

R E S O L U T I O N

WHEREAS, a 1.96-acre parcel of land in the Election District of Prince George's County, Maryland, and being zoned R-E/L-D-O; and

WHEREAS, on August 24, 2006, Adbol Hossein and Guitty S. Ejtemai filed an application for approval of a Chesapeake Bay Critical Area Conservation Plan for the purpose of constructing 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-89023/01 for Ejtemai Property, 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 June 21, 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 June 21, 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-89023/01, Ejtemai Property with the following condition:

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

- a. Show and label the 100-foot CBCA Primary Buffer in its entirety.
- b. Redesign the two downspouts at the west end of the new addition.
- c. Show no disturbance to the 100-foot CBCA Buffer.

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**

The 1.96-acre property in the R-E/L-D-O Zones is listed as 12331 Hatton Point Road and is located within the Chesapeake Bay Critical Area. There are no streams or wetlands on the property. There is a 100-year floodplain associated with the Potomac River. The steep slopes on the property are wholly within the 100-foot Chesapeake Bay Critical Area Primary Buffer. Current air photos indicate that the site 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 under review by the Department of Public Works and Transportation. The "Prince George's County Soils Survey" indicates that the principal soils on the site are in the Sassafras series. The site is in the Developing Tier according to the General Plan. The approved Countywide Green Infrastructure Plan indicates that the site has Regulated Areas adjacent to the Potomac River that are wholly within the 100-foot Chesapeake Bay critical Area Primary Buffer.

## **RECOMMENDED FINDINGS**

1. On September 8, 2006, the Subdivision Review Committee determined that the Conservation Plan was in general conformance with the requirements of the R-E Zone, the L-D-O Zone, and the "Chesapeake Bay Critical Area Conservation Manual"; however, technical errors were found. Revised plans were received on April 27, 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 minimum lot area permitted by the Zoning Ordinance for the property, per Section 27-442 Table I, of the Zoning Ordinance, is 20,000 square feet and the property contains 80,002 square feet.
3. The maximum amount of impervious surface permitted per Section 27-548.17, footnote 4 A(ii) of the Zoning Ordinance, is 15 percent of the gross tract area or 12,836 square feet. The plan proposes total impervious surface areas of 9,248 square feet or 10.8 percent.
4. The maximum Percentage of Lot Coverage permitted by the Zoning Ordinance for the property, per Section 27-442 Table II of the Zoning Ordinance, is 20 percent of the net tract or 16,000 square feet. The proposed net lot coverage is 15,776 square feet or 19.7 percent.
5. The minimum lot width at the front building line permitted by Section 27-442, Table III of the Zoning Ordinance, is 100 feet and the existing lot width at the front building line is 233 feet.

6. The minimum lot width at the front street line permitted by Section 27-442, Table III of the Zoning Ordinance, is 70 feet and the existing lot width at the front street line is 252.92 feet.
7. The minimum front yard setback by Section 27-442 Table III, footnote 1 of the Zoning Ordinance reads:

“If most of the lots located on one side of a street between two intersecting streets are occupied by buildings which have a front yard depth different from that required in general, no building (erected within three hundred (300) feet of any existing building) shall have a front yard depth less than that established in the block.”

Staff has determined that for the lots on the west side of Hatton Point Road, the appropriate front yard setback for new construction is 140 feet. The proposed front yard setback is 145 feet.

8. The minimum side yard setbacks permitted by Section 27-442, Table IV of the Zoning Ordinance, is a total of 35 feet with a minimum of 17 feet. The proposed side yard setbacks are 31 and 38 feet.
9. The maximum height permitted by Section 27-442, Table V of the Zoning Ordinance, is 35 feet. The existing building is 28 feet and 2 inches and the height of the proposed addition is 31 feet and 2 inches.
10. No woodland will be removed to allow construction, so the afforestation calculations do not apply.
11. Prince George’s County will require a soils report in conformance with CB-94-2004 during the building permit process review.
12. Stormwater management will be accomplished by creating the bioretention area shown on the plan.
13. No variances are needed for this proposed development.
14. There are several technical errors that need to be corrected. The 100-foot CBCA Primary Buffer needs to be labeled and shown in its entirety. The two downspouts at the west end of the new addition need to be redesigned to eliminate any impact to the 100-foot Chesapeake Bay Critical Area Primary Buffer. The plan must show no disturbance to the 100-foot CBCA Primary Buffer.

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 Cavitt, with Commissioners Squire, Cavitt and Parker voting in favor of the motion, and with Commissioners Vaughns and Clark absent at its regular meeting held on Thursday, June 21, 2007 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of July 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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