



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

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Chesapeake Bay Critical Area Conservation Plan Swan Creek

CP-19002

REQUEST	STAFF RECOMMENDATION
Demolition of an existing single-family dwelling in the Chesapeake Bay Critical Area and construction of a new 2-story single-family residence.	APPROVAL with conditions
Variance to Section 5B-121(e)	APPROVAL

Location: On the northwest side of Hatton Point Road, at its intersection with Riverview Place.

Gross Acreage:	1.33
Zone/ Overlay:	RE/LDO
Zoning Ordinance:	<input type="checkbox"/> Current <input checked="" type="checkbox"/> Prior
Gross Floor Area:	4, 838 sq. ft.
Lots:	1
Parcels:	N/A
Planning Area:	80
Council District:	08
Election District:	05
Municipality:	N/A
200-Scale Base Map:	216SW02

Applicant/Address:
Tchako Ngandjui
2911 Georgia Avenue, #200
Washington, DC 20001

Staff Reviewer: Dominique Lockhart
Phone Number: 301-952-3411
Email: Dominique.Lockhart@ppd.mncppc.org



Planning Board Date:	05/12/2022
Planning Board Action Limit:	N/A
Mandatory Action Timeframe:	N/A
Staff Report Date:	04/@/2022
Date Accepted:	02/01/2022
Informational Mailing:	09/03/2020
Acceptance Mailing:	12/02/2021
Sign Posting Deadline:	04/12/2022

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at

http://www.mncppcapps.org/planning/Person_of_Record/.

Please call 301-952-3530 for additional information.

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THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Conservation Plan CP-19002
 Variance to Section 5B-121(e)
 Swan Creek

The Zoning Staff has completed the review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this staff report.

The applicant is proposing to remove the existing single-family dwelling and construct a new two-story single-family dwelling, parking area, and required stormwater management facility. The applicant is also requesting the Planning Board's approval of a variance to Section 5B-121(e) of the Prince George's County Code for development within the secondary buffer. Staff recommends **APPROVAL** of the conservation plan and variance, based on the findings contained in this technical staff report.

EVALUATION CRITERIA

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

- a. The requirements of the Chesapeake Bay Critical Area (CBCA) Limited Development Overlay (L-D-O) Zone of the prior Prince George's County Zoning Ordinance
- b. The requirements of the Residential-Estate (R-E) Zone and site design guidelines of the prior Prince George's County Zoning Ordinance
- 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

This application is being reviewed in accordance with the prior Prince George's County Zoning Ordinance, as required by Section 27-1703(a) of the Zoning Ordinance. The site is subject to Residential-Estate (R-E) and Limited Development Overlay (L-D-O) Zones under the prior Zoning Ordinance. Based upon the analysis of the subject application, the Zoning staff recommends the following findings:

- Request:** Demolition of an existing single-family dwelling in the Chesapeake Bay Critical Area (CBCA) and construction of a new 2-story single-family residence. The applicant is also requesting a variance to Section 5B-121(e) for development within the secondary buffer.
- Location:** The subject property is located on Tax Map 131 in Grid B2 and consists of one parcel totaling 1.33 acres, located within Residential Estate (RE) Zone and the CBCA LDO Zone. The site is in Planning Area 80 and Council District 8. More specifically, the subject property is located in Fort Washington, on the northwest side of Hatton Point Road, at its intersection with Riverview Place, and overlooks the Potomac River to the west.
- Development Data Summary:** The following information relates to the subject conservation plan application.

	EXISTING	PROPOSED
Zone(s)/Overlay(s)	RE/LDO (Prior R-E/L-D-O)	RE/LDO (Prior R-E/L-D-O)
Use(s)	Residential	Residential
Acreage	1.33	1.33

OTHER DEVELOPMENT DATA

(RE) RESIDENTIAL ESTATE ZONE	PERMITTED	PROPOSED
Maximum Building Height	35	30 feet (approximately)
Maximum Lot Coverage (per RE Zone)	20%	16.1%
Minimum Lot/Width Front Street Line	50 feet	142.9 feet
Minimum Lot/ Width Front Building Line	120 feet (if served by public water and sewer)	150 feet (approximately)
Minimum Front Yard Setback	25 feet	133.68 feet
Minimum Rear Yard Setback	25 feet	119.84 feet
Minimum Side Yard Setbacks	35 feet/17 feet	17.26 feet/19.38 feet
Maximum Lot Coverage (per LDO Zone) (Chesapeake Bay Critical Area)	15%	14.7%

- Surrounding Uses:** The subject property is located within the RE and LDO Zones within the CBCA, and is surrounded by identically zoned and developed, single-family residential properties to the north and south. The Potomac River abuts the site to the west and Hatton Point Road abuts the site to the east. Developed single-family lots in the Rural Residential

(RR) and LDO Zones are located further east of the subject property, beyond Hatton Point Road. The subject property is also adjacent to and north of Prince George's County Historic Site, Riverview Pavilion (80-022).

