

Case No.: DSP-18052
Swan Creek Club Development,
Lot 9C

Applicant: AMSB

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL

FINAL DECISION — APPROVAL OF DETAILED SITE PLAN

Pursuant to the Land Use Article and the Prince George's County Code, the District Council issues the final decision in Detailed Site Plan Application Number 18052 ("DSP-18052"). The District Council finds that Planning Board's approval of DSP-18052 was not arbitrary, capricious, or otherwise illegal. The District Council adopts, except as otherwise stated herein, the findings and conclusions set forth by Planning Board in Resolution No. 19-101 ("PGCPB No. 19-101").

PGCPB No. 19-101, recommending approval of a proposal 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, on a 1.02-acre waterfront property located at 12311 Hatton Point Road, approximately 1,500 feet southwest of its intersection with Riverview Road, in Fort Washington, Maryland, in Council District 8, is hereby AFFIRMED.

DSP-18052 is approved, subject to the following conditions:

1. Prior to certification of the detailed site plan and issuance of any building or use and occupancy permit, applicant shall:
 - a. Revise the site plan, in accordance with the denial of variance request, to provide a design that will not require clearing of more than 30 percent of existing woodland on-site.
 - b. Revise the site plan, pursuant to PGCC § 27-424, to show outdoor pool is enclosed by a fence at least six (6) feet high.

- c. Revise the site plan, pursuant to PGCC § 27-424, to show outdoor pool satisfies setback requirements.
 - d. Provide the finished and unfinished gross floor areas of the dwelling on the plan.
 - e. Revise the dwelling to remove all encroachments, including decks and walls, over the building restriction lines.
 - f. 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, subject to request and waiver, from Department of Permitting, Inspections and Enforcement, to connect to public water and sewer.
 - (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 and issuance of any building or use and occupancy permit, applicant shall provide information from 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 further action required by applicant to address any surrounding drainage issues.
 3. Prior to certification of the detailed site plan and issuance of any building or use and occupancy permit, applicant shall provide documentation of a request and waiver, from Department of Permitting, Inspections and Enforcement, to connect to public water and sewer.
 4. Prior to certification of the detailed site plan and issuance of any building or use and occupancy permit, the detailed site plan shall comply with stormwater management as follows:

PGCC § 32-184. - Permit Requirements.

(a) A grading or building permit shall not be issued for any parcel or lot unless a final erosion and sediment control plan has been approved by the Prince George's County Soil Conservation District, and final stormwater management plan has been approved by the Department as meeting all of the requirements of this Division. Where appropriate, building, stormwater management or grading permits shall not be issued or modified without the following:

(1) A performance bond acceptable to the County Attorney as required by this Division, where applicable.

(2) Recorded easements for the stormwater management facilities that provide adequate access for inspection and maintenance from a public right-of-way.

(3) Approved final stormwater management plan, provided that the Director may accept a site grading plan that identifies the location and type of facilities to be constructed in sufficient detail to accurately estimate construction costs.

(b) Notwithstanding any of the provisions herein, the Director may require an approved final stormwater management plan and the recordation of all necessary easements prior to issuance of a building permit or grading permit.

(c) In no event shall a use and occupancy permit be granted until all of the grading and stormwater management requirements are completed to the satisfaction of the Director.

(d) Approved final stormwater management plan shall contain certification by the applicant that all land clearing, construction, development and drainage shall be undertaken in accordance with the approved final stormwater management plan. PGCC § 32-184.

In conjunction with DSP-18052, Planning Board also approved Conservation Plan CP-06001-01 ("PGCPB Resolution No. 19-102") but disapproved applicant's request for variance to clear more than 30 percent of existing woodland on-site.

Conservation Plan CP-06001-01 is approved subject to the following conditions:

1. Prior to certification of the conservation plan, applicant shall:
 - a. Revise the site plan, in accordance with the denial of the variance request, to provide a design that will not require clearing of more than 30 percent of 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 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_____.

ORDERED this 3rd day of February, 2020, by the following vote:

In Favor: Council Members Anderson-Walker, Davis, Dernoga, Glaros, Harrison,
Hawkins, Ivey, Streeter, and Turner.

Opposed:

Abstained:

Absent: Council Members Franklin and Taveras.

Vote: 9-0.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Todd M. Turner, Council Chair

ATTEST:

Donna J. Brown
Clerk of the Council