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Chesapeake Bay Critical Area Conservation Plan CP-10002

Application	General Data	
Project Name: Holladay Company's Addition, Lots 4 and 5 (Potts Residence) Location: Approximately 200 feet northeast of the intersection of 41st Avenue and Wallace Road. Applicant/Address: William Potts 8003 Colonial Lane Clinton, MD 20735	Planning Board Hearing Date:	04/28/11
	Staff Report Date:	04/12/11
	Date Accepted:	10/21/10
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.1148
	Zone:	R-55/I-D-O/D-D-O
	Dwelling Units:	1
	Gross Floor Area:	1,416 sq. ft.
	Planning Area:	68
	Tier:	Developed
	Council District:	02
	Election District	17
	Municipality:	North Brentwood
200-Scale Base Map:	205NE03	

Purpose of Application	Notice Dates	
Construction of an addition to a single-family detached residential structure in the Chesapeake Bay Critical Area (CBCA).	Informational Mailing:	10/21/10
	Acceptance Mailing:	01/31/11
	Sign Posting Deadline:	03/15/11

Staff Recommendation		Staff Reviewer: Meika Fields Phone Number: 301-780-2458 E-mail: Meika.Fields@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Chesapeake Bay Critical Area Conservation Plan CP-10002
Holladay Company's Addition, Lots 4 and 5 (Potts Residence)

Council District: 02 Planning Area: 68 Municipality: North Brentwood

OVERVIEW

The proposal is for the construction of a 720-square-foot building addition to an existing 696-square-foot single-family detached residential structure on a property within the Chesapeake Bay Critical Area (CBCA). A CBCA conservation plan is required prior to the issuance of any permit by Prince George's County. The subject property is zoned One-Family Detached Residential (R-55) and is within the Chesapeake Bay Critical Area Intense Development Overlay (I-D-O) Zone in the Potomac River basin. The site is also located within the Development District Overlay (D-D-O) Zone of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*.

The application was forwarded to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays for their review and comment.

SITE DESCRIPTION

The 0.11-acre lot in the R-55/I-D-O/D-D-O Zones is located on the southeast side of 41st Avenue and is wholly within the Chesapeake Bay Critical Area. There are no streams or wetlands on the property.

COMPLIANCE WITH EVALUATION CRITERIA

1. **Zoning Ordinance:** The conservation plan (CP) application has been reviewed for compliance with the Prince George's County Zoning Ordinance as follows:

Section 27-548.11, Conservation Plan and Conservation Agreement Required

- (c) **Where no subdivision is required, prior to the approval of a building or grading permit within the Chesapeake Bay Critical Area Overlay Zones, a Conservation Plan shall be submitted in accordance with Subtitle 5B for approval by the Planning Board or its authorized representative. The Planning Board shall approve the Conservation Plan prior to the issuance of a grading or building permit, unless waived in accordance with the provisions of Subtitle 5B.**

Comment: The site plan has been submitted in accordance with the above requirement.

Section 27-548.12, Uses

The uses allowed on land in the Critical Area Overlay Zones shall be the same as those allowed in the underlying zone in which the land has been classified.

Comment: The development proposal is for a single-family development in the R-55/D-D-O Zones. The R-55 Zone regulations are amended by the D-D-O Zone. The residential use is permitted in the D-D-O Zone.

Section 27-548.13, I-D-O (Intense Development Overlay) Zone.

(a) Purposes.

(1) The purposes of the I-D-O Zone are to:

- (A) Accommodate existing residential, commercial, or industrial land uses within the Chesapeake Bay Critical Area;**
- (B) Promote new residential, commercial, and industrial land uses in accordance with development intensity limits designated for the I-D-O Zone in this Subtitle;**
- (C) Conserve and enhance fish, wildlife, and plant habitats; and**
- (D) Improve the quality of runoff that enters the tributary streams of the Chesapeake Bay from developed areas.**

Comment: The subject development is an addition to an existing single-family structure in the Chesapeake Bay Critical Area. One purpose of the I-D-O Zone is to accommodate existing residential uses. Staff has determined that the proposal is not in conflict with the purpose of the I-D-O Zone.

Section 27-548.17 (b) Regulations

	Allowed*	Proposed
Maximum Density (units per acre)	6.70	n/a
Maximum CBCA Lot Coverage	45%	36.6%
Maximum Lot Coverage	45%	29.6%

* Within the I-D-O Zone, the requirement is the same as the underlying zone.

Comment: The Gateway Arts District permits lot coverage of 45 percent in the R-55 Zone. It is noted that the amount of allowable lot coverage was incorrectly calculated on the conservation plan at 30 percent. The submitted conservation plan shows the removal of some existing walkways and proposes their replacement with sand and mulch to meet a lower lot coverage percentage. This is not a typical treatment for walkways in urban areas. Because the allowable lot coverage in the Gateway Arts District is actually 45 percent, the removal and replacement of the walkways is not necessary. The conservation plan should be revised to show the walkways as existing and to remain.

2. **Chesapeake Bay Critical Area (CBCA):** In addition to the requirements of the Zoning Ordinance, Subtitle 5B governs development within the CBCA. The application has been reviewed for conformance with the following requirements:

Section 5B-113, Intensely Development Overlay (I-D-O