

R E S O L U T I O N

WHEREAS, Richard Ametin is the owner of a 0.46-acre parcel of land in the 8th Election District of Prince George's County, Maryland, and being zoned R-R and L-D-O Zones; and

WHEREAS, on June 9, 2004, Emerge Homes filed an application for approval of a Chesapeake Bay Critical Area Conservation Plan for the purpose of the construction of a single-family detached dwelling on a lot within 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-04011 for Tantallon on the Potomac, including Variance Request VC-04011A, 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 September 9, 2004, 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 September 9, 2004, 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 Variance Application No. VC-04011, and further APPROVED Conservation Plan CP-04011, Tantallon on the Potomac for Lot 9, Section 12.

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 0.46 acre property in the R-R/L-D-O zones is on the south side of Monterey Circle and is located within the Chesapeake Bay Critical Area. The 100 foot-wide Critical Area Primary Buffer and expanded buffer do not occur on the property. There are no streams, wetlands, 100-year floodplain 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 Keyport series. The site is in the Developing Tier according to the *General Plan*.

## 2. **Background**

The Final Plat of Subdivision was approved on April 23, 1979 as shown on Record Plat NLP 103-1 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, no tributary streams and no Critical Area buffers on the site. The gross tract is 20,102 square feet and the net tract is 20,102 square feet. The maximum amount of impervious surface permitted per Section 27-548.17, footnote 4 A(ii) of the Zoning Ordinance is 25% of the gross tract area or 5,025.5 square feet. The proposed impervious surface is 4,650 square feet or 23.1%. The maximum Percentage of Lot Coverage permitted by the Zoning Ordinance for Lot 9, per Section 27-442 Table II of the Zoning Ordinance, is 25% of the contiguous net tract area or 5,025.5 square feet. The proposed Percentage of Lot Coverage is 4,955 square feet or 24.6%. The plan shows that it meets the requirements of Section 4.7 Buffering Incompatible Uses of the Landscape Manual for the area bordering the golf course. The requirements include a 20 foot-wide bufferyard and a 30 foot-wide building setback. The plan proposes the clearing of 15,830 square feet of the existing 17,280 square feet of forest and provides mitigation with 4,360 square feet of on-site planting and a fee-in-lieu of \$13,764. The plan meets the afforestation requirements of the Chesapeake Bay Critical Area.

## 3. **Summary**

On July 2, 2004 the Subdivision Review Committee determined that the Conservation Plan was in general conformance with the requirements of the L-D-O Zone and the *Conservation Manual*; however, the plan showed that Percentage of Lot Coverage permitted by the Zoning Ordinance for Lot 9, per Section 27-442 Table II of the Zoning Ordinance, was exceeded. Revised plans were accepted for processing on August 16, 2004. The revised plans meet the requirements of the Conservation Manual, the L-D-O zone and the R-R Zone. The previously applied for variance for Percentage of Lot Coverage is no longer needed.

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.

\* \* \* \* \*

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 Vaughns, with Commissioners Harley, Vaughns, Eley and Hewlett voting in favor of the motion, and with Commissioner Squire absent, at its regular meeting held on Thursday, September 9, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of September 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:JS:rmk