



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

**Detailed Site Plan** **DSP-18052**  
**Chesapeake Bay Critical Area Conservation Plan** **CP-06001-01**  
**Swan Creek Club Development, Lot 9C**

REQUEST	STAFF RECOMMENDATION
<b>DSP and CP:</b> Construct a single-family detached dwelling within the Chesapeake Bay Critical Area.	APPROVAL with conditions
Variance for lot clearing in excess of 30 percent of the developed woodland.	Disapproval

**Location:** On the west side of Hatton Point Road, approximately 1,500 feet southwest of its intersection with Riverview Road.

Gross Acreage:	1.02
Zone:	R-E/L-D-O
Dwelling Units:	1
Gross Floor Area:	5,900 sq. ft.
Planning Area:	80
Council District:	08
Election District:	05
Municipality:	N/A
200-Scale Base Map:	216SW01

**Applicant/Address:**  
 AMSB  
 4897 Prince William Parkway, Suite 201  
 Woodbridge, VA 22192

**Staff Reviewer:** Thomas Burke  
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Planning Board Date:	09/19/19
Planning Board Action Limit:	09/19/19
Staff Report Date:	08/30/19
Date Accepted:	04/11/19
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Acceptance Mailing:	04/02/19
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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-18052  
Conservation Plan CP-06001-01  
Swan Creek Club Development, Lot 9C

The Urban Design Section has completed the review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL of the detailed site plan and the conservation plan, with conditions, and DISAPPROVAL of the Variance as described in the Recommendation section of this technical staff report.

**EVALUATION CRITERIA**

This conservation plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Limited Development Overlay (L-D-O) Zone of the Chesapeake Bay Critical Area Ordinance.

This detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements in the Residential Estate (R-E) Zone, the site design guidelines, and Section 27-230 (for granting variance) of the Prince George's County Zoning Ordinance;
- b. The requirements of Preliminary Plan of Subdivision 4-06095;
- c. The requirements of the 2010 *Prince George's County Landscape Manual*;
- d. The requirements of the 2010 Prince George's County Woodland and Wildlife Conservation Ordinance;
- e. The requirements of the Prince George's County Tree Canopy Coverage Ordinance;
- f. Referral comments.

**FINDINGS**

Based upon the analysis of the subject applications, the Urban Design staff recommends the following findings:

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.
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:**

	<b>EXISTING</b>	<b>PROPOSED</b>
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

	<b>PERMITTED</b>	<b>PROPOSED</b>
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 into the Recommendation section of this report 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. **Chesapeake Bay Critical Area (CBCA) Ordinance:** The site is located within the L-D-O Zone and is therefore subject to the CBCA regulations. The purposes of the L-D-O Zone, as outlined in Section 27-548.14 of the Zoning Ordinance, are to maintain or, if possible, improve the quality of runoff and groundwater entering the tributaries of the Chesapeake Bay; maintain existing areas of natural habitat; and to accommodate additional low- or moderate-intensity development. The regulations concerning the impervious surface ratio, density, slopes, and other provisions for new development in the L-D-O Zone are contained in Subtitle 5B of the Prince George's County Code, as follows:

### Section 5B-114, Limited Development Overlay (L-D-O) Zones.

- (e) **Development standards. An applicant for a development activity shall meet all of the following standards of environmental protection in the L-D-O Zone:**
  - (1) **All development sites that are within the designated network of the Countywide Green Infrastructure Plan shall incorporate a wildlife corridor system that connects the largest undeveloped or most vegetative tracts of land within and adjacent to the site in order to provide continuity of existing wildlife and plant habitats with offsite habitats. The wildlife corridor system may include Habitat Protection**

**Areas identified in this Subtitle. The wildlife corridors shall be included and identified on the Conservation Plan. The maintenance of the wildlife corridors shall be ensured by the establishment of conservation easements.**

This proposal is infill development on the last vacant waterfront lot on Hatton Point Road. All other lots have been developed with single-family detached dwellings. Developed woodlands cover approximately 55 percent of the site, including the majority of the area within the platted BRL. Clearing is required for development of this site; however, the Countywide Green Infrastructure Plan designates the Regulated Area in the primary buffer where minimal woodland clearing is necessary to establish access to the waterfront. The remainder of the primary buffer will be preserved, maintaining a protected wildlife corridor. Although the conservation plan does not specifically identify wildlife corridors, woodland preservation and reforestation areas are appropriately identified.

- (2) For the cutting or clearing of trees in natural or developed woodland areas in current, planned or future activities in the L-D-O Zone, the following shall be addressed:**
- (A) Development activities shall be designed and implemented to minimize the destruction of woodland vegetation;**
  - (B) Provisions for protection for natural and developed woodlands identified shall be provided;**
  - (C) The total acreage of natural and developed woodlands shall be maintained or preferably increased to the fullest extent practicable; and**
  - (D) Mitigation for woodland impacts shall be within the Critical Area.**

Section 5B-114(e)(2) requires development activities to be designed and implemented to minimize clearing, to protect the remaining woodland, and mitigate for losses. This application proposes the removal of 40 percent of the existing woodland on-site; thereby, requiring a variance in accordance with Section 5B-114(e)(5) below.

- (3) For the alteration of natural and developed woodlands in the L-D-O Zone, the following requirements shall apply:**
- (A) All woodlands that are allowed to be cleared or developed shall be replaced in the Critical Area on not less than an equal area basis;**
  - (B) No more than 20 percent of any natural or developed woodland may be removed from forest use, except as provided in paragraph (4) below. The remaining 80 percent shall be maintained through conservation easements; and**

**(C) Developed woodlands shall be preserved and/or restored to the greatest extent practicable.**

Staff finds that the developed woodlands are not being preserved and/or restored to the greatest extent practicable. Refer to the variance findings below.

- (4) For replacement of natural and developed woodlands, if more than 20 percent is to be removed from forest use, an applicant may clear or develop not more than 30 percent of the total forest area provided that the afforested area shall consist of 1.5 times the total surface acreage of the disturbed forest or developed woodland area, or both.**

This application requests clearing in excess of 30 percent of the existing developed woodlands. Refer to the variance findings below.

- (5) Clearing in excess of 30 percent of a natural or developed woodland is prohibited without a variance.**

A variance for clearing 40 percent of the developed woodland was requested with this application. Section 5B-114(e) limits woodland clearing to no greater than 30 percent of the existing woodland on-site; however, Section 5B-114(e)(5) allows clearing in excess of 30 percent with approval of a variance. The applicant has requested a variance to Section 5B-114(e)(5) and plans to clear approximately 40 percent of the existing woodland.

**Variance Analysis**

Per Section 27-230(a) of the Zoning Ordinance, a variance may only be granted when the Planning Board finds that:

- (a) A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

The subject property has a relatively narrow frontage along the Potomac River (approximately 73 feet) and widens as it reaches Hatton Point Road. The lot size, width, and shape are not exceptional for residentially zoned properties along the Potomac River and its tributaries, nor does the lot exhibit exceptional topographic conditions. The imposition of a 180-foot front yard setback from Hatton Point Road by PPS 4-06095, in addition to the location of the critical area buffer, do constrain the buildable area on the subject

property. However, CP-06001 demonstrated the feasibility of developing the subject property with a single-family home without violating either the critical area buffer or the front yard setback. While the clearing of woodlands is necessary to develop the subject property, CP-06001 demonstrates that such clearing can be limited to the building envelope and to less than 30 percent of the woodland. Accordingly, the subject property does not exhibit other extraordinary situations or conditions necessitating a variance.

**(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

As demonstrated by CP-06001, it is possible to develop the subject property without clearing more than 30 percent of the existing woodland by limiting woodland clearing to the buildable envelope, in accordance with the CBCA Ordinance. Thus, strict application of the law will not result in peculiar and unusual practical difficulties for the owner of the property.

**(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

*According to the 2006 Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area, which is the governing master plan for the subject site and its vicinity, the Potomac River shoreline is in a special conservation area. In addition, the Approved Countywide Green Infrastructure Plan states that this area should focus on water quality and preservation of the natural environment and the river's scenic character, and that forest fragmentation should be minimized and ecological connections between existing natural areas should be maintained and/or enhanced when development occurs. The proposed single-family detached residential use of the subject property is consistent with applicable general and master plans. However, development of the subject property with a single-family residence is possible, while adhering to the standards of the CBCA Ordinance and preserving natural features on the subject site. Granting the variance would therefore substantially impair the intent, purpose, or integrity of applicable general and master plans.*

**(b) Variances may only be granted by the Planning Board from the provisions of this Subtitle or Subtitle 5B for property located within the Chesapeake Bay Critical Area Overlay Zones where an appellant demonstrates that provisions have been made to**



**minimize any adverse environmental impact of the variance and where the Prince George's County Planning Board (or its authorized representative) has found, in addition to the findings set forth in Subsection (a), that:**

- 1. Special conditions or circumstances exist that are peculiar to the subject land or structure and that a literal interpretation of provisions within the Chesapeake Bay Critical Area would result in unwarranted hardship.**

State law (COMAR 27.01.12.01) defines “unwarranted hardship” to mean “that without a variance, an applicant shall be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.” As described above, the subject property does not exhibit special conditions or circumstances that would warrant the granting of the requested variance, and a literal interpretation of the CBCA Ordinance would not prevent the applicant from developing the subject property with a single-family residence. Thus, literal interpretation of the applicable provisions of the CBCA Ordinance would not result in an unwarranted hardship to the applicant.

- 2. A literal interpretation of the Subtitle would deprive the applicant of the rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Area.**

CP-06001 demonstrates that the subject property can be developed with a single-family residence like other properties in similar areas within the CBCA, without the requested variance. A literal interpretation of the CBCA Ordinance would therefore not deprive the applicant of rights commonly enjoyed by owners of other properties in similar areas.

- 3. The granting of a variance would not confer upon an applicant any special privilege that would be denied by this Subtitle to other lands or structures within the Chesapeake Bay Critical Area.**

The previously approved CP-06001 has established that development within the woodland clearing limit can occur on Lot 9 without a variance.

- 4. The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any conditions relating to land or building use, either**

**permitted or non-conforming, on any neighboring property.**

The subject property is currently undeveloped and is in conformance with the CBCA Ordinance, and the variance request is not based upon conditions or circumstances which are the result of the applicant's actions. The variance request also does not arise from any conditions relating to land or building use, either permitted or nonconforming, on any neighboring property.

5. **The granting of the variance would not adversely affect water quality or adversely impact fish, plant, wildlife habitat within the Chesapeake Bay Critical Area, and that granting of the variance would be in harmony with the general spirit and intent of the applicable laws within the Chesapeake Bay Critical Area.**

The applicant has an approved stormwater management (SWM) concept plan by the Department of Permitting, Inspections and Enforcement (DPIE). This SWM plan has been reviewed to ensure that no on-site sediment or stormwater leaves the site or enters the adjacent Potomac River. To develop the subject site, developed woodland clearing is required to take place, but clearing up to 40 percent of the subject property could have a long-term adverse effect on water quality within the CBCA. Minimization of forest clearing reduces the need for artificial SWM and preserves valuable wildlife habitat. In addition, because the variance is not necessary to permit development of the subject property, granting the variance would not be in harmony with the general spirit and intent of the applicable laws governing the CBCA.

6. **The development plan would minimize adverse impacts on the water quality resulting from pollutants discharged from structures, conveyances, or runoff from surrounding lands.**

The conservation plan incorporates SWM controls to address adverse impacts on water quality from pollutants discharged from structures, conveyances, or runoff from surrounding lands. However, the additional clearing requested by the applicant would increase adverse impacts to water quality.

7. **All fish, wildlife and plant habitat in the designated Critical Area would be protected by the development and implementation of either on-site or off-site programs.**

Clearing of forest and developed woodland on the site is necessary for site development; however, clearing in excess of 30 percent of the existing woodland on the subject property could have long-term adverse effect on fish and wildlife. Forests and developed woodland provide important wildlife and habitat value and contribute to stormwater attenuation and pollutant reduction.

- 8. The number of persons, their movements and activities, specified in the development plan, and in conformity to establish land use policies and would not create any adverse environmental impact.**

The number of persons, their movements and activities, specified in the development plan are in conformance with existing land use policies and would not create any adverse environmental impact. This proposal is for a single-family detached dwelling in an established low-density residential community.

- 9. The growth allocation for Overlay Zones within the County would not be exceeded by the granting of the variance.**

No growth allocation exists for the area where the proposed single-family detached house is located.

In conclusion, pursuant to the foregoing findings, the Urban Design staff recommends disapproval of a variance to Section 5B-114(e), for clearing greater than 30 percent of the site. A condition has been incorporated into the Recommendation section of this report.

- (6) In addition, applicants shall adhere to the following criteria for forest and woodland development:**
- (A) At time of permit issuance, the permittee shall post a bond with DPW&T in an amount equivalent to the cost of completion of the planting requirements for the L-D-O Zone;**
  - (B) Woodland which have been cleared before obtaining a grading permit or that exceed the maximum area allowed in subsection (3) above shall be replanted at the rate specified in subsection 5B-109(j)(3)(A);**
  - (C) If the areal extent of the site limits the application of the reforestation standards in this section, alternative provisions or reforestation guidelines may be permitted in accordance with Section 5B-119 Woodland Protection and Planting of this Subtitle. Alternative provisions must conserve, enhance, or**

**increase the natural and developed woodland resources of the Critical Area. Alternative provisions may include fees-in-lieu provisions or use of an off-site conservation bank if the provisions are adequate to ensure the restoration or establishment of the required woodland area;**

- (D) If less than 15% natural or developed woodland exists on the proposed development site, the site shall be planted to provide a natural or developed woodland cover of at least fifteen percent (15%);**
- (E) All forests designated on a Conservation Plan shall be maintained to the extent practicable, through conservation easements;**
- (F) The applicant shall designate, subject to the approval of the County, a new forest area on a part of the site not forested; and**
- (G) All forests designated on a Conservation Plan shall be maintained, and to the extent practicable protected through conservation easements.**

A conservation easement will be required for the natural woodland that is to remain undisturbed on-site, per Section 5B-114(e)(3)(B). This conservation easement is solely for the subject lot, to prevent a loss of on-site woodlands. A metes and bounds description must accompany the easement. A condition requiring the easement has been included into the Recommendation section of this report.

The applicant is proposing 3:1 mitigation on-site for the majority of the clearing and providing off-site mitigation for the remaining area. Prior to certification of the conservation plan, the applicant shall execute and record a Chesapeake Bay Conservation and Planting Agreement. A condition requiring this has been included in the Recommendation section of this report.

- (7) Applicants shall adhere to the following standards for development on steep slopes. Development on slopes 15 percent or greater, as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the slope and is consistent with the policies and standards for L-D-O Zones set forth above and with the provisions below.**
  - (A) Consistent with an approved Forest Management Plan, if applicable;**
  - (B) Consistent with an approved Surface Mining Permit, if applicable; and**

**(C) Consistent with an approved Soil Conservation and Water Quality Plan, if applicable.**

Development on slopes greater than 15 percent is not proposed, with the exception of minimal disturbance to install 3-foot-wide steps and a walkway to the waterfront. The steps and walkway have been designed to minimize woodland clearing and disturbance to the primary buffer, and still provide safe access to the waterfront. Due to the proposed clearing, a buffer management plan will be required and incorporated into the conservation plan. The removal of developed woodland within the primary buffer must be replaced at a ratio of 3:1. A condition requiring this has been included in the Recommendation section of this report.

**(8) Critical Area lot coverage shall be limited to 15 percent of the site or as permitted by 27-548.17(c).**

A review of the plan and Tables B and B-1 (CBCA Lot Coverage) demonstrate that the development proposes 6,653 square feet of lot coverage, which is 15 percent of the site and therefore meets this requirement. It should be noted that the applicant has maximized the allowable critical area lot coverage with this proposal. Any further development of the site will require a variance to the 15 percent limit and may not be supported by staff.

**(9) Conservation plans, and associated development plans may propose modifications in road standards on a case-by-case basis to reduce potential impacts to the site, reduce total lot coverage in the Critical Area, and limit impacts to Critical Area resources, where the reduced standards do not significantly affect safety.**

The above provision does not apply to the subject proposal. Modification of road standards is not proposed.

**8. 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.

**9. 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 report. 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 required further action by the applicant in order to address any drainage issues. A condition requiring documentation from DPIE has been included in the Recommendation section of this report.

10. **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.
11. **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.
12. **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).

13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
- a. **Historic Preservation**—In a memorandum dated June 20, 2019 (Stabler to Burke), incorporated herein by reference, the Historic Preservation Section indicated 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**—In a memorandum dated May 9, 2019 (Umeozulu to Burke), incorporated herein by reference, the Community Planning Section offered no objections to the proposal, indicating that master plan conformance is not required for this application.
  - c. **Transportation**—In a memorandum dated May 2, 2019 (Masog to Burke), incorporated herein by reference, Transportation Planning Section stated that there are no specific requirements related to transportation adequacy, and no pedestrian or bicycle improvements needed.
  - d. **Subdivision and Zoning Section**—In a memorandum dated May 20, 2019 (Davis to Burke), incorporated herein by reference, the Subdivision and Zoning Section stated that all bearings and distances on the DSP are consistent with the approved record plat and carried forward a condition from 4-06095, provided in the Recommendation section of this report.
  - e. **Critical Area Commission (CAC)**—In memorandum dated August 22, 2019 (Harris to Burke), incorporated herein by reference, CAC stated that they were unable to support the proposed variance for clearing greater than 30 percent of the existing established woodland, indicating that the proposal did not meet the standard for unwarranted hardship, does not minimize adverse impacts, and is not in harmony with the general spirit and intent of the CBCA Ordinance. This finding was made on the basis that the 2009 subdivision plat and related conservation plan demonstrated that the property could be developed in compliance with all critical area requirements, including clearing limits, and that granting the variance request would confer upon the applicant a special privilege that is denied to others.
  - f. **Environmental Planning Section**—In a memorandum dated August 28, 2019 (Schneider to Burke), incorporated herein by reference, the Environmental Planning Section indicated that they were unable to support the proposed variance for clearing greater than 30 percent of the existing established woodland. The findings provided have been incorporated into the variance findings in this staff report. Conditions of approval are provided in the Recommendation section of this report.

