

RESOLUTION

WHEREAS, the Prince George’s County Planning Board has reviewed Chesapeake Bay Critical Area Conservation Plan Application No. CP-10005-01, Alice Ferguson Foundation (Hard Bargain Farm), requesting approval in accordance with Subtitle 27 of the Prince George’s County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on March 4, 2021, the Prince George’s County Planning Board finds:

A. Location: The subject property is located on Tax Map 140 in Grid F4 and consists of two parcels, Part of Parcels 7 and 34, totaling 18 acres in the Open Space (O-S) Zone, of which 4.41 acres are also located within the Chesapeake Bay Critical Area (CBCA) Conservation Overlay (R-C-O) Zone. The site is in Planning Area 83, Council District 9. More specifically, the subject property is located on the northeast and southwest sides of Bryan Point Road, approximately 2.4 miles west of Farmington Road.

B. Development Data Summary:

	EXISTING	APPROVED
Zone(s)	O-S/R-C-O	O-S/R-C-O
Use(s)	Eleemosynary or Philanthropic institution	Eleemosynary or Philanthropic institution
Acreage	18.00	18.00
Square Footage/GFA	17,826	5,586*

Note: *The proposed 60- by 40-foot open-air pavilion is not included in the GFA.

C. History: Special Exception SE-2711 for a “Private Educational Institution” was approved for the site on July 15, 1974. On February 28, 1985, a minor revision to SE-2711 was approved for an addition to one of the buildings and a deck. That use is no longer found in the Prince George’s County Zoning Ordinance; the eleemosynary or philanthropic institution use being sought most nearly corresponds to the original. The subject property was retained in the O-S Zone in the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA), approved by Prince George’s County Council Resolution CR-61-2009 on September 9, 2009.

SE-4663 was approved for the site on July 26, 2012 (PGCPB Resolution No. 12-84) for a new interpretive and overnight accommodations, support facilities (including a wetland boardwalk), and to provide additional parking on the site.

Conservation Plan CP-10005, for expansion of the existing educational facility, was approved by the Prince George’s County Planning Board on July 26, 2012 (PGCPB Resolution No. 12-83).

- D. Master Plan and General Plan Recommendations:** This application is consistent with the 2014 *Plan Prince George's 2035 General Plan* (Plan 2035), which designates this application in a Rural and Agricultural Area policy area. The vision for the Rural and Agricultural Areas includes retaining low-density residential, supporting park and open space land uses, and focusing new investment on maintaining existing infrastructure.

The Subregion 5 Master Plan and SMA recommends a rural use for the subject property, together with most of the surrounding area.

- E. Request:** The proposal is for the revision of a Special Exception Site Plan and CBCA conservation plan to remove a previously approved 12,240-square-foot educational building (known as the Moss Building) and replace it with a 60- by 40-foot open-air pavilion and associated parking modifications.

- F. Neighborhood and Surrounding Uses:** The neighborhood is sparsely developed with widely scattered single-family dwellings in the Moyaone Reserve, woodland and federal park land. The general neighborhood boundaries are:

Northwest: Piscataway Creek and the Potomac River

East and South: A network of roads including Farmington, Marshall Hall, New Marshall Hall, and Mockley Point Roads.

Southwest: The Charles County boundary.

This is the same neighborhood as established for Special Exception SE-4633.

The property is surrounded by the following uses:

North: Piscataway Park, in the Reserved Open Space Zone.

East: Privately owned, undeveloped land in the O-S Zone.

South: Bryan Point Road, a winding two-lane road, additional undeveloped land owned by the applicant, and single-family residences on large lots in the O-S Zone.

West: The Wagner Community Center and Pool (owned by the Moyaone Association) in the O-S Zone.

- G. Zone Standards:** The proposal is within the applicable development requirements and regulations set forth in Section 5B-115, of the CBCA Ordinance, for the Resource Conservation Overlay (R-C-O) Zone, Section 27-425 for the O-S Zone requirements, and Section 27-548.15 for regulations in the R-C-O Zone of the Zoning Ordinance. Section 27-441(b), Uses Permitted in Residential Zones, of the Zoning Ordinance, indicates that an eleemosynary/philanthropic institution is a permitted use by special exception in the O-S Zone.

H. Design Requirements:

Signage—There is no change to signage associated with this application.

Parking Regulations—The proposed site plan shows the required number of parking spaces for the site.

Prince George’s County Landscape Manual Requirements—The subject application is not subject to the 2010 *Prince George’s County Landscape Manual* (Landscape Manual) because of the limited improvements with no increase in gross floor area or impervious areas for parking and/or loading.

Tree Canopy Coverage Ordinance—This application is not subject to the Tree Canopy Coverage Ordinance, as it did not propose disturbance of 5,000 square feet or greater.

I. Required Findings: The applicant provided responses through a statement of justification dated January 27, 2021, incorporated herein by reference. Section 27-317(a) and (b) of the Zoning Ordinance states that:

(a) A Special Exception may be approved if:

- (1) The proposed use and site plan are in harmony with the purposes of this Subtitle.**

The purposes of the Zoning Ordinance are set forth in Section 27-102. This application fulfills the purposes, as follows:

Section 27-102. Purposes.

- (1) To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;**

An eleemosynary/philanthropic institution was determined to be in compliance with this finding through Prince George’s County District Council approval SE-4663. This minor revision will not impact this finding.

- (2) To implement the General Plan, Area Master Plans, and Functional Master Plans;**

The subject property is located within the Rural and Agricultural Growth Policy Area as established by Plan 2035, which was formerly referred to as the “Rural Tier.” The Subregion 5 Master Plan and SMA was

approved prior to Plan 2035 and refers to the property as being located within the Rural Tier. As stated on page 9 of the Subregion 5 Master Plan and SMA: “The vision for the Rural Tier is protection of large amounts of land for woodland, wildlife habitat, recreation and agricultural pursuits, the preservation of rural character and the conservation of significant scenic vistas.” An eleemosynary institution that promotes the preservation of agricultural practices through education and conservation efforts implements the general and the master plan for this area.

(3) To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;

This request is consistent with this purpose. The property lacks infrastructure for the conservation, creation, or expansion of residential communities, and is instead improved and used to promote and encourage agricultural and ecological uses.

(4) To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;

This revision to the approved special exception is consistent with this purpose. It furthers the education of the agricultural uses and ecological efforts in an area of Prince George’s County designated for agricultural and rural uses.

(5) To provide adequate light, air, and privacy;

As the proposed smaller building will now be an open-air pavilion, there will be a greater amount of light and air in this structure than there would have been in the previously approved building.

(6) To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development.

Nearby property owners were found not to be impacted by SE-4663. This revision will not impact this finding.

(7) To protect the County from fire, flood, panic, and other dangers;

This purpose was found to be satisfied in the original approval, and the proposed changes will not alter or disrupt that determination.

- (8) To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;**

No housing is being proposed with this revision.

- (9) To encourage economic development activities that provide desirable employment and a broad, protected tax base;**

- (10) To prevent the overcrowding of land;**

- (11) To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;**

- (12) To insure the social and economic stability of all parts of the County;**

- (13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;**

- (14) To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and**

- (15) To protect and conserve the agricultural industry and natural resources.**

An eleemosynary/philanthropic institution was determined to be in compliance with these findings through District Council approval of SE-4663. This minor revision proposed a smaller structure in the same area as the prior approved development and will not impact, but further the purposes of Findings (9) through (15).

Section 27-317. Required Finding. (Continued)

- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

With approval of the revision to CP-10005, submitted in conjunction with this application, the proposed revision will be in conformance with all applicable requirements and regulations of the Zoning Ordinance.

- (3) **The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.**
- (4) **The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**
- (5) **The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**

An eleemosynary or philanthropic institution was determined to be in compliance with this finding through District Council approval of SE-4663. This minor revision, which will result in a smaller building and a smaller amount of impervious surface, will not impact these findings.

- (6) **The proposed site plan is in conformance with an approved Tree Conservation Plan.**

A tree conservation plan was not submitted with this application. An eleemosynary or philanthropic institution was determined to be in compliance with this finding through District Council approval of SE-4663. This minor revision will not impact this finding.

- (7) **The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

While the CBCA has been changed since the original approval to now encompass the Moss Building and its surrounding area (as reflected in the proposed revision to CP-10005), the proposed smaller building and reduced amount of impervious area will be consistent with this purpose.

- (b) **In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:**

- (1) **Where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or**
- (2) **Where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.**

Even with the expansion of the CBCA boundaries, this revision proposed lot coverage below the 15 percent maximum permitted in the CBCA. This proposal will also reduce the total amount of lot coverage approved for construction in the CBCA because it proposed a decrease of 12,240 square feet of gross floor area,

and a 7,367-square-foot reduction in impervious cover within the previously approved limits of disturbance (LOD), as previously approved for the site in SE-4663. The 12,240-square-foot Moss Building was approved in SE-4663, and at the time of approval, the Moss Building was located outside the delineated limits of the CBCA. However, the CBCA boundaries expanded after 2013 through the use of improved mapping techniques, which now encompasses the Moss building. By proposing to remove the 12,240-square-foot Moss Building and replace it with the 60- by 40-foot open-air pavilion, there will be a reduction of impervious area in the CBCA. Furthermore, when also calculating the fewer number of parking spaces to serve the smaller building, along with the additional reduction in vehicular and pedestrian access to the building, there will be a total reduction of 7,367 square feet of impervious area within the LOD from that which was originally approved in 2013. Since SE-4663 remains valid and this special exception was approved through (and thus allowed by) this Subtitle, and granting this request will not result in a net increase in the existing lot coverage in the CBCA, this request for a revision to SE-4663 may be granted.

