

R E S O L U T I O N

WHEREAS, a 0.12-acre parcel of land in the 17th Election District of Prince George's County, Maryland, and being zoned R-55/I-/D-O; and

WHEREAS, on February 19, 2008, Erica Edwards 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-08001 for Holladay Cos. Addition to Highland (Brentwood), 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 April 23, 2009, 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 April 23, 2009, 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-08001, Holladay Cos. Addition to Highland (Brentwood) for Lots 8 and 9, Block A with the following conditions:

1. Prior to signature, the conservation plan shall be revised to note the proposed impervious surfaces in square feet and as a percentage of the net tract.
2. Prior to signature, note 3 shall be revised to state the proposed percentage of lot coverage as 29.9 percent.
3. Prior to signature, the conservation plan shall be revised to note the front yard setback as measured from the property line and not the curb.
4. Prior to signature, the Prince George's County Department of Public Works and Transportation shall provide written documentation regarding whether or not a bioretention area is required. If a bioretention area is required, then the plan must be revised to illustrate it.

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

The proposal is for the construction of an addition to a single-family detached dwelling on a property in the R-55/I-D-O zones recorded before December 1, 1985. The approval of a Conservation Plan by the Planning Board is required by Section 4-111 (g) of the Building Code prior to the issuance of permits in the Chesapeake Bay Critical Area. The Planning Board is the final approving authority for Chesapeake Bay Critical Area Conservation Plans. The application is considered a "pipeline project" with regard to conformance with state regulations contained in Maryland General Assembly 2008 Session House Bill 1253 (HB 1253).

SITE DESCRIPTION

The 0.12-acre property in the R-55 and I-D-O zones is located at 4529 41st Avenue, in the Town of North Brentwood in the Anacostia River basin. There are no streams, wetlands, steep slopes or 100-year floodplain on the property. There is no woodland on the property. There are no Chesapeake Bay Critical Area buffers on the property. The property was formerly developed with a single-family detached residential structure; however, the structure was razed in 2004. The property is within the National Register North Brentwood Historic District. 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. The *Prince George's County Soil Survey* indicates that the principal soils on the site are in the Elsinboro-Urban Land soil series.

FINDINGS

1. 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.
2. There are no specific recommendations pertaining to the environmental elements of the Sector Plan that relate to the subject property.
3. The site is not located within the designated network of the *Approved Countywide Green Infrastructure Plan*.
4. 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 tributary streams and no wetlands on the site.

5. The maximum amount of impervious surfaces permitted per Section 27-548.17 of the Zoning Ordinance is 45 percent of the gross tract area or 2,250 square feet. The proposed impervious surfaces areas total 1,495 square feet or 29.9 percent; however, the percentage is not provided.
6. Standard 12, page 146 of the *Gateway Arts District Sector Plan* provides that on properties zoned R-55 the minimum lot area for new dwellings shall be 5,000 square feet. The net lot area is 5,000 square feet.
7. Standard 17, page 146 of the *Gateway Arts District Sector Plan* for lot coverage provides that one-family detached dwelling lot coverage including accessory uses, artist studios, and other home occupations shall be a maximum of 45 percent of the net lot area or 2,250 square feet. The proposed Percentage of Lot Coverage is 1,495 square feet or 29.9 percent; however, the percentage is incorrectly noted in Site Analysis Note 3.
8. The minimum lot width at the street frontage permitted by Section 27-442 Table III, footnote 4 of the Zoning Ordinance is 50 feet. The lot width at the street frontage is 50.0 feet.
9. The minimum lot width at the building line permitted by Section 27-442 Table III of the Zoning Ordinance is 50 feet. The lot width at the proposed building line is 50.0 feet.
10. Standard 21, page 146 of the *Gateway Arts District Sector Plan* provides that front-yard setbacks for one-family detached, semidetached or triple-attached dwellings shall be a minimum of 20 feet in depth. Covered porches may be located in the front yard setback. The proposed front yard setback is 20 feet. The plan shows the dimension as 25 feet measured from the curb.
11. Standard 25, page 147 of the *Gateway Arts District Sector Plan* provides that side yards for one-family detached dwellings shall be a minimum of 8 feet wide on both sides but may be reduced as much as 4 feet on each side where the resulting building would be less than 14 feet in width. The proposed side yards are 11 and 15 feet for a total of 26 feet.
12. Standard 27, page 147 of the *Gateway Arts District Sector Plan* provides that one-family detached dwellings shall have a rear yard setback a minimum of 25 feet. The rear yard setback is in compliance with this standard. The proposed rear yard is 25 feet. However, steps from the back door are proposed in the rear yard. The Gateway standards are silent on the issue of steps of a deck in the rear yard. Since Gateway standards allow a covered front porch to exist in the front yard, the interpretation is from the Community Planning Division that the presence of the steps in the rear yard is in conformance with this standard.
13. Standard 6, page 152 of the *Gateway Arts District Sector Plan* allows building heights to 35 feet. The proposed height is 30 feet.
14. The plan conforms to the *Prince George's County Landscape Manual* by providing landscaping far in excess of the minimum required for a residential structure in the R-55 zone.

