mostly the area where the former school was located. The remainder of the Property is in an unincorporated area of the County. The Applicant intends to work with the City as the project proceeds through the development review process.

As discussed below, there are existing water and sewer lines within adjacent properties. The water line is located within the City of Bowie. To connect to the water line, the City will also need to approve a category change. Pursuant to Chapter 25-7A(b) (2) of the City Code, the Property will first need to be advanced to Water Category 2. However, this cannot be done until a preliminary subdivision plan has been filed, and a preliminary subdivision plan cannot be filed until the Property is advanced into Water and Sewer Category 4.

Based upon the existing zoning for the Property, the development of a residential community in conformance with the requirements of the RR zone is currently contemplated. The maximum density currently achievable in the RR zone is 67 dwelling units. Preliminary designs suggest an achievable density of approximately 39 dwelling units, with the final density to be determined through the processing of a preliminary plan of subdivision. In order to

proceed with a preliminary plan of subdivision, however, the existing water and sewer category must be changed from Category 5 to Category 4. The purpose of this application is to request such a change.

COMPLIANCE WITH WATER AND SEWER CATEGORY CHANGE CRITERIA

The criteria governing Category Change applications is set forth in Section 2.1.2, 2.1.4 and 6.3.2 of the "Adopted 2018 Water and Sewer Plan." Those sections provide that a re-designation from Category 5 to Category 4 may be approved upon satisfying the following criteria:

1. **The Property complies with applicable zoning requirements**

As discussed above, the Property is zoned RR. The RR zone permits single family detached dwelling units on lots with a minimum net lot area of 20,000 square feet in a standard subdivision, or on lots with a minimum net lot area of 10,000 square feet in a conservation subdivision. The Subject Property contains a total of 31.31 acres. Therefore, the maximum residential density currently achievable is 67 dwelling units. Based upon the configuration of the Property and the preliminary design sketches, the achievable density is approximately 39 dwelling units. Therefore, the Property complies with the applicable zoning requirements. The ultimate density, setbacks, and layout of the

development will be approved as part of the preliminary plan of subdivision process.

2. The development proposal is consistent with the County's development policies and criteria (Section 2.1.4) and the State Growth Act.

The Water and Sewer Plan sets forth certain policies and criteria to evaluate a request to advance the water and sewer category of a property. Those policies and criteria are set forth in Section 2.1.4 of the 2018 Water and Sewer Plan, as follows:

A. Environmental factors

Under this criterion, the proposal must:

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

COMMENT: At the time the preliminary plan of subdivision is approved, the Planning Board is required to find that regulated environmental features are preserved to the fullest extent possible in accordance with Section 24-130(b)(5). Thus, the development proposal will protect the water supply, natural resources and environmental quality.

B. Economics and general fiscal concerns

Under this criterion, the proposal must:

- *Be analyzed for its fiscal impact related to location, community needs, public facilities, services and infrastructure.*

- *Correlate with County strategies and not unduly burden the existing taxpayers or the WSSC ratepayers.*
- *Enhance business, housing, retail development and employment opportunities throughout the County.*

COMMENT: The Property is located in the Established Communities tier as designated in the General Plan and is within the designated growth boundary. A school has operated on the property for decades and has now closed, creating the opportunity for an infill residential development. The proposed development will be evaluated at the time of preliminary plan of subdivision for adequate public facilities, and the Property will be required to contribute toward public safety facilities and public school facilities through the payment of impact fees. The construction of new housing in this location will enhance the existing neighborhood.

C. Planning, zoning, and subdivision requirements

- *No Water or Sewer Category Change Request shall be processed or approved for land for which a change in zoning is proposed in:*
 1. *A Sectional Map Amendment transmitted by the Planning Board to the District Council; or*
 2. *A Zoning or Special Exception application pending before the Hearing Examiner or Prince George's County District Council. Once the District Council has adopted a zoning change, the processing of a water and sewer category change can proceed.*

COMMENT: No Sectional Map Amendment has been transmitted to the District Council at the time of processing this application, and no zoning or special exception application is pending before the Zoning Hearing Examiner or the District Council.

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

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

COMMENT: This criteria is inapplicable as the Property is not in Water and/or Sewer Category 6.

