

R E S O L U T I O N

WHEREAS, Muftau Kenny Oladeinde is the owner of a .93-acre parcel of land in the 9th Election District of Prince George's County, Maryland, and being zoned R-R/L-D-O; and

WHEREAS, on March 30, 2006, Muftau Kenny Oladeinde 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-06006 for Oladeinde Property, Cedar Haven, Lot 5-9 & 32-40, Block 12, 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 July 6, 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 July 6, 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 Section 27-548-11 of Subtitle 27, Prince George's County Code, the Prince George's County Planning Board APPROVED Conservation Plan CP-06006, Oladeinde Property, Cedar Haven, Lot 5-9 & 32-40, Block 12, for 14 lots.

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 0.93-acre property in the R-R/L-D-O Zones is on the west side of Benjamin Banneker Boulevard south of its intersection with Taylor Street 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 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 Collington series. The site is in the Rural Tier according to the General Plan.

2. **Findings**

On April 21, 2006, 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 accepted on June 13, 2006. 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, and 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 15 percent of the gross tract area or 6,099 square feet. The plan proposes total impervious surface areas of 2,713 square feet or 6.69 percent. The maximum percentage of lot coverage permitted by the Zoning Ordinance for Lot 26, per Section 27-442 Table II of the Zoning Ordinance, is 25 percent of the contiguous net tract area or 10,165 square feet. The proposed percentage of lot coverage is 5,720 square feet or 8.77 percent. 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 Vaughns, seconded by Commissioner Squire, with Commissioners Vaughns, Squire, Eley and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, July 6, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of July 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator