

RESOLUTION

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 September 19, 2019, regarding Detailed Site Plan DSP-18052 for Swan Creek Club Development, Lot 9C, the Planning Board finds:

1. **Request:** This proposal is for construction of a 5,900-square-foot, single-family detached dwelling with a garage, pool, and patio on a vacant and partially wooded property within the Limited Development Overlay (L-D-O) Zone of the Chesapeake Bay Critical Area (CBCA) Ordinance. In conjunction with this DSP, Conservation Plan CP-06001-01 (PGCPB Resolution No. 19-102), was approved on the same date by the Prince George's County Planning Board.
2. **Location:** This 1.02-acre waterfront property is located at 12311 Hatton Point Road, approximately 1,500 feet southwest of its intersection with Riverview Road, in Fort Washington, Maryland.
3. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-E/L-D-O	R-E/L-D-O
Use(s)	Vacant	Residential
Acreage	1.02	1.02
Total Gross Floor Area (GFA)	0	5,900 sq. ft.
Areas not included in GFA:		
Two-Car Garage	0	590 sq. ft.
Pool and patio	0	685 sq. ft.
Rear Deck (Uncovered)	0	180 sq. ft.
Side Decks (Uncovered)	0	248 sq. ft.

OTHER DEVELOPMENT DATA

	PERMITTED	APPROVED
Maximum Building Height	35 feet	31 feet
Maximum Lot Coverage (per R-E Zone)	15 percent	15 percent
Minimum Front Yard Setback*	180 feet	180 feet
Minimum Rear Yard Setback*	105 feet	105 feet
Minimum Side Yard Setbacks*	17 feet/18 feet	17 feet/18 feet

Note: *The setbacks for this property were established with the preliminary plan of subdivision and are shown on the approved record plat.

4. **Surrounding Uses:** The subject property is located within the Residential Estate (R-E) and L-D-O Zones within the CBCA, with other R-E and L-D-O zoned residentially developed properties to the north and south, and Rural-Residential zoned properties to the east, across Hatton Point Road. The Potomac River, a tidal tributary to the Chesapeake Bay, is located along the eastern boundary of the property.
5. **Previous Approvals:** This site was originally part of a single property, which comprised what was identified as part of Lot 5 and Lot 6 of the Swan Creek Club Development. On December 8, 1988, Conservation Plan CP-88017 was approved by the Prince George's County Planning Board for improvements to the existing dwelling on the site, and subsequently CP-88017-01 was approved on December 3, 1992, for a stone revetment project along the shoreline of the Potomac River. Preliminary Plan of Subdivision (PPS) 4-06095 was approved by the Planning Board on March 22, 2007 (PGCPB Resolution No. 07-68), to subdivide the site into two lots, with the existing dwelling retained on Lot 8 and a vacant Lot 9 for future residential development. On the same date, CP-06001 was approved by the Planning Board (PGCPB Resolution No. 07-67). This conservation plan established a separation of the subject lot with the conservation plan for Lot 8, assigning CP-88017-02 for Lot 8 and CP-06001 for the subject Lot 9.
6. **Design Features:** The applicant proposes to construct a two-story, single-family detached dwelling with a walkout basement, a two-car garage attached by a breezeway, and a pool with a patio. The dwelling will contain approximately 5,900 square feet of interior space, with approximately 950 square feet for the garage. The dwelling will be a modern design with white stucco siding and large floor-to-ceiling windows, particularly on the rear, water-facing façade. Other notable features of the dwelling include a roof-top deck, a 130-square-foot atrium in the center, open decks on the side and rear of the dwelling, and a vegetated green roof over the garage. The open deck on the rear of the dwelling is shown encroaching over the platted 105-foot building restriction line (BRL). A condition has been incorporated in this resolution to remove this encroachment. A pool and associated patio are proposed on the north side of the dwelling. The proposed structure and architecture are suitable to the surrounding properties, as there are no specific architectural design guidelines applicable.

No regulated environmental features or buffers will be impacted for construction of the dwelling, with the exception of a 3-foot-wide walkway, and steps proposed from the north side of the dwelling and through the 100-foot primary buffer, for access to a proposed pier on the Potomac River. Access to the water does not require a variance for buffer impacts.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject DSP is in general conformance with the requirements of Section 27-441 of the Zoning Ordinance, which governs uses in residential zones. The proposed single-family detached residence is a permitted use in the R-E Zone and meets lot size and lot coverage requirements, in accordance with Section 27-442. The setbacks for this property were established with PPS 4-06095 and are reflected on the approved record plat.
8. **Preliminary Plan of Subdivision 4-06095:** PPS 4-06095 was approved by the Planning Board on March 22, 2007 (PGCPB Resolution No. 07-68), to subdivide the original site into two lots, subject to nine conditions, of which the following conditions are relevant to this application:

7. **Prior to the approval of any building permits, a limited detailed site plan for Lot 9 shall be approved by the Planning Board that shall consider the shape, mass, siting, architectural materials and landscaping. The purpose of this site plan review shall be a plan that is deemed the most compatible with the immediate neighborhood.**

This application is filed in fulfillment of this condition. The applicant is proposing to construct a modern single-family dwelling, as described above in Finding 3 of this resolution. Although other dwellings in the immediate community are predominantly more traditional in design, it is not uncommon nor prohibited to develop new properties utilizing modern architecture, particularly waterfront properties. The dwelling is an appropriate scale, when compared to dwellings in the community, and meets all height and setback requirements, with the exception of the deck encroachment into the rear yard setback. The applicant is providing a robust mix of native trees, shrubs, and perennials on-site to fulfill CBCA requirements. The plan shows landscaping arranged on areas of the property that are currently clear, or will be cleared, of woodland with this application.