- g. **Permits**—In a memorandum dated May 8, 2019 (Glascoe to Burke), incorporated herein by reference, the Permit Review Section provided comments that have been addressed through revisions to the plan.
  - h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of the writing of this report, a memorandum had not been provided by DPIE.
  - i. **Prince George’s County Health Department**—At the time of the writing of this report, a memorandum had not been provided by the Health Department.
14. 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.
15. 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.

**RECOMMENDATION FOR CONSERVATION PLAN CP-06001-01**

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and DISAPPROVE the Variance for clearing in excess of 30 percent of the developed woodland and further APPROVE Conservation Plan CP-06001-01 for Swan Creek Club Development, Lot 9C, subject to the following condition:

- 1. Prior to certification of the conservation plan, the applicant shall:
  - a. Provide a design that demonstrates a reduction in clearing to no greater than 30 percent of the existing woodland on-site.
  - b. Revise all tables and calculations to reflect the reduction in clearing and mitigation.
  - c. Correct the Chesapeake Bay Critical Area Overlay Zone in Tables B and B-1 (Sheet 4 of 11) to the Chesapeake Bay Critical Area Limited Development Overlay Zone.
  - d. Revise the dimension plan to a larger scale, and only represent the outside dimensions of the proposed impervious surfaces.
  - e. Provide mitigation for the developed woodland requirement on-site, to the extent practicable. All remaining requirements shall be met off-site.



- f. Correct the area of developed woodland planting total in the CBCA Developed Woodland Calculations table to represent the planting required for the buffer clearing at a 3:1 ratio, and provide a buffer management plan in accordance with Section 5B-121 of the Prince George’s County Code.
- g. Execute and record a Chesapeake Bay Conservation and Planting Agreement. The agreement shall be reviewed by Prince George’s County prior to recordation. The applicant shall provide a copy of the recorded agreement to the Department of Permitting, Inspections and Enforcement, and the liber/folio shall be shown above the site plan approval block in the following note: The Chesapeake Bay Conservation and Planting Agreement for this property is found in Liber \_\_\_ folio \_\_\_.
- h. Obtain approval of a conservation easement for all developed woodland that is approved to remain on-site (as preservation), as shown on Conservation Plan CP-06001-01, and record the easement among the Prince George’s County Land Records. The easement document shall be reviewed by the County prior to recordation. The liber/folio shall be shown above the site plan approval block in the following note: The conservation easement for this property is found in Liber \_\_\_ folio \_\_\_.

**RECOMMENDATION FOR DETAILED SITE PLAN DSP-18052**

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-18052 for Swan Creek Club Development Lot 9C, 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

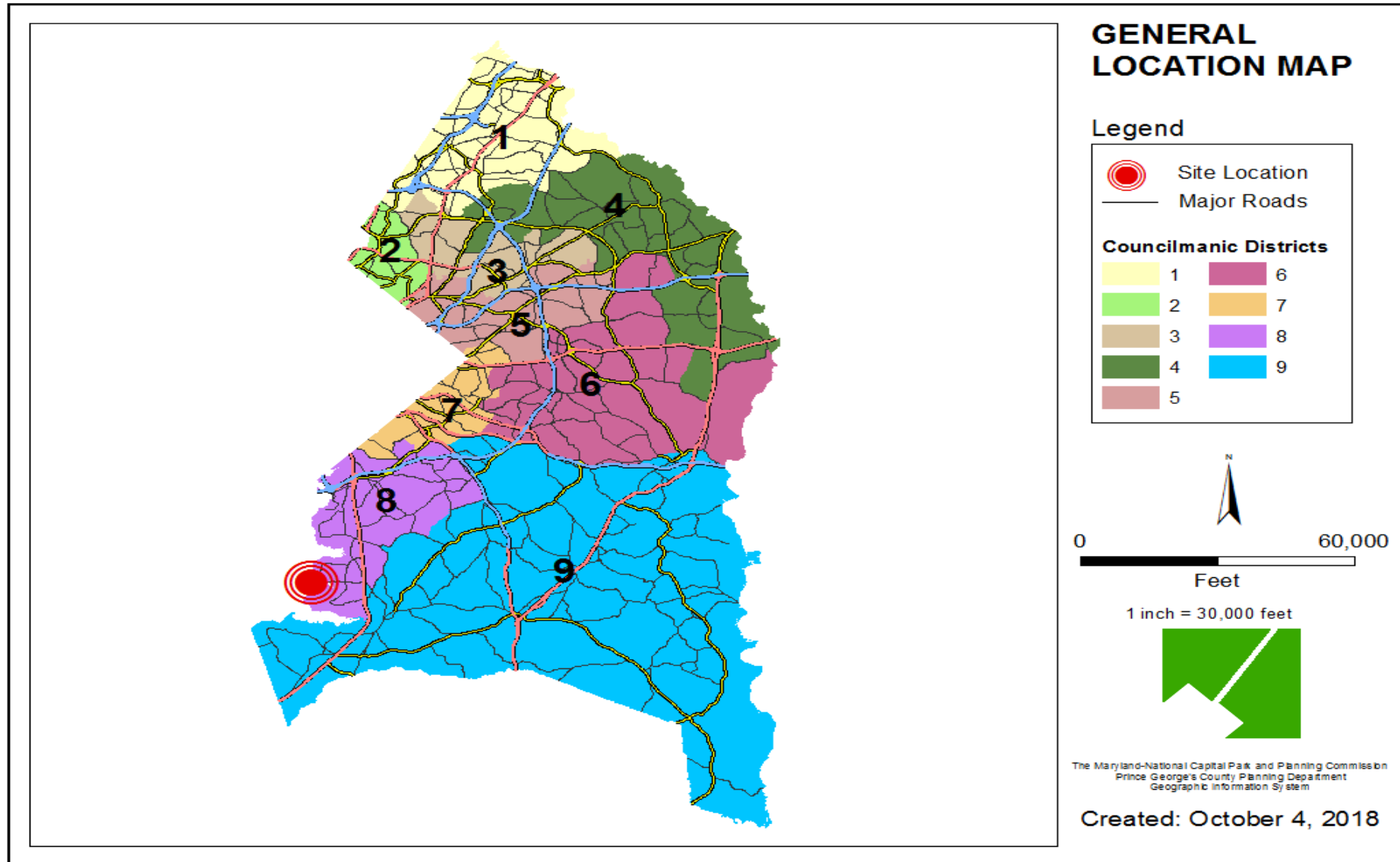
any existing drainage problems on Hatton Point Road, and if there are any identified solutions and/or required further action by the applicant in order to address any surrounding drainage issues.

