

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on June 26, 2014, regarding Detailed Site Plan DSP-90076-06 for Tantallon on the Potomac, Lot 6, Block E, the Planning Board finds:

- Request:** The proposal is for the construction of a 3,308-square-foot single-family detached dwelling with a garage on a vacant and partially-wooded property within the Chesapeake Bay Critical Area (CBCA). The current application has been submitted for revisions to a previously approved detailed site plan (DSP) and conservation plan (CP) to account for unauthorized clearing and to request approval of a mitigation plan. The approval of a conservation plan by the Planning Board is required prior to the issuance of permits in the Chesapeake Bay Critical Area (CBCA) because the approval of a revised variance from Subtitle 5B of the Prince George's County Code is required. The Planning Board's decision regarding the conservation plan is contained in PGCPB Resolution No. 14-58.
- Location:** The 0.46-acre property is located on the east side of Firth of Tae Drive 700 feet south of its intersection with Swan Creek Road. The property address is 12308 Firth of Tae Drive, Fort Washington, Maryland.
- Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-R/L-D-O	R-R/L-D-O
Use(s)	Vacant	Residential
Acreage	.46	.46
Total Gross Floor Area (GFA)	0	3,308 sq. ft.
Areas not included in GFA		
3-car garage		(638 sq. ft)
Unfinished Basement		(1,536 sq. ft)

OTHER DEVELOPMENT DATA

	PERMITTED	APPROVED
Maximum Building Height	35 ft.	35 ft.
Maximum Lot Coverage (per R-R Zone)	25 percent	21.65 percent
Minimum Front Yard Setback	25 ft.	66 ft.
Minimum Side Yard Setbacks	8 ft./17ft.	18 ft./43 ft.

4. **Surrounding Uses:** The subject property is located within the Rural-Residential (R-R) and Limited-Development-Overlay (L-D-O) Zone within the Chesapeake Bay Critical Area (CBCA) and is surrounded by identically-zoned properties within the Tantallon on the Potomac Subdivision. Swan Creek Road is located north of the subject property. A tributary of the Potomac River is located south and east of the subject property, beyond which to the east is the Tantallon Marina. The Potomac River is located approximately 0.4 miles west of the subject property.
5. **Previous Approvals:** The site was previously reviewed as part of Detailed Site Plan, SP-90076 with a Type II Tree Conservation Plan TCPII-183-90. A Chesapeake Bay Critical Area 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. The 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. The subject lots were 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 Lot 8 and Lot 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 Type II Tree Conservation Plans were no longer required for applications within the Chesapeake Bay Critical Area.

The site is subject to the current Chesapeake Bay Critical Area (CBCA) regulations in Subtitle 5B of the Prince George's County Code. This lot had a previous approval for a single-family dwelling with a driveway to an attached garage in October 1990, which was revised in August 2005. According to Section 5B-116(g), this approval has since expired because the plan validity period is only for three years after approval. No one-year extensions were received after the three year approval time expired.

On June 6, 2013, the Planning Board approved Detailed Site Plan DSP-90076-04 (PGCPB Resolution No. 13-69) and Conservation Plan CP-89039-11 (PGCPB Resolution No. 13-68), Tantallon on the Potomac, Lot 6, Block E, which approved a 3,308-square-foot single-family

detached dwelling with a garage and a variance request from Section 5B-114(e)(5) for removal of 55 percent of the existing woodlands on the site.

6. **Design Features:** The 0.46-acre, wooded property is located on the east side of Firth of Tae Drive. The applicant proposes to construct a two-story, brick, 3,308-square-foot, single-family detached dwelling with a hip roof. A driveway that varies from 18 feet in width to 12 feet in width and includes a wider asphalt area for vehicular turnaround is proposed to lead to an attached three-car-garage on the northwestern corner of the dwelling. The current application shows a proposed revision to the configuration of the driveway (from what was previously approved by the Planning Board), resulting in an increase in impervious lot coverage and a decrease in the area available for mitigation planting. This widened driveway shall be removed from the plan in accordance with the Planning Board's decision for CP-89039-14.
7. **Prince George's County Zoning Ordinance:** The Planning Board finds that 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.
 - 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 20,072 square feet, which meets this requirement.
 - (2) Maximum permitted lot coverage is 25 percent. The proposed lot coverage does not exceed this maximum.
 - (3) The required front yard setback is 25 feet. The minimum provided front yard setback is exceeded, and is delineated on the plan.
 - (4) The required side yard setbacks are a minimum of eight feet from the property line to the building, and the total of both side yards should be a minimum of 17 feet. The side yard setbacks are demonstrated on the site plan and they meet this requirement.
 - (5) The required rear yard setback is 20 feet. The minimum rear yard setback is exceeded, 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 35 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 detailed site plan (DSP) is in general conformance with the applicable site design guidelines contained in Sections 27-283 and 27-274. The following discussion is offered:

- (1) In accordance with Section 27-274(a)(7)(A), Grading, grading should be performed to minimize disruption to existing topography and other natural resources on the site. To the extent practicable, grading should minimize environmental impacts.

The Planning Board finds that the submitted detailed site plan shall be revised to limit the extent of the grading that is proposed. No grading shall occur within the Afforestation Area #3 shown on the plan stamped as received on May 27, 2014. This is consistent with the Planning Board's decision in CP-89039-14.

8. **2010 Prince George's County Landscape Manual:** The application is subject to Section 4.1 Residential Requirements. The over-20,000-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 existing and proposed plant material. Landscaping provided in accordance with the requirements of the 2010 *Prince George's County 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 to these requirements.

As the site is located within the Chesapeake Bay Critical Area (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 (WCO), because the entire site is within the Chesapeake Bay Critical Area (CBCA); therefore, a Letter of Exemption from the WCO will be issued.
10. **Tree Canopy Coverage Ordinance:** The Tree Canopy Coverage (TCC) Ordinance became effective on September 1, 2010. Since the entire subject property is located within the Chesapeake Bay Critical Area, it is exempt from the TCC 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 comments are summarized as follows:
- a. **Permit Review**—In a memorandum dated June 6, 2014, the Permit Review Section staff stated that all zoning issues appear to be addressed.

- b. **The Department of Permitting, Inspections, and Enforcement (DPIE)**—In comments dated June 6, 2014, DPIE provided an evaluation of the subject proposal. The following comment is relevant to the DSP:

- (1) No private structure is allowed within the County right-of-way or Public Utility Easement (PUE), except for a mailbox in accordance with DPW&T Standard No 300.34 (attached). Revise plans to move private lamp posts and mailbox out of the public right-of-way and behind ten-foot PUE.

12. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's 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) of the Zoning Ordinance, the Planning Board shall 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 Subtitle 24-130(b)(5) of the Subdivision Regulations. The site contains no regulated environmental features; therefore, this finding is not applicable.

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 Detailed Site Plan DSP-90076-06, subject to the following conditions:

1. Prior to certificate of approval of the detailed site plan, the following revisions shall be made or information shall be provided:
- a. Show the limit of the driveway as it was approved in Conservation Plan CP-89039-11.
 - b. Provide a detailed site plan (DSP) for certification that is consistent with the requirements of Conservation Plan CP-89039-11.
 - c. Revise plans to move the private lamp posts and enhanced mailbox out of the public right-of-way and behind the ten-foot public utility easement (PUE). Only a standard mailbox is permitted in the public-right-of-way.
 - d. Provide the new M-NCPPC approval block on the detailed site plan.

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 Shoaff, with Commissioners Washington, Shoaff, Bailey and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, June 26, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of July 2014.

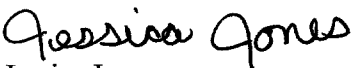
Patricia Colihan Barney
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date 7/3/14

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:MF:arj