



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2020-119

File No. CP-93009-01

R E S O L U T I O N

WHEREAS, James H. Kittrell is the owner of a 1.58-acre parcel of land in the 5th Election District of Prince George's County, Maryland, and being zoned Residential-Estate (R-E); and

WHEREAS, on May 5, 2020, James H. Kittrell filed an application for approval of a Chesapeake Bay Critical Area Conservation Plan for the purpose of replacing an existing single-family dwelling, which was developed in accordance with Conservation Plan CP-93009 approved in 1993, with a new single family dwelling; and

WHEREAS, the application for approval of the aforesaid Chesapeake Bay Critical Area Conservation Plan, also known as Conservation Plan CP-93009-01 for Kittrell Property, including a Variance from Section 5B-114(e)(8), 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 July 9, 2020, 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 July 9, 2020, 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 a Variance to Section 5B-114(e)(8) and further APPROVED Conservation Plan CP-93009-01, Kittrell Property with the following conditions:

1. Prior to certification of the conservation plan, the following information and plan revisions shall be provided:
 - a. Remove the proposed afforestation plantings from the front yard and show plantings in the primary buffer. Update all planting tables, details, and notes accordingly.
 - b. Revise the planting schedule to replace several of the native tree species with native shrub species.
 - c. Remove Simplified Buffer Management Plan from the plan view.
 - d. Remove "10% Phosphorous Critical Bay Reduction Rule" table.

- e. Provide the length of the driveway, stopping at the parking pad, on all plan view sheets.
 - f. Update the Zoning Schedule on Page 6 of the conservation plan to reflect the correct lot standards required, and the provided lot standards, in accordance with the submitted plans.
 - g. Provide Sections 4.1, 4.7, and 4.9 landscape schedules, planting list, and all required plantings, in conformance with the 2010 *Prince George's County Landscape Manual*.
 - h. Dimension the lot width at the front building line.
 - i. Revise the existing conditions plan to show the existing house connections to public water and sewer.
2. Prior to certification of the conservation plan, the Natural Resources Inventory Plan shall be revised to show no secondary buffer.
 3. Prior to certification of the conservation plan, the applicant shall execute and record a Chesapeake Bay Conservation and Planting Agreement. The agreement shall be reviewed by the County, prior to recordation. The applicant shall provide a copy of the recorded agreement to the Prince George's County Department of Permitting, Inspections and Enforcement and Liber/Folio shall be shown above the site plan approval block in the following note: The Chesapeake Bay Conservation and Planting Agreement for this property is found in Plat No. L.__f.__.
 4. Prior to the certification of the conservation plan, a conservation easement for the proposed afforestation shall be recorded in the Prince George's County Land Records. The easement document shall be reviewed by the County prior to recordation. The liber/folio shall be shown above the site plan approval block in the following note: The conservation easement for this property is found in Plat No. L.__f.__.

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

1. **Request:** The proposal is for the removal of an existing single-family detached dwelling, and construction of a new single-family dwelling detached dwelling within the Chesapeake Bay Critical Area (CBCA) Limited Development Overlay (L-D-O), and Residential Estate (R-E) Zone. The applicant requested a variance to exceed the maximum allowable impervious surface area within the L-D-O Zone.
2. **Location:** The subject property is located on Tax Map 131 in Grid B2 and consists of one parcel totaling 1.58 acres, located within the CBCA L-D-O Zone. The site is in Planning Area 80 and Council District 8. More specifically, the subject property is located in Ft. Washington, on the

west side of Hatton Point Road, at its intersection with Swan Creek Road, and overlooks the Potomac River to the west.

3. **Development Data Summary:** The following information relates to the subject conservation plan application.

| | EXISTING | APPROVED |
|--------------------|-------------|-------------|
| Zone(s)/Overlay(s) | R-E/L-D-O | R-E/L-D-O |
| Use(s) | Residential | Residential |
| Acreage | 1.58 | 1.58 |

OTHER DEVELOPMENT DATA

| (R-E) RESIDENTIAL ESTATE ZONE | PERMITTED | APPROVED |
|---|--|-----------------------------|
| Maximum Building Height | 35 | 30 feet |
| Maximum Lot Coverage (per R-E Zone) | 20% | 16.4% |
| Minimum Lot/Width Front Street Line | 50 feet | 135 feet |
| Minimum Lot/ Width Front Building Line | 120 feet (if served by public water and sewer) | 133 feet (approximately) |
| Minimum Front Yard Setback | 25 feet | 285 feet |
| Minimum Rear Yard Setback | 25 feet | 119 feet |
| Minimum Side Yard Setbacks | 35 feet/17 feet | 51 feet/22 feet |
| Maximum Lot Coverage (per L-D-O Zone) (Chesapeake Bay Critical Area) | 15% | 15.3%* |

Note: *Variance Requested

4. **Surrounding Uses:** The subject property is located within the R-E and L-D-O Zones within the CBCA, and is surrounded by identically zoned and developed, single-family residential properties to the north and south. The Potomac River abuts the site to the west and Hatton Point Road abuts the site to the east. Developed single-family lots in the Rural Residential (R-R) and L-D-O Zones are located further east of the subject property, beyond Hatton Point Road.
5. **Previous Approvals:** CP-93009, for the subject site, was previously approved by the Prince George's County Planning Board on July 29, 1993, for shoreline improvements, with no conditions.
6. **Design Features:** The conservation plan submitted with this application meets the requirements of the Prince George's County Zoning Ordinance for development in the R-E Zone regarding building height and setbacks, but exceeds the allowable lot coverage in the L-D-O Zone. The applicant proposes to redevelop the subject property by removing the existing detached

garage, renovating the existing house structure to add additional square footage and include the garage into the house structure, and replace the parking pad area with pervious pavers. The site currently contains 11,518 square feet of impervious surface (16.8 percent), and the plan provided with this application shows the new impervious area will be 10,492 square feet, or 15.3 percent of the site. The maximum allowable coverage on this property is 15 percent, or 10,309 square feet. The site contains 0 square feet of developed woodland and the plan proposes to remove no existing trees. Since the property contains no on-site woodlands, 0.24 acre of afforestation is required. The plan also shows a mulch trail/walkway from the rear of the house to the water. This walkway will be constructed with decking material and secured with raised timbers or flush with the grade.

COMPLIANCE WITH EVALUATION CRITERIA

7. Environmental Review and Conformance with Subtitle 5B

Background

The following applications and associated plans were previously reviewed for the subject site:

| Development Review Case # | Associated Tree Conservation Plan # | Authority | Status | Action Date | Resolution Number |
|---------------------------|-------------------------------------|----------------|----------|-------------|-------------------|
| CP-93009 | N/A | Planning Board | Approved | 7/29/1993 | N/A |
| NRI-014-2020 | N/A | Staff | Approved | 3/10/2020 | N/A |
| CP-93009-01 | N/A | Planning Board | Approved | 7/9/2020 | 2020-119 |

There were no Planning Board conditions for CP-93009; files show that this approval was for construction of the revetment structure along the shoreline of the subject lot. According to PGAtlas, the current location of the house, garage, and driveway have been at the same location since the 1970s.

Natural Resources Inventory Plan

The subject site has an approved Natural Resources Inventory Plan (NRI-014-2020), dated March 10, 2020, which was included with the application package. The existing conditions of the site are correctly shown on the conservation plan, but the secondary buffer should be removed from the plan.

Site Description

This 1.58-acre property is in the R-R/L-D-O Zones, and is located at 12311 Hatton Point Road. The existing structures present on-site are an existing house, single car garage and driveway, and scattered individual trees and shrubs. The site contains CBCA 100-foot primary buffer, Federal Emergency Management Agency 100-year floodplain, and steep slopes. Through a previous permit with the U.S. Army Corps of Engineers and the Maryland Department of the Environment, the entire length of shoreline was permitted for and constructed with a stone

revetment. This property contains a maintained grass strip adjacent to the stone revetment and the steep slopes, which are vegetated with grasses and various invasive plants. At the top of the steep slopes, the lot is maintained lawn with scattered trees and shrubs. The site contains six specimen trees (S. Red Oak 60-inch dbh, Silver Maple 34-inch dbh, Silver Maple 51-inch dbh, Tulip Polar 30-inch dbh, Black Cherry 31-inch dbh, and a S. Red Oak 33-inch dbh). No scenic or historic roads are affected by this application. The site is not located within a Sensitive Species Project Review Area, nor does it have State or Federal Rare, Threatened, or Endangered species within the boundary area. Approximately 80 percent of the subject lot is located within the Evaluation Area of the Green Infrastructure Network. The Web Soil Survey indicates that the site is comprised of the Sassafras-Urban land complex soil type.

Chesapeake Bay Critical Area Conservation Plan

The plan labeled as a “Chesapeake Bay Critical Area Conservation Plan, Chesapeake Bay Critical Area Conservation Notes and Details, Buffer Management Plan, Buffer Management Notes and Details” – 12301 Hatton Point Road – Lot 9 – Kittrell Property” contains the information such as existing conditions, existing driveway, parking area, garage and house location. It also shows the proposed driveway, parking area, house location, proposed plantings, and stormwater management (SWM) structures because these requirements are required as part of the overall review of the conservation plan for this site.

No clearing of existing trees is proposed with this development. The development proposal is to reduce the existing lot coverage from 16.8 percent to 15.3 percent. This plan shows the removal of the existing garage and parking area and the increase of the existing single-family structure. The only impact proposed to the 100-foot primary buffer is for a mulch and wooden step walking trail to on-site stone revetment, which does not require a variance.

According to Section 5B-121(f)(1)(C) of the Prince George’s County Code, since this lot was created before January 1, 2010, and is proposing substantial alterations to the existing homesite, the buffer is required to be established with plantings. The plantings shall be located within the primary buffer and is determined by the total lot coverage (15.3 percent). Currently, the primary buffer contains no developed woodlands, only scattered trees and lawn. The application is showing 0.24 acre of afforestation in the front yard of the subject lot. These afforestation plantings should be relocated to the primary buffer and used to meet both afforestation and buffer establishment requirements. The remaining afforestation plantings not within the buffer should be planted adjacent to the buffer.

Technical revisions to the conservation plan are required, prior to certification.

Chesapeake Bay Conservation and Planting Agreement

A Chesapeake Bay Conservation and Planting Agreement will be required to be executed and recorded, prior to certification approval for development of the site.

Chesapeake Bay Conservation Easement

A Conservation Easement will be required for this site for the afforestation area. A metes and bounds description must accompany the easement. Review of the easement falls under the

purview of the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).

Variance Request

Redevelopment of the site is to be as outlined above. As originally proposed, the applicant requested variances to the following two sections of the CBCA Ordinance, Subtitle 5B, of the Prince George's County Code:

1. Section 5B-114(e)(8), to permit lot coverage greater than 15 percent of the site.
2. Section 5B-121(a)(1)(C)(i), to permit development in the Critical Area Buffer on the subject property.

After receiving feedback from the Prince George's County Planning Department and Critical Area Commission (CAC) staff, the applicant revised the proposal to only request a variance to Section 5B-114(e)(8), to permit lot coverage above the allowable 15 percent of the subject property.

The development proposal is for the existing single-family structure, garage, parking pad, and driveway, which were constructed before Critical Area regulations, to be minimized in lot coverage by removing the stand-alone garage and to update and add an addition to the existing dwelling structure.

Subtitle 5B-114(e)(8) of the CBCA Ordinance, states that in the L-D-O Zone, "Critical Area lot coverage shall be limited to 15 percent of the site or as permitted by 27-548.17(c)."

The Planning Department received a Subtitle 5B Variance Application, an updated statement of justification (SOJ) in support of a variance, and a conservation plan from the applicant on June 2, 2020. The SOJ for the variance request indicates that the project will reduce the existing lot coverage from 16.8 to 15.3 percent.

Section 27-230 of the Zoning Ordinance contains required findings (text in **BOLD**) to be made before a variance can be granted. The plain text is staff's analysis of the applicant's revised variance request.

- (a) **A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**
- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

As described above, the subject property has an existing single-family house and garage structure, along with a long driveway and parking area. These areas were constructed before the CBCA regulations. A stone revetment, approved with CP-93009, was also constructed along the Potomac River waterfront.

The single-family house and garage structures have not been improved throughout the years since the structures were first constructed and need major improvements.

As further described in the record, the property has exceptional narrowness, and or other extraordinary conditions necessitating an unusually elongated driveway of 250 linear feet with a parking pad area next to the existing house and garage area. The existing lot coverage of the subject lot is 16.8 percent. The changes to the existing home site require a variance to the lot coverage because the proposal shows 15.3 percent lot coverage.

- (2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

This property was developed before the CBCA Ordinance and has an existing lot coverage of 16.8 percent. The on-site structures are in need of improvement and the applicant has shown that the existing lot coverage can be reduced down to 15.3 percent. The applicant proposes to keep the single-family dwelling foundation, remove the stand-alone garage structure, and remodel and add an addition to the existing single-family dwelling. The site's lot coverage has been reduced, but the unusual length of the driveway (250 linear feet) and parking area create a practical difficulty because, even though the parking area has been shown having pervious pavers to help with SWM, the driveway and parking area all count as lot coverage. Thus, the strict application of the law will create an undue hardship for the owner of the property.

- (3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

According to the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*, the Potomac River Shoreline is in a Special Conservation Area. In addition, the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* states that this area should focus on water quality and preservation of the natural environment and the river's scenic character, and that forest fragmentation should be minimized and ecological connections between existing natural areas should be maintained and/or enhanced when development occurs. The site is already developed with a single-family dwelling, single car garage, parking pad, and long driveway. No developed woodland areas are located on-site, only large individual trees. As part of this development, 0.24 acre of on-site afforestation is required. Approval of the variance does not impair the intent, purpose, or integrity of applicable general and master plans.

(b) Variances may only be granted from the requirements of Subtitle 5B of this Code for property located within the Chesapeake Bay Critical Area Overlay Zones where an appellant demonstrates that provisions have been made to minimize any adverse environmental impact of the variance and where the Prince George's County Planning Board has found, in addition to the findings set forth in Subsection (a), that:

(1) Special conditions or circumstances exist that are peculiar to the subject land or structure and that a literal interpretation of provisions within the Chesapeake Bay Critical Area would result in unwarranted hardship.

State law defines unwarranted hardship to mean “that without a variance, an applicant shall be denied reasonable and significant use of the entire parcel or lot for which the variance is requested” (COMAR 27.01.12.01). The existing lot coverage is at 16.8 percent and the applicant is redeveloping a portion of the existing foundation while reducing the overall lot coverage to 15.3 percent. The unusual length of the driveway and parking area caused by the shape of the lot create a special condition unique to the property impacting the calculation of lot coverage despite the existence of pavers to address stormwater management. Thus, literal enforcement of the CBCA Ordinance would result in an unwarranted hardship to the applicant.

(2) A literal interpretation of the Subtitle would deprive the applicant of the rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Area.

The property was developed before the CBCA Ordinance with 16.8 percent lot coverage. The applicant proposes to remove the stand-alone garage and add an addition to the existing single-family dwelling structure. This development proposal reduces the lot coverage to 15.3 percent that includes an unusually long driveway and parking area necessitated by the shape of the lot. Many existing homeowners are allowed to improve their properties in similar areas within the CBCA in a way the owner cannot because of the unusually long driveway and parking area and the lot coverage calculation. A literal interpretation of the CBCA Ordinance would therefore deprive the applicant of rights commonly enjoyed by the owners of other properties in similar areas.

(3) The granting of a variance would not confer upon an applicant any special privilege that would be denied by this Subtitle to other lands or structures within the Chesapeake Bay Critical Area.

The subject property was constructed before the CBCA Ordinance and the current applicant proposes to redevelop a portion of the existing foundation and reduce the lot coverage from 16.8 percent to 15.3 percent. Due to the unusual length of the driveway and parking area being included in the calculation of lot

coverage, approval of this variance does not create a special privilege for the applicant.

- (4) **The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any conditions relating to land or building use, either permitted or non conforming, on any neighboring property.**

The subject property is currently developed with an existing dwelling structure, garage, parking pad area, and long driveway constructed before the CBCA Ordinance. The existing lot coverage is 16.8 percent and the applicant has reduced the lot coverage to 15.3 percent. The variance request is not based upon conditions or circumstances which are the result of the applicant's actions. The variance request also does not arise from any conditions relating to land or building use, either permitted or nonconforming, on any neighboring property.

- (5) **The granting of the variance would not adversely affect water quality or adversely impact fish, plant, wildlife habitat within the Chesapeake Bay Critical Area, and that granting of the variance would be in harmony with the general spirit and intent of the applicable laws within the Chesapeake Bay Critical Area.**

The applicant has an approved SWM concept plan reviewed and approved by DPIE. This SWM plan has been reviewed to ensure that no on-site sediment or stormwater leaves the site or enters the adjacent Potomac River. To develop the subject site, no developed woodland clearing would be required. The application is required to plant 10,309 square feet/0.24 acre of afforestation plantings. Granting the variance would be in harmony with the general spirit and intent of the applicable laws within the CBCA.

- (6) **The development plan would minimize adverse impacts on the water quality resulting from pollutants discharged from structures, conveyances, or runoff from surrounding lands.**

The conservation plan incorporates SWM controls to address adverse impacts on water quality from pollutants discharged from structures, conveyances, or runoff from surrounding lands.

- (7) **All fish, wildlife and plant habitat in the designated Critical Area would be protected by the development and implementation of either on-site or off-site programs.**

No developed woodland clearing is proposed with this application. The site is required to afforest 0.24 acre on-site to meet the 15 percent developed woodland requirement. This afforestation area will be protected and recorded in a

conservation easement. Forests and developed woodland provide important wildlife and habitat value and contribute to stormwater attenuation and pollutant reduction.

- (8) The number of persons, their movements, and activities, specified in the development plan, and in conformity to establish land use policies and would not create any adverse environmental impact.**

The number of persons, their movements, and activities specified in the development plan are in conformance with existing land use policies and will not create any adverse environmental impact. This proposal is for a residential single-family dwelling in a residentially zoned and established community.

- (9) The growth allocation for Overlay Zones within the County would not be exceeded by the granting of the variance.**

No growth allocation is provided for this property.

The subject property was developed before the CBCA regulations and existing lot coverage is 16.8 percent. The application shows the reuse of a portion of the existing foundation and has minimized the on-site development and lot coverage to 15.3 percent.

Chesapeake Bay Critical Area Commission (CBCA) Review

Comments on this application were received from the CAC on May 21, 2020, and, after the applicant submitted revised plans, an updated comment letter on June 11, 2020.

The May 21, 2020 comment email requested more information on existing and proposed lot coverage, areas of permanent impacts (not in-kind replacement), and the removal of the secondary buffer. The CAC staff determined that this property did not need a secondary buffer since the steep slopes were confined to the 100-foot buffer.

Subsequent plan revisions were provided, and, per their June 11, 2020 letter, the CAC does not oppose the variance and gave the following comments:

- 1. Lot must be properly grandfathered.**
- 2. The proposed lot coverage is less than existing lot coverage and there is no new lot coverage proposed waterward of the existing lot coverage.**
- 3. A portion of driveway, 2,034 square feet, will be comprised of pervious pavement; therefore, enhancing water quality.**
- 4. Neither trees nor developed woodland will be disturbed.**

- 5. According to a desktop review, no Habitat Protection Areas (HPAs) will be disturbed, including the Buffer.**

Department of Permitting, Inspections and Enforcement (DPIE) – Review

Copies of the approved SWM Concept Plan and Letter (5482-2020-00) dated March 20, 2020, were submitted with the subject application. The SWM concept plan shows stormwater to be directed to permeable pavement (pavers) and to six rooftop disconnects. According to the approval letter, the site will be required to pay a SWM fee of \$250.00 in lieu of providing on-site attenuation/quality control measures. The conservation plan is consistent with the SWM concept plan.

The SWM concept letter erroneously references a condition to satisfy the CBCA's 10-percent Rule, which only applies to properties in the Intense Development Overlay Zone. This site is located within the L-D-O Zone and is therefore not subject to the 10-percent Rule.

- 8. Prince George's County Zoning Ordinance:** The application conforms to the requirements of the R-E Zone, including Section 27-441, Permitted Uses, of the Zoning Ordinance, as follows:
- a. The subject property is recorded among the Prince George's County Land Records in Liber 40412 folio 407. Pursuant to Section 24-107(c)(7)(a) of the Subdivision Regulations, the site is exempt from the requirements of filing a preliminary plan of subdivision because the proposed use is for a single-family detached dwelling. The proposed dwelling will meet all the current zoning requirements, except for the maximum impervious surface area in the CBCA L-D-O Zone.
 - b. The minimum net lot area for the subject lot is 40,000 square feet. The provided net lot area is 62,443 square feet.
 - c. The maximum permitted zoning lot coverage in the R-E Zone is 20 percent. The proposed lot coverage, 16.4 percent, meets this requirement.
 - d. The required front yard setback of 25 feet is provided.
 - e. The minimum lot width at the front building line permitted by Section 27-442(d), Table III, of the Zoning Ordinance is 120 feet for one-family detached lots, which are served by public water and sewer systems. The proposed conservation plan shows the dwelling will be served by existing public water and sewer connections, and the lot is approximately 133 feet wide at the front building line. The existing conditions plan should show the existing house connections to public water and sewer, and the lot width and the front building line should be dimensioned on the plans.
 - f. The required rear yard setback is 25 feet. The provided rear yard setback of 119 feet exceeds this requirement and is delineated on the plan.