ITEM: 7 & 8

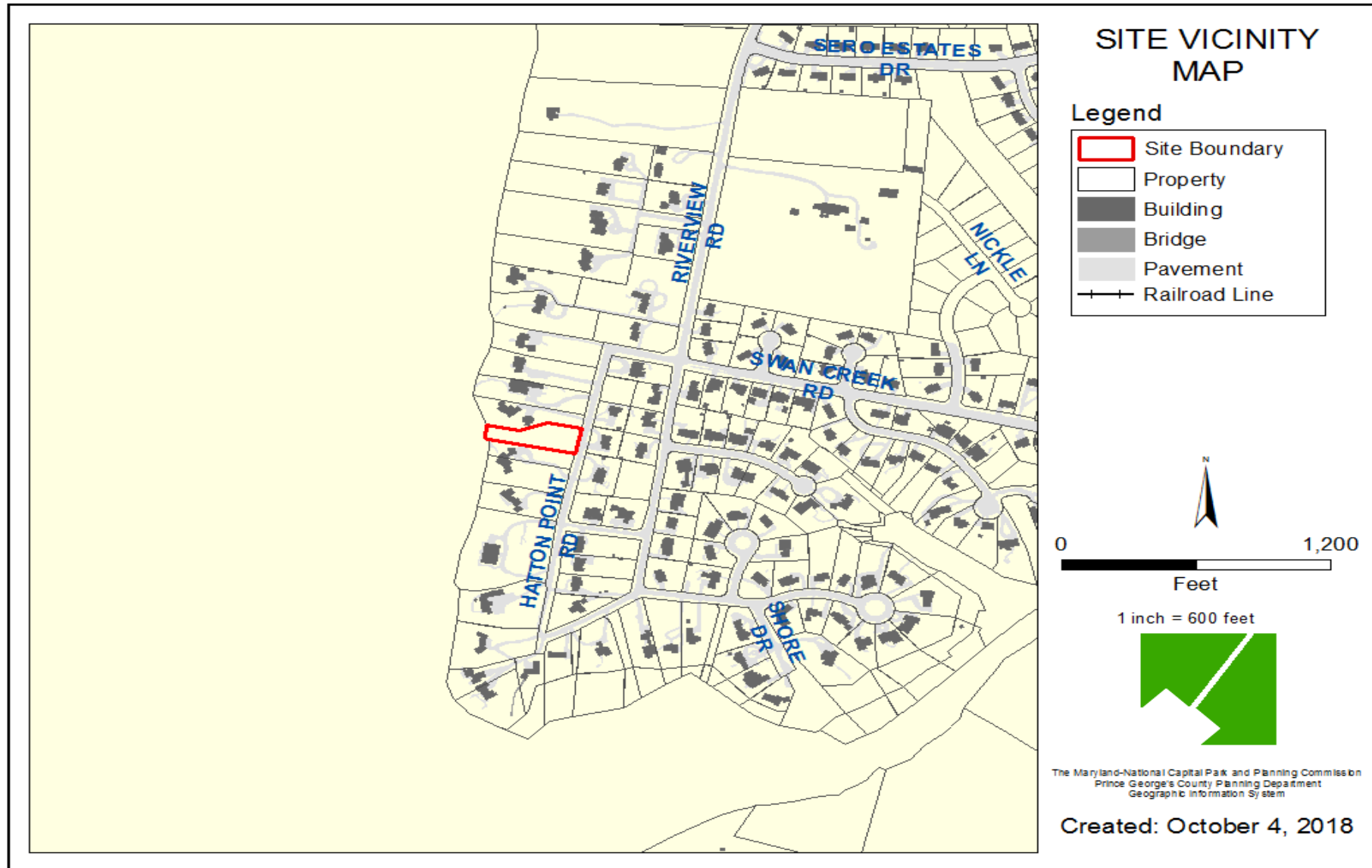
CASE: CP-06001-01 & DSP-18052

# SWAN CREEK CLUB DEVELOPMENT, LOT 9C

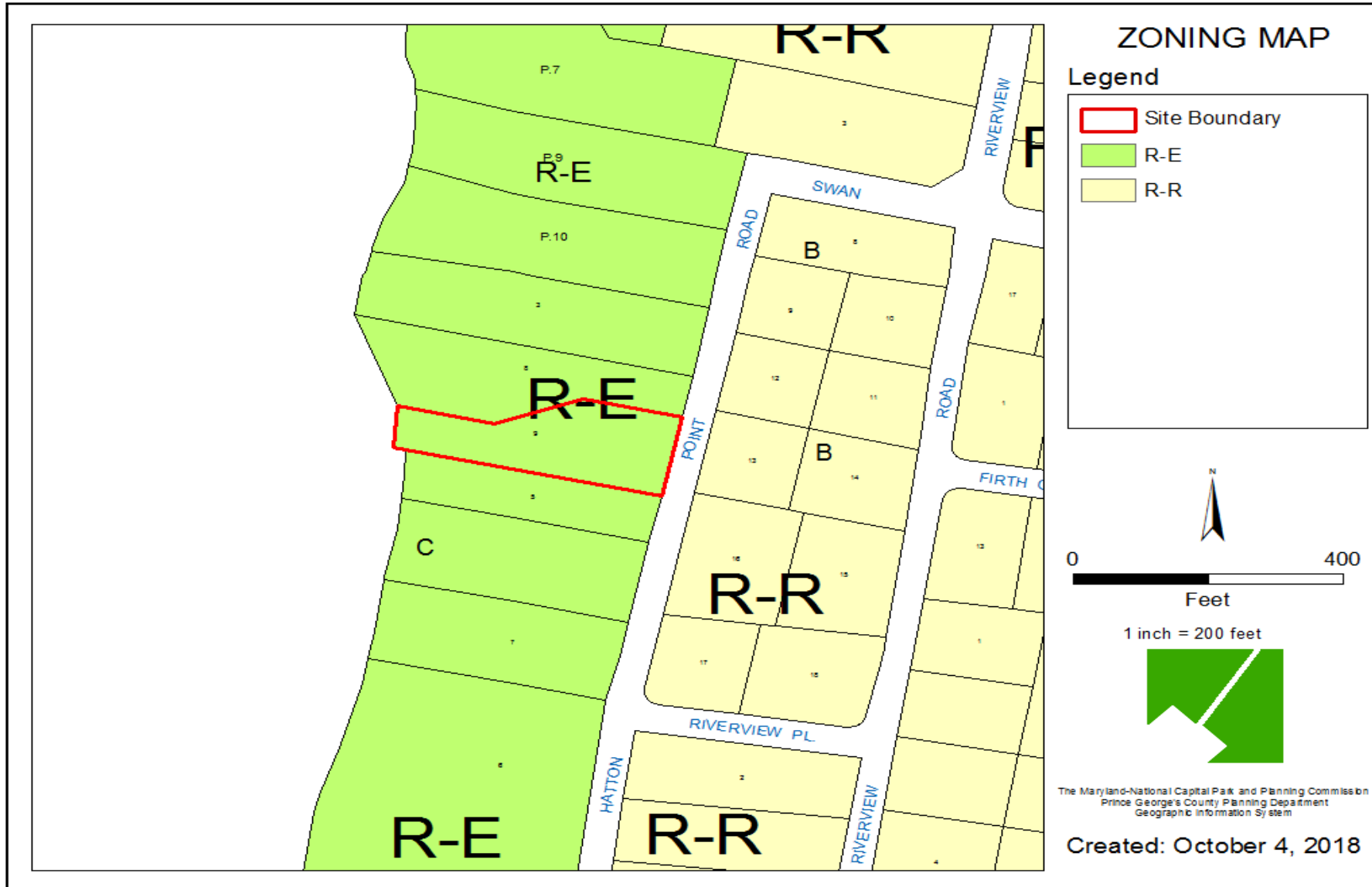
# GENERAL LOCATION MAP



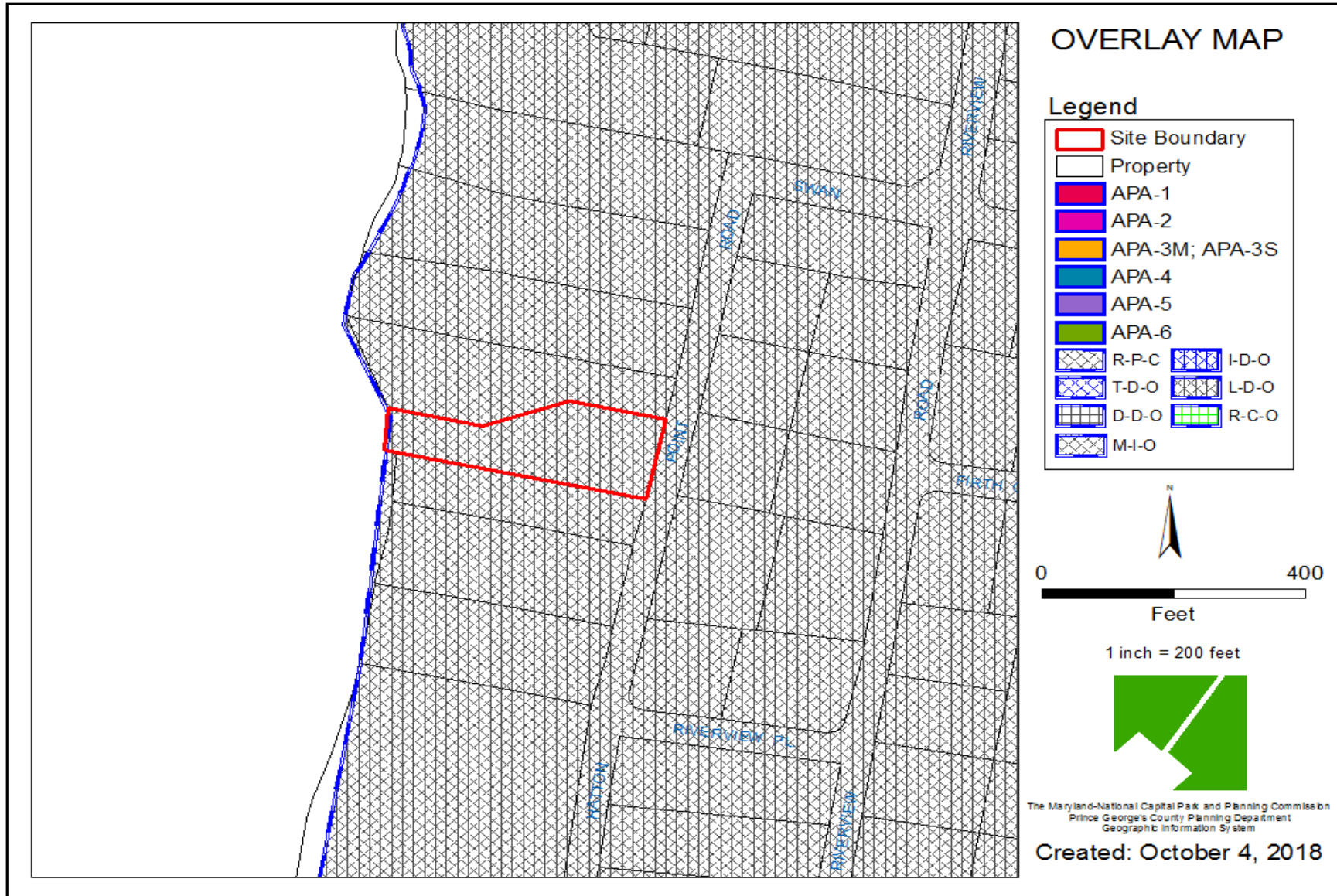
# SITE VICINITY



# ZONING MAP



# OVERLAY MAP

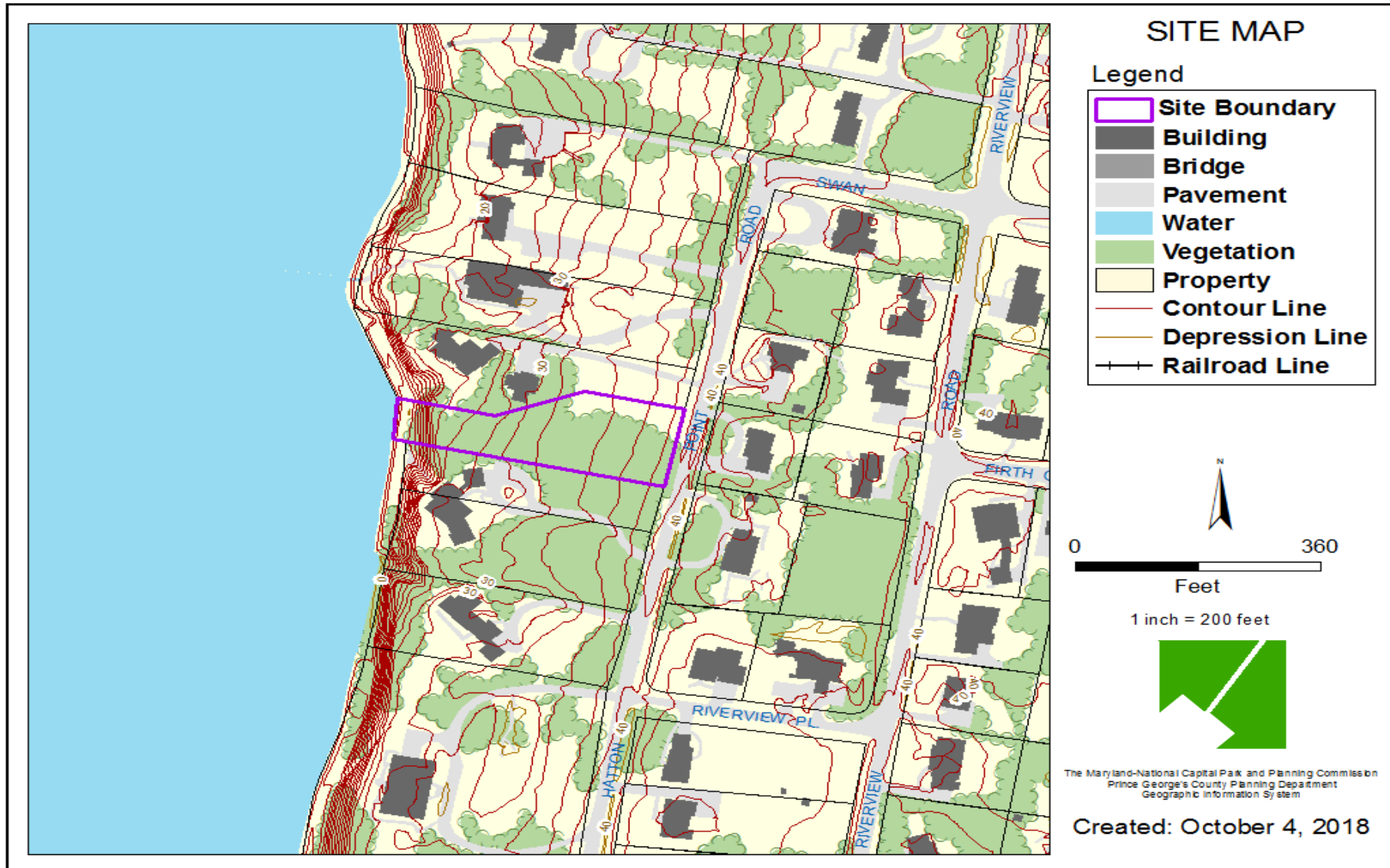


# AERIAL MAP

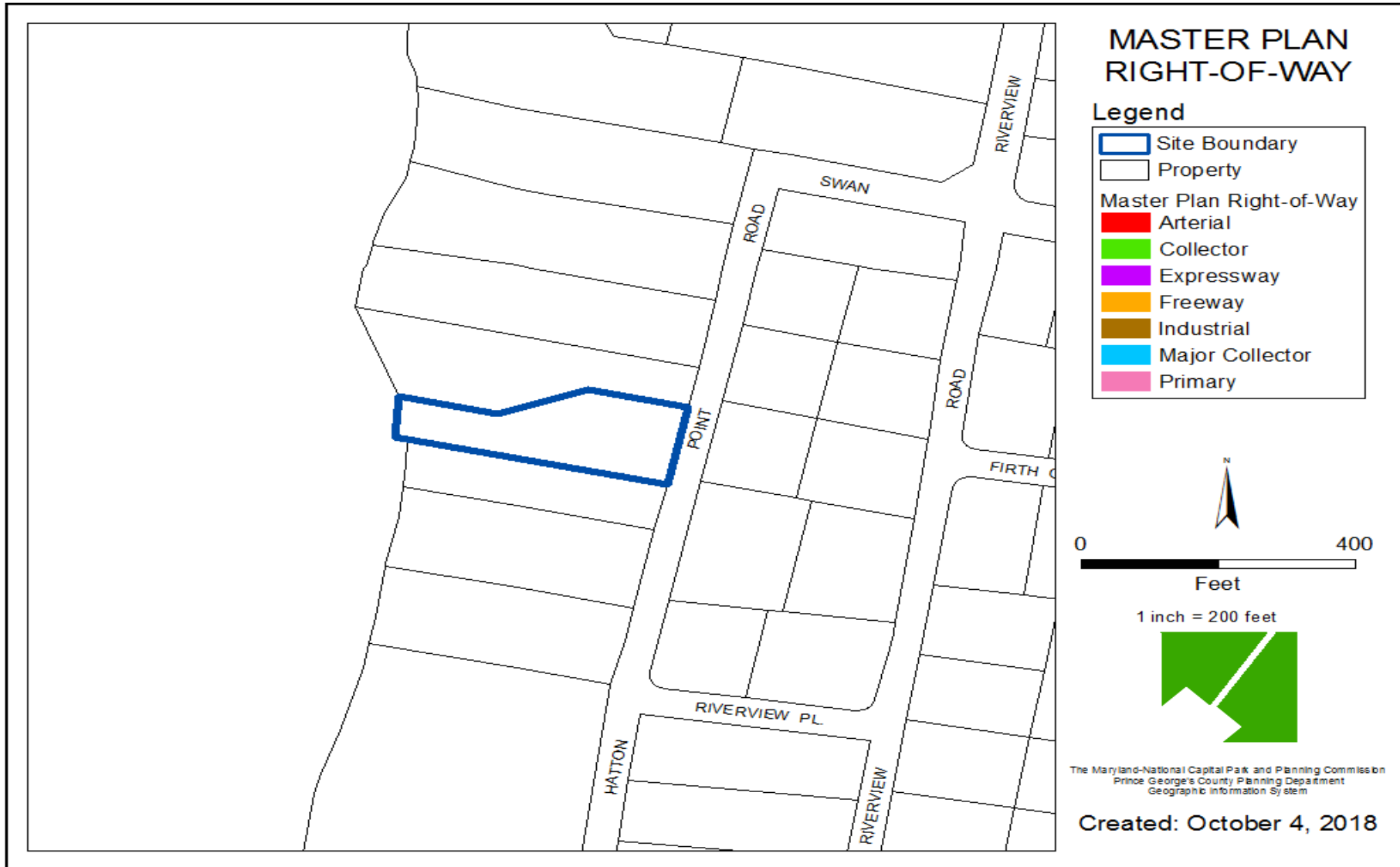




# SITE MAP



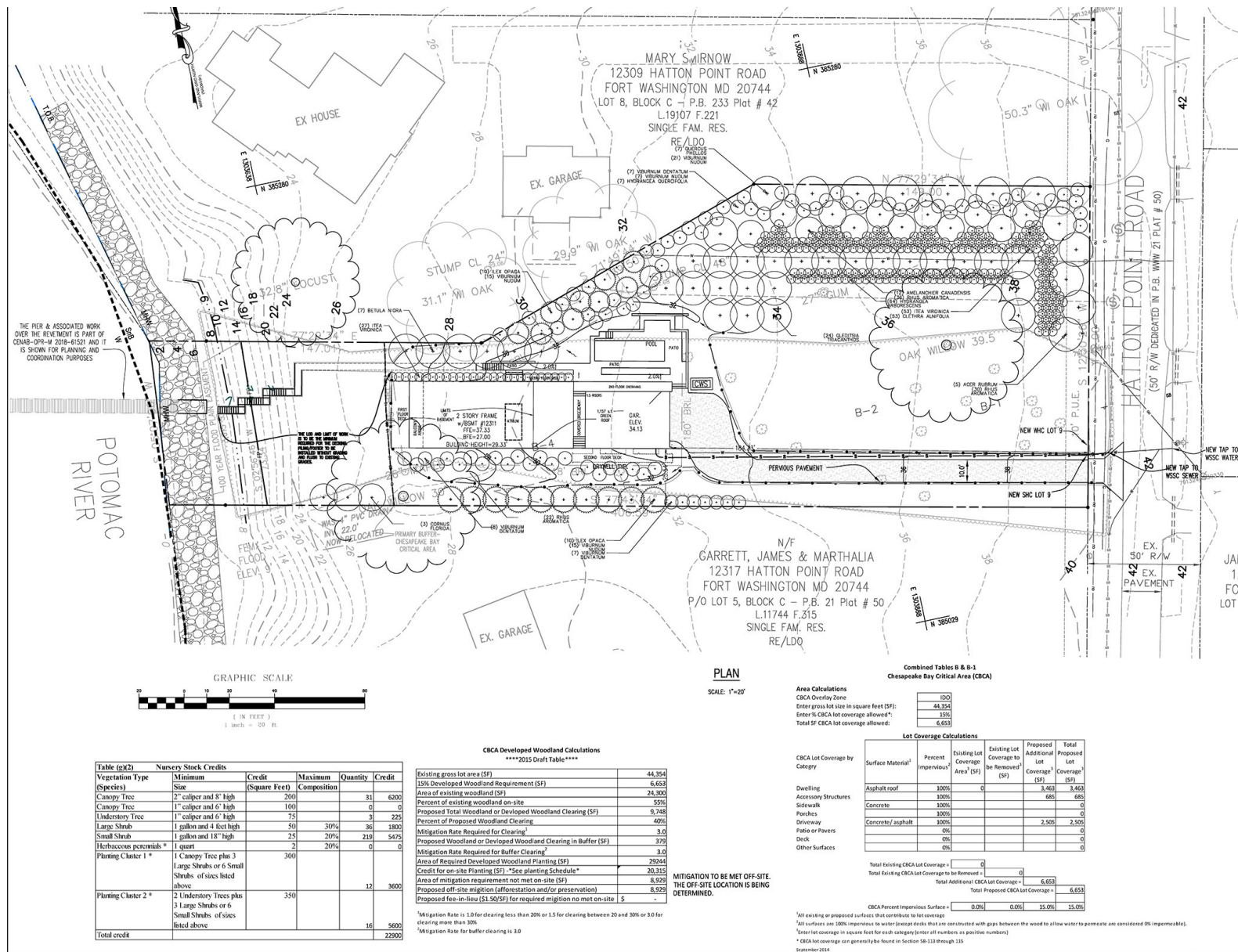
# MASTER PLAN RIGHT-OF-WAY MAP



# BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



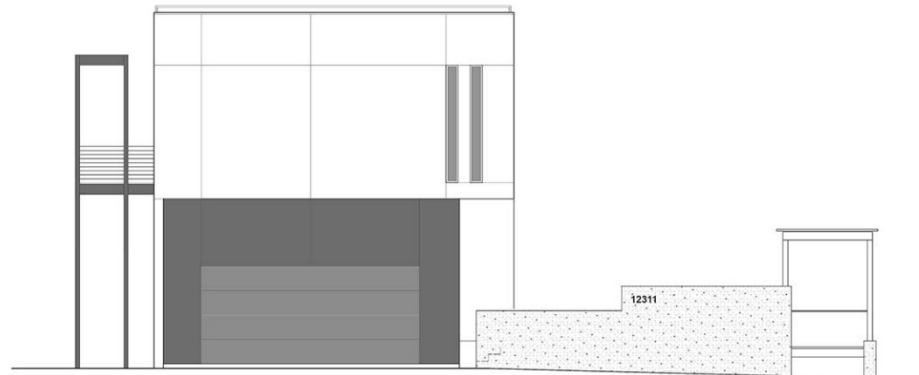
# SITE AND CONSERVATION PLAN



# NORTH AND EAST ELEVATIONS

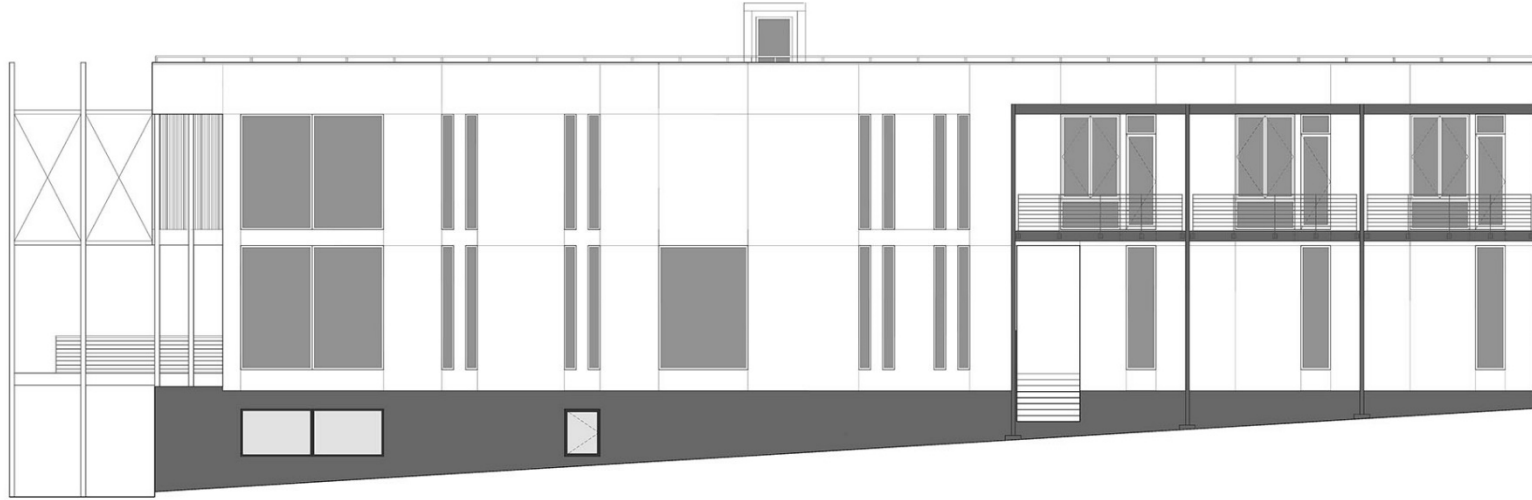


1 North Elevation  
SCALE: 3/16" = 1'-0"

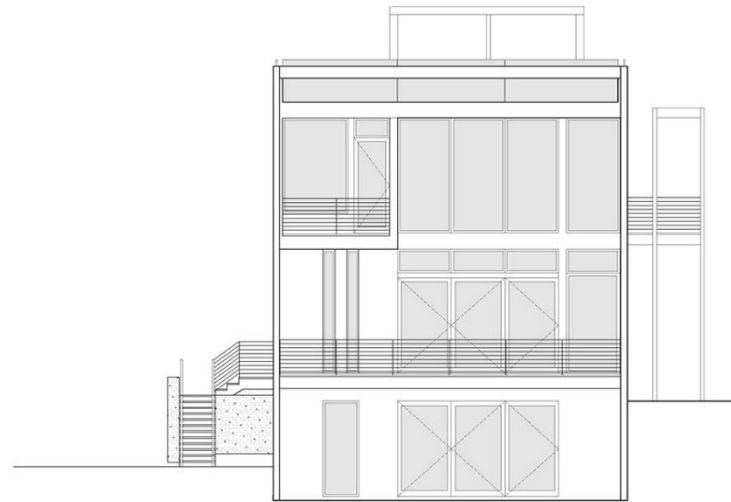


1 East Elevation  
SCALE: 3/16" = 1'-0"

# SOUTH AND WEST ELEVATIONS



1 South Elevation  
SCALE: 3/16" = 1'-0"



1 West Elevation  
SCALE: 3/16" = 1'-0"

March 12, 2019

Development Review Division  
MNCP&PC  
Prince George's County  
14741 Governor Oden Bowie Road  
Upper Marlboro, MD 20772

RE: Lot 9, Block C Swan Creek Club Development  
CP-06001-01  
SP- 18052  
BCG Project # 130016-01-001

Dear Sir or Madam,

With regards to Lot 9, Block C Swan Creek Club Development, please find this our statement of justification for the development of a Single-Family Home on a property known as 12311 Hatton Point Road. Please find this, a Limited Detailed Site plan, which also serves as a Chesapeake Bay Critical Area Site Plan Number for this property. CP-06001-01 is the plan, or project number with MNPPC. It is a revision of a conservation plan approved as part of the record plat review in 2009. That plan is being revised in conjunction with a requirement for a Limited Detailed Site Plan as per a note on the Record Plat.