Subdivision 10 – Amendments of Approved Special Exceptions

Section 27-325(b) – Minor Changes, Planning Board.

- (1) The Planning Board is authorized to approve the following minor changes:**
 - (A) An increase of no more than fifteen percent (15%) in the gross floor area of a building;**
 - (B) An increase of no more than fifteen percent (15%) in the land area covered by a structure other than a building;**
 - (C) The redesign of parking or loading areas; or**
 - (D) The redesign of a landscape plan.**
- (2) The Planning Board is further authorized to approve the minor changes described in (d) and later subsections below.**
- (3) In reviewing proposed minor changes, the Board shall follow the procedures in (a)above.**

Section 27-325(j) – Changes of site plans for uses within a Chesapeake Bay Critical Area Overlay Zone.

Changes of a site plan for an approved use within a Chesapeake Bay Critical Area Overlay Zone may be approved by the Planning Board, if such changes are necessary in order to conform to the approved Conservation Plan and Conservation

Agreement. The Planning Board shall not approve any change previously proposed and specifically disapproved as part of the original Special Exception.

As set forth above, this request will remove the previously approved 12,240-square-foot Moss Building and replace it with a 60- by 40-foot open-air pavilion. In addition, the smaller open-air pavilion will require 10 fewer off-street parking spaces than the Moss Building. Finally, certain modifications to vehicular and pedestrian access are also proposed to accommodate the smaller structure. In sum, these revisions involve a reduction of 12,240 square feet of gross floor area, and a reduction of 7,367 square feet of impervious surface, which is far below the maximum allowable for a minor change, which allows up to 15 percent increase in gross floor area of a building or land area covered by a structure other than a building. Moreover, this request is being filed, in conjunction with a revision to an approved conservation plan, and this revision is necessary to conform with the conservation plan.

- J. Referrals:** The following are a summary of comments generated from referrals by internal divisions and external agencies. Said referrals are incorporated by reference herein. Any outstanding plan revisions that remain are included as conditions of approval.

Community Planning—There are no general plan or master plan issues raised by this application. (Irminger to Sievers, December 17, 2020)

Historic Preservation—This project will not affect any Prince George’s County historic sites or resources. The significant portion of the property in this proposal will not impact the two archeological sites, 18PR962 and 18PR963. No additional archeological investigations are recommended. (Stabler to Sievers, December 23, 2020)

Parks—There are no impacts on existing parklands. (Holley to Sievers, February 2, 2021)

Transportation—The pedestrian and bicycle access and circulation for this plan is acceptable, consistent with the purpose pursuant to Section 27-548, and meets the findings required by Section 27-317 for a conservation plan and revision to special exception plan for multimodal transportation purpose, and conforms to the prior development approvals and the Subregion 5 Master Plan and SMA, subject to a set of conditions found in the conclusion below. (Smith to Sievers January 27, 2021)

Environmental—No revisions are required to the conservation plan, Natural Resources Inventory Plan, or stormwater management plan. All proposed changes are acceptable with no conditions. (Rea to Sievers January 27, 2021)

Urban Design—The application is in conformance with the requirements of the Zoning Ordinance and the CBCA Ordinance. It is also in conformance with the conditions of the previously approved special exception and CBCA Conservation Plan. Conformance with the requirements of the Landscape Manual were previously determined with prior approvals. A reduction in the quantity of plant units to be provided is shown with the amendment;

however, the plantings to be removed are not within a required buffer or landscape yard. The removal of the plant units, as shown on the plans and updated landscape schedule for Section 4.9, Sustainable Landscape Requirements, is acceptable. The overall project remains in conformance with the requirements of the Landscape Manual. (Bossi to Sievers, February 1, 2021)

K. Determinations: The criteria for granting the revisions to Special Exception ROSP-4663-02 and CP-10005-01 are met. The subject property currently serves the community as an eleemosynary philanthropic institution related to agricultural and ecological education and is compatible with all of the adjacent uses. Therefore, the use will not adversely affect the health, safety, or welfare of residents or workers in the area, or be detrimental to the use or development of adjacent properties or the general neighborhood, as no increases into the interior gross floor area are being proposed and the use will continue to function as an eleemosynary/philanthropic institution, as it has since its initial construction in 1974. Moreover, the Planning Board finds that the proposed minor revisions are so limited in scope and nature that they will have no appreciable impact on either adjacent properties or the previously approved site plan.

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 the above-noted application:

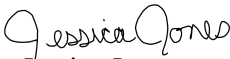
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the Circuit Court for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

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

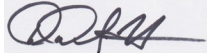
Adopted by the Prince George's County Planning Board this 25th day of March 2021.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:TS:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: March 22, 2021