15. A Stormwater Management Concept Plan and Letter, CSD 4167-2008-00, require bioretention and planting to meet the stormwater quality requirements in the Chesapeake Bay Critical Area. The plan shows landscape plantings, well in excess of those required by *Prince George's County Landscape Manual*, that are sufficient to meet the requirements for stormwater management, but no bioretention is shown.
16. The site had been heavily disturbed in the past and no archeological investigation is required. There are no trails issues and there is a sidewalk front of the subject property.
17. The *Prince George's County Soil Survey* indicates that the principal soils on the site are in the Codorus series. Prince George's County will require a soil report in conformance with CB-94-2004 during the permit process review.
18. Staff of the Chesapeake Bay Critical Area Commission have reviewed the plan and have determined that the plan meets the standards of development of a single-family structure in the I-D-O zone.
19. The property is located within the Gateway Arts District Traditional Residential Neighborhood Character Area of the *Gateway Arts District Sector Plan*.

Standard 16, page 146 of the *Gateway Arts District Sector Plan* provides that the front yard shall not have more than 20 percent impervious surface and shall not include a paved area for parking between the dwelling and the street sidewalk. The proposed infill single-family structure is in compliance with this standard.

Standard 23, page 147 of the *Gateway Arts District Sector Plan* provides that the front yard should have a paved walkway to a maximum of five feet wide between the main entrance of the building and the sidewalk. The plan proposes a five-foot-wide concrete sidewalk between the front of the structure and the existing sidewalk.

Standard 2, page 147 of the *Gateway Arts District Sector Plan* provides that sidewalks a maximum of 5 feet in width shall connect to dwelling entrances. The plan shows the existing sidewalk that is less than five-feet-wide.

Standard 3, page 147 of the *Gateway Arts District Sector Plan* provides that sidewalks shall not be made of asphalt. The plan indicates that the existing sidewalk is concrete and the proposed sidewalk will be concrete.

Standard 6, page 149 of the *Gateway Arts District Sector Plan* provides that driveways or private drive-aisles shall have a maximum width of 12 feet. The driveway is 10-feet-wide.

Standard 10, page 153 of the *Gateway Arts District Sector Plan* for compatible roof pitch. The

proposal has been reviewed by Historic Preservation since this is a historic district community and found to be in keeping with the historic district.

Standard 12, page 154 of the *Gateway Arts District Sector Plan* for specification of compatible materials. This standard provides that buildings should be faced on any façade fronting a public street with quality materials such as brick, stone, wood, masonry or stucco compatible with the character of the surrounding neighborhoods. The proposal has been reviewed by Historic Preservation since this is a historic district community and found to be in keeping with the historic district.

20. The property is within the North Brentwood National Register Historic District (#68-061) which is largely composed of modest late 19th and early 20th century single-family dwellings. The plans recommended for approval are dated February 6, 2009 and detail a two-story frame, single-family dwelling with a front-gable roof, façade-wide front porch, white vinyl siding and asphalt shingle roof and are compatible with the nearby historic resources.

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, April 23, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of May 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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