- g. The maximum building height permitted is 35 feet. The site plan indicates that the dwelling is 30 feet in height, which meets this requirement.
- h. No accessory dwellings are indicated on the site plan.
- i. The lot's side yard setbacks comply with the minimum requirement set forth within Section 27-442(e), of 17 feet from the property line to the building, and the total of both side yards requirement of a minimum of 35 feet.
- j. The minimum lot width at the street frontage, permitted by Section 27-442(d), Table III, is 50 feet. The lot width provided at the street frontage is 135 feet, satisfying this requirement.

Based on this analysis of the Zoning Ordinance requirements, no variances from the above provisions are required.

9. **2010 Prince George's County Landscape Manual:** The development proposal for a new single-family detached home is subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because the application is for new construction. The Landscape Manual applies, as follows:

Section 4.1—Residential Requirements: the requirements of Section 4.1 for lots 40,000 square feet or larger are satisfied by planting a minimum of four major shade trees and three ornamental or evergreen trees. The conservation plan provides existing and proposed plantings, which may satisfy the Section 4.1 requirements, however, the appropriate schedules have not been provided on the plans. Prior to certification of the conservation plan, the applicant shall revise the plans to provide the landscape schedules, in accordance with the Landscape Manual.

Section 4.7—Buffering Incompatible Uses: Surrounding uses are compatible with the proposed development on the subject site. Therefore, a buffer pursuant to Section 4.7 of the Landscape Manual is not required. A schedule shall be provided on the conservation plan to reflect the requirements of Section 4.7.

Section 4.9—Sustainable Landscaping Requirements: Native species are proposed to be planted on-site; however, a Section 4.9 schedule and a landscape plantings list will need to be provided on the plans.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO):** The project is not subject to the WCO because the site is within the CBCA.
11. **Prince George's County Tree Canopy Coverage Ordinance:** The subject property is located within the CBCA and is exempt from the requirements of the Tree Canopy Coverage Ordinance, in accordance with Section 25-127(b)(1)(E).

12. Further Planning Board Findings and Comments from Other Entities: The following referrals were received and are incorporated herein by reference; all the comments are addressed on the site plan, or as part of the above findings:

- a. Environmental Planning Section, dated June 16, 2020 (Schneider to Heath)
- b. Permit Review Section, dated May 5, 2020 (Glascoe to Heath)
- c. Critical Area Commission, dated June 11, 2020 (Harris to Schneider)
- d. Urban Design Section, dated June 8, 2020 (Bossi to Heath)
- e. Historic Preservation, dated May 26, 2020 (Stabler and Smith to Heath)
- f. Community Planning, dated June 4, 2020 (Umeozulu to Heath)
- g. Transportation Planning Section, dated May 15, 2020 (Masog to Heath)
- h. Prince George's County Police Department, Dated May 14, 2020 (Contic to Development Review Division)

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.

* * * * *

- c. Critical Area Commission, dated June 11, 2020 (Harris to Schneider)
- d. Urban Design Section, dated June 8, 2020 (Bossi to Heath)
- e. Historic Preservation, dated May 26, 2020 (Stabler and Smith to Heath)
- f. Community Planning, dated June 4, 2020 (Umeozulu to Heath)
- g. Transportation Planning Section, dated May 15, 2020 (Masog to Heath)
- h. Prince George's County Police Department, Dated May 14, 2020 (Contic to Development Review Division)

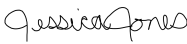
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

* * * * *

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 9, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of July, 2020.

Elizabeth M. Hewlett
Chairman

By  Jessica Jones
Planning Board Administrator

EMH:JJ:AH:nz

APPROVED AS TO LEGAL SUFFICIENCY, David S. Warner /s/, M-NCPPC Legal Department, July 31, 2020