The proposed use of the property is a detached single-family home. This is an approved use and designated use for property in this zone. It is in conformance with the adjoining properties. This is an infill Lot, all neighboring properties have been inhabited for more than a decade.

This property is zoned RE with an overlay zone of LDO. The requirements Chesapeake Bay Critical Area Site Plan (CBCA Plan) by zoning and Record Plat; and the Detailed Site plan (DSP) by

Record Plat are being conformed with pursuant to the submission accompanying this letter. As variances are being applied for with this plan, a Detailed Site Plan review is being required, rather than a Limited Detailed Site Plan review.

The property in question is located at 12311 Hatton Point Road in Fort Washington. It is known as Lot 9, an undeveloped Lot, being the result of a Record Plat recorded on April 16, 2009 among the Land Records of Prince George's County Maryland at Plat Book PM 230 Plat Number 42. At the time of recordation, an approved CBCA Plan, CP-060001 was completed, and referenced on the Record Plat. Furthermore, the requirement for a limited detailed site plan was also referenced on the Record Plat.

The conditions of approval of the previous CBCA Plan CP-06001 were limited to correction of the 100-foot CBCA buffer line, presentation of the revetment as shown on CP-87017/01, and a conceptual only not on the house and location. For the purposes of this plan, the buffer and extended buffer lines are shown. The revetment was field located, it is therefore shown as it was built. We have been unable to obtain copies of CP-87017/01 from Information Services. That being said, a direct point by point response to the conditions listed in the resolution for CP-06001 is as follows:

- a. Correct the labeling of the 100-foot CBCA buffer  
***Response: The labeling of the 100-foot CBCA buffer is shown on the approved plan of record that we obtained from MNCPPC records as to CP-06001.***
- b. Show the stone revetment along the shoreline approved by CP-87017/01.  
***Response: The existing stone revetment running together and with the shoreline of the Potomac River has been shown on the approved plan of record as to CP-06001. This is the existing stone revetment.***
- c. Revise the note regarding the house footprint to read:



“The footprint of the proposed house and driveway on proposed Lot 9 is conceptual. At time of building permit, a change to the conservation plan may be approved by staff if no variances to any provision of the Zoning Ordinance are required.”

***Response: This note has been added to the approved Chesapeake Bay Critical Area Conservation Plan.***

As to the Preliminary Plan Resolution for 4-06095, and PGCPB No. 07-68, the conditions for the record plat were met. The record plat is recorded. This Lot 9 is the result of that recordation. The conditions of the record plat are being considered with the submission of this detailed site plan. Furthermore, a revision to CP-06001 is a part of this submission as well. As to the actual conditions as listed in the resolution for the Preliminary Plan, File No. 4-06095 a point-by-point to these conditions are as follows.

1. The following note shall be placed on the final plat:

“Development of Lot 8 is subject to the Chesapeake Bay Critical Area Conservation Plan CP-87017/02 or any subsequent revision. Development of Lot 9 is subject to the Chesapeake Bay Critical Area Conservation Plan CP-06001 or any subsequent revision.”

***Response: This note appears on the recorded Record Plat as recorded among the Land Records of Prince George’s County Maryland at Plat Book PM 230 at Plat 42.***

2. Prior to final plat approval, Chesapeake Bay Critical Area Plan CP-06001 shall be signed.  
***Response: The Chesapeake Bay Critical Area Plan, CP-06001, has been signed. A copy of that plan has been included with this submission and is made a part of the record thereto.***

3. The final plat for Lot 9 shall show a 180-foot building restriction line from Hatton Point Road, a 105-foot build restriction line from the mean high tide line, an 18-foot building restriction line parallel to the south property boundary and a 17-foot building restriction line from Lot 8.

***Response: The final plat has building restriction lines in accordance with and as per this requirement.***

4. The final plat shall have the following note:

“Prior to issuance of a building permit for proposed Lot 9, the Chesapeake Bay Critical Area Plan, CP-06001, shall be revised to show the total impervious surfaces and to show the driveway and house footprint. The revisions to the Conservation Plan may be approved by staff if no variance to any provision of the Zoning Ordinance are required.”

***Response: This note appears on the recorded Record Plat. A revision to the CP-06001 for Lot 9 is being proposed by this Critical Area Conservation Plan CP 06001-01.***

5. Prior to signature approval of the preliminary plan, the General Notes shall be revised to reflect existing Water Category 3 and Sewer Category 5.

***Response: The Preliminary Plan has been signed as part of the requirements of the approval of the Record Plat and recordation.***

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

***Response: A Site Stormwater Management Plan, Stormwater Management Concept Approval Case#: 22594-2018-00 has been approved for Lot 9 and a copy of this approval has been included with this submittal.***

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.

***Response: This process and approval is that which this is accompanying this request. The Detailed Site Plan number that has been assigned is SP-18052. Architectural plans have been submitted with this detailed site plan. Consideration of the submittal is pending acceptance and review.***

8. Prior to 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.

***Response: A Site Development Permit has been applied for with the Department of Permits Inspection and Enforcement (DPIE). Road improvements and the impact to Hatton road are the purview of this plan. This review is currently under way. They approval in accordance with the concept, is tied to the approval of the Chesapeake Bay Critical Area Conservation Plan.***

9. Prior to signature approval, the preliminary plan shall be revised to show the existing stormwater easement on proposed Lot 8 and the Liber and Folio of the recorded easement shall be reflected in the general notes.

***Response: This is a Storm Drain Easement. It has been furthermore on the Record Plat. The Liber and Folio of this easement is Liber 2204 at Folio 103.***

As has been noted, the property is located on the west side of Hatton Point Road in Fort Washington. The lot is mostly wooded, and consists of a gentle slope interrupted by a steep slope, they a grassed level area that sits above a large revetment – all of this as the project projects westward from Hatton Point. The Potomac River borders the property the west.

Three variances, detailed separately, are being requested as part of this development. As the explanation is lengthy, we left the justification of the variances as part of a separate document.

Considering the complexity of this case, we are ready for any questions or comments that may be coming with the acceptance process and extend into the review process. Please find this package for your review and consideration and attached.

We are available at your request should you have any questions or concerns with this application please feel free to contact us by phone at 410-224-7590 or by email at [mtippett@bowmanconsulting.com](mailto:mtippett@bowmanconsulting.com). Thank you.

Sincerely,

Bowman Consulting Group

A handwritten signature in blue ink, appearing to read "Matthew Tippet", is written over the printed name.

Matthew Tippet

Engineer

P:\130016 - 12311 Hatton Point Road\130016-01-001 (ENG)\Engineering\Design Documents\Limited Detailed Site Plan.docx

July 19, 2019

Development Review Division  
MNCP&PC  
Prince George's County  
14741 Governor Oden Bowie Road  
Upper Marlboro, MD 20772

RE: Lot 9, Block C Swan Creek Club Development  
CP-06001-01  
SP- 18052  
BCG Project # 130016-01-001

Dear Sir or Madam,

With regards to Lot 9, Block C Swan Creek Club Development, please find this our request for a variance in accordance with the Prince George's County Code. This letter is intended to accompany and supplement the letter of justification for the Site Plan and Chesapeake Bay Critical Area Conservation Plan. We are making this request in conjunction with our application for the review and approval of a Chesapeake Bay Critical Area Site Plan (CBCA Plan) and Limited Detailed Site plan. The property in question is located at 12311 Hatton Point Road in Fort Washington. It is known as Lot 9, Block C, an undeveloped Lot, being the result of a Record Plat recorded on April 16, 2009 among the Land Records of Prince George's County Maryland at Plat Book PM 230 Plat Number 42. At the time of recordation, an approved CBCA Plan, CP-060001 was completed, and referenced on the Record Plat. Furthermore, the requirement for a limited detailed site plan was also referenced on the Record Plat. A revision to that CBCA plan, CP-06001-01 is being processed in conjunction with a Limited Detailed Site Plan for this property.

We had previously requested three variances on this property. These requests were made in accordance with Section 27-230 (a) & (b) of the Prince George's County code and listed below:

1. A variance to Section 5B-114 (e)(5) - i.e. clearing in excess of 30 percent of a natural or developed woodland.
2. A variance to Section 5B-114 (e)(7) – i.e. clearing a slope greater than 15 %.
3. A variance to Section 5B-121 (e) – i.e. development in the buffer.

After meeting with staff and reviewing the plan, and in an effort to meet the requirements in such a way as to obtain approval, we have made revisions to the plan. We have reduced the clearing to the maximum extent possible. The living wall has been removed from the plan, and the path to the water down the slope has been limited to a three-foot wide path on raised, pervious decking. The homeowner has limited the building envelope to such an extent that only 40% of the existing woodlands are planned for clearing in the plan's current design.

Therefore with regards to Section 5B-114 (e)(5) 40% of the existing woodlands are being cleared as part of this development. This is a variance of 10% from the requirement. We hereby are requesting a variance of 10% from the requirement. In doing so this request is made:

In accordance with Section 27-230 (a):

The property has exceptional narrowness, and depth. The property is fully wooded in the area within the bounds of development. The property's shape is similar to a funnel. It has exceptional narrowness in the area allowed by Building Restriction Line (BRL). The area in the front, is partially unwooded, then as the property approaches the water, it is narrow, this narrowness is the potential building area. The area of the property that is able to exercise the benefit of constructing a dwelling is completely wooded. The platted building restriction lines, require the improvements in the wooded area. The area that is not wooded lies along Lot 8 of the same subdivision. Construction of a driveway was considered in this area. Due to the depth of the property, the coverage of a driveway extending into this area limits the house footprint to such an extent, that improvements are not feasible. The driveway has thus been limited to two de minimis strips of pervious concrete in an effort to reduce both coverage and impervious area. The clearing of these woods, which are in poor condition, will be offset indirectly by the planting that will occur as both a requirement, and as an effort to reduce the overall impact requirements of the CP reforestation. Limiting the clearing of woodlands to 30% of the trees along being removed would not allow for development.

A strict application of this subtitle renders the undue hardship that the property is unbuildable. The area within the BRL is fully wooded. The area left for the installation of a 158-foot long driveway is through an area of woods. The owner is looking to build a home on a property designed and intended for a single-family home.

In the clearing of trees on this property, the intent purpose and integrity of the General Plan are intact. The impact will be that the owner will plant new trees to replace those that have been

removed. Please note, these are trees that are in an area of invasive species, and have been poorly managed. The owner will be replacing with native species trees planted and bonded for care.

In accordance with Section 27-230 (b):

The property is a waterfront Lot wherein the planned location of the building envelope that is able to be accessed by the owners lies within the forested portion of the lot. The critical area conservation plan that was previously approved was done with the intent of using a portion of the property that is entirely wooded, as is this revision. In order to access the proposed single-family dwelling that is placed within the approved building envelope, existing woodlands need to be removed. In order to access the dwelling with a driveway, existing woodlands need to be removed. The location of the dwelling and driveway is done so that the narrow design of the dwelling fits within the approved building envelope. disturbance of the woodlands, as well as lot coverage have been reduced to the maximum extent possible. The driveway was designed to minimize the coverage to the property. It is a pervious material, and also has a grass strip in the center of the straight portion of the drive. Again, while being limited in size, it was necessary to run the driveway through the woodlands. If the owner is to build only on that area that is not wooded, the benefit of ownership of the waterfront property is limited and devalued. As such, special circumstances due to the shape of the property, make reasonable use of the approved building area of the property require clearing of the woodlands greater than the required amount. While not a justification of the clearing, the area that is unforested lawn, will be replanted as part of the mitigation.

The properties in this area were constructed prior to the requirements of the Chesapeake Bay Critical Area ordinance effective date. A literal interpretation of the provisions of the Critical Area Program and related ordinances would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area in this area.

The granting of a variance would not confer upon an applicant any special privilege that would be denied by Critical Area Program to other lands or structures within the Critical Area. This is an area of waterfront single family homes that are utilizing the waterfront area as intended. As an infill property this lot is between larger lots that did not need to meet the requirements for development at the time of construction.

The applicant is making this request based on the existing conditions of the property. No alteration to the property has created need for this variance nor is the proposed development a result of conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property.

With the afforestation and reforestation proposed on the property and the stabilization of the currently failing steep slopes to a non-erosive stabilized condition, the granting of a variance

would not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area. While the clearing will temporarily reduce the forest cover of the property, the final development plan will have a property with forest cover not only within the limits of development, but in with stabilized and improved drainage pattern. With this state of final development being the plan, granting of this variance would be in harmony with the general spirit and intent of the State Critical Area Law and the County Critical Area Program;

The overall development plan will minimize adverse impacts on water quality resulting from pollutants discharged from structures, conveyances, or runoff from surrounding lands. The property owner's intent with this property is to create a single-family development that works into the existing property and maintains a limited footprint and green technology and methods of development. The pervious driveway is being designed to allow the greatest amount of recharge of water possible. A green roof is being used on a single-family home. This is an atypical method for a single-family residential dwelling, but feasible due to the building design. A flat roof will limit the interior area of the dwelling requiring climate control, and allow for the multi-dimensional benefits of a green roof. These include but are not limited to: treating rainwater, decreasing the warming effect of the roof, allow for relaxation & recreation on the roof, and meet a portion of the required stormwater management. The homeowner is still required to additional stormwater management including drywells along the perimeter in accordance with the Department of Permits and Inspections (DPIE) approved site development plan.

There will no negative effects on fish, wildlife, and plant habitat with this development. No wetlands waterways or other areas are being disturbed. The designated critical areas would be protected by the development and implementation of on-site programs, as the erosion on the hillside will be substantially controlled in the final development.

As this proposed variance does not increase density or change the approved use of the property by both zoning and overlay zoning allowances; this variance does not create any adverse environmental impact. Single family residential is the established land use for this property, and proposed in the development. This variance does not require or affect any growth allocations for Overlay Zones within the County. No new growth is created, as this is a recorded lot. This development is in conformity with the Limited Development Overlay (LDO) zoning.

The quality of the forest that would be cleared with this plan, and approval of this variance, is a matter of concern. While being developed woodlands, the forest on this property is heavily inundated with English Ivy. The woodlands are effectively an eyesore of tree falls and trees that while not dead or dying, are in poor condition. This area meets the requirements for forest by definition. In clearing for the dwelling and driveway for this proposed development, a disconnected forest in decline will be removed. An area of native species planting will fill an area of lawn. The loss of forest does strike a balance with this development, as the canopy will have an opportunity for a re-start in the area adjoining the neighbor's driveway and lying directly next to the detached garage that would be the development envelope if the area of lawn is developed. A qualitative increase in the individual lot's forest cover as required by the clearing mitigation is

what the owner is seeking. Furthermore, the stand of bamboo that lies on Lot 8, the northern adjoining property effectively limits any of the benefit enjoyed by a waterfront property, and with the proposed forest planting, the bamboo patch will create an area of under story and forest cover.

Should you have any questions or concerns please feel free to contact us by phone at 410-224-7590 or by email at [mtippett@bowmanconsulting.com](mailto:mtippett@bowmanconsulting.com). Thank you.

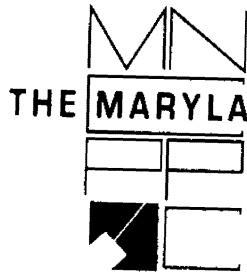
Sincerely,  
Bowman Consulting Group



Matthew Tippett  
Engineer

P:\130016 - 12311 Hatton Point Road\130016-01-001 (ENG)\Engineering\Design Documents\BCA





**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-3796

PGCPB No. 07-67

File No. CP-06001

RESOLUTION

WHEREAS, a 2.23-acre parcel of land in the 5th Election District of Prince George's County, Maryland, and being zoned R-E/L-D-O; and

WHEREAS, on March 22, 2007, Mary F. Smirnow filed an application for approval of a Chesapeake Bay Critical Area Conservation Plan for the purpose of obtaining for two lots in the R-E Zone on a property within the Chesapeake Bay Critical Area. This conservation plan is a companion to Preliminary Plan 4-06095 and;

WHEREAS, the application for approval of the aforesaid Chesapeake Bay Critical Area Conservation Plan, also known as Conservation Plan CP-06010 for Swan Creek Club Development, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on March 22, 2007, for its review and action in accordance with Zoning Ordinance, Subtitle 27, Prince George's County Code; and

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

WHEREAS, on March 22, 2007, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 27-548.11 of Subtitle 27, Prince George's County Code, the Prince George's County Planning Board APPROVED Conservation Plan CP-06001, Swan Creek Club Development for 2 lots and 2 dwelling units with the following condition:

Prior to signature the conservation plan shall be revised to:

- a. Correct the labeling of the 100-foot CBCA buffer.
- b. Show the stone revetment along the shoreline approved by CP-87017/01.
- c. Revise the note regarding the house footprint to read:

“The footprint of the proposed house and driveway on proposed Lot 9 is conceptual. At time of building permit, a change to the conservation plan may be approved by staff if no variances to any provision of the Zoning Ordinance are required.”

