

R E S O L U T I O N

WHEREAS, a 0.62-acre parcel of land in the 5th Election District of Prince George's County, Maryland, and being zoned R-R/L-D-O; and

WHEREAS, on December 26, 2007, Casas De Sol, Inc. filed an application for approval of a Chesapeake Bay Critical Area Conservation Plan for the purpose of the construction of an addition to 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-07012 for Swan Creek Club Development, Lot 16, 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 8, 2008, 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 May 8, 2008, 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-07012, Swan Creek Club Development, Lot 16 for 1 lot with the following condition:

Prior to signature, the plan shall be revised to show the location of the secondary buffer designated by the "Chesapeake Bay Critical Area Conservation Manual" and note the locations of the two evergreen trees to be planted to satisfy the "Landscape Manual".

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 0.62-acre property in the R-R and L-D-O zones is located on the south side of Swan Harbour Road at the intersection with Hatton Point Road in the Potomac River basin. There are no streams, wetlands 100-year floodplain on the property. The steep slopes in the southern portion of the property are part of the secondary buffer designated by the "Chesapeake Bay Critical Area Conservation Manual". The property is developed with a single-family detached residential structure and is partially 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 in the general region. A Stormwater Design Plan is required. The "Prince George's County Soils Survey" indicates that the principal soils on the site are in the Keyport soil series.

#### **Environmental Issues Addressed in the Henson Creek Master Plan.**

Except for noting that the property is within the Chesapeake Bay Critical Area, there are no specific recommendations pertaining to the environmental elements of the Master Plan that relate to the subject property.

#### **Countywide Green Infrastructure Plan**

The Green Infrastructure Plan indicates that the steep slopes are a Regulated Area and the remainder of the property is a Network Gap. No disturbance to the steep slopes is proposed.

#### **RECOMMENDED FINDINGS**

1. On January 11, 2007, the Subdivision Review Committee determined that the Conservation Plan was generally in conformance with the L-D-O zone and the R-R zone; however, minor technical changes were required. Revised plans were received on April 8, 2008. 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, footnote 4 A(ii) of the Zoning Ordinance is 15% of the gross tract area or 4,051.5 square feet. The plan proposes to add 820 square feet of impervious surfaces and remove 75 square feet of impervious surfaces to yield total impervious surfaces of 4,000 square feet or 14.8%.
3. The minimum net lot area required by Section 27-442 Table I of the Zoning Ordinance is 20,000 square feet. The net lot area as indicated in the Land Records at 125-11 is 27,010 square feet.
4. The maximum Percentage of Lot Coverage permitted by Section 27-442 Table II of the Zoning Ordinance is 25% of the contiguous net tract area or 6,752.5 square feet. The proposed Percentage of Lot Coverage is 4,000 square feet or 14.8%.
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 124.0 feet.

6. The minimum lot width at the building line permitted by Section 27-442 Table III of the Zoning Ordinance is 100 feet. The lot width at the proposed building line is 124.0 feet.
7. The minimum front yard setback permitted by Section 27-442 Table IV of the Zoning Ordinance is 25 feet; however, Record Plat 125-11 requires a 50-foot setback. The proposed front yard setback is 52 feet.
8. The minimum side yards 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 yards are 25 and 27 feet for a total of 52 feet.
9. The minimum rear yard required by Section 27-442 Table IV of the Zoning Ordinance is 20 feet. The proposed rear yard is 94 feet.
10. The maximum height permitted by Section 27-442 Table V of the Zoning Ordinance is 35 feet. The height of the existing house is 28 feet and the height of the proposed addition is 25 feet.
11. The site contains more than 7,000 square feet of existing woodland which exceeds the 15% threshold of 4,5051.5 square feet required by the "Chesapeake Bay Critical Area Manual". No woodland will be removed.
12. A Stormwater Design Plan is not required by the Department of Public Works and Transportation because of the limited additional development.
13. The "Prince George's County Soils Survey" indicates that the principal soils on the site are in the Keyport series. Keyport soils are highly erodible and may have impeded drainage and a high water table. 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 impervious surface requirements for a single-family structure in the L-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.

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

Thursday, May 8, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of May 2008.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:JS:bjs