5. **Previous Approvals:** There are no previous zoning application approvals for the subject property. The property has been in same configuration since 1964, and is developed with a single-family detached dwelling, which was constructed in 1953, per state tax records.
6. **Design Features:** The conservation plan submitted with this application meets the requirements of the prior Zoning Ordinance for development in the RE Zone regarding building height and setbacks. The proposed pool house will be located within the secondary buffer, which requires a variance to Section 5B-121(e) of the Prince George's County Code. The applicant proposes to redevelop the subject property by demolishing the existing single-family dwelling and constructing a new single-family dwelling.

The site currently contains 8,902 square feet of impervious surface, or 15.3 percent of the site. The site plan provided with this application shows the proposed impervious surface area is 8,554 square feet, (14.7 percent of the site). The maximum allowable coverage for this property is 15 percent, or 8,723 square feet. The redevelopment of the site proposes to add several environmental benefits, such as reducing the amount of impervious surface area on the property, planting additional trees, installing a permeable paver driveway, replacing the existing septic system with public sewer, and installing a stormwater management (SWM) system.

COMPLIANCE WITH EVALUATION CRITERIA

7. Environmental Review and Conformance with Subtitle 5B

Background

The site currently contains 8,902 square feet of impervious surface (15.3 percent), and the new impervious area will be 8,554 square feet, or 14.7 percent of the site. The maximum allowable coverage on this property is 15 percent, or 8,723 square feet. The new house design will remove all the primary buffer impervious area, but add 29 square feet of secondary buffer impact.

The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-161-2017	N/A	Staff	Approved	10/31/2017	N/A
NRI-161-2017-01	N/A	Staff	Approved	12/22/2020	N/A
NRI-161-2017-02	N/A	Staff	Approved	2/22/2022	N/A
CP-19002	N/A	Planning Board	Pending	Pending	Pending

According to PGAtlas and tax records, the current location of the house, garage, and driveway have been in the same location since 1953.

Natural Resources Inventory Plan

The subject site has a revised Natural Resources Inventory plan (NRI-161-2017-02), approved on February 22, 2022, and included with the application package. The NRI states that there is 0.51 acre of developed woodland on-site. The latest NRI revised the secondary buffer limits, as recommended by the CBCA Commission. The original NRI was approved in 2017, and then revised in 2020 to show an updated floodplain limit.

Site Description

This 1.33-acre property is in the prior R-E and L-D-O Zones and is located at 12321 Hatton Point Road. The site contains CBCA 100-foot primary buffer, secondary buffer, 100-year floodplain, and steep slopes. The existing structures present on-site include an existing house, single car garage, and driveway. The site contains developed woodlands within the 100-foot primary buffer and scattered individual trees and shrubs throughout the property. The plan proposes to remove some invasive vegetation and a dying specimen tree. The subject property has a natural shoreline, unlike the adjacent properties which have had stone revetment work along the shoreline. No scenic or historic roads are affected by this application. The site is not located within a sensitive species project review area, nor does it have state or federal rare, threatened, or endangered species within the boundary area. Less than 50 percent of the subject lot is located within the regulated and evaluation areas of the Green Infrastructure Network. The Web Soil Survey indicates that the site is comprised of the Sassafras-Urban land complex soil type.

Chesapeake Bay Critical Area Conservation Plan

The CBCA Conservation Plan submitted with this application contains information such as the proposed driveway, parking area, house location, garage, deck, pool, pool room, and SWM structures, as required for the overall review of the conservation plan for this site.

The application proposes to remove the 1953 built structures (house, carport, parking area, and driveway) and construct a new single-family detached dwelling with garage, deck, pool, pool room, parking area, and relocate the driveway, and install SWM structures. Previously, a small portion of the house was located within the primary buffer and now the improvements have been removed out of the primary buffer. The existing lot coverage has been reduced from 15.3 percent to 14.7 percent. The only impact within the 100-foot primary buffer is an existing mulch, soil, and stone walking trail to the beach along the Potomac River, which does not require a variance.

No clearing of existing trees is proposed with this development. According to Section 5B-121(f)(1)(C), since this lot was created before January 1, 2010, and is proposing substantial alterations to the existing homesite, the buffer is required to be established with plantings. The buffer is already vegetated with developed woodlands from the Potomac River waterline to the top of slope. According to the NRI, the application area contains 0.51 acre of developed woodlands on-site. The existing homesite had a maintained lawn between the house and the existing woodlands, and this application will maintain that lawn area.

The conservation plan shows the required existing and proposed impervious coverage tables. The total impervious area for the entire site will be reduced from 15.3 percent to 14.7 percent.

The plan labeled as “Landscape and Buffer Yard Establishment Plan – Potomac House” contains the information of where invasive species vegetation and one specimen tree are being removed and how these plantings will be mitigated on-site, along with general landscape planting. The applicant proposes to remove 1,485 square feet of invasive vegetation within the secondary buffer and 289 square feet of invasive vegetation outside the buffer. The landscape plan shows the proposed plantings outside the buffer area. These mitigation plants must be shown within the affected buffer area. All mitigation plantings must be native trees and shrubs.

A standard buffer management plan form must be shown on the submitted conservation plan.

Technical revisions to the conservation plan are required, prior to certification.

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, existing developed woodlands, and the mitigation plantings area. A metes and bounds description must accompany the easement. Review of the easement falls under the purview of the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE).

Variance Request

The applicant requested a variance to the following section of the CBCA Ordinance, Subtitle 5B of the County Code:

1. Section 5B-121(e), to permit development in the Critical Area Buffer on the subject property.

The proposed application proposes to reduce lot coverage and impervious area surfaces on the subject property, which were developed before Critical Area regulations. This reduction in lot coverage will happen by removing all the existing structures and constructing a new single-family structure, garage, patio, pool, and driveway, and add pervious pavers throughout the site. In 1953, SWM was not required as part of single lot development. Now, with the redevelopment of the subject lot, SWM is required to control on-site stormwater runoff. The redevelopment proposal will be reviewed by DPIE for SWM and is subject to current regulations.

Subtitle 5B-121(e) of the CBCA Ordinance, states that “new development is permitted in the Buffer associated with a water-dependent activity as noted in the Zoning Ordinance or for shore erosion control measures as described in Section 5B-124. All other uses and structures are prohibited within the Buffer, except where an appropriate variance has been requested and approved by the Planning Board.” The Prince George’s County Planning Department received a Subtitle 5B Variance Application, an updated statement of

justification (SOJ) in support of a variance, and a conservation plan from the applicant with the submission on April 1, 2022. The SOJ for the variance request indicates that the project will impact a small area (29 square feet) of secondary buffer for part of an accessory building and stormwater disturbance.

Section 27-230 of the prior Zoning Ordinance 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 an existing single-family house, carport structure, parking area, and a long driveway. These areas were constructed in 1953 before the adoption of CBCA regulations. The single-family house and site improvements have not been renovated throughout the years and now are scheduled for redevelopment.

Currently, a small portion of the existing house is located within the primary buffer. Under current regulations, the site contains a primary buffer and an elongated (120 feet beyond the primary buffer) secondary buffer off a steep slope area. The subject application proposes to remove all existing lot coverage within the primary buffer, but 29 square feet of disturbance is proposed in the secondary buffer for accessory building impervious surface area and grading for SWM.

(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

This property was developed in 1953, prior to the adoption of the CBCA Ordinance. Subsequent to the adoption of this ordinance, the primary and secondary buffers were delineated, placing the existing house and other improvements within the buffers. The applicant is proposing to relocate all impervious areas outside the primary buffer, and to impact the secondary buffer with 29 square feet of building area, as well as grading for SWM.

The site's proposed lot coverage has been reduced from the existing conditions, and the development is proposed to be relocated completely out of the primary buffer. Due to the shape of the 120-foot elongated secondary buffer, impacts to the secondary buffer cannot be avoided. Any proposed on-site development, because of the shape of this buffer, would likely result in secondary buffer impact. Thus, the strict application of the law will 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.

The 2017 Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan (Green Infrastructure Plan) places the Potomac River shoreline in a special conservation area. The Green Infrastructure Plan states that this area should focus on water quality, as well as the preservation of the natural environment and the river's scenic character. Forest fragmentation should be minimized, and ecological connections between existing natural areas should be maintained and/or enhanced when development occurs.

The site is developed with a single-family dwelling, carport, parking pad, and long driveway. The site contains 0.51-acre of developed woodland located within the primary and secondary buffers and contains areas of steep slope. The applicant proposes to remove 1,783 square feet of developed woodlands containing invasive species (bamboo), which are located inside and outside of the secondary buffer. The applicant is proposing to remove a specimen tree that is of poor quality and dying. This invasive vegetation and specimen tree removal will be mitigated on-site with native trees, shrubs, and perennials. Granting the variance would not impair the intent, purpose, or integrity of applicable general and master plans.

Water quality will be improved and enhanced with this redevelopment, with the addition of on-site SWM and the removal of the on-site septic system. The original construction in 1953 did not require SWM, and now the stormwater will be treated on-site instead of discharging directly into the adjacent Potomac River. The development proposed will tie into the public sanitary sewer system located within Hatton Point Road. This on-site septic system is approximately 70 years old, and its working status is unknown.

(b) Variances may only be granted from the requirements of Subtitle 5B of this Code 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 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.

The structures were built prior to critical area regulations, and therefore prior to the establishment of the primary and secondary buffers. In addition, an expanded 120-foot secondary buffer off a steep slope area has been established on-site, and because of the unusual projection of this buffer, reasonable development of the site without impacts to the secondary buffer would create an undue hardship for the owner of the property.

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. Thus, literal enforcement of the CBCA Ordinance would 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.

The property was developed before the adoption of the CBCA Ordinance and placed the structures within the primary buffer. The applicant proposes to remove the existing house and other structures, and replace it with a new house structure, garage, deck, pool, and driveway. No new impacts are proposed to the primary buffer, but structures are proposed to impact the elongated secondary buffer. The new secondary buffer impact could not be avoided because of the unusual projection of this buffer, and reasonable development of the site is limited without impacting the secondary buffer. An impact of 29 square feet is proposed within the secondary buffer for a building area and grading for stormwater structures. Many existing homeowners are allowed to improve their properties in similar areas within the CBCA. A literal interpretation of the CBCA Ordinance would therefore 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.

The applicant proposes to redevelop the entire property by removing all structures inside the primary buffer, and to minimally impact the elongated secondary buffer. Generally, waterfront houses that were constructed prior to CBCA regulations are located in what would now be considered the primary and secondary buffer areas. The granting of this variance would not 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.

Currently, the subject property is developed with a single-family detached dwelling, a carport, a parking pad area, and long driveway, all constructed prior to the CBCA Ordinance. A small area of the existing dwelling is located within the primary buffer. As part of this application, a secondary buffer was established due to steep slopes. This secondary buffer expands to 120 feet in an elongated shape towards the interior of the site. To redevelop the subject property in an efficient manner, minor impacts (29 square feet) are required to this secondary buffer. The variance request is not based upon conditions or circumstances, which are the result of the applicant’s actions, and 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 SWM concept plan, reviewed and approved by 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. The proposed development will abandon an existing septic system and connect into the public sanitary sewer system, located within Hatton Point Road. This on-site septic system is approximately 70 years old, and its working status is unknown. Removing the old septic system and adding SWM facilities will improve water quality. In granting the variance, this application would be in harmony with the general spirit and intent of the applicable laws within 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 CP incorporates SWM controls to address adverse impacts on water quality from pollutants discharged from structures, conveyances, or runoff from surrounding lands.

- (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.**

The developed woodland within the primary buffer will not be impacted with this application. Removal of a dead specimen tree and minor invasive species clearing within the secondary buffer will be mitigated by the planting of native trees, shrubs, and perennials. The primary buffer woodlands and the newly planted tree and shrub areas will be protected and recorded in a conservation easement. 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 the redevelopment of an existing single-family residential dwelling in a residentially zoned 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.

Staff recommends the approval of the requested variance to permit development within the critical area buffer. The site was originally developed prior to CBCA regulations. The applicant is relocating all impervious area outside the primary buffer and reducing the total lot coverage from 15.3 percent to 14.7 percent.

Chesapeake Bay Critical Area Commission (CBCA) Review

The Environmental Planning Section received a letter from the Critical Area Commission (CAC) dated April 13, 2022, in response to the revised plans submitted by the applicant.

The April 13, 2022 CAC letter does not oppose the requested variance and gives the following comments:

In this case, the Board must consider whether the applicant can meet the standard of unwarranted hardship and whether the variance request is the minimum necessary to provide relief. Specifically, the Board should determine whether the applicant has the opportunity to redevelop the site in a manner where all of the proposed development, including the pool house and permeable decking, are located entirely outside of the buffer and secondary buffer. Locating new structures and lot coverage close to steep, highly erodible slopes can cause significant damage to the stability of the bank due to increased stormwater runoff from the new structures and loss of natural areas that can provide infiltration. Given the site's characteristics, it appears that the applicant can redesign the project to avoid the buffer and secondary buffer entirely.

If the Board does approve this request, then a Buffer Management Plan must be submitted and approved by the County in accordance with the County's Critical Area program requirements. Mitigation is required at a 3:1 ratio for the square footage of disturbance to the buffer, and an additional 1:1 for any canopy removed.

As mentioned previously, the existing homesite has 414 square feet of impervious area within the primary buffer, and the redevelopment of the home will remove all the existing primary buffer impervious area. This application has established a 120-foot elongated secondary buffer expansion for steep slopes. The new secondary buffer location encroaches further into the property. The redevelopment of this lot proposes to impact this secondary buffer with 29 square feet of new impervious area impacts, while the existing development within the primary buffer will be removed and restored to natural conditions. The application proposes to removal all the primary buffer impacts and to minimally impact the secondary buffer, as part of this development.

In the Recommendation section of this report, the applicant is required to add additional information to the landscape plan pertaining to the buffer management plan.

Department of Permitting, Inspections and Enforcement Review

Copies of the approved SWM Concept Plan and letter (10687-2018-00), which is valid until February 18, 2024, were submitted with the subject application. The SWM concept plan proposes stormwater to be directed to permeable pavement (pavers), three dry wells, and a micro-bioretenention facility to treat the stormwater on-site. As part of the approval, the applicant is required to pay a SWM fee of \$250.00 in lieu of providing on-site attenuation/quality control measures. The conservation plan is consistent with the stormwater concept plan.

8. Prince George's County Zoning Ordinance: The application conforms to the requirements of the R-E Zone, including Section 27-441, Permitted Uses, of the prior Prince George's County Zoning Ordinance, as follows:

- a. The subject property is recorded among the Prince George's County Land Records in Liber 39889 at folio 595. In accordance with Section 24-107(c)(7)(a) of the Subdivision Regulations, the site is exempt from the requirements of filing a preliminary plan of subdivision because the proposed use is for a single-family detached dwelling. The proposed dwelling will meet all prior zoning requirements.
- b. The minimum net lot area for the subject lot is 40,000 square feet. The provided net lot area is 58,152 square feet.
- c. The maximum permitted zoning lot coverage in the R-E Zone is 20 percent. The proposed lot coverage, 16.1 percent, meets this requirement.
- d. The minimum lot width at the front building line permitted by Section 27-442(d), Table III, of the Zoning Ordinance is 120 feet for one-family detached lots, which are served by public water and sewer systems. The proposed conservation plan shows the new dwelling to be served by public water and sewer connections, and the lot is approximately 150 feet wide at the front building line. The existing conditions plan shows the existing house is currently connected to a septic system.
- e. The minimum lot width at the street frontage, permitted by Section 27-442(d), Table III, is 50 feet. The lot width provided at the street frontage is 142.9 feet, satisfying this requirement.
- f. The minimum required front yard setback is 25 feet. The proposed front yard setback is 133.68 feet.
- g. The required rear yard setback is 25 feet. The proposed rear yard setback of 119.84 feet exceeds this requirement and is delineated on the plan.
- h. The proposed lot's side yard setbacks comply with the minimum requirement set forth within Section 27-442(e), of 17 feet from the property line to the building, and the total of both side yards requirement of a minimum of 35 feet.
- i. The maximum building height permitted is approximately 30 feet. The site plan indicates that the proposed dwelling is 30 feet in height, which meets this requirement.

- j. One accessory dwelling is indicated on the site plan. The proposed pool room meets the minimum requirements as permitted by Section 27-442(i), Table VIII, of the Zoning Ordinance.

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

- 9. **2010 Prince George's County Landscape Manual:** The development proposal for a new single-family detached home is subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because the application is for new construction. The Landscape Manual applies, as follows:

Section 4.1—Residential Requirements: The requirements of Section 4.1 for lots 40,000 square feet or larger are satisfied by planting a minimum of four major shade trees and three ornamental or evergreen trees. A landscape plan was provided as part of this application, which shows general conformance.

Section 4.9—Sustainable Landscaping Requirements: Section 4.9 requires a percentage of plants within each plant type to be native species. A landscape plan was provided as part of this application, which shows general conformance.

- 10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is not subject to the Woodland and Wildlife Habitat Conservation Ordinance because the site is within the CBCA.
- 11. **Prince George's County Tree Canopy Coverage Ordinance:** The subject property is located within the CBCA and is exempt from the requirements of the Tree Canopy Coverage Ordinance, in accordance with Section 25-127(b)(1)(E) of the County Code.
- 12. **Referral Comments:** The following referrals were received and are incorporated herein by reference; all the comments are addressed on the site plan, or as part of this technical staff report:
 - a. Environmental Planning Section, dated April 20, 2022 (Schneider to Lockhart)
 - b. Critical Area Commission, dated April 14, 2022 (Harris to Schneider)
 - c. DPIE Site/Road Plan Review Division, dated February 09, 2022 (Branch to Sievers)
 - d. Permit Review Section, dated February 15, 2022 (Glascoe to Sievers)
 - e. Urban Design Section, dated April 14, 2022 (Butler to Lockhart)
 - f. Historic Preservation, dated March 21, 2022 (Berger, Stabler, and Smith to Sievers)
 - g. Community Planning, dated February 14, 2022 (Umeozulu to Sievers)
 - h. Subdivision Section, dated February 18, 2022 (Gupta to Lockhart)

- i. Prince George's County Fire Department, dated February 11, 2022 (Reilly to Sievers)
- j. Maryland State Highway Administration, dated February 09, 2022 (Woodroffe to Sievers)
- k. AT&T, dated February 18, 2022 (Azzam to Sievers)

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Zoning Section recommends that the Planning Board adopt the findings of this report and:

- A. APPROVE Conservation Plan CP-19002, Swan Creek, located at 12321 Hatton Point Road, Fort Washington, Maryland, subject to the following conditions:

- 1. Prior to certification of the Conservation Plan and Landscape Plan, the following information and plan revisions shall be provided:

Conservation Plan

- a. Have the applicant sign the owner notification block.
- b. Revise Table A to show the corrected "Total Lot Coverage."
- c. Show the specimen trees on the plan view.
- d. Show the invasive vegetation removal areas on the plan view.
- e. Update the revision blocks.
- f. Revise the "Area Inside 100' Buffer" column in the Proposed Impervious Coverage Data table to read "Area within Secondary Buffer."
- g. Revise the red 100-foot Chesapeake Bay Critical Area primary buffer line to continue across the limit of disturbance line.
- h. Revise General Site Note 4.a. to provide the current and prior zone of the property.
- i. Show the footprint of the proposed structure.
- j. Add a note to the plan indicating the applicable exemption from the Tree Canopy Coverage Ordinance.
- k. Revise General Site Note 6 to provide the correct source of the subject property boundaries.

- l. Revise the label for subject property to reference the most current deed of ownership.
- m. Revise the label for Lot 7 to include the plat recording reference below the name of the subdivision "Swan Creek Club Development."
- n. Update the Zoning Info Table of the conservation plan to reflect the building height, gross floor area, and accessory building requirements.

Landscape Plan

- a. Remove the previous secondary buffer delineation from the plan view.
 - b. Show the mitigation plantings within the secondary buffer. These plantings must be native tree and shrub species.
 - c. Add the standard Buffer Management Plan form, notes, and calculations.
 - d. Update the revision blocks.
- 2. 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 Prince George's County, prior to recordation. The applicant shall provide a copy of the recorded agreement to the Prince George's County 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 Plat No. L. __F. __.
 - 3. Prior to the certification of the conservation plan, a conservation easement for the proposed mitigation plantings and the existing developed woodland preservation area shall be recorded in 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 Plat No. L. __ F. __.
- B. APPROVE Variance to Section 5B-121(e) for development within the critical area buffer.