

R E S O L U T I O N

WHEREAS, Michael Mekibib 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/L-D-O; and

WHEREAS, on September 28, 2004, Michael Mekibib filed an application for approval of a Chesapeake Bay Critical Area Conservation Plan for the purpose of the 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-04019 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 3, 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 3, 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-04019, Property of Michael Mekibib for a single-family dwelling.

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

1. OVERVIEW:

The proposal is for the construction of a single-family detached dwelling on a property in the R-R/L-D-O Zones recorded before December 1, 1985. A Chesapeake Bay Critical Area Conservation Plan is required prior to the issuance of any permit by the Prince George's County Department of Environmental Resources. The Planning Board is the final approving authority for Chesapeake Bay Critical Area Conservation Plans.

2. SITE DESCRIPTION:

The 0.46-acre property in the R-R/L-D-O Zones is approximately 400 feet north of the intersection of Riverview Road with Riverview Road West 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. The site contains no woodland. 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 the Department of Environmental Resources. The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Sassafras series. The site is in the Developing Tier according to the General Plan.

3. FINDINGS:

On October 22, 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 conservation manual; however, some technical changes were required. Revised plans were accepted on December 15, 2004. This site is not subject to the provisions of the Woodland Conservation 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, no tributary streams, and no critical area buffers on the site. The maximum amount of impervious surfaces permitted per Section 27-548.17, footnote 4 A(ii) of the Zoning Ordinance is 25 percent of the gross tract area or 5,027 square feet. The proposed amount of impervious surfaces is 2,300 square feet or 11.6 percent. 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 5,027 square feet. The proposed percentage of lot coverage is 2,300 square feet or 11.6 percent. In conformance with the *Chesapeake Bay Critical Area Conservation Manual* the plan provides tree planting equivalent to 15 percent of the gross tract (3,016 square feet) cover. 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.

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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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, February 3, 2005 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of February 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JS:rmk