

R E S O L U T I O N

WHEREAS, a .94-acre parcel of land in the 12th Election District of Prince George's County, Maryland, and being zoned R-R/L-D-O; and

WHEREAS, on May 3, 2007, M.C.B, 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-06008 for George Thorne Estate, Lot 29, 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 May 3, 2007, 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; and

WHEREAS, on May 3, 2007, 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 Section 27-548.11 of Subtitle 27, Prince George's County Code, the Prince George's County Planning Board APPROVED Conservation Plan CP-06008, George Thorne Estate for 1 dwelling unit.

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

SITE DESCRIPTION

The 0.94-acre property in the R-R/L-D-O Zones is in the southwest quadrant of the intersection of Fort Foote Road and Sandy Bar Drive 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 on the property or adjacent properties. 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 Marr series. The site is in the Developing Tier according to the General Plan.

FINDINGS

1. On November 2, 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 March 28, 2007. 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, and no tributary streams on the site.
2. The minimum net lot area permitted by Section 27-442 Table I of the Zoning Ordinance is 20,000 square feet. The existing lot is 41,103 square feet.
3. The maximum amount of impervious surfaces permitted per Section 27-548.17, footnote 4 A(ii) of the Zoning Ordinance is 15 percent of the gross tract area or 6,150 square feet. The plan proposes total impervious surfaces of 3,520 square feet or 8.56 percent.
4. The maximum percentage of lot coverage permitted by Section 27-442 Table II of the Zoning Ordinance is 25 percent of the contiguous net tract area or 10,222 square feet. The proposed percentage of lot coverage is 3,480 square feet or 6.03 percent.
5. The minimum lot width at the street frontage permitted by Section 27-442 Table III of the Zoning Ordinance is 70 feet. The lot width at the street frontage is 110 feet.
6. The minimum lot width at the building line permitted by Section 27-442 Table III footnotes 2, 14 and 20 of the Zoning Ordinance is 100 feet. The lot width at the building line is 110 feet.
7. The minimum front yard setback by Section 27-442 Table IV, of the Zoning Ordinance is 25 feet. The proposed front yard setback is 45 feet.
8. The minimum side yard setbacks permitted by Section 27-442 Table IV of the Zoning Ordinance is a total of 17 feet with a minimum of 8 feet. The proposed side yard setbacks are 24 and 24 feet.
9. The maximum height permitted by Section 27-442 Table V of the Zoning Ordinance is 35 feet. The proposed building height is 27.8 feet.
10. As shown on the plan, approximately 0.25 acre of woodland will be removed to allow construction. The "Chesapeake Bay Critical Area Manual" requires replacement on-site or the use of a fee-in-lieu for the woodland removed. A fee-in-lieu of \$13,068.00 will be collected by the Prince George's County Department of Environmental Resources prior

to issuance of any permit.

11. Prince George's County will require a soils report in conformance with CB-94-2004 during the building permit process review.
12. Stormwater management will be accomplished by creation of the bioretention area shown on the plan.
13. 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 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, May 3, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of May 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

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