

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on November 8, 2018, regarding Detailed Site Plan DSP-90076-07 for Tantallon on the Potomac, Lot 12, Block E, the Planning Board finds:

1. **Request:** The proposal is for the construction of a 3,600-square-foot single-family detached dwelling with a garage on a vacant and partially-wooded property within the Chesapeake Bay Critical Area (CBCA). The detailed site plan (DSP) was originally accepted as a limited minor amendment for Planning Director level review; however, as allowed by Prince George’s County Zoning Ordinance Section 27-289(c) a citizen requested a public hearing. The associated Conservation Plan CP-89039-15 was approved by the Planning Board on November 8, 2018.
2. **Location:** The 1.32-acre property is located approximately 300 feet east of Firth of Tae Drive on Moyer Court, approximately 1,025 feet south of Swan Creek Road. The property address is 700 Moyer Court, Fort Washington, Maryland 20744.
3. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-R/L-D-O	R-R/L-D-O
Use(s)	Vacant	Residential
Acreage	1.32	1.32
Total Gross Floor Area (GFA)	0	3,600 sq. ft.
Areas not included in GFA:		
Two-Car Garage	0	420 sq. ft.
Unfinished Basement	0	2,024 sq. ft.
Rear Deck (Uncovered)	0	160 sq. ft.

OTHER DEVELOPMENT DATA

	PERMITTED	APPROVED
Maximum Building Height	35 feet	29 feet
Maximum Lot Coverage (per R-R Zone)	25 percent	15 percent
Minimum Front Yard Setback	25 feet	25 feet
Minimum Side Yard Setbacks	8 feet/17feet	14 feet/19 feet

4. **Surrounding Uses:** The subject property is located within the Rural Residential (R-R) and Limited Development Overlay (L-D-O) Zone within the CBCA and is surrounded by identically-zoned properties within the Tantallon on the Potomac Subdivision. Swan Creek, a tributary of the Potomac River, is located east of the subject property, beyond which to the east is the Tantallon Marina.
5. **Previous Approvals:** Preliminary Plan of Subdivision (PPS) 4-89176, Tantallon on the Potomac, subdividing 39.2 acres into 12 lots, was approved on December 21, 1989, with eight conditions. Condition 8 requires review of architecture by the Planning Board or its designee prior to building permit. The site was previously reviewed as part of Detailed Site Plan SP-90076 with a Type II Tree Conservation Plan (TCPII-183-90). A CBCA Conservation Plan, CP-89036 (Battersea on the Bay, Lot 17B), was approved by the Planning Board on December 21, 1989, and included approximately 38.6 acres of Parcel 52 of Tax Map 131. Preliminary Plan of Subdivision 4-89176 was approved by PGCPB Resolution No. 89-652 on December 21, 1989. A limited Detailed Site Plan, DSP-90076, was approved by the Planning Board on October 18, 1990 and incorporated into the revised Conservation Plan, CP-89036-01, which was approved the same day. This DSP approval included a single-family dwelling with driveway and garage on the subject lot. Multiple DSP and CP amendments have been approved by both the Planning Director and Planning Board subsequently, but none included this lot.

The subdivision was recorded by Final Plat VJ 157-36 on February 25, 1991. Detailed Site Plan DSP-90076 was vested by the construction of residential structures on Lots 8 and 9. The subject property was included in Conservation Plan CP-89039, but not in any subsequent revisions.

The approved Type II Tree Conservation Plan (TCPII-183-90) for the site became invalid with the current regulations when TCPIIs were no longer required for applications within the CBCA.

6. **Design Features:** The 1.32-acre wooded property is located on Moyer Drive, approximately 300 feet east of Firth of Tae Drive on Moyer Court, approximately 1,025 feet south of Swan Creek Road. The lot bearings and distances are shown on the site plan. The proposed site plan meets the requirements of the Prince George's County Zoning Ordinance for development in the R-R Zone, specifically regarding lot coverage and setbacks. The site plan accurately illustrates the grading of the lot.

The applicant proposes to construct a two-story, cement plaster and stone veneer, 3,600-square-foot, single-family detached dwelling with a hip roof. A driveway off the cul-de-sac is proposed to lead to an attached two-car-garage on the front of the dwelling. No regulated environmental features or buffers will be impacted for the construction of the dwelling, but a six-foot, natural material walkway will be constructed within the 100-foot primary buffer. Access to the water does not require a variance for buffer impacts. The proposed structure and architecture are suitable to the surrounding properties. There are no other specific architectural design guidelines applicable.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The application conforms to the requirements of the R-R Zone, including Section 27-441, Permitted Uses; Section 27-442; and site design guidelines contained in Sections 27-283 and 27-274 of the Zoning Ordinance.
- a. The proposed single-family detached residence is a permitted use and meets the setback, lot size, and lot coverage requirements, as follows:
- (1) Required net lot area is 20,000 square feet. The provided net lot area is 20,556 square feet, which meets this requirement.
 - (2) Maximum permitted lot coverage is 25 percent. The proposed lot coverage, 15 percent, does not exceed this maximum.
 - (3) The required front yard setback of 25 feet is provided.
 - (4) The provided side yard setbacks exceed the minimum requirement of eight feet from the property line to the building, and the total of both side yards requirement of a minimum of 17 feet. The side yard setbacks of an individual minimum of 14 feet and a total of 29 feet are demonstrated on the site plan and exceed this requirement.
 - (5) The required rear yard setback is 20 feet. The provided rear-yard setback of 198 feet exceeds this requirement and is delineated on the plan.
 - (6) The maximum building height permitted is 35 feet. The site plan indicates that the building will be two stories, and is 29 feet in height, which meets this requirement.
 - (7) No accessory buildings are indicated on the site plan.

Based on this analysis of the Zoning Ordinance requirements, no variances from the above provisions are required.

- b. The original Detailed Site Plan, SP-90076, as required by a condition of the approved PPS 4-89176, was approved on October 18, 1990 (PGCPB Resolution No. 90-451) and included conditions requiring two notes on the site plan regarding the storage of construction materials in a secured house or construction trailer and the notification of the police department if theft occurs at the construction site. Therefore, a condition has been included in this approval requiring these same notes to be added to this DSP.

- c. An environmental related condition of approval of the site that was associated with Preliminary Plan, 4-89176 is found in PGCPB No. 89-652. The environmental condition is in **bold** typeface, the associated comments, additional information, plan revisions and conditions are in standard typeface.

3. Prior to submittal of the Detailed Site Plan, test borings shall be performed for those lots containing dredged spoil at all proposed house locations. These results and any other applicable soils study results shall be submitted with the Detailed Site Plan. The test borings shall be performed in conformance with the requirements of the Conservation Plan.

The original DSP-90076 file contains a soils report dated February 5, 1990 which states that Lot 12, Block B, should have a maximum allowable bearing pressure of 2,500 pounds per square foot (PsF). The report has no specific recommendations for the removal of contaminated materials on this lot but does list specific recommendations for removal of contaminated soils on other lots within the subdivision. Because the report lists specific recommendations for removal of contaminated materials on certain lots and not for the subject lot, it appears that no fill or dredge material were encountered in the soil borings taken on the subject lot. However, this interpretation is not clearly stated in the report.

The original CP-89039 has labels on the plan for fill and dredge spoil; however, the areas associated with the labels are not delineated on the plan. The original CP also shows the entire development envelope currently proposed as being graded for the installation of Moyer Court. If the proposed building envelope had any fill and/or dredge spoil it should have been addressed at the time of grading for roadway installation. Likewise, the grading for roadway installation may have contained fill. Based on the information available in our files, the nature of the soils on this property is not clear. Because DPIE is currently the review agency for unsafe lands, DPIE must be notified prior to the issuance of the first permit to determine what, if any, restrictions may be necessary with respect to soils.

8. **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 three-to-one. The submitted plans indicate conformance with these requirements.

As the site is located within the CBCA, the removal of existing vegetation, including invasive species, is discouraged. For this reason, removal of invasive species in accordance with Section 1.5, Certification of Installation of Plant Materials, is not recommended.

9. **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.
10. **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).
11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Subdivision Review**—The Planning Board found that all bearings and distances on the DSP are consistent with the approved record plat. There are no other subdivision issues at this time.
 - b. **Trails**—The Planning Board found that there are no master plan trail recommendations and no internal or external bicycle and pedestrian improvements needed.
 - c. **Environmental Planning**—The Planning Board found that the site is bounded to the southeast by Swan Creek and contains critical area, 100-foot primary, expanded secondary buffer areas, FEMA 100-year floodplain, nontidal wetlands, and steep slopes. The Web Soil Survey indicates that the site is comprised of Sassafras-Croom complex and Sassafras and Croom soils soil types. According to available information, Marlboro clay and Christiana clays do not occur on or in the vicinity of this site.

The on-site stormwater sheet flows across the site towards Swan Creek. A copy of the approved Stormwater Management (SWM) Concept Plan and Letter (41211-2017-00) dated October 2, 2017, were submitted with the subject application. The SWM concept plan shows stormwater to be directed from the roof top to three drywells and a porous paver driveway. 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 application is consistent with the SWM concept plan.

The site has frontage on Moyer Court, which is not identified as a specific designation within the 2009 *Approved Countywide Master Plan of Transportation*. No scenic or historic roads are affected by this proposal. There are no significant nearby transportation related noise sources and the proposed improvements are not expected to be a noise generator.

12. 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.
13. 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 dwelling.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Detailed Site Plan DSP-90076-07 for the above described land, subject to the following conditions:

1. Prior to certification of the detailed site plan, the following notes shall be added to the plan:
 - a. All appliances, electrical fixtures, carpeting, plumbing fixtures, and cabinets shall not be stored on-site, except in secured construction trailers or in secured houses.
 - b. The developer/builder shall report to the Prince George's County Police Department any breakings or entering(s), theft, and/or vandalism at the construction site immediately upon knowledge of such crimes. In cases of break-ins or entering(s) into construction/ office trailers where no alarm has been installed, the builder shall then be required to fully alarm all points of access (windows and doors) to the construction/office trailer(s) and implement any reasonable crime prevention measures recommended by the Police Department to help prevent future occurrences.
2. Prior to issuance of the first permit, the applicant shall submit to DPIE a soils report or any other applicable information, to determine if test borings for identifying the location of dredge spoil, or any unsafe soils on the site is necessary.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Doerner, and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, November 8, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of November 2018.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

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