8. **Prior to the approval of the detailed site plan for Lot 9, information shall be obtained from Prince George's County regarding the existing drainage problem along Hatton Point Road. This information shall address whether the future development on Lot 9 will help or exacerbate the existing drainage problems and what solution(s) the county may deem appropriate to solve this problem.**

An approved SWM concept plan and letter have been submitted with the subject application, which addresses on-site SWM for Lot 9C. However, the applicant has not yet provided information or correspondence on the existing conditions of Hatton Point Road concerning any drainage issues. The applicant should coordinate with DPIE, and must provide corroborating information to the Planning Department, Urban Design Section, to

communicate the status of any existing drainage problem on Hatton Point Road, and if there are any solutions and/or further action required by the applicant in order to address any drainage issues. A condition requiring documentation from DPIE has been included in this resolution.

9. **2010 Prince George's County Landscape Manual:** The application is subject to Section 4.1, Residential Requirements, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The over 40,000-square-foot lot requires four major shade trees and three ornamental or evergreen trees. The conservation plan indicates that the requirement is to be met through proposed plant material. Landscaping provided in accordance with the requirements of the Landscape Manual is required to conform to Section 4.9, Sustainable Landscaping Requirements. Section 4.9 requires that certain percentages of native plants be provided on-site, along with no invasive plants, and no plants being planted on slopes steeper than 3:1. The submitted plans indicate conformance with these requirements.
10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is not subject to the Woodland and Wildlife Habitat Conservation Ordinance because the entire site is within the CBCA.
11. **Prince George's County Tree Canopy Coverage Ordinance:** The Tree Canopy Coverage Ordinance became effective on September 1, 2010. Since the entire subject property is located within the CBCA, it is exempt from the Tree Canopy Coverage Ordinance, in accordance with Section 25-127(b)(1)(E).
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:
 - a. **Historic Preservation**—The Planning Board adopted, herein by reference, a memorandum dated June 20, 2019 (Stabler to Burke), which states that a Phase I archeological survey is not recommended on the subject property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low due to previous construction activities. Although the property lies on the Potomac River, modern ground disturbance has adversely impacted any archeological resources that may be present. However, the applicant should be aware that there are seven prehistoric sites and one historic site within a 1-mile radius of the subject property.
 - b. **Community Planning**—The Planning Board adopted, herein by reference, a memorandum dated May 9, 2019 (Umeozulu to Burke), which states that master plan conformance is not required for this application.
 - c. **Transportation**—The Planning Board adopted, herein by reference, a memorandum dated May 2, 2019 (Masog to Burke), which states that there are no specific requirements related to transportation adequacy, and no pedestrian or bicycle improvements needed.

- d. **Subdivision and Zoning**—The Planning Board adopted, herein by reference, a memorandum dated May 20, 2019 (Davis to Burke), which states that all bearings and distances on the DSP are consistent with the approved record plat and carried forward a condition from 4-06095 and provided in this resolution.
 - e. **Environmental Planning**—The Planning Board adopted, herein by reference, a memorandum dated August 28, 2019 (Schneider to Burke), with findings and conditions provided in the conservation plan resolution.
 - f. **Permits**—The Planning Board adopted, herein by reference, a memorandum dated May 8, 2019 (Glascoe to Burke), which included comments that have been addressed through revisions to the plan.
 - g. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE did not provide comments on the subject application.
 - h. **Prince George’s County Health Department**—The Health Department did not provide comments on the subject application.
13. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
14. As required by Section 27-285(b)(4), the Planning Board should also find that the regulated environmental features on a site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations. However, per Section 24-130(b)(5), only property outside of the CBCA overlay zones must conform to this requirement. It is noted that no regulated environmental features or buffers will be impacted for construction of the proposed single-family detached dwelling.

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 Detailed Site Plan DSP-18052 for the above described land, subject to the following conditions:

- 1. Prior to certification of the detailed site plan, the applicant shall:
 - a. Revise the site plan to limit clearing of the natural or developed woodland to 30 percent or less.
 - b. Provide the finished and unfinished gross floor areas of the dwelling on the plan.

- c. Revise the dwelling to remove all encroachments, including decks and walls, over the building restriction lines.
- d. Provide the following corrections to the general notes on Sheet 3 of 11, as follows:
 - (1) Note 2 to reflect Plan Prince George’s 2035 Approved General Plan.
 - (2) Note 9 to state Sewer Category 5.
 - (3) Note 18 to state “The site is not subject to a previously approved tree conservation plan.”
 - (4) Note 21 to remove lot coverage within the buffer.
- 2. Prior to certification of the detailed site plan, the applicant shall provide information from the Department of Permitting, Inspections and Enforcement communicating the status of any existing drainage problems on Hatton Point Road, and if there are any identified solutions and/or further action required by the applicant in order to address any surrounding drainage issues.

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.

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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 Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, September 19, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George’s County Planning Board this 10th day of October 2019.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator