



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Chesapeake Bay

Critical Area Conservation Plan

CP-88007-08

Application	General Data	
Project Name: Indian Queen South, Lot 45, Block C Location: North side of Edgewater Terrace, approximately 0.84 miles southwest of Oxon Hill Road, at its intersection with Fort Foote Road. Applicant/Address: Kevin and Sandra Hannon 10002 Edgewater Terrace Fort Washington MD 20744	Planning Board Hearing Date:	N/A
	Staff Report Date:	03/09/17
	Date Accepted:	12/29/16
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.324
	Zone:	R-R/L-D-O
	Dwelling Units:	N/A
	Gross Floor Area:	N/A
	Planning Area:	80
	Council District:	08
	Municipality:	N/A
	200-Scale Base Map:	213SW01

Purpose of Application	Notice Dates	
To construct an in-ground swimming pool in the rear yard of an existing single-family home lot within the Chesapeake Bay Critical Area (CBCA).	Adjoining Property Owners: (CB-15-1998)	N/A
	Previous Parties of Record: (CB-13-1997)	N/A
	Sign(s) Posted on Site:	N/A
	Variance(s):	None Required

Staff Recommendation		Staff Reviewer: Taslima Alam Phone Number: 301-952-4976 E-mail: Taslima.alam@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

PLANNING DIRECTOR DECISION

Minor Chesapeake Bay Critical Area Conservation Plans

Application No: Chesapeake Bay Critical Area Conservation Plan CP-88007-08

Project Name: Indian Queen South, Lot 45, Block C

Reviewer's Name: Taslima Alam, Senior Planner, Zoning Section

- A. **Nature of the Applicant's Request:** The request is for the construction of an in-ground swimming pool in the rear of a single-family dwelling lot in the Rural Residential/Chesapeake Bay Critical Area Limited Development Overlay (R-R/L-D-O) Zones. The property is known as Lot 45 in the Indian Queen South Subdivision, and has a gross tract area of approximately 0.324 acre or 14,113 square feet. The Indian Queen South Subdivision was recorded in Prince George's County Land Records on August 28, 1980 in plat book 107 at 30.

The site does not contain any Critical Area buffer, streams, 100-year floodplain, or wetlands with associated buffers. The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include Beltsville silt loam (5-10 percent slopes) and Beltsville-Urban land complex (0-5 percent slopes). According to available information, Marlboro clay and Christiana complexes are not found to occur on or in the vicinity of this property. The site is not located within a Sensitive Species Protection Review Area. No scenic or historic roads are affected by this proposal. There are no significant nearby transportation related noise sources and the proposed improvements will not be a significant noise generator. According to the 2005 *Approved Countywide Green Infrastructure Plan*, none of the three areas (regulated, Evaluation, Network Gap) are present on the property. The site is located within the Established Communities of the Growth Policy Map and Environmental Strategy Area 4 of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035).

- B. **History:** The original submission, Conservation Plan CP-88007, was withdrawn before being heard by the Planning Board. A Chesapeake Bay Critical Area Conservation Plan, CP-88007-01, was approved for Indian Queen South on March 30, 1989. CP-88007-01 included the subject properties along with 96 other lots and 4 parcels. CP-88007-02 revised the plan to bring it into conformance with the approvals of 4-91011 and DSP-91004. CP-88007-03 was a staff level revision to the impervious surface table that transferred impervious surface from Parcel P to Lots 67-71, Block C. Conservation Plan CP-88007-04 was a staff level revision to the impervious surface table to transfer impervious surface from Lots 51-66, Block C, to Lots 150-155, Block D. Conservation Plan CP-88007-05 was approved in order to allow development on Lots 150-155, Block D that were previously subject to a Habitat Protection Plan for a bald eagle nest site. Conservation Plan CP-88007-06 was a major revision to CP-88007 because the proposed houses

exceeded the maximum net lot coverage and the Planning Board granted variances to exceed the 25 percent maximum set by Table II of Section 27-442(c) of the Zoning Ordinance. CP-88007-07 was to remove the trail easement, and was denied by the Planning Board on November 19, 2009.

C. **Recommended Findings:** The Environmental Planning Section reviewed the Chesapeake Bay Critical Area Plan, CP-88007-08, on February 22, 2017. This application qualifies as a Planning Director review per Section 5B-116(e) of the Prince George's County Code.

1. This application does not require a CBCA variance or any variance from the requirements of the Zoning Ordinance for the proposed development.
2. The submitted site plan shows the proposed development, site grading, woodland calculations, impervious area calculations and stormwater management as required by Section 5B-116. The plan also shows 3,300 square feet of existing woodland with no on site clearing.
3. A Chesapeake Bay Conservation and Planting Agreement is required to be recorded for the development of the site. Prior to signature approval of the Conservation Plan, the applicant shall execute and record a Chesapeake Bay Conservation and Planting Agreement. The agreement will be reviewed by the Department of Permitting, Inspections and Enforcement (DPIE) prior to recordation. The applicant shall provide a copy of the recorded agreement to M-NCPPC and the Liber/folio shall be shown on the Conservation Plan approval block, a sample of which is attached.
4. The maximum amount of impervious surfaces permitted per Section 27-548.17(b) of the Zoning Ordinance is 25 percent of the gross tract area or 3,528 square feet. The proposed impervious surfaces areas total 3,528 square feet or approximately 25 percent.
5. The maximum percentage of lot coverage permitted by the Zoning Ordinance (Section 27-442, Table II) is 25 percent of the contiguous net tract area or 3,528 square feet. The proposed percentage of lot coverage, which includes roof structures and driveway, is 2,751 square feet or approximately 19.5 percent.
6. Within a referral dated January 12, 2017, the Transportation Planning Section stated that there are no master plan trail recommendations for the subject application.
7. Staff of the Chesapeake Bay Critical Area Commission have reviewed the plan and stated via e-mail dated January 18, 2017, that the proposed development is in conformance with the County's L-D-O lot coverage, tree clearing and mitigation requirements.
8. According to Footnote No. 17 in Section 27-442(d), Table III of the Zoning Ordinance, a lot shown on a preliminary plat of subdivision for cluster development approved prior to September 1, 1986, no minimum lot width or frontage is required for any type of one-family dwelling. The subject property was platted on September 1980 and has a lot width at the front street line of approximately 78 feet.
9. There is no minimum lot width required at the front building line for a cluster development approved prior to September 1, 1986 per Footnote No. 17 in Section 27-442(d), Table III, of the Zoning Ordinance. However, the lot width at the front building line is approximately 82 feet.

10. The minimum front yard setback permitted by Section 27-442(e), Table IV, of the Zoning Ordinance is 25 feet for single-family detached dwellings. The front yard setback is approximately 26 feet to the existing single-family dwelling.
11. The minimum side yards permitted by Section 27-442(e), Table IV, of the Zoning Ordinance are a total of 17 feet with a minimum of 8 feet for either yard. The existing side yard setbacks far exceed this number. However, the plan incorrectly shows an eight foot building restriction line along both sides of the building. The building restriction line on the east side of the structure should be corrected to be nine feet minimum.
12. The minimum rear yard required by Section 27-442(e), Table IV, of the Zoning Ordinance is 20 feet. However, by Section 27-424(b), pools accessory to one-family detached dwellings need only be located eight (8) feet from the rear lot-line. The proposed rear yard setback is approximately 10 feet.
13. During the SDRC meeting on January 13, 2017, the DPIE has indicated stormwater management was not required for this review, since the disturbance is less than 5,000 square.
14. The Subdivision Review Section, Transportation Planning Section, and the Permit Review Section did not offer any comments that are significant to the site. All issues and concerns are addressed through the revision of the site plan.

D. **Recommendation:** Based on the above findings, it is recommended that Chesapeake Bay Critical Area Conservation Plan CP-88007-08 is APPROVED, with the conditions:

1. Prior to signature of approval of the Conservation Plan
 - a. The applicant shall execute and record a Chesapeake Bay Conservation and Planting Agreement. The agreement will be reviewed by the DPIE prior to recordation. The applicant shall provide a copy of the recorded agreement to M-NCPPC and the Liber/folio shall be shown on the Conservation Plan approval block, a sample of which is attached.
 - b. the site plan shall be revise to correctly show building restriction line on the east side of the structure to be nine feet minimum.

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APPROVED BY AUTHORITY OF:
Andree Green Checkley, Planning Director

Date: _____ **By:** _____
Christina Pompa, Acting Zoning Supervisor