- *A hydraulic planning analysis (HPA) should be submitted to WSSC prior to submittal of the preliminary plan of subdivision to M-NCPPC.*

COMMENT: An HPA will be submitted prior to preliminary plan.

- *All preliminary plans of subdivision must show a conceptual alignment of all proposed onsite and offsite water and sewer facilities before DPIE may deem the public water and*

sewer facilities adequate and allocated for the proposed development.

COMMENT: A conceptual water and sewer alignment will be shown on the preliminary plan of subdivision.

- *All final plats of subdivision must be approved by DPIE for public water and sewer service, or by the County Health Department for individual well and septic systems.*

COMMENT: This will be complied with at the time of final plat.

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

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

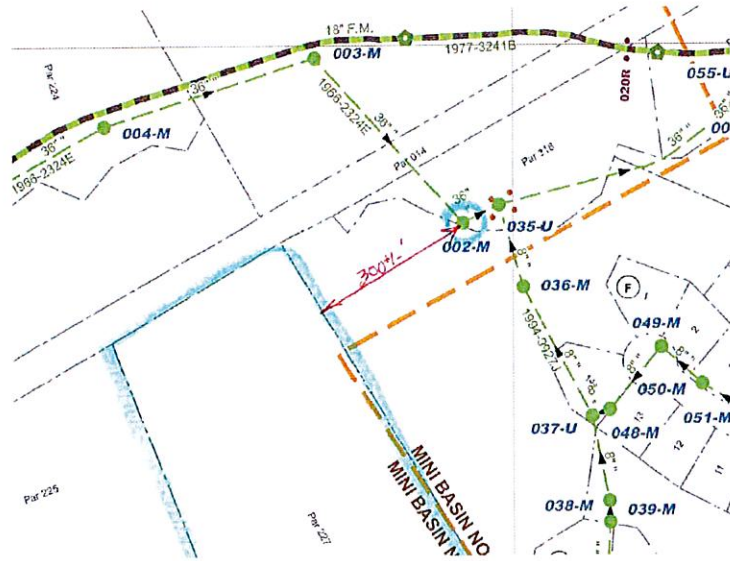
- *Water and sewer service shall be provided in concert with the availability of other public facilities, and in accordance with the General Plan and applicable Area and Functional Master Plans.*
- *Water and sewer lines traversing the Rural and Agricultural areas are designated as controlled access facilities and are not available for connection or extension. Controlled access facility lines serve the purpose of transmission to a public entity (Federal, State, Regional, County, and Municipal) or a project that has been granted a Certificate of Public Convenience and Necessity by the Maryland Public Service Commission. Water and sewer lines for extension of service into the rural and agricultural areas of the County may be approved if the following applies:*

-An approved Area Master Plan or Sector Plan designates the area for public water and sewer service consistent with the policies in the General

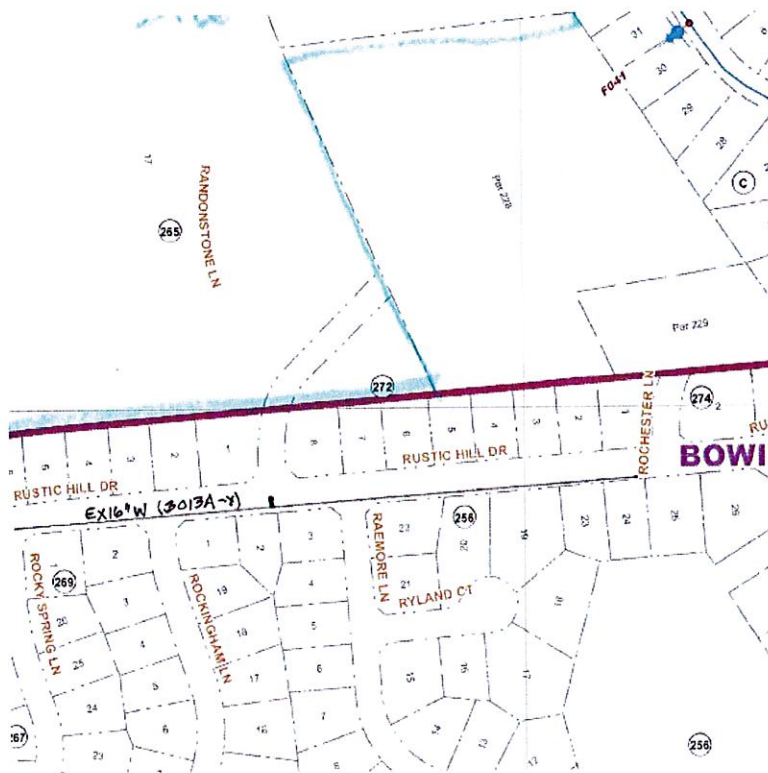
Plan or the proposed development has been determined to be compatible with other County growth policies relating to location, community needs, residential capacity, public facilities and other appropriate policies.

