

R E S O L U T I O N

WHEREAS, a .11-acre parcel of land in the 16th Election District of Prince George's County, Maryland, and being zoned R-55/I-D-O; and

WHEREAS, on April 19, 2007, The Modular Building Company filed an application for approval of a Chesapeake Bay Critical Area Conservation Plan for the purpose of 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-07006 for Rogers and Phillips Subdivision, Lot 20, 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 October 25, 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 with conditions; and

WHEREAS, on October 25, 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-07006, Rogers and Phillips Subdivision, Lot 20 for 1 dwelling unit with the following conditions:

1. All conditions required by DSP-07023 and SP-070004 shall become conditions of the conservation plan.
2. Prior to signature, the plan shall be revised to note that the property is in the Intense Development Overlay Zone and not the Limited Development Overlay Zone. Revise Note 9 to indicate that the property is exempt from woodland conservation because it is in the Chesapeake Bay Critical Area.

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 4,823-square-foot property in the R-55 and I-D-O Zones is located on the south side of Emerson Street approximately 600 feet east of Baltimore Avenue in the Northeast Branch watershed in the Anacostia River basin. There are no streams, wetlands or 100-year floodplain on

the property. No buffers designated by the “Chesapeake Bay Critical Area Conservation Manual” occur on the property. The property has 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 on the subject property or on adjacent properties. A stormwater design plan is required. The “Prince George’s County Soils Survey” indicates that the principal soils on the site are in the Aura soil series, which has no severe limitations to development. There are no specific recommendations pertaining to the environmental elements of the Gateway Arts District Sector Plan that relate to the subject property. Neither the subject property nor any adjacent properties contain any network elements of the *Countywide Green Infrastructure Plan*.

2. **FINDINGS**

- a. On May 4, 2007, the Subdivision Review Committee determined that the conservation plan was not in conformance with the Gateway Arts District Sector Plan because a residential use is not permitted. The applicant subsequently filed applications DSP-07023 and SP070004 in order to address that issue. Revised plans were accepted on June 22, 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.
- b. The maximum amount of impervious surfaces permitted per Section 27-548.17 of the Zoning Ordinance is 100 percent of the gross tract area or 4,823 square feet. The plan proposes total impervious surfaces of 1,662 square feet or 34.47 percent.
- c. Stormwater management will be accomplished by creating the bioretention area shown on the plan.
- d. All other provisions relating to lot coverage, setbacks, and the use and zoning requirements of the Gateway Arts District Sector Plan and the R-55 Zone were reviewed by the Development Review Division as part of the detailed site plan.

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 Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on

Thursday, October 25, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of November 2007.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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