

R E S O L U T I O N

WHEREAS, a 2.23-acre parcel of land in the 5th Election District of Prince George's County, Maryland, and being zoned R-E/L-D-O; and

WHEREAS, on March 22, 2007, Mary F. Smirnow filed an application for approval of a Chesapeake Bay Critical Area Conservation Plan for the purpose of obtaining for two lots in the R-E Zone on a property within the Chesapeake Bay Critical Area. This conservation plan is a companion to Preliminary Plan 4-06095 and;

WHEREAS, the application for approval of the aforesaid Chesapeake Bay Critical Area Conservation Plan, also known as Conservation Plan CP-06010 for Swan Creek Club Development, 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 March 22, 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 March 22, 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-06001, Swan Creek Club Development for 2 lots and 2 dwelling units with the following condition:

Prior to signature the conservation plan shall be revised to:

- a. Correct the labeling of the 100-foot CBCA buffer.
- b. Show the stone revetment along the shoreline approved by CP-87017/01.
- c. Revise the note regarding the house footprint to read:

“The footprint of the proposed house and driveway on proposed Lot 9 is conceptual. At time of building permit, a change to the conservation plan may be approved by staff if no variances to any provision of the Zoning Ordinance are required.”

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

1. **Site Description**

The 2.23-acre property in the R-E/L-D-O Zones is located on the west side of Hatton Point Road approximately 300 feet south of its intersection with Swan Creek Road. The entire property is 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. Extensive areas of steep slopes with highly erodible soils and areas of severe slopes occur along the Potomac River shoreline and within the 100-foot CBCA buffer. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator. According to the "Prince George's County Soil Survey," the principal soils on the site are in the Sassafras series. Marlboro clay is not found to occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of the property. The site is in the Developing Tier according to the approved General Plan. The Countywide Green Infrastructure Plan indicates that the area of steep and severe slopes abutting the Potomac River is designated as a regulated area and the remainder of the property is a designated network gap.

2. **Background**

The Planning Board approved a Chesapeake Bay Critical Area Conservation Plan, CP-88017, on December 8, 1988. That plan was for the construction of an addition to an existing single-family detached residential structure and the construction of a garage. The Board of Appeals, by Zoning Appeal No. 9530 dated December 15, 1988, granted variances to allow construction within the 100-foot CBCA buffer, to allow construction within the side yard setback; to allow construction of an accessory structure within the front yard; and to allow construction of the accessory structure to exceed the height limit of 15 feet set by the Zoning Ordinance. On December 3, 1992, the Planning Board approved a major revision to permit the construction of a stone revetment along the shoreline, CP-87017/01. Because of the variances previously granted, all of the existing development on the property is consistent with the Zoning Ordinance and the approved Chesapeake Bay Critical Area Plan, CP-87017/01.

A revised Chesapeake Bay Critical Area plan is required because of the significant change in the proposed development of the property. The current application is for two lots in the R-E Zone. Although this plan covers the entire acreage of CP-88017/01, upon approval the case number CP-87017/02 shall be assigned to the area of proposed Lot 8 and the case number CP-06001 shall be assigned to the area of proposed Lot 9.

This site is not subject to the provisions of the Woodland Conservation Ordinance because the entire site is within the Chesapeake Bay Critical Area.

The maximum amount of impervious surfaces permitted per Section 27-548.17, footnote 4 A(ii) of the Zoning Ordinance is 15 percent of the gross tract area; for proposed Lot 8 this is 7,992.3 square feet. The plan proposes total impervious surfaces of 4,811 square feet, or 9.01 percent on Lot 8. The maximum amount of impervious surfaces permitted per Section 27-548.17, footnote 4 A(ii) of the Zoning Ordinance is 15 percent of the gross tract area; for proposed Lot 9 this is 6,556.95 square feet. The plan proposes total impervious surfaces of 4,357 square feet, or 10.4 percent on Proposed Lot 9.

The minimum net lot area permitted by Section 27-442 Table I of the Zoning Ordinance is 40,000 square feet. Lot 8 is proposed to have a net lot area of 46,021 square feet and Lot 9 is proposed to have a net lot area of 40,713 square feet.

The maximum percentage of lot coverage permitted by Section 27-442 Table II of the Zoning Ordinance is 20 percent of the contiguous net tract area for proposed Lot 8, or 9,204.2 square feet. The proposed percentage of lot coverage for Lot 8 is 9,091 square feet, or 19.8 percent. The maximum percentage of lot coverage permitted by Section 27-442, Table II, of the Zoning Ordinance is 20 percent of the contiguous net tract area for proposed Lot 9, or 8,142.6 square feet. The proposed percentage of lot coverage for Lot 9 is 4,357 square feet, or 10.7 percent.

The minimum lot width at the street frontage permitted by Section 27-442, Table III, of the Zoning Ordinance is 50 feet. The lot width at the street frontage for proposed Lot 8 is 73.8 feet and the lot width at the street frontage for proposed Lot 9 is 142.0 feet.

The minimum lot width at the building line permitted by Section 27-442, Table III, footnote 19 of the Zoning Ordinance is 120 feet. The lot width at the building line for proposed Lot 8 is 142.0 feet and the lot width at the building line for proposed Lot 9 is 142.0 feet.

The minimum front yard setback by Section 27-442 Table III of the Zoning Ordinance is 25 feet. The front yard setback for proposed Lot 8 is 275 feet and the front yard setback for proposed Lot 9 is 100 feet.

The minimum side yards permitted by Section 27-442, Table IV of the Zoning Ordinance is a total of 35 feet with a minimum of 17 feet. The side yards on proposed Lot 8 are 50 and 11.35 feet; however, the Board of Appeals granted a variance to allow the 11.35-foot minimum. The side yards on Proposed Lot 9 are 51 and 19 feet

The maximum height permitted by Section 27-442, Table V of the Zoning Ordinance is 35 feet. The maximum height of all existing structures on proposed Lot 8 is 25 feet. The proposed structure on proposed Lot 9 will not be permitted to exceed 35 feet.

The footprint of the proposed house and driveway on proposed Lot 9 are conceptual. At time of building permit, a change to the Conservation Plan may be approved by staff if no variances to any provision of the Zoning Ordinance are required.

Some woodland will be removed to allow construction of proposed Lot 9. The “Chesapeake Bay Critical Area Manual” requires replacement on-site or the use of a fee-in-lieu. The plan proposes planting 22 trees on-site to meet the woodland conservation requirement. Regulations require that all planting be completed prior to the issuance of a use and occupancy permit.

All other provisions of the Chesapeake Bay Critical Area regulations have been met on-site.

3. **Summary**

On February 10, 2006, the Subdivision Review Committee determined that the conservation plan was in general conformance with the requirements of the I-D-O Zone and the “Chesapeake Bay Critical Area Conservation Manual”; however, the plans required numerous technical revisions. Revised plans were accepted for processing on December 4, 2006. As noted in detail above, the revised plans meet the requirements of the Chesapeake Bay Critical Area Program and the Zoning Ordinance.

There are a few technical errors that should be corrected before the plans are signed. The line labeled “100’ CBCA Limit” should be relabeled “100’ CBCA Buffer.” The stone revetment along the shoreline approved by CP-87017/01 should be clearly indicated. The note regarding the house footprint should be reworded for clarification of its intent.

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, March 22, 2007, in Upper Marlboro, Maryland.

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

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator