

R E S O L U T I O N

WHEREAS, a .11-acre parcel of land in the 12th Election District of Prince George's County, Maryland, and being zoned R-55/I-D-O; and

WHEREAS, on August 1, 2007, Jack Bannister 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-07008 for Forest Heights, Lot 4, 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 December 20, 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 December 20, 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-07008, Forest Heights, Lot 4 for 1 dwelling unit with the following condition:

Prior to signature of the conservation plan, a copy of the approved stormwater design plan shall be submitted and Note 16 shall be corrected to note the number of the approved stormwater design plan.

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 8,525-square-foot property in the R-55 and I-D-O Zones is located on the west side of Seneca Drive at its intersection with Rolph Drive in the Oxon Run watershed in the Potomac 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 is fully 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 this

property or on adjacent properties.

Environmental Issues Addressed in The Heights & Vicinity Master Plan (1990).

There are no specific recommendations pertaining to the environmental elements of the master plan that relate to the subject property.

Countywide Green Infrastructure Plan

Neither the subject property nor any adjacent properties contain any network elements of the *Countywide Green Infrastructure Plan*.

RECOMMENDED FINDINGS

1. On August 24, 2007, the Subdivision Review Committee determined that the conservation plan was generally in conformance with the I-D-O Zone and the R-55 Zone; however, minor technical changes were required. Revised plans were received on November 6, 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 maximum amount of impervious surfaces permitted per Section 27-548.17 of the Zoning Ordinance is 100 percent of the gross tract area or 8,525 square feet. The plan proposes total impervious surfaces of 1,528 square feet or 18.1 percent.
3. The minimum net lot area required by Section 27-442, Table I, of the Zoning Ordinance is 6,500 square feet. The net lot area as indicated in the Land Records at WWW 87-50 is 8,525 square feet.
4. The maximum percentage of lot coverage permitted by Section 27-442, Table II, of the Zoning Ordinance is 30 percent of the contiguous net tract area or 2,557 square feet. The proposed percentage of lot coverage is 1,528 square feet or 18.1 percent.
5. The minimum lot width at the street frontage permitted by Section 27-442, Table III, Footnote 4, of the Zoning Ordinance is 35 feet. The lot width at the street frontage is 60.0 feet.
6. The minimum lot width at the building line permitted by Section 27-442, Table III, Footnote 4, of the Zoning Ordinance is 55 feet. The lot width at the proposed building line is 60.0 feet.
7. The minimum front yard setback permitted by Section 27-442, Table IV, of the Zoning Ordinance is 25 feet. The proposed front yard setback is 28.0 feet.

8. The minimum side yard setbacks permitted by Section 27-442, Table IV, of the Zoning Ordinance are a total of 17 feet with a minimum of 8 feet. The proposed side yard setbacks are 11 and 13 feet for a total of 23 feet.
9. The minimum rear yard setback required by Section 27-442 Table IV of the Zoning Ordinance is 20 feet. The proposed rear yard setback is 95 feet.
10. The maximum height permitted by Section 27-442, Table V, of the Zoning Ordinance is 35 feet. The proposed height is 25 feet.
11. Some woodland will be removed to allow construction; however, the “Chesapeake Bay Critical Area Manual” does not require any mitigation for a property this size.
12. According to the Prince George’s County Department of Public Works and Transportation, the site has an approved Stormwater Design Plan, CSD 38904-2005; however this is not noted on the plan.

Recommended Condition: Prior to signature of the conservation plan, a copy of the approved plan shall be submitted and Note 16 shall be corrected to note the number of the approved stormwater design plan.

13. The “Prince George’s County Soils Survey” indicates that the principal soils on the site are in the Sassafras series. Prince George’s County will require a soils report in conformance with CB-94-2004 during the permit process review.
14. Staff of the Chesapeake Bay Critical Area Commission have reviewed the plan and have determined that the plan meets the 10 percent pollution reduction requirements and the forest mitigation requirements for a single-family structure in the I-D-O Zone.

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 Vaughns, seconded by Commissioner Clark, with Commissioners Vaughns, Clark, Squire, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, December 20, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of January 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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