

R E S O L U T I O N

WHEREAS, a 0.51-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 September 12, 2008, Orchard Field Estates, LLC, 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-08003 for Broadwater Estates, Lot 6, Block D, 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 February 5, 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 February 5, 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-08003, Broadwater Estates, Block D for Lot 6 with the following condition:

Prior to signature approval of the conservation plan, the plan shall be revised to:

- a. provide the impervious surface areas for the proposed structure, the proposed driveway and the existing driveway as separate calculations.
- b. provide a 4.1 residential schedule as required by the *Prince George's County Landscape Manual*. The schedule and plan shall include at least 13 trees.
- c. have site Note 12 revised to read "Lot Coverage per Subtitle 27" of the Zoning Ordinance.
- d. have Note 22 corrected to read "stream" instead of "steam."

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

1. The 0.51-acre property in the Rural Residential (R-R)/Chesapeake Bay Critical Area Limited Development Overlay (L-D-O) Zones is located on the north side of Broadwater Creek Drive near its terminus. The property is located adjacent to Broad Creek in the Potomac River basin. The site is undeveloped except for a portion of a paved driveway that serves Lot seven. The driveway is in an easement recorded in the land records at L. 12563 F. 635. There are no streams or wetlands on the property. The steep slopes in the northern portion of the property are wholly within the 100-foot primary buffer designated by the *Chesapeake Bay Critical Area Conservation Manual*. The property is developed with a driveway that serves an adjacent property 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 April 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* that relate to the subject property.

Approved Countywide Green Infrastructure Plan

The *Approved Countywide Green Infrastructure Plan* designates the area within the 100 foot CBCA buffer as a Regulated Area and the remainder of the site is a designated Network Gap. The proposed development will be in conformance with the Countywide Green Infrastructure Plan through the implementation of a CBCA conservation plan.

FINDINGS

1. This site is not subject to the provisions of the Woodland Conservation and Tree Preservation 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 and no wetlands on the site. The plan appropriately notes that Broad Creek is a waterfowl staging area and a tributary stream. The plan states that Broad Creek is an anadromous fish spawning stream; however, this portion of Broad Creek is not a spawning area.

2. A 100-foot-wide CBCA buffer occurs on the property. All of the 100-year floodplain and all of the existing steep slopes are included within its area. No disturbance to the buffer is proposed.
3. The maximum amount of impervious surfaces permitted per Section 27-548.17 of the Zoning Ordinance is 15 percent of the gross tract area or 3,339.3 square feet. The plan proposes total impervious surfaces of 3,207 square feet or 14.4 percent and is in conformance with Maryland General Assembly 2008 Session House Bill 1253 (HB 1253). The Chesapeake Bay Critical Area Commission has requested that the plan provide a more detailed description of the proposed impervious surface areas.
4. The minimum net lot area required by Section 27-442 Table I of the Zoning Ordinance is 10,000 square feet. The net lot area as indicated in the Land Records at 28-99 is 22,262 square feet.
5. 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 5,553.9 square feet. The proposed Percentage of Lot Coverage is 3,207 square feet or 14.4 percent. HB 12 53 defines lot coverage in the CBCA in a manner different than that defined in Subtitle 27. To avoid confusion, this should be clarified.
6. The minimum lot width at the street frontage permitted by Section 27-442 Table III, footnote 20 of the Zoning Ordinance, is 55 feet. The lot width at the street frontage is 75.0 feet.
7. The minimum lot width at the building line permitted by Section 27-442 Table III, footnote 20 of the Zoning Ordinance, is 35 feet. The lot width at the proposed building line is 75.0 feet.
8. 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 111 feet.
9. 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 eight feet. The proposed side yards are 13 and 14 feet for a total of 27 feet.
10. The minimum rear yard required by Section 27-442 Table IV of the Zoning Ordinance is 20 feet. The proposed rear yard is 138 feet.
11. The maximum height permitted by Section 27-442 Table V of the Zoning Ordinance is 35 feet. The proposed height is 25 feet.

12. The site contains 11,805 square feet of existing woodland which exceeds the 15 percent threshold of 3,339.3 square feet required by the Chesapeake Bay Critical Area Manual. Approximately 2,731 square feet of woodland will be removed to allow construction. Thirteen trees will need to be planted to provide mitigation. The Chesapeake Bay Critical Area Manual requires replacement on-site or the use of a fee-in-lieu; however, the site is sufficiently large that on-site planting shall be used and the payment of a fee-in-lieu is not allowed. The plantings may also be used to meet the requirements of the *Prince George's County Landscape Manual*. The plan does not indicate how it will meet the woodland conservation requirement.
13. A Stormwater Management Concept Plan and Letter, CSD 29317-2008-00, were submitted. The plan requires the use of the two drywells. The plan shows two drywells.
14. The Historic Preservation Section noted that the site had been heavily disturbed in the past and that no archeological investigation was required. Transportation planning staff noted that there are no trails issues and no need for a sidewalk on the subject property.
15. 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.
16. 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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, Clark, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, February 5, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of March 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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