PGCPB No. 07-67  
File No. CP-06001  
Page 2

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

1. **Site Description**

The 2.23-acre property in the R-E/L-D-O Zones is located on the west side of Hatton Point Road approximately 300 feet south of its intersection with Swan Creek Road. The entire property is within the Chesapeake Bay Critical Area. There are no streams or wetlands on the property. There is a 100-year floodplain associated with the Potomac River. Extensive areas of steep slopes with highly erodible soils and areas of severe slopes occur along the Potomac River shoreline and within the 100-foot CBCA buffer. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator. According to the "Prince George's County Soil Survey," the principal soils on the site are in the Sassafras series. Marlboro clay is not found to occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of the property. The site is in the Developing Tier according to the approved General Plan. The Countywide Green Infrastructure Plan indicates that the area of steep and severe slopes abutting the Potomac River is designated as a regulated area and the remainder of the property is a designated network gap.

2. **Background**

The Planning Board approved a Chesapeake Bay Critical Area Conservation Plan, CP-88017, on December 8, 1988. That plan was for the construction of an addition to an existing single-family detached residential structure and the construction of a garage. The Board of Appeals, by Zoning Appeal No. 9530 dated December 15, 1988, granted variances to allow construction within the 100-foot CBCA buffer, to allow construction within the side yard setback; to allow construction of an accessory structure within the front yard; and to allow construction of the accessory structure to exceed the height limit of 15 feet set by the Zoning Ordinance. On December 3, 1992, the Planning Board approved a major revision to permit the construction of a stone revetment along the shoreline, CP-87017/01. Because of the variances previously granted, all of the existing development on the property is consistent with the Zoning Ordinance and the approved Chesapeake Bay Critical Area Plan, CP-87017/01.

A revised Chesapeake Bay Critical Area plan is required because of the significant change in the proposed development of the property. The current application is for two lots in the R-E Zone. Although this plan covers the entire acreage of CP-88017/01, upon approval the case number CP-87017/02 shall be assigned to the area of proposed Lot 8 and the case number CP-06001 shall be assigned to the area of proposed Lot 9.

This site is not subject to the provisions of the Woodland Conservation Ordinance because the entire site is within the Chesapeake Bay Critical Area.

PGCPB No. 07-67  
File No. CP-06001  
Page 3

The maximum amount of impervious surfaces permitted per Section 27-548.17, footnote 4 A(ii) of the Zoning Ordinance is 15 percent of the gross tract area; for proposed Lot 8 this is 7,992.3 square feet. The plan proposes total impervious surfaces of 4,811 square feet, or 9.01 percent on Lot 8. The maximum amount of impervious surfaces permitted per Section 27-548.17, footnote 4 A(ii) of the Zoning Ordinance is 15 percent of the gross tract area; for proposed Lot 9 this is 6,556.95 square feet. The plan proposes total impervious surfaces of 4,357 square feet, or 10.4 percent on Proposed Lot 9.

The minimum net lot area permitted by Section 27-442 Table I of the Zoning Ordinance is 40,000 square feet. Lot 8 is proposed to have a net lot area of 46,021 square feet and Lot 9 is proposed to have a net lot area of 40,713 square feet.

The maximum percentage of lot coverage permitted by Section 27-442 Table II of the Zoning Ordinance is 20 percent of the contiguous net tract area for proposed Lot 8, or 9,204.2 square feet. The proposed percentage of lot coverage for Lot 8 is 9,091 square feet, or 19.8 percent. The maximum percentage of lot coverage permitted by Section 27-442, Table II, of the Zoning Ordinance is 20 percent of the contiguous net tract area for proposed Lot 9, or 8,142.6 square feet. The proposed percentage of lot coverage for Lot 9 is 4,357 square feet, or 10.7 percent.

The minimum lot width at the street frontage permitted by Section 27-442, Table III, of the Zoning Ordinance is 50 feet. The lot width at the street frontage for proposed Lot 8 is 73.8 feet and the lot width at the street frontage for proposed Lot 9 is 142.0 feet.

The minimum lot width at the building line permitted by Section 27-442, Table III, footnote 19 of the Zoning Ordinance is 120 feet. The lot width at the building line for proposed Lot 8 is 142.0 feet and the lot width at the building line for proposed Lot 9 is 142.0 feet.

The minimum front yard setback by Section 27-442 Table III of the Zoning Ordinance is 25 feet. The front yard setback for proposed Lot 8 is 275 feet and the front yard setback for proposed Lot 9 is 100 feet.

The minimum side yards permitted by Section 27-442, Table IV of the Zoning Ordinance is a total of 35 feet with a minimum of 17 feet. The side yards on proposed Lot 8 are 50 and 11.35 feet; however, the Board of Appeals granted a variance to allow the 11.35-foot minimum. The side yards on Proposed Lot 9 are 51 and 19 feet

The maximum height permitted by Section 27-442, Table V of the Zoning Ordinance is 35 feet. The maximum height of all existing structures on proposed Lot 8 is 25 feet. The proposed structure on proposed Lot 9 will not be permitted to exceed 35 feet.

The footprint of the proposed house and driveway on proposed Lot 9 are conceptual. At time of building permit, a change to the Conservation Plan may be approved by staff if no variances to any provision of the Zoning Ordinance are required.

PGCPB No. 07-67

File No. CP-06001

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Some woodland will be removed to allow construction of proposed Lot 9. The "Chesapeake Bay Critical Area Manual" requires replacement on-site or the use of a fee-in-lieu. The plan proposes planting 22 trees on-site to meet the woodland conservation requirement. Regulations require that all planting be completed prior to the issuance of a use and occupancy permit.

All other provisions of the Chesapeake Bay Critical Area regulations have been met on-site.

3. **Summary**

On February 10, 2006, the Subdivision Review Committee determined that the conservation plan was in general conformance with the requirements of the I-D-O Zone and the "Chesapeake Bay Critical Area Conservation Manual"; however, the plans required numerous technical revisions. Revised plans were accepted for processing on December 4, 2006. As noted in detail above, the revised plans meet the requirements of the Chesapeake Bay Critical Area Program and the Zoning Ordinance.

There are a few technical errors that should be corrected before the plans are signed. The line labeled "100' CBCA Limit" should be relabeled "100' CBCA Buffer." The stone revetment along the shoreline approved by CP-87017/01 should be clearly indicated. The note regarding the house footprint should be reworded for clarification of its intent.

PGCPB No. 07-67  
File No. CP-06001  
Page 5

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, March 22, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of April 2007.

R. Bruce Crawford  
Executive Director

*Frances J. Guertin*  
By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:JS:bjs

APPROVED AS TO LEGAL SUFFICIENCY.  
*Berndt*  
M-NCP&C Legal Department  
Date 4/4/07

R E S O L U T I O N

WHEREAS, a 2.23-acre parcel of land known as Parcel 11, Tax Map 131 in Grid B-2, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned L-D-O and R-E; and

WHEREAS, on March 22, 2007, J. Riley and Mary F. Smirnow filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06095 for Swan Creek Club Development was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on March 22, 2007, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on March 22, 2007, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-06095, Swan Creek Club Development, for Lots 8 and 9 with the following conditions:

1. The following note shall be placed on the final plat:

“Development of Lot 8 is subject the Chesapeake Bay Critical Area Conservation Plan CP-87017/02 or any subsequent revision. Development of Lot 9 is subject the Chesapeake Bay Critical Area Conservation Plan CP-06001 or any subsequent revision.”

2. Prior to final plat approval, Chesapeake Bay Critical Area Plan CP-06001 shall be signed.
3. The final plat for Lot 9 shall show a 180-foot building restriction line from Hatton Point Road, a 105-foot build restriction line from the mean high tide line, an 18-foot building restriction line parallel to the south property boundary and a 17-foot building restriction line from Lot 8.
4. The final plat shall have the following note:

“Prior to issuance of a building permit for proposed Lot 9, the Chesapeake Bay Critical Area Plan, CP-06001, shall be revised to show the total impervious surfaces and to show the

driveway and house footprint. The revisions to the Conservation Plan may be approved by staff if no variances to any provision of the Zoning Ordinance are required.”

5. Prior to signature approval of the preliminary plan, the General Notes shall be revised to reflect existing Water Category 3 and Sewer Category 5;
6. Development of this site shall be in conformance with the approved stormwater management concept plan and any subsequent revisions.
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.
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.
9. Prior to signature approval, the preliminary plan shall be revised to show the existing stormwater easement on proposed Lot 8 and the Liber and Folio of the recorded easement shall be reflected in the general notes.

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

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject property is located on Tax Map 131, Grid B-2, and is known as Parcel 11. The property is approximately 2.23 acre in area and is zoned L-D-O and R-E.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	<b>EXISTING</b>	<b>PROPOSED</b>
	R-E\ L-D-O Single-family Residences	R-E\ L-D-O Single-family Residences
Acreage	2.23	2.23
Lots	0	2
Outparcels	0	0
Parcels	1	0
Dwelling Units:	1 (to remain)	2 (1 new)
Public Safety Mitigation Fee		No

4. **Subdivision**—On February 5, 2007 a letter was sent to staff from James F. Garrett, Vice President of the Potomac Valley Citizens Association. That letter notes the strong opposition of the Association and its concerns regarding the affect this subdivision will have on the character of their neighborhood. The letter also requests that the plan be subject to the requirements of the Chesapeake Bay Critical Area Commission.

On February 7, 2007 Subdivision and Environmental Planning staff met with neighboring residents of the subject property and the applicant to discuss the proposed development. Discussed at length were the overall processes for the submission, review and approval of a Chesapeake Bay Critical Area plan and a preliminary plan of subdivision. As noted in their letter, residents expressed concerns about the character of the neighborhood given the siting of the future house and its location in relationship to the other homes. Although not addressed in the letter, another concern was raised at this meeting regarding serious drainage problem that has plagued an area along Hatton Point Road. Both of these issues are major concerns to the residents, especially the adjacent property owner who expressed a third concern about a verbal agreement with the applicant not to further subdivide the property.

While the two proposed lots were found to meet all of the applicable Zoning Ordinance requirements, staff acknowledges the house siting/character issue that was raised. One element of confusion has been that for Lot 9, the proposed house location reflected on the preliminary plan and the proposed house location reflected on the CBCA plan are not consistent. Staff believes that the most effective way to address the house siting/character issue is to have a detailed site plan approved by the Planning Board prior to the issuance of any permits for Lot 9. This site plan review can focus on the shape, mass, siting, architectural materials and landscaping. The intent of the site plan review would be a plan that is deemed the most compatible with the immediate neighborhood.

With regard to the drainage problem, the applicant has obtained approval of a conceptual stormwater management plan from Prince George’s County. While the entirety of the subject property slopes down and away from the Hatton Point Road and should not exacerbate this existing problem, it is prudent to bring this matter to the attention of the county prior to the



approval of the more detailed technical storm drainage plan. This could be accomplished in concert with the detailed site plan noted above.

With regard to the assertion that there was a verbal agreement limiting the resubdivision of a portion of this property, staff believes this to be a civil matter between the respective landowners.

5. **Environmental**—The Planning Board approved a Chesapeake Bay Critical Area Conservation Plan, CP-88017, on December 8, 1988. That plan was for the construction of an addition to an existing single-family detached residential structure and the construction of a garage. The Board of Appeals granted variances to allow construction within the 100-foot CBCA buffer, to allow construction within the side yard setback; to allow construction within the rear yard setback; and to allow construction to exceed the height limit set by the Zoning Ordinance. All of the existing development is consistent with the Zoning Ordinance and the approved Chesapeake Bay Critical Area Plan. A revised Chesapeake Bay Critical Area Plan is required because of the significant change in the proposed development of the property. The current application is for two lots in the R-E zone.

On February 7, 2007, February 22, 2007 and March 7, 2007 Subdivision and Environmental Planning staff and the applicant met with neighboring residents of the subject property to discuss the proposed development.

Discussed at length were the overall processes for the submission, review and approval of a Chesapeake Bay Critical Area plan and a preliminary plan of subdivision. As noted in their letter, residents expressed concerns about the character of the neighborhood given the siting of the future house and its location in relationship to the other homes. Although not addressed in the letter, another concern was raised regarding a drainage problem that has plagued an area along Hatton Point Road. Both of these issues are major concerns to the residents.

With regard to the drainage problem, the applicant has obtained approval of a conceptual stormwater management plan from Prince George's County. While the entirety of the subject property slopes down and away from Hatton Point Road and should not exacerbate this existing problem, it is prudent to bring this matter to the attention of the county. Staff informed the citizens to contact the Department of Environmental Resources to address the drainage problem.

### **Site Description**

The 2.23-acre property in the R-E/L-D-O zones is located on the west side of Hatton Point Road approximately 300 feet south of its intersection with Swan Creek Road. The entire property is within the Chesapeake Bay Critical Area. There are no streams or wetlands on the property. There is a 100-year floodplain associated with the Potomac River. Extensive areas of steep slopes with highly erodible soils and areas of severe slopes occur along the Potomac River shoreline and within the 100-foot CBCA buffer. Lot 8 contains an existing single-family detached structure. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator. According to the "Prince George's County Soil Survey" the principal soils on the site

are in the Sassafras series. Marlboro clay is not found to occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of the property. The site is in the Developing Tier according to the adopted General Plan. The *Countywide Green Infrastructure Plan* indicates that the area of steep and severe slopes abutting the Potomac River is designated as a regulated area and the remainder of the property is a designated network gap.

### **Environmental Review**

A signed Natural Resources Inventory (NRI), NRI/54/05, was submitted with the application. There is 100-year floodplain on the property, but no streams or wetlands. All of the steep slopes are adjacent to the Potomac River shoreline and completely within the 100-foot CBCA buffer. The FSD indicates one forest stand totaling 0.59 acres and seven specimen trees.

The entire property is exempt from the requirements of the Prince George's County Woodland Conservation Ordinance because it is entirely within the Chesapeake Bay Critical Area that has more stringent requirements. During the review of the CBCA Conservation Plan, woodland mitigation requirements will be addressed.

The entire property is within the Chesapeake Bay Critical Area. A Chesapeake Bay Critical Area Conservation Plan, CP-06001, has been submitted. Section 24-151 of the Subdivision Regulations requires the approval of a Chesapeake Bay Critical Area Plan prior to the approval of any Preliminary Plan of Subdivision. All requirements of the CBCA Critical Area legislation must be met prior to the Planning Board taking action on the preliminary plan application.

A note should be placed on the Final Plat detailing the development restrictions on Lots 8 and 9 subject the Chesapeake Bay Critical Area Conservation Plan CP-87017/02 and CP-06001 and any subsequent revisions.

The final plat for Lot 9 should show a 180-foot building restriction line from Hatton Point Road, a 105-foot build restriction line from the mean high tide line, an 18-foot building restriction line parallel to the south property boundary and a 17-foot building restriction line from Lot 8.

According to the "Prince George's County Soil Survey" the principal soils on the site are in the Sassafras series. Sassafras soils have no significant problems for development. This information is provided for the applicant's benefit. No further action is needed as it relates to this Preliminary Plan of Subdivision review. The issue of retaining wall use is addressed in the review of the Conservation Plan. The Prince George's County Department of Environmental Resources may require a soils report during the permit process review. The approved Stormwater Management Concept Plan and Letter, CSD #222-2004-02, were submitted with this application. The plan shows the use of dry wells on individual lots to control water quantity and quality.

### **Water and Sewer Categories**

The 2001 Water and Sewer Plan designate Parcel 11 and part of Lot 5 in Water Category 3 and Sewer Category 5. Proposed Lot 9, to be comprised of parts of Parcel 11 and Lot 5, were approved for a waiver application for a single residential connection to public sewer. Water and Sewer lines in Hatton Point Road abut proposed Lot 9.

6. **Community Planning**—This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers and employment areas that are increasingly transit serviceable. The 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* shows the property as having a residential, low-density land use at a density up to 3.5 dwelling units per acre. There is currently one single-family residential dwelling. The applicant is proposing two single-family residential lots. The 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* retains the existing underlying R-E Zone and Limited Development Overlay (L-D-O) Zone. This preliminary subdivision is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This preliminary subdivision conforms to the residential, low-density land use recommendation in the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*.
7. **Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George’s County Subdivisions Regulations, Lots 8 and 9 of the subject subdivision are both exempt from Mandatory Dedication of Parkland requirements because each Lot is over one acre in size.
8. **Trails**—The 1985 Equestrian Addendum to the adopted and approved Countywide Trails Plan recommends the Potomac River Trail in the vicinity of the Potomac River at the subject site. This recommendation has been reinforced by the recently Adopted Henson Creek-South Potomac Master Plan, although no specific route is designated. An on-road bicycle route has already been designated for the Potomac Heritage Trail. Staff is currently working with the Department of Parks and Recreation, the National Park Service, DPW&T, and local citizen groups to determine an appropriate location for an off-road Potomac Heritage Trail. Land use constraints and existing development prevent the trail from being located along the Potomac River for its entirety, as indicated on the 1985 Equestrian Addendum. In the vicinity of the subject site, there is a substantial amount of existing residential development along the river that precludes the development of the trail on the waterfront. In this instance, it will be necessary to utilize trails or bikeways parallel to roadways (such as Riverview Road) and existing parkland to make the necessary connections. Roads are open section with no sidewalks in the vicinity of the subject site. There are no master plan trails recommendations.
9. **Transportation**—The subject application involves two single-family residential lots—with one more net residence—that would have a minimal impact on adjacent roadways. Access to the two new lots would be via Hatton Point Road. One additional driveway will be provided. The site is not within or adjacent to any master plan transportation facilities. No dedication is required.

## TRANSPORTATION STAFF FINDINGS

The application is a preliminary plan of subdivision for a residential development consisting of two single-family residential lots to be created within an existing and developed tax parcel. The proposed net development would generate 1 AM and 1 PM peak hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The site is within the developing tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized intersections:** The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by the proposed preliminary plan would impact the intersection of Swan Creek Road and Riverview Road. There are no projects to improve this intersection in either the County Capital Improvement Program or the State Consolidation Transportation Program. Staff has no recent counts at the critical intersection of Swan Creek Road and Riverview Road. Due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. Staff would therefore recommend that the Planning Board find that 1 AM and 1 PM net peak hour trips will have a de minimus impact upon delay in the critical movements at the Swan Creek Road and Riverview Road intersection.

## TRANSPORTATION STAFF CONCLUSIONS

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved. No transportation-related conditions are required at this time.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required 7-minute response time for the first due fire station Allentown Road, Company 47, using the *7 Minute Travel Times and Fire Station Locations Map* provided by the

Prince George’s County Fire Department. Pursuant to CR-69-2006, Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels. The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The preliminary plan is located in Police District IV. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on October 26, 2006.

Reporting Cycle	Date	Emergency Calls	Non-emergency
Acceptance Date	09/05/05-09/05/06	10.00	22.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for non emergency calls were met on September 5, 2006. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

12. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

**Impact on Affected Public School Clusters**

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	1 sfd	1 sfd	1 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.24	0.06	0.12
Actual Enrollment	3,946	5,489	9,164
Completion Enrollment	121	64	127
Cumulative Enrollment	17.52	108.96	217.92
Total Enrollment	4,084.76	5,662.02	9,509.04
State Rated Capacity	4,033	6,114	7,792
Percent Capacity	101.28	92.61	122.04

Source: Prince George’s County Planning Department, M-NCPPC, December 2005

These figures are correct on the day this referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between interstate highway 495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

13. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and has no comments.
14. **Stormwater Management**— A stormwater management concept plan is required prior to signature approval of the preliminary plan. The approval number and date should be indicated on the preliminary plan. Development must be in accordance with this approved plan.
15. **Archeology**—A Phase I archeological survey is not recommended on the above-referenced 1.87-acre property in Fort Washington, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The property appears to have been previously impacted by construction of an extant house, garage, septic field, and driveway. Although the property lies on the Potomac River, it is felt that modern construction has already 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 one-mile radius of the subject property. The prehistoric sites were discovered on land not previously developed. There are also several archeological sites, historic sites, and historic resources within a two-mile radius of the subject property.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or federal permits are required for a project.

16. **Historic Preservation**—The subject application for preliminary plan of subdivision has no effect on historic resources.
17. **Notes on the Preliminary Plan**—The General Notes on the preliminary plan contain errors regarding the existing water and sewer categories, exemptions to mandatory park dedication and minimum lot standards. Additionally, the stormwater management approval date and number should be placed on the plan. All of these elements should either be added or corrected prior to signature approval of the preliminary plan.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, March 22, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of April 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

RBC:FJG:IT:bjs



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
www.mncppc.org/pgco

June 20, 2019

**MEMORANDUM**

TO: Thomas Burke, Urban Design Section, Development Review Division

VIA: Howard Berger, Supervisor, Historic Preservation Section, Countywide Planning Division *HB*

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division *JAS*  
Tyler Smith, Historic Preservation Section, Countywide Planning Division *TAS*

**SUBJECT: DSP-18052 & CP-06001-01 Swan Creek Club Development, Lot 9C**

The subject property is located at 12311 Hatton Point Road in Fort Washington, Maryland. The applicant proposes the construction of a single-family dwelling on Lot 9, Block C of the Swan Creek Club development. The subject property is in the Chesapeake Bay Critical Area and is Zoned R-E (Residential Estate).

A Phase I archeological survey is not recommended on the above-referenced 1.02-acre property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low due to previous construction activities. Although the property lies on the Potomac River, it is felt that 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 one-mile radius of the subject property. The prehistoric sites were discovered on land not previously developed. Historic Preservation staff recommends approval of the subject application with no conditions.





301-952-3972

May 9, 2019

## MEMORANDUM

**TO:** Thomas Burke, Urban Design Section, Development Review Division

**VIA:** Scott Rowe, AICP, CNU-A, Supervisor, Community Planning Division <sup>BSR</sup>  
David A. Green, MBA, Master Planner, Community Planning Division 

**FROM:** Chidy Umeozulu, Planner Coordinator, Neighborhood Revitalization Section,  
Community Planning Division 

**SUBJECT:** **CP-16001-01, Swan Creek Club Development, Lot 9**

## FINDINGS

Community Planning Division staff finds that pursuant to Division 2 of the Chesapeake Bay Critical Area Ordinance, Master Plan Conformance is not required for this application.

## BACKGROUND

**Application Type:** Revision to an approved Conservation Plan with variation requests from Chesapeake Bay Critical Area Buffer requirements.

**Location:** West side of Hatton Point Road, approximately 1,500 feet Southwest of the intersection of Riverview Road; 12311 Hatton Point Road

**Size:** 1.02 acres

**Existing Land Use:** Woodland

**Proposal:** Construction of a single-family dwelling with variations from the Chesapeake Bay Critical Area requirements – clearing in excess of 30 percent of woodland; clearing a slope greater than 15 percent and development in a buffer zone

**Planning Area:** PA 80

**Community:** South Potomac

**GENERAL PLAN, MASTER PLAN, AND SMA**

**General Plan:** Plan Prince George's 2035 designates the area in the Established Communities Growth Policy area. The vision for Established Communities is context-sensitive infill and low to medium-density development.

**Master Plan:** The 2006 *Master Plan for Henson Creek-South Potomac* recommends Residential, Low-Density land uses up to 3.5 du/acre.

**Planning Area:** 80

**Community:** South Potomac

**Aviation/MIOZ:** This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone.


**SMA/Zoning:** The 2006 Sectional Map Amendment for the Henson Creek-South Potomac retained the subject property in the Residential Estate (R-E) Zone with Limited Development Overlay (L-D-O).

cc: Long-range Agenda Notebook

Frederick Stachura, Planning Supervisor, Neighborhood Revitalization Section, Community Planning Division

May 2, 2019

**MEMORANDUM**

**TO:** Thomas Burke, Urban Design Review Section, Development Review Division  
**FROM:**  Tom Masog, Transportation Planning Section, Countywide Planning Division  
**SUBJECT:** **DSP-18052 & CP-06001-01 – Swan Creek Club Lot 9D  
Review of Vehicular and Active Transportation**

**Proposal**

The applicant is proposing to construct a single-family detached residence.

**Background**

A conservation plan (CP) review is conducted within the Chesapeake Bay Critical Area, and consists of a stormwater management concept plan, an erosion and sedimentation concept plan, a vegetation management plan, and such other plans relating to environmental systems as may be required. There are no submittal items that are particular to transportation and no findings that relate to transportation.

The site is on a lot created pursuant to Preliminary Plan of Subdivision (PPS) 4-06095 for Swan Creek Club Development. The resolution approving the PPS included a condition for a limited detailed site plan to address several site planning issues, none of which are transportation-related. The site plan is also required to address general detailed site plan requirements such as access and circulation, but there are no specific requirements related to transportation adequacy related to the review.

**Review of Request - Traffic**

The application seeks to construct a residence on a lot that was created pursuant to PPS 4-06095. As such, the single residence with a single driveway creates no specific issues that trigger discussion of the general detailed site plan requirements or the related site design guidelines. The site is not within or adjacent to any master plan transportation facilities.

**Review of Request – Active Transportation**

There are no pedestrian or bicycle issues within or adjacent to the site.

**Conclusion**

The Transportation Planning Section has no comment regarding the findings related to the conservation plan. Furthermore, it is determined that the detailed site plan is acceptable from the standpoint of transportation, and meets the findings required for a detailed site plan as described in the Zoning Ordinance.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
www.mncppc.org/pgco

May 20, 2019

**MEMORANDUM**

**TO:** Thomas Burke, Planner Coordinator, Urban Design Section

**VIA:** Sherri Conner, Supervisor, Subdivision and Zoning Section *SC*

**FROM:** Christopher Davis, Senior Planner, Subdivision and Zoning Section *CD*

**SUBJECT:** DSP-18052 & CP-06001-01, Swan Creek Development, Lot 9C

The subject property is located on Tax Map 131 in Grid B2 and is known as Lot 9 of Block C, recorded in the Swan Creek Club Development Subdivision Plat Book PM 230-42 on April 16, 2009. The subject property is approximately 1.02 acres, within the R-E (Residential-Estate) Zone and is located within the L-D-O (Limited Development Overlay) Zone of the Chesapeake Bay Critical Area (CBCA) Overlay Zone. The site is located on the west side of Hatton Point Road, approximately 430 feet south of its intersection with Swan Creek Road. The bearings and distances shown on the site plans are consistent with the record plat.

The subject applications, detailed site plan DSP-18052 and a revision to conservation plan CP-06001-01 propose a single-family dwelling on Lot 9. These applications contain requested variances from Section 5B, the Chesapeake Bay Critical Area subtitle, of the Prince George's County Code, as follows: A variance to Section 5B-114(e)(5) for clearing in excess of 30 percent of a natural or developed woodland, a variance to Section 5B-114(e)(7) for clearing a slope greater than 15 percent, and a variance to Section 5B-121(e) for development in the Critical Area Buffer.

The site is subject to preliminary plan of subdivision (PPS) 4-06095 (PGCPB Resolution No. 07-68), approved for 2 lots by the Planning Board on March 22, 2007, subject to 9 conditions. The following conditions of PPS 4-06095 are applicable to the review of this subject CP revision and DSP:

- 3. The final plat for Lot 9 shall show a 180-foot building restriction line from Hatton Point Road, a 105-foot build restriction line from the mean high tide line, an 18-foot building restriction line parallel to the south property boundary and a 17-foot building restriction line from Lot 8**

The final plat has been recorded and the plat shows the building restriction lines (BRLs) as outlined in Condition 3. The submitted DSP and CP plans show these BRL's and the proposed dwelling is shown within the area defined by the BRL's.

**4. The final plat shall have the following note:**

**“Prior to issuance of a building permit for proposed Lot 9, the Chesapeake Bay Critical Area Plan, CP-06001, shall be revised to show the total impervious surfaces and to show the driveway and house footprint. The revisions to the Conservation Plan may be approved by staff if no variances to any provision of the Zoning Ordinance are required.”**

This note is contained on the final plat. The revised conservation plan CP-06001-01 has been submitted to address this condition and the conservation plan shows the proposed total impervious surface area associated with the driveway and house footprint.

**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.**

The subject limited detailed site plan DSP-18052 has been submitted for the purpose of addressing this condition. Proposed landscaping and architecture for Lot 9 are included in the application. Conformance to Condition 7 should be reviewed and determined by the Urban Design Section.

**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 Stormwater Management Concept Plan and approval letter has been submitted with the subject application which addresses on-site stormwater management for Lot 9. 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 the Prince George's County's Department of Permits Inspection and Enforcement (DPIE) and must provide corroborating information to M-NCPPC staff in order to communicate the status of any existing drainage problem on Hatton Point road and if there are any solutions and/or required further action by the applicant in order to address any drainage issues.

### **Recommended Conditions**

1. Prior to certificate approval of the limited detailed site plan and conservation plan, the applicant shall provide information from the Department of Permits Inspection and Enforcement (DPIE) communicating the status of any existing drainage problems on Hatton Point Road and if there are any identified solutions and/or required further action by the applicant in order to address any surrounding drainage issues on Hatton Point Road.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. The DSP and CP have been found to be in substantial conformance with the approved preliminary plan of subdivision and record plat, if the above condition is implemented. All bearings and distances must be clearly shown on the DSP and CP, and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.



Larry Hogan  
Governor

Boyd K. Rutherford  
Lt. Governor

Charles C. Deegan  
Chairman

Katherine Charbonneau  
Executive Director

**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338  
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August 22, 2019

Mr. Thomas Burke  
Urban Design  
Development Review Division  
Maryland National Capital Park and Planning Commission  
14741 Governor Oden Bowie Road  
Upper Marlboro, MD 20772

**RE: DSP-18052 & CP-06001-01 Swan Creek Club, Lot 9C (12311 Hatton Point Road)**

Dear Mr. Burke:

Thank you for submitting the revised detailed site plan regarding the variance requests for the above referenced project. The applicant requests a variance to allow clearing in excess of 30 percent of forest and developed woodlands (Section 5B-114 (e)(5) of the Prince George's County Code); clearing of slopes greater than 15 percent (Section 5B-114 (e)(7) of the Prince George's County Code); and locating development in the Buffer (Section 5B-121(e) of the Prince George's County Code). The applicant is proposing to construct a single-family dwelling and associated accessory uses on a 1.02-acre vacant lot, located at 12311 Hatton Point Road in Fort Washington, MD. Commission staff visited the site with Prince George's County staff on August 14<sup>th</sup>, 2019.

Proposed Development

The subject lot was recorded in 2009 as a 1.02 acre site that could be developed in compliance with all Critical Area requirements as shown on CP-06001. The proposed plan seeks to amend that Conservation Plan (CP) and includes a single-family dwelling, driveway, a covered breezeway, a garage with a green roof, two first floor decks, two second floor decks, a second floor balcony, a pool and accompanying patio, and a sidewalk that extends to a three-foot wide raised, pervious pathway that provides indirect access through the Buffer, over steep slopes, to the shoreline. The lot is located in the Limited Development Overlay (L-D-O) of Prince Georges County's Critical Area. Permitted lot coverage is 6,653 SF (15%); the revised CP indicates that proposed lot coverage is 6,653 square feet (SF) (15%), although the inclusion of the indirect pathway to the shoreline will likely put the development in excess of this limit<sup>1</sup>.

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<sup>1</sup> Natural Resources Article 8-1802(a)(17) specifies that "lot coverage" does not include a walkway or stairway that provides **direct** access to a pier. The pathway makes a ninety-degree turn in the Buffer and extends another 15 feet parallel to the shoreline prior to traversing the slope. The path could be relocated to more centrally align with the house and the pier.

### Critical Area Variance Standards

Commission staff opposes all three variance requests, as the proposed clearing of forest and developed woodlands, and the proposed disturbance and clearing to areas of the Buffer where slopes are greater than 15 percent do not meet the standard of “unwarranted hardship.” The proposal does not minimize adverse impacts and is not in harmony with the general spirit and intent of the Critical Area law, as it appears that the applicant can develop this lot within the limits prescribed by the Critical Area law and Prince George’s County code and still have reasonable and significant use of the entire lot. State Law provides that variances to a local jurisdiction’s Critical Area program may be granted **only** if the County finds that an applicant has satisfied its burden to prove that the applicant meets each and every one of the Critical Area variance standards. Furthermore, State law establishes a presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The County must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In order to grant this variance request, the applicant needs to demonstrate and the County needs to find that each of the variance standards in COMAR 27.01.12 and in Prince George’s County Code Subtitle 27-230 have been met. These three variances requested do not meet the any of the following variance standards of COMAR 27.01.12.04, as outlined below:

1. *Due to the special features of the site or special conditions or circumstances peculiar to the applicant’s land or structure, a literal enforcement of the local Critical Area program would result in an unwarranted hardship to the applicant.*

State law defines “unwarranted hardship” to mean “that without a variance, an applicant shall be denied reasonable and significant use of the **entire** parcel or lot for which the variance is requested.” The applicant will not be subjected to an unwarranted hardship by denying the variance request to clear in excess of 30 percent of forest and developed woodlands given that the lot is vacant and there is ample opportunity to accommodate a dwelling and associated accessory uses in a fashion that minimizes clearing by reducing the magnitude of lot coverage. The 2009 subdivision plat and related Conservation Plan demonstrated that the property could be developed in compliance with all Critical Area requirements, including clearing limits. The amount of proposed clearing is unnecessary and excessive considering the size of the proposed dwelling and accessory uses (i.e., pool and accompanying patio, covered breezeway, second floor balcony and two second floor decks). Lots similar in size and encumbrances contain lot coverage well below the allowable 15 percent limit, which, in this case, would reduce the magnitude of forest and developed woodlands that would be cleared. The applicant has not provided information demonstrating that, without the proposed variances, the entire parcel would be denied reasonable and significant use.

Similarly, the applicant will not be subjected to unwarranted hardship by denying the variance request to clear and disturb slopes greater than 15 percent that are located within the Buffer in order to construct the proposed pathway. At the August 14<sup>th</sup>, 2019 site visit, the Commission’s Science Advisor determined that the slopes in the Buffer that exceed 15 percent do not prohibit the construction of a direct access pathway that minimizes Buffer disturbance. The pathway, as proposed, zig-zags across slopes greater than 15 percent; a more direct access path could be constructed in the area that results in



minimal disturbance and clearing to steep slopes in the Buffer associated with the placement of footers. Configuring the pathway in a manner that provides direct access to the shoreline would minimize the clearing of slopes greater than 15 percent and exclude the pathway from inclusion in the lot coverage calculations. The applicant has not provided information demonstrating that, without the pathway as proposed, the entire parcel would be denied reasonable and significant use.

2. *A literal interpretation of the local Critical Area program would deprive the applicant of a use of land or structure permitted to others in accordance with the provisions of the local Critical Area program<sup>2</sup>.*

Denial of the requested variances would not deprive the applicant of a use or structure allowed to others in accordance with the County's Critical Area program. The 2009 subdivision plat and related Conservation Plan demonstrated that the property could be developed in compliance with all Critical Area requirements, including clearing limits. The Commission has consistently opposed variances to allow clearing in excess of 30 percent of forest and developed woodlands on undeveloped lots of this size, particularly when there is ample opportunity to reduce lot coverage on the property. Similarly, the Commission has consistently opposed variances allowing the magnitude of proposed disturbance to slopes greater than 15 percent, particularly when there is ample opportunity to reconfigure the pathway to provide direct access to the shoreline. By doing so, the magnitude of forest and development woodlands cleared would be greatly reduced. Lots similar in size and encumbrances have been developed in a manner that minimizes lot coverage, forest clearing, and disturbance to steep slopes; therefore, the proposed variance is not in accordance with the provisions of the County's Critical Area Program.

3. *The granting of the variance would not confer upon the applicant any special privilege that would be denied by the local Critical Area program to other lands or structures in accordance with the provisions of the local Critical Area program<sup>3</sup>.*

Granting the variance request to clear in excess of 30 percent of forest and developed woodlands would confer upon the applicant a special privilege that is denied to others. The vacant 1.02-acre lot provides the applicant with ample opportunity to build a dwelling and associated accessory uses consisting of less lot coverage, thus reducing the magnitude of forest and developed woodlands that would be cleared. Conformance with those provisions was demonstrated with the 2009 plat and accompanying Conservation Plan. To allow clearing in excess of 30 percent of forest and developed woodlands, when there is ample opportunity to reduce lot coverage and therefore reduce tree and developed woodlands clearing, is a special privilege that would be denied to other lots of similar size approved in conformance with the County Critical Area program.

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<sup>2</sup> In 2008, this standard was amended by the Maryland General Assembly to clarify that the standard relates to other development permitted under a Critical Area program, as opposed to other development located in the Critical Area. This clarification is not reflected in 27-230(b)(2), but must still be applied by the County.

<sup>3</sup> In 2008, this standard was also amended by the Maryland General Assembly to clarify that the standard relates to other development permitted under a Critical Area program, as opposed to other development located in the Critical Area. This clarification is not reflected in 27-230(b)(3), but must still be applied by the County.

Likewise, granting the variance request to disturb slopes greater than 15 percent located within the Buffer in order to provide indirect access to the shoreline would confer upon the applicant a special privilege that is denied to others. As stated previously, Commission staff determined that the applicant can construct direct access to the shoreline within the Buffer in a manner that further minimizes disturbance and clearing to steep slopes. Therefore, granting the variance as proposed is a special privilege that would be denied to others.

4. *The granting of the variance would not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's local Critical Area.*

Granting the variance request to clear in excess of 30 percent of forest and developed woodlands and to disturb slopes greater than 15 percent within the Buffer would adversely impact water quality and fish, wildlife, and plant habitat within the Critical Area. Forest and developed woodlands provide nutrient and pollutant uptake, stormwater attenuation, and healthy plant and wildlife habitat. Furthermore, forest and developed woodlands located on slopes greater than 15 percent prevent soil erosion. To allow the proposed magnitude of clearing of the forest and developed woodlands would prevent the Critical Area from effectively fulfilling its functions or protecting the Chesapeake Bay and its tributaries, such the Potomac River. Therefore, granting the disturbance and clearing on this site, including areas of the Buffer where slopes are greater than 15 percent, would degrade the natural function of the land and prevent the Buffer from effectively fulfilling its functions.

5. *The granting of the variance would be in harmony with the general spirit and intent of the Critical Area law, the regulations, and the local Critical Area program.*

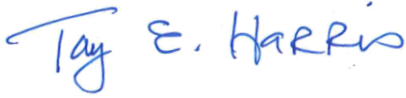
Granting the variance request to allow this magnitude of clearing in excess of 30 percent of forest and developed woodlands and to allow the proposed magnitude of clearing of slopes greater than 15 percent within the Buffer would not be in harmony with the general spirit and intent of the Critical Area law. The undeveloped 1.02-acre lot provides the applicant with ample opportunity to reduce lot coverage and therefore build a dwelling and associated accessory uses in a manner that minimizes the clearing of forest and developed woodlands. Furthermore, the applicant has ample opportunity to configure a pathway through the Buffer that provides direct access to the shoreline. If the variance was denied, the applicant would be required to reduce lot coverage and construct a direct access path through the Buffer, thus increasing the amount of forest and developed woodlands retained onsite, and thereby maximizing nutrient and pollutant uptake, stormwater attenuation, and healthy plant and wildlife habitat. The applicant has not demonstrated that the dwelling, associated accessory uses, and pathway are necessary, particularly when the proposed magnitude of forest and developed woodlands clearing can be avoided by reducing the lot coverage, and particularly when the pathway can be configured to provide direct access to the shoreline. Accordingly, this variance standard has not been met.

For these reasons stated above, these variance requests do not meet the noted variance standards and all three variances should be denied.

Mr. Burke  
Page 5 of 5  
8/22/2019

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for the variance. Please notify the Critical Area Commission of the decision made in this case. If you have any questions, please contact me at 410.260.3481 or [tay.harris@maryland.gov](mailto:tay.harris@maryland.gov).

Sincerely,



Tay E. Harris  
Natural Resources Planner  
File: PG 261-19

cc: Megan Reiser, M-NCPPC  
Chuck Schneider, M-NCPPC  
Mary Rea, Prince George's County Department of the Environment  
Emily Vainieri, Critical Area Commission

Prince George's County Planning Department  
Environmental Planning Section

301-952-3650

August 28, 2019

**MEMORANDUM**

**TO:** Thomas Burke, Planner Coordinator, Zoning Section

**VIA:** Megan Reiser, Acting Supervisor, Environmental Planning Section

**FROM:** Chuck Schneider, Planner Coordinator, Environmental Planning Section

**SUBJECT:** **CP-06001-01 and DSP-18052, 12311 Hatton Point Road - Swan Creek Club - Lot 9**

*KIF*  
*lor*  
*MRE*  
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The Environmental Planning Section (EPS) has reviewed the Chesapeake Bay Critical Area (CBCA) Conservation Plan (CP-16002) and Detailed Site Plan (DSP-18052) stamped as received by the Environmental Planning Section on April 11, 2019. Verbal comments were provided in a Subdivision Development Review Committee (SDRC) meeting on May 3, 2019. The Planning Department received a revised CBCA Conservation Plan (CP) and Detailed Site Plan (DSP) on August 22, 2019.

The Environmental Planning Section recommends approval of CP-06001-01 and DSP-18052 subject to the conditions noted at the end of this memorandum and denial of the requested variance to the Chesapeake Bay Critical Area Ordinance.

**Site Description**

This 1.02-acre property is in the R-R/LDO zones and is located at 12311 Hatton Point Road. The site contains CBCA 100-foot primary buffer, FEMA 100-year floodplain, and steep slopes. Through a previous permit with the U.S. Army Corps of Engineers (USACOE) and the Maryland Department of the Environment (MDE), the entire length of shoreline was permitted for and constructed with a stone revetment. This property contains developed woodlands from Hatton Point Road to a maintained grass strip adjacent to the stone revetment. The site contains two specimen trees (36-inch and 39-inch dbh Willow Oaks). The on-site developed woodlands contain trees, shrubs, and invasive species throughout the flat and steep slope areas. No scenic or historic roads are affected by this application. The site is not located within a Sensitive Species Project Review Area (SSPRA), nor does it have State or Federal Rare, Threatened or Endangered (RTE) species within the boundary area. Approximately 80 percent of the subject lot is located within the Evaluation Area of the Green Infrastructure Network. The Web Soil Survey indicates that the site is comprised of the Sassafras-Urban land complex soil type.

**Proposed Activity**

The applicant proposes to develop the subject property with a new, single-family dwelling, walkways, a patio and pool, and steps to the water. The site is currently undeveloped with no impervious surface, and the plan provided with this application shows the new impervious area will be 6,653 square feet, or 15 percent of the site. The maximum allowable coverage on this property is 15 percent, or 6,653 square feet. The site contains 24,300 square feet of developed woodland and the plan proposes to clear 9,748 square feet (40% of the subject property). The plan also shows a boardwalk walkway from the rear of the house to the water with two landing areas. This walkway and landings will be constructed with decking material and secured with raised timbers or flush with the grade.

This project is not subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance, because it is located with the CBCA. However, as proposed by the applicant, the development requires a variance from Section 5B-114(e)(5) of the Chesapeake Bay Critical Area Ordinance, which states that in the LDO Zone, “[c]learing in excess of 30 percent of a natural or developed woodlands is prohibited without a variance.”

The applicant, the applicant’s engineer, CAC staff, and M-NCPPC Staff met on-site on August 14, 2019 to discuss the proposed development. Before this meeting, the applicant submitted revised plans to remove impacts to the 100-foot buffer for slope stabilization, move the house out of the buffer towards Hatton Point Road, change some of the proposed plantings, and revise various tables.

**Previous Approvals**

The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
CP-88017	N/A	Planning Board	Approved	12/8/1988	N/A
CP-88017-01	N/A	Planning Board	Approved	12/3/1992	N/A
CP-88017-02	N/A	Planning Board	Approved	3/22/2007	N/A
4-05124	N/A	Planning Board	Withdrawn	2/10/2006	N/A
4-06095	N/A	Planning Board	Approved	3/22/2007	PGCPB No 07-68
CP-06001	N/A	Planning Board	Approved	3/22/2007	N/A

NRI-012-2018	N/A	Staff	Approved	4/5/2018	N/A
CP-06001-01 DSP-18052	N/A	Planning Board	Pending	Pending	Pending

In its current form, the subject property was established through subdivision pursuant to Preliminary Plan 4-06095, approved by the Planning Board on March 22, 2007. Along with the preliminary plan, the Planning Board approved Conservation Plan 06001. Approval of both plans is memorialized in Planning Board Resolution PGCPB No. 07-68, attached to this memorandum. Plat No. L. 230 F. 42 for the subject property was recorded on April 16, 2009.

Aside from the stone revetment constructed along the shoreline, the subject property remains undeveloped. The property has a relatively narrow frontage on the Potomac River and widens as it reaches Hatton Point Road. The on-site woodlands are located along the southern property line from Hatton Point Road to a maintained grass strip adjacent to the waterfront stone revetment. There is an open unforested area in the front yard area adjacent to Lot 8, to the north of the subject property.

The property was constricted in the 2007 subdivision process when a 180-foot front yard setback from Hatton Point Road was established. Preliminary Plan 4-06095 and CP-06001 also show a Limit-Of-Disturbance (LOD) starting from the unforested area of Hatton Point Road, bending south through the unforested area to the forested building area between the 100-foot tidal buffer, 180-foot front yard setback, and the two side yard setbacks.

CP-06001 was approved by the Planning Board on March 22, 2009 and included tabulations and a proposed LOD demonstrating that the site could be developed with no greater than 30 percent clearing. While no detailed information such as house footprint, grading, stormwater management (SWM), or utility connections were shown, the LOD on the plan included connection to Hatton Point Road at the northeastern corner of the site for access and a development envelope within the established Building Restriction Line (BRL). The previously approved CP showed 0.18 acres of existing woodland to be removed and 0.49 acres to be preserved.

**Review of Applicable Preliminary Plan Conditions**

The following text addresses conditions of approval of Preliminary Plan 4-06095 applicable to this application. The text in **bold** is the actual text from the previous cases or plans. The plain text provides the comments on the plan’s conformance with the conditions.

**1. The following note shall be placed on the final plat:**

**“Development of Lot 8 is subject the Chesapeake Bay Critical Area Conservation Plan CP-87017/02 or any subsequent revision. Development of Lot 9 is subject the Chesapeake Bay Critical Area Conservation Plan CP-06001 or any subsequent revision.”**

**2. Prior to final plat approval, Chesapeake Bay Critical Area Plan CP-06001 shall be signed.**

- 3. The final plat for Lot 9 shall show a 180-foot building restriction line from Hatton Point Road, a 105-foot build restriction line from the mean high tide line, an 18-foot building restriction line parallel to the south property boundary and a 17-foot building restriction line from Lot 8.**

- 4. The final plat shall have the following note:**

**"Prior to issuance of a building permit for proposed Lot 9, the Chesapeake Bay Critical Area Plan, CP-06001, shall be revised to show the total impervious surfaces and to show the driveway and house footprint. The revisions to the Conservation Plan may be approved by staff if no variances to any provision of the Zoning Ordinance are required."**

- 5. Prior to signature approval of the preliminary plan, the General Notes shall be revised to reflect existing Water Category 3 and Sewer Category 5;**
- 6. Development of this site shall be in conformance with the approved stormwater management concept plan and any subsequent revisions.**

The conditions above were met prior to signature approval of Preliminary Plan 4-06095, Conservation Plan 06001, and Plat No. L. 230 F. 42.

- 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 includes a DSP.

- 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.**

The Department of Permits Inspection and Enforcement (DPIE) has looked at this issue as part of the current Stormwater Management Concept Plan and will review again as part of the final grading plan.

- 9. Prior to signature approval, the preliminary plan shall be revised to show the existing stormwater easement on proposed Lot 8 and the Liber and Folio of the recorded easement shall be reflected in the general notes.**

This condition was met prior to signature approval of Preliminary Plan 4-06095.

### **Variance Request**

As originally proposed, the applicant requested variances to the following three sections of the Chesapeake Bay Critical Area Ordinance, Subtitle 5B of the Prince George's County Code:

1. Section 5B-114(e)(5), to permit clearing in excess of 30 percent of a natural or developed woodland on the subject property;
2. Section 5B-114(e)(7), to permit development on a slope greater than 15% on the subject property; and
3. Section 5B-121(e), to permit development in the Critical Area Buffer on the Subject Property.

After receiving feedback from the Planning Department and CAC staff, the applicant revised the proposal to only request a variance from Section 5B-114(e)(5), to permit clearing 40 percent of the subject property.

As stated above, Subtitle 5B-114(e)(5) of the Chesapeake Bay Critical Area Ordinance, states that in the L-D-O Zone, “[c]learing in excess of 30 percent of a natural or developed woodlands is prohibited without a variance.” The Planning Department received a Subtitle 5B Variance Application, an updated statement of justification in support of a variance, and a conservation plan (CP) from the applicant on July 26, 2019 (the variance letter is dated July 19, 2019).

Section 27-230 of the Zoning Code contains required findings [text in **bold**] to be made before a variance can be granted. The plain text is staff's analysis of the applicant's revised variance request.

**(a) A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**

**(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

As described above, the subject property has a relatively narrow frontage along the Potomac River (approximately 73 feet) and widens as it reaches Hatton Point Road. The lot size, width, and shape are not exceptional for residentially-zoned properties along the Potomac River and its tributaries, nor does the lot exhibit exceptional topographic conditions. The imposition of a 180-foot front yard setback from Hatton Point Road by Preliminary Plan 4-06095, in addition to the location of the critical area buffer, do constrain the buildable area on the subject property. However, as described above, Conservation Plan CP-06001 demonstrated the feasibility of developing the subject property with a single-family home without violating either the critical area buffer or the front yard setback. Although the clearing of woodlands is necessary to develop the subject property, Conservation Plan CP-06001 demonstrates that such clearing can be limited to the building envelope and to less than 30% of the subject property. Accordingly, the subject property does not exhibit other extraordinary situations or conditions necessitating a variance.



**(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

As demonstrated by Conservation Plan CP-06001, it is possible to develop the subject property without clearing more than 30% of the property by limiting woodland clearing to the buildable envelope, in accordance with the Chesapeake Bay Critical Area Ordinance. Thus, the strict application of the law will not create an undue hardship for the owner of the property.

**(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

According to the Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area, the Potomac River Shoreline is in a Special Conservation Area. In addition, the Approved Green Infrastructure Master Plan states that this area should focus on water quality and preservation of the natural environment and the river's scenic character, and that forest fragmentation should be minimized and ecological connections between existing natural areas should be maintained and/or enhanced when development occurs. Single-family use of the subject property is consistent with applicable general and master plans. However, development of the subject property with a single-family residence is possible while adhering to the standards of the Chesapeake Bay Critical Area Ordinance and preserving natural features on the subject property. Granting the variance would therefore substantially impair the intent, purpose, or integrity of applicable general and master plans.

**(b) Variances may only be granted by the Planning Board from the provisions of this Subtitle or Subtitle 5B for property located within the Chesapeake Bay Critical Area Overlay Zones where an appellant demonstrates that provisions have been made to minimize any adverse environmental impact of the variance and where the Prince George's County Planning Board (or its authorized representative) has found, in addition to the findings set forth in Subsection (a), that:**

- 1. Special conditions or circumstances exist that are peculiar to the subject land or structure and that a literal interpretation of provisions within the Chesapeake Bay Critical Area would result in unwarranted hardship.**

State law defines "unwarranted hardship" to mean "that without a variance, an applicant shall be denied reasonable and significant use of the entire parcel or lot for which the variance is requested." COMAR 27.01.12.01. As described above, the subject property does not exhibit special conditions or circumstances that would warrant the granting of the requested variance, and a literal interpretation of the Chesapeake Bay Critical Area Ordinance would not prevent the applicant from developing the subject property with a single-family residence. Thus, literal enforcement of the Chesapeake Bay Critical Area ordinance would not result in an unwarranted hardship to the applicant.

- 2. A literal interpretation of the Subtitle would deprive the applicant of the rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay**

**Critical Area.**

Conservation Plan CP-06001 demonstrates that the subject property can be developed with a single-family residence like other properties in similar areas within the Chesapeake Bay Critical Area without the requested variance. A literal interpretation of the Chesapeake Bay Critical Area Ordinance would therefore not deprive the applicant of rights commonly enjoyed by the owners of other properties in similar areas.

- 3. The granting of a variance would not confer upon an applicant any special privilege that would be denied by this Subtitle to other lands or structures within the Chesapeake Bay Critical Area.**

Because the subject property can be developed without the requested variance, the granting of this variance would create a special privilege for the applicant.

