

R E S O L U T I O N

WHEREAS, McLaurin and Brad, Inc. is the owner of a .25-acre parcel of land in the 8th Election District of Prince George's County, Maryland, and being zoned R-R/L-D-O; and

WHEREAS, on July 30, 2004, McLaurin and Brad, Inc. filed an application for approval of a Chesapeake Bay Critical Area Conservation Plan for the purpose of constructing 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-04016 for Treasure Cove, Lots 12 and 13, 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 November 9, 2006, 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 November 9, 2006, 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 Part 10A, Division 2, Subdivision 1 of Subtitle 27, Prince George's County Code, the Prince George's County Planning Board APPROVED Conservation Plan CP-04016, Treasure Cove for Lots 12 and 13.

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 0.25-acre property in the R-R/L-D-O zones is located in the northwest quadrant of the intersection of Angler Trail and Overlook Trail 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, severe slopes or steep slopes on the site. 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 Aura series. The site is in the Developing Tier according to the General Plan.

2. **Findings**

On August 27, 2004, the Subdivision Review Committee determined that the conservation plan was in general conformance with the requirements of the R-R Zone, the L-D-O Zone, and the “Chesapeake Bay Critical Area Conservation Manual”; however, technical errors were found. Revised plans were received on October 5, 2006. This site is not subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance because the entire site is within the Chesapeake Bay critical area. Based upon information provided by the State of Maryland, 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 on the site.

The maximum amount of impervious surface permitted per Section 27-548.17, footnote 4 A(ii) of the Zoning Ordinance is 25 percent of the gross tract area or 2,729.0 square feet. The plan proposes total impervious surface areas of 2,015 square feet or 18.5 percent. The minimum lot area permitted by the Zoning Ordinance for the property, per Section 27-442 Table I, footnote 3 of the Zoning Ordinance, is 10,000 square feet and the lot contains 10,916 square feet. The minimum lot width at the front building line permitted by Section 27-442, Table III of the Zoning Ordinance is 100 feet and the existing lot width at the front building line is 102.8 feet. The minimum lot width at the front street line permitted by Section 27-442, Table III of the Zoning Ordinance is 100 feet and the existing lot width at the front street line is 102.8 feet. The maximum percentage of lot coverage permitted by the Zoning Ordinance for the property, per Section 27-442 Table II of the Zoning Ordinance, is 25 percent of the contiguous net tract area or 2,729.0 square feet. The proposed percentage of lot coverage is 2,585.0 square feet or 23.7 percent. Record Plat 3-62, recorded on August 26, 1927, contains 25-foot building restriction lines parallel to all streets abutting the subject application. These building restriction lines are identical to those required by Section 27-442 Table IV of the Zoning Ordinance and the location of the proposed structure conforms to these requirements. The maximum height permitted per Section 27-442 Table V of the Zoning Ordinance is 35 feet and the proposed height is 35 feet.

The Prince George’s County Department of Environmental Resources will require a soils report in conformance with CB-94-2004 during the permit process review. A stormwater design plan has been approved by the Prince George’s County Department of Environmental Resources. No variances are needed for this proposed development.

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 Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Squire, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, November 9, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of November 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:JS:bjs