

R E S O L U T I O N

WHEREAS, Michael and Ayanna Fowlkes are the owners of a 1.86-acre parcel of land in the 9th Election District of Prince George's County, Maryland, and being zoned O-S/R-C-O; and

WHEREAS, on October 10, 2003, Michael and Ayanna Fowlkes filed an application for approval of a Chesapeake Bay Critical Area Conservation Plan for the purpose of construction of a single-family residence in the Chesapeake Bay Critical Area; and

WHEREAS, the application for approval of the aforesaid Chesapeake Bay Critical Area Conservation Plan, also known as Conservation Plan CP-03013, Boccabello Property, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on February 17, 2005, for its review and action in accordance with Zoning Ordinance, Subtitle 27, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on February 17, 2005, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 27, Prince George's County Code, the Prince George's County Planning Board APPROVED Conservation Plan CP-03013, Boccabello with the following conditions:

Prior to signature of the conservation plan, the plan shall be revised to:

- a. Correct the net tract area to read 39,395 square feet.
- b. Note the proposed impervious surface areas are 5.31 percent of the gross tract.
- c. Correct the permitted percentage of lot coverage to 25 percent of the net tract (9,848.75 square feet).
- d. Note the proposed percentage of lot coverage is 4,300 square feet (10.9 percent).

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. **Site Description**

The 1.86-acre property in the O-S/R-C-O Zones is on the west side of MD 210 approximately 1,000 feet south of Piscataway Creek and is located within the Chesapeake Bay Critical Area. The 100-foot-wide critical area primary buffer and expanded buffer occur on the property. There are no streams, wetlands or steep slopes on the site. Current air photos indicate that the site is mostly wooded. No historic or scenic roads are affected by this proposal. There are no significant nearby noise sources and the proposed use is not expected to be a noise generator. No species listed by the State of Maryland as rare, threatened or endangered are known to occur in the general region. A stormwater design plan has been approved by DER. The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Matapeake series. The site is in the Developing Tier according to the General Plan.

2. **Background**

The property was created by deed prior to December 1, 1985, as noted in the Prince George's County Land Records. This site is not subject to the provisions of the Woodland Conservation Ordinance because the entire site is within the Chesapeake Bay Critical Area. The plan correctly indicates there are no threatened or endangered species, no colonial waterbird nesting sites, no forests with interior-dwelling bird species, no Natural Heritage Areas, no waterfowl staging areas, no anadromous fish spawning streams, no wetlands, and no tributary streams. The gross tract is 80,975 square feet, the area of 100-year floodplain is 41,440 square feet, and the net tract is 39,395 square feet; however, the plan notes the net lot area as 28,535 square feet. The maximum amount of impervious surface area permitted per Section 27-548.17, footnote 4.A(ii) of the Zoning Ordinance is 15 percent of the gross tract area or 12,146.25 square feet. The proposed impervious surface area is 4,300 square feet or 5.31 percent. The maximum percentage of lot coverage permitted by the Zoning Ordinance per Section 27-442 Table I, footnote 4, is 25 percent of the contiguous net tract area or 9,848.75 square feet; however, the plan improperly notes the maximum lot coverage permitted as 15 percent. The proposed percentage of lot coverage is 4,300 square feet or 10.9 percent. The plan proposes the clearing of 11,150 square feet of the existing 80,975 square feet of forest. The plan meets the afforestation requirements of the Chesapeake Bay Critical Area by providing 872 square feet of on-site planting and a fee-in-lieu of \$4,111.20. The Maryland State Highway Administration has granted permission for this property to be served by connection to the existing service road to Indian Head Highway.

3. **Summary**

On October 24, 2003, the Subdivision Review Committee determined that the conservation plan was in general conformance with the requirements of the R-C-O Zone and the Conservation Manual; however, the plans did not show conformance with restrictions set by the Zoning Ordinance, and Maryland State Highway permission was required for the driveway to access the existing service road for Indian Head Highway. Revised plans were accepted for processing on December 27, 2004. The revised plans will meet the requirements of the Conservation Manual, the R-C-O Zone and the O-S Zone after minor corrections are made.

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

this Resolution.

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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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley and Hewlett voting in favor of the motion, and with Commissioners Vaughns and Squire absent at its regular meeting held on Thursday, February 17, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of March 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JS:rmk