

R E S O L U T I O N

WHEREAS, a 2.91-acre parcel of land in the 5<sup>th</sup> Election District of Prince George's County, Maryland, and being zoned R-R (Rural Residential), R-E (Residential-Estate), and L-D-O (Chesapeake Bay Critical Area Limited Development Overlay); and

WHEREAS, on November 26, 2008, Bill Creighton filed an application for approval of a Chesapeake Bay Critical Area Conservation Plan for the purpose of consolidating two lots within 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-08009 for Rio Vista Farm, 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 September 24, 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 September 24, 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 24-151 of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Conservation Plan CP-08007, Rio Vista Farm, with the following conditions:

1. Prior to signature approval, the following note shall be added to the conservation plan:

“The approval of Conservation Plan CP-93012/01 for Riverview Estates, Lot 4 required that an area of woodland, equivalent of 15 percent of gross tract area, be planted within the CBCA buffer on Lots 5 through 8 in the Riverview Estates development. As such, the woodland requirements for Riverview Estates, Lot 4 have already been met.”
2. Prior to signature approval, Table B and Table B1 on the conservation plan shall be revised to refer to the new lot only and not the individual existing lots. The legend and plan shall be revised to indicate, with one symbol, the area of approved CBCA lot coverage.
3. Prior to signature approval, Table A on the conservation plan shall be revised to calculate the correct maximum lot coverage permitted by Section 27-442, Table II of the Zoning Ordinance (20 percent in the R-E Zone and 25 percent in the R-R Zone).

4. Remove the scanned approval block.

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 2.91-acre property in the R-R (Rural Residential), R-E (Residential-Estate), and L-D-O (Chesapeake Bay Critical Area Limited Development Overlay) Zones is located on the west side of Riverview Road between Swan Creek Road and Sero Road, and is developed with a single-family detached residential structure. This property is located in the Potomac River watershed and is within the Chesapeake Bay Critical Area. There are no streams, wetlands, floodplain, or Chesapeake Bay Critical Area buffer on the property. Although there are some scattered trees and shrubs, there is no woodland on-site. 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 on the property or on adjacent properties. There are no designated scenic or historic roads in the vicinity of the property.

### **Background**

This proposal is for the consolidation of two lots within the Chesapeake Bay Critical Area. This plan accompanies Preliminary Plan of Subdivision 4-08054. Section 24-151 of the Subdivision Regulations requires the approval of a Chesapeake Bay Critical Area (CBCA) conservation plan by the Planning Board prior to the approval of any preliminary plan of subdivision. The Planning Board is the final approving authority for Chesapeake Bay Critical Area conservation plans.

### **Findings**

1. The Planning Board previously approved Conservation Plans CP-93012 and CP-93012/01 for Riverview Estates, Lot 4 and CP-02001 for Rio Vista, Lot 1. The proposal is for the consolidation of two platted lots that are under the same ownership into one platted lot. The approval of this conservation plan will supersede CP-93012/01 and CP-02001 for the subject property. This conservation plan is intended to describe how the existing development conforms to the requirements of the Zoning Ordinance and the *Chesapeake Bay Critical Area Manual* with the consolidation of the two platted lots. A revised conservation plan will be required prior to the issuance of any permit.
2. The property is within the Chesapeake Bay Critical Area. Section 24-151 of the Subdivision Regulations requires the approval of a Chesapeake Bay Critical Area (CBCA) conservation plan by the Planning Board prior to the approval of any preliminary plan of subdivision. Preliminary

Plan 4-08054 has been filed and proposes the consolidation of Riverview Estates, Lot 4 and Rio Vista, Lot 1 into one platted lot.

3. 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 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* that relate to the subject property.
4. The *Approved Countywide Green Infrastructure Plan* designates the area of this application as a network gap. The proposed lot consolidation will be in conformance with the Green Infrastructure Plan because the consolidation will result in fewer environmental impacts than if the two lots were developed separately.
5. Based upon information provided by the State of Maryland, the plan correctly indicates that 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.
6. The property is not subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because it is entirely within the Chesapeake Bay Critical Area. Properties within the Chesapeake Bay Critical Area are subject to more stringent requirements than those afforded by the Woodland Conservation Ordinance. The site contains no woodland. The *Chesapeake Bay Critical Area Manual* requires that if no forest exists on the proposed development site, the site shall be planted to provide a forest or developed woodland cover of at least 15 percent. The approval of Conservation Plan CP-93012/01 for Riverview Estates, Lot 4 required that an area of woodland, equivalent of 15 percent of gross tract area, be planted within the CBCA buffer on Lots 5 through 8 in the Riverview Estates development. The approval of Conservation Plan CP-02001 for Rio Vista, Lot 1 acknowledged that the existing on-site trees and shrubs met the 15 percent requirement for that lot. The plan notes that the total vegetated area for the combined lots is 0.62 acre or 21 percent of the gross tract area.
7. Riverview Estates, Lot 4 in the R-E Zone, containing 46,655 square feet, is shown on Record Plat VJ 176 @ 25 and Rio Vista, Lot 1 in the R-R Zone, containing 79,958.74 square feet, is shown on Record Plat WWW 75 @ 64. The total area is 126, 613.74 square feet or 2.91 acres. The area of the private drive must be deducted from the gross tract area to determine the net tract area to be used in appropriate calculation for the requirements of the Zoning Ordinance. Table A, on the plan, notes that the net tract, after deduction for the driveway easement, is 120,835.44 square feet. The relevant calculations are provided in Table 1 below:

Table 1

	<b>River Estates, Lot 4</b>	<b>Rio Vista, Lot 1</b>	<b>Combined</b>
Zoning	R-E/L-D-O	R-R/L-D-O	R-R/R-E/L-D-O
Gross Tract Area	46,655.0 sq. ft.	79,958.7 sq. ft.	126,613.7 sq. ft.
Net Tract Area	46,655.0 sq. ft.	74,180.5 sq. ft.	120,835.4 sq. ft.
CBCA Lot Coverage permitted	15% or 6,998.3 sq. ft.	15% or 11,9938 sq. ft.	18,992.1 sq. ft.
CBCA Lot Coverage proposed	1,180 sq. ft.	10,110 sq. ft.	11,290 sq. ft.
Maximum Percentage of Lot Coverage permitted by Section 27-442 Table II	20% or 9,331.0 sq. ft.	25% or 18,545.1 sq. ft.	27,876. sq. ft.
Percentage of Lot Coverage proposed			9,809 sq. ft.

8. The maximum amount of CBCA lot coverage (previously known as impervious surfaces) permitted per Section 27-548.17 of the Zoning Ordinance is 15 percent of the gross tract area. Conservation Plan CP-93012/01 for Riverview Estates, Lot 4 and Conservation Plan CP-02001 for Rio Vista, Lot 1 were approved in conformance with Section 27-548.17 of the Zoning Ordinance.

The Maryland General Assembly 2008 Session, House Bill 1253 (HB 1253), redefined the types of materials that are to be designated as pervious and impervious and this plan must conform to those changes. Tables B and B1 for Rio Vista, Lot 1 indicate that in its current configuration, Lot 1 has a CBCA lot coverage of 10,110 square feet or 12.6 percent. Tables B and B1 for River Estates, Lot 4 indicate that in its current configuration, Lot 4 has a CBCA lot coverage of 1,180 square feet or 2.5 percent. The notes for the combined properties indicate that, after consolidation, the new lot will have a total CBCA lot coverage of 11,290 square feet or 11 percent.

9. Because the house is located wholly within the R-R zoned portion of the property, the minimum net lot area required by Section 27-442, Table I of the Zoning Ordinance is 20,000 square feet. The gross area of the R-R Zone is 79,958.74 square feet; however, the area of the private right-of-way must be deducted from the gross tract area to determine the net tract area. The net tract within the R-R Zone is 74,180.48 square feet.
10. 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 in the R-R Zone and 20 percent of the contiguous net tract area in the R-E Zone. In calculating the lot coverage, only the area of the house and the driveway is considered; the area of the patio, sidewalks, and shared driveway beyond the driveway into the yard are not included. Table A on the plan incorrectly indicates that the maximum lot coverage permitted by Section 27-442 of the Zoning Ordinance is 15 percent of the net tract.

The maximum permitted lot coverage for Rio Vista, Lot 1 is 25 percent of the net tract or 18,739.7 square feet. The maximum permitted lot coverage for River Estates, Lot 4 is 20 percent of the net tract or 9,331.0 square feet. The maximum permitted lot coverage for the new lot is 28,070.7 square feet. The proposed lot coverage is 9,828 square feet.

11. The minimum lot width at the street frontage permitted by Section 27-442, Table III, Footnote 3 of the Zoning Ordinance is 60 feet. The lot width at the street frontage is 351 feet.
12. 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 351.57 feet.
13. The minimum front yard setback permitted by Section 27-442, Table IV of the Zoning Ordinance is 25 feet. The existing front yard setback is 157 feet.
14. 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 35 and 202 feet for a total of 237 feet.
15. The minimum rear yard required by Section 27-442, Table IV of the Zoning Ordinance is 20 feet. The existing rear yard is 239 feet.
16. The maximum height permitted by Section 27-442, Table V of the Zoning Ordinance is 35 feet. The maximum height of the existing structure is 28 feet.
17. The application is exempt from the requirements of the *Prince George's County Landscape Manual* because no new development is proposed.
18. A Stormwater Management Concept Letter, CSD 35175-2008-00, was submitted with the subject application. The letter notes that because no new construction is proposed, no stormwater management or roadway improvements are required.
19. The Historic Preservation Section noted that the site had been heavily disturbed in the past and no archeological investigation was required.
20. The Transportation Planning Section noted that there are no trails issues and there is no need for a sidewalk on the subject property.
21. This lot consolidation meets all of the lot consolidation and reconfiguration provisions of HB 1253.

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 Cavitt, with Commissioners Squire, Cavitt, Clark, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, September 24, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22<sup>nd</sup> day of October 2009.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:JS:arj

DRAFT