- Proposed development in the Growth Policy Areas shall meet existing contiguity policies, and demonstrate:
 - Contiguity to existing built developments;
 - Location within 1,500 feet of existing public water and sewer systems;
 - Roadways are capable of supporting demands from the proposed development; and,
 - Require developer(s) to bear the full responsibility of the costs of on- and off-site public facilities.
- Proposed development may not hinder the County's ability to provide adequate public services to the County and its residents. Adequacy of public facilities shall be measured in accordance with subdivision and zoning ordinances.
- Proposed development shall be analyzed for consistency with the General Plan, master/sector plans, and functional master plans as defined by the land use article of the Maryland Annotated Code. This analysis shall include, but not be limited to, the impact of proposed developments and water and sewer extensions on land use, development patterns, historic sites and districts, public facilities, green infrastructure, and transportation system, including, but not limited to, traffic impacts, road construction needs, sidewalks, pedestrian trails and road connectivity in the surrounding neighborhoods.

COMMENT: The Property (outlined in blue below) is located within 300 feet of an existing 36" sewer line and manhole capable of providing gravity sewer to the proposed development.



In addition, an existing 16" water line exists within Rustic Hill Drive at the end of Randonstone Lane, within approximately 170 feet of the Property, as depicted below:



All other public facilities will be evaluated as part of the preliminary plan of subdivision process.

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

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

COMMENT: There are no engineering constraints or capacity issues which would impact the ability to serve the Property with either water or sewer.

F. The need to alleviate and abate public health problems

- The County's primary responsibility is to protect public health and safety.
- Water and sewer service is restricted by any moratorium orders issued by MDE, WSSC, or the Federal Government.

- No new developments will be approved that may impose a water and sewer moratorium on the County.
- The County Health Department may request a category change for a community based on findings of a sanitary survey.

COMMENT: This criterion is inapplicable to the Property, as there are no public health problems that need to be alleviated with the proposed development.

The proposed development is also in accordance with the State Growth Act. The Property is located in the Established Communities and is located in Tier II as designated in the Sustainable Growth Act.' Tier II is an area which is planned to be served by public sewerage systems or is a designated growth area and is needed to satisfy demand for development, including in-fill and redevelopment with the County. The Property is located within the Growth Boundary as designated by Plan Prince George's 2035 and is within an area planned to be served by public sewerage systems. The proposed development constitutes a redevelopment opportunity for an in-fill property adjacent to existing, compatible development. As such, the development proposal is consistent with the County's development policies and criteria as well as the State Growth Act.

As noted above, part of the review and approval of this development will include the requirement to obtain approval of a Preliminary Subdivision Plan. As part of that analysis, adequate

public facilities must be found to exist. In addition, a school facility surcharge fee and a public safety surcharge fee will be paid at the time of issuance of building permits for each residential unit, if applicable.

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

A. *Support existing communities by targeting resources to support development areas where infrastructure exists.*

As noted above, the Property is located within the Established Communities tier by Plan Prince George's 2035 and is adjacent to development which has existed for more than 50 years. The existing residential development abutting the Property is served by public water and sewer facilities.

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

The Property will be required to submit a preliminary plan of subdivision prior to any development. Prior to filing such a plan, a Natural Resources Inventory will be required. This plan will identify any regulated environmental features located within the boundaries of the Property. The preliminary plan will be required to minimize the effects of development on land, streams and wetlands, to assist in the attainment and maintenance of water quality standards, and to preserve and enhance the environmental quality of stream valleys. In addition, conformance with the

Woodland Conservation Ordinance will be required as part of the preliminary plan of subdivision. As such, conformance with this goal of the Maryland Smart Growth Act is ensured by the regulatory structure now in place in Prince George's County.

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

As previously discussed, existing water and sewer lines serving abutting residential developments will be utilized to serve the Property. As such, the taxpayers will be saved from the high cost of building infrastructure as the infrastructure already exists to serve the Property. Further, the Property is adjacent to existing development and population centers such that extensions of water and sewer facilities will not be required.

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

The development of the Property will result in a project which will provide living opportunities for area residents in close proximity to existing suburban living opportunities.

3. Adequate capacity exists

As noted above, the Property will be evaluated for adequate public facilities as part of the preliminary subdivision plan

process. The Prince George's 2035 General Plan designates the Property in the "Established Communities" Area on the Growth Policy Map. Water and sewer lines serve immediately abutting residential development. Therefore, it is envisioned by the General Plan that development will occur in this area and adequate water and sewer capacity exists to serve the Property.

4. The projects for necessary system improvements are included in the approved WSSC Capital Improvement Program (CIP)

No CIP project is currently anticipated to be necessary to serve the Property. Therefore, adequate water and sewer capacity currently exist and it is engineeringly feasible to provide any necessary extensions onto the Property

5) Any inconsistencies or inadequacies with the above criteria must be eliminated prior to redesignation to Category 3.

This provision is not applicable.

CONFORMANCE WITH THE MASTER PLAN

The Property is located within the boundaries of the Bowie, Mitchellville and Vicinity Master Plan and Sectional Map Amendment, most recently adopted in March of 2022. The Master Plan recognized the existing RR zone for the Property and no change in zoning was proposed or implemented. Development of the Property in accordance with the provisions applicable to the RR zone will conform to the Master Plan recommendations.

APPLICATION REQUIREMENTS

The Water and Sewer Application form requests certain information that is required to be submitted on a separate sheet. The matters which the application requires be addressed are as followed:

Question 4. Describe how the proposal will enhance the surrounding community, including what initiatives are offered to improve roads, public facilities, community services, and efficiently use environmental resources. Please provide any information that would facilitate review of this proposal on a separate 8½" by 11" page.

COMMENT: The proposed development will enhance the surrounding community by providing additional housing which is consistent with surrounding development. The proposed development constitutes the redevelopment of a former institutional use which operated for many years. The remaining improvements on the Property are no longer in use and the proposed new housing will replace structures which have outlived their useful lives. Approval of this application is required to proceed with the preliminary plan of subdivision process.

Question 7. Are sustainable practices and techniques proposed? If "yes," please attach description on a separate page.

COMMENT: The proposed development will incorporate a number of sustainable practices and techniques. For example, environmental

features will include stormwater management facilities. Sustainability may also be achieved within the homes themselves, including through the utilization of low flow toilets and Energy Star appliances.

Question 10. Explain how this development meets or will meet the tier specific policies established in Plan Prince George's 2035.

COMMENT: As outlined above, Plan Prince George's 2035 includes the Property within the Growth Boundary. As such, the proposed development is consistent with and conforms to Plan Prince George's 2035. Development of the property with single family homes in conformance with the existing RR zoning is in conformance with the recommendations of the Prince George's 2035 General Plan. Finally, the Property is within the Sewer Envelope, thus evidencing an intent that sewer service will be provided. Given all of the above, the Owner submits that this application is in conformance with the recommendations of the Prince George's 2035 General Plan.

CONFORMANCE WITH PRINCE GEORGE'S 2035 GENERAL PLAN

The water and sewer application requires an explanation as to how the development will meet the tier-specific policies established in Plan Prince George's 2035. The Property was placed in the Established Communities Tier and the land use recommendation is consistent with the recommendations of the Bowie, Mitchellville and Vicinity Master Plan. As such, development consistent with the

underlying RR zone is consistent with and conforms to Plan Prince George's 2035. Finally, the Property is within the Water and Sewer Envelope, thus evidencing an intent that sewer service will be provided. Given all of the above, the Applicant and Owner submit that this application is in conformance with the recommendations of the Prince George's 2035 General Plan.

CONCLUSION

In view of all of the above, the Owner submits that this application complies with all criteria for an advancement from Water and Sewer Category 5 into Water and Sewer Category 4. The Owner therefore requests that this application be approved.



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