- 4. The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any conditions relating to land or building use, either permitted or non-conforming, on any neighboring property.**

The subject property is currently undeveloped and in conformance with the Chesapeake Bay Critical Area Ordinance, and the variance request is not based upon conditions or circumstances which are the result of the applicant's actions. The variance request also does not arise from any conditions relating to land or building use, either permitted or non-conforming, on any neighboring property.

- 5. The granting of the variance would not adversely affect water quality or adversely impact fish, plant, wildlife habitat within the Chesapeake Bay Critical Area, and that granting of the variance would be in harmony with the general spirit and intent of the applicable laws within the Chesapeake Bay Critical Area.**

The applicant has an approved Stormwater Management Concept plan reviewed and approved by the Department of Permits Inspection and Enforcement (DPIE). This stormwater plan has been reviewed to ensure that no on-site sediment or stormwater leaves the site or enters the adjacent Potomac. To develop the subject site, developed woodland clearing would be required, but clearing up to 40% of the subject property could have a long-term adverse effect on water quality within the Chesapeake Bay Critical Area. Minimization of forest clearing reduces the need for artificial stormwater management and preserves valuable wildlife habitat. In addition, because the variance is not necessary to permit development of the subject property, granting the variance would not be in harmony with the general spirit and intent of the applicable laws within the Chesapeake Bay Critical Area.

- 6. The development plan would minimize adverse impacts on the water quality resulting from pollutants discharged from structures, conveyances, or runoff from surrounding lands.**

The Conservation Plan (CP) incorporates stormwater management (SWM) controls to address adverse impacts on water quality from pollutants discharged from structures, conveyances, or runoff from surrounding lands. However, the additional clearing requested by the applicant would not minimize adverse impacts to water quality.

**7. All fish, wildlife and plant habitat in the designated Critical Area would be protected by the development and implementation of either on-site or off-site programs.**

Clearing of forest and developed woodland on the site is necessary for site development; however, clearing in excess of 30 percent of the existing woodland on the subject property could have long term adverse effect on fish and wildlife. Forests and developed woodland provide important wildlife and habitat value and contribute to stormwater attenuation and pollutant reduction.

**8. The number of persons, their movements and activities, specified in the development plan, and in conformity to establish land use policies and would not create any adverse environmental impact.**

The number of persons, their movements and activities, specified in the development plan are in conformance with existing land use policies and would not create any adverse environmental impact. This proposal is for a residential single-family dwelling in a residentially zoned and established community.

**9. The growth allocation for Overlay Zones within the County would not be exceeded by the granting of the variance.**

No growth allocation is proposed for this property.

**Chesapeake Bay Critical Area Commission (CBCA) Review**

The Planning Department received initial comments on this application from the Critical Area Commission (“CAC”) on August 7, 2019, and, after the applicant submitted revised plans, an updated comment letter on August 22, 2019. Both comment letters are attached to this memorandum.

The CAC opposes the requested variance and states that the variance request does “not meet the standards of ‘unwarranted hardship’” and “does not minimize adverse impacts and is not in harmony with the general spirit of the Critical Area law, as it appears that the applicant can develop this lot within the limits prescribed by the Critical Area law and Prince George’s County code and still have reasonable and significant use of the entire lot.”

**Department of Permitting, Inspections and Enforcement (DPIE) – Review**

A copy of the approved Stormwater Management Concept Plan and letter (22594-2018-00) dated September 20, 2018, was submitted with the subject application. The stormwater concept plan shows stormwater to be directed from the green roof top to three drywells, as well as rooftop

disconnects and non-rooftop runoff to permeable pavers and one drywell. According to the approval letter, the site will be required to pay a stormwater management fee of \$250.00 in lieu of providing on-site attenuation/quality control measures. The Conservation Plan is consistent with the stormwater concept plan.

The stormwater management concept letter erroneously references a condition to satisfy the CBCA's 10-percent Rule, which only applies to properties in the Limited Development Overlay (LDO). This site is located within the LDO overlay and is therefore not subject to the 10-percent Rule.

### **Environmental Planning Section Recommendation**

Although the Environmental Planning Section supports conditional approval of Conservation Plan CP-06001-01 and Detailed Site Plan DSP-18052, it recommends denial of the requested variance to permit clearing in excess of 30 percent of the subject property. Development of the subject property with a single-family home is possible without such a variance, and the recommended conditions of approval require the applicant to, among other things, reduce the total amount of developed woodland clearing to 30 percent prior to certification of the Conservation Plan.

### **Natural Resource Inventory Plan**

The subject site has an approved Natural Resource Inventory plan (NRI-012-2018), dated April 5, 2018, which was included with the application package. The existing conditions of the site are correctly shown on the conservation plan. No additional information is required with regard to the existing conditions of the site.

### **Chesapeake Bay Conservation and Planting Agreement**

A Chesapeake Bay Conservation and Planting Agreement will be required to be executed and recorded prior to certification approval for development of the site.

### **Chesapeake Bay Conservation Easement**

A Conservation Easement will be required for this site for all remaining woodland. A metes and bounds description must accompany the easement. Review of the easement falls under the purview of DPIE.

### **Summary of Recommended Conditions**

The Environmental Planning Section recommends approval of DSP-18052 and CP-06001-01 subject to the following conditions.

#### **Recommended Conditions:**

1. Prior to certification of the DSP and the CP, all plan revisions shall be shown on a revised approved stormwater management (SWM) plan.
2. Prior to certification of the DSP and the CP, the following information and plan revisions shall be provided:
  - a. Reduce the total amount of developed woodland clearing to 30 percent or less.

- b. Revise the “Dimension Plan” to a large scale of just the proposed impervious surfaces to show the dimensions on outer limits of structures and not with long dimension lines.
  - c. Revise Tables A and B/B1 if proposed impervious surface numbers change.
  - d. Revise the “Developed Woodland Table” to reflect the reduction of the proposed clearing below 30 percent.
  - e. Show the developed woodland requirement to be met on-site to the extent practicable. All remaining requirements shall be met off-site.
3. Prior to certification of the Conservation Plan, the applicant shall execute and record a Chesapeake Bay Conservation and Planting Agreement. The agreement shall be reviewed by the County prior to recordation. The applicant shall provide a copy of the recorded agreement to DPIE and the Liber/Folio shall be shown above the site plan approval block in the following note: The Chesapeake Bay Conservation and Planting Agreement for this property is found in Plat No. L. 230 F. 42.
4. Prior to the certification of the Conservation Plan, a conservation easement for all developed woodland that is approved to remain on-site (as preservation) shall be recorded in the land records. The easement document shall be reviewed by the County prior to recordation. The liber/folio shall be shown above the site plan approval block in the following note: The conservation easement for this property is found in Plat No. L. 230 F. 42.

If you have any questions, please contact Chuck Schneider by email at [Alwin.Schneider@ppd.mncppc.org](mailto:Alwin.Schneider@ppd.mncppc.org) or call 301-952-4534.

May 8, 2019

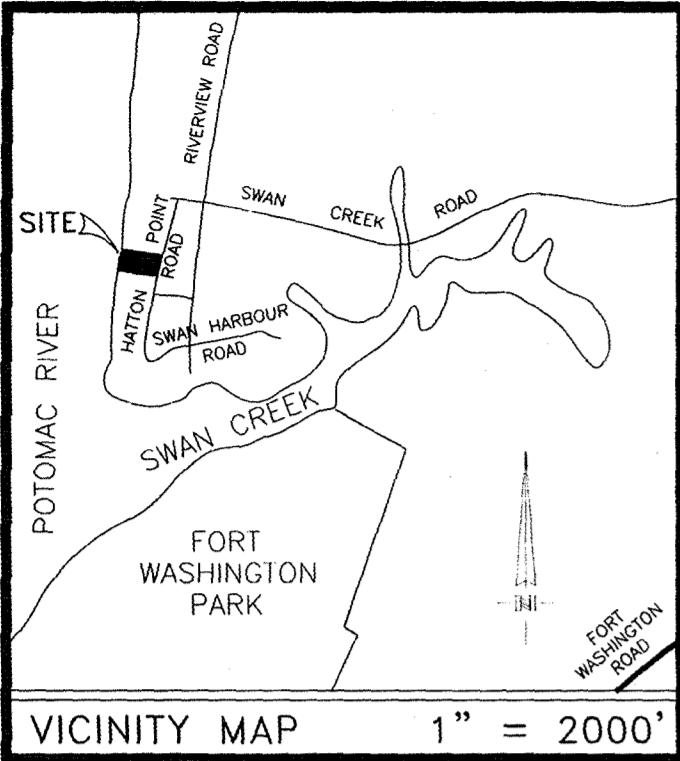
MEMORANDUM

TO: Thomas Burke, Urban Design Division

FROM: Joanna Glascoe, Permit Review Section

SUBJECT: Referral Comments for DSP-18052 & CSP-06001-01, Swan Creek Club Lot 9C

1. Dimensions are not shown on Architectural Elevation Plans.
2. Conceptual Site Development Plan Landscape Plan page 5 of 7 does not indicate the North Arrow.
3. **As of December** 13, 2010- Per the New Prince George's County Landscape Manual 2010: site must be in conformance with the new requirements. Apply all the schedules and **tree canopy** which pertain to the site.
4. No signs where part of this review



NOTES

1. Development of Lot 8 is subject to the Chesapeake Bay Critical Area Conservation Plan CP-8701017/02 or any subsequent revision. Development of Lot 9 is subject to the Chesapeake Bay Critical Area Conservation Plan CP-06001 or any subsequent revision.
2. Prior to issuance of a building permit for proposed Lot 9, the Chesapeake Bay Critical Area Conservation Plan, CP-06001, shall be revised to show the total impervious surfaces and to show the driveway and house footprints. The revisions to the Conservation Plan may be approved by staff if no variances to any provision of the Zoning Ordinance are required.
3. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan CSD 5559-2006-00 or any approved revision thereto.
4. Approval of this plat is based upon a reasonable expectation that public water and sewer service will be available when needed. Waiver approved January 10, 2007 (06/1HA-34) to connect to existing water and sewer lines.
5. Prior to approval of any building permits, a limited detailed site plan for Lot 9 shall be approved per condition No. 7 and 8 of PGCPB No. 07-68.

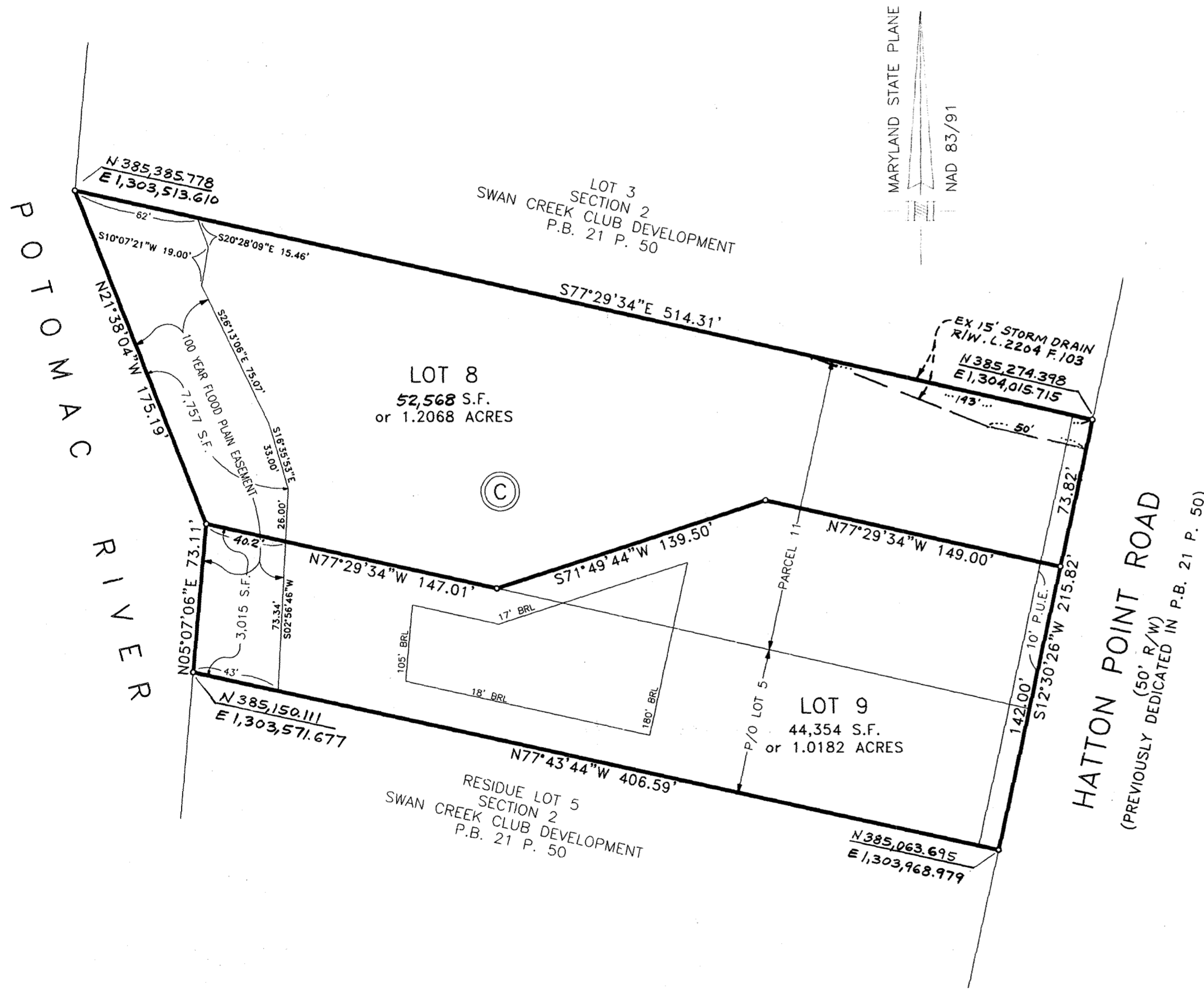
OWNER'S DEDICATION

I, MARY F. SMIRNOW, OWNER OF THE PROPERTY SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, GRANT TO PRINCE GEORGE'S COUNTY THE 100 YEAR FLOOD PLAIN EASEMENT AS SHOWN AND ESTABLISH THE TEN (10) FEET WIDE PUBLIC UTILITY EASEMENT (10' P.U.E.), ADJACENT, PARALLEL AND CONCENTRIC TO ALL DEDICATED STREETS AS SHOWN FOR THE USE AND BENEFIT OF THOSE PARTIES NAMED IN AND SUBJECT TO THE "DECLARATION OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS" RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN LIBER 3703 AT FOLIO 748.

I/WE FURTHER CERTIFY THAT THE PROPERTY LINE MARKERS WILL BE PLACED IN ACCORDANCE WITH SECTION 24-120 (b)(6)(f)(ii) OF THE SUBDIVISION REGULATIONS OF THE PRINCE GEORGE'S COUNTY CODE.

THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS OR TRUSTS AFFECTING THE PROPERTY INCLUDED IN THIS PLAT OF SUBDIVISION.

11/4/08 DATE  
 Dean Packard WITNESS  
 Mary F. Smirnow MARY F. SMIRNOW



FILED

APR 16 2009

CLERK OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT, THAT IT IS ALL OF THE PROPERTY IN A CONVEYANCE FROM OSCAR I. FAIRCLOTH AND ALMA J. FAIRCLOTH TO MARY F. SMIRNOW BY DEED DATED FEBRUARY 3, 2004 AND RECORDED IN LIBER 19107 AT FOLIO 221, ALSO BEING PART OF LOT FIVE, BLOCK "C" AS SHOWN ON A PLAT OF SUBDIVISION ENTITLED "SECTION TWO, SWAN CREEK CLUB DEVELOPMENT" AS RECORDED IN PLAT BOOK WWW No. 21 AT PLAT 50, AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND.

THAT THE TOTAL AREA INCLUDED IN THIS PLAT OF SUBDIVISION IS 2.2250 ACRES OF WHICH NONE IS DEDICATED TO PUBLIC USE.

2/11/09 DATE  
 Mitchell F. Goode  
 PROPERTY LINE SURVEYOR  
 MARYLAND REGISTRATION NO. 444  
 11/12/08 DATE  
 Dean Packard  
 DEAN PACKARD, PE  
 PROFESSIONAL ENGINEER  
 MARYLAND REGISTRATION NO. 16518

LOTS 8 and 9, BLOCK "C"

SWAN CREEK CLUB DEVELOPMENT

PISCATAWAY ELECTION DISTRICT NO. 5  
 PRINCE GEORGE'S COUNTY, MARYLAND  
 SCALE: 1" = 50'

PG ASSOCIATES, INC.  
 Civil Engineers • Land Surveyors • Planners  
 16220 FREDERICK ROAD  
 SUITE 300, GAITHERSBURG, MD. 20877  
 PHONE: (301) 208-0250

\*FOR PUBLIC WATER AND SEWER SYSTEMS ONLY\*

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 PRINCE GEORGE'S COUNTY PLANNING BOARD

APPROVED March 5, 2009  
 Samuel J. Lohr CHAIRMAN  
 Frances J. Brunton ASST. SECRETARY

M-NCP&PC RECORD FILE NO.: 5-09032

DEPT. OF ENVIRONMENTAL RESOURCES  
 PRINCE GEORGE'S COUNTY, MARYLAND

APPROVED November 20, 2008  
 Dawn Hawkins-Simon DIRECTOR OR DESIGNEE

RECORDED 4-16-2009  
 PLAT BOOK Pm 230  
 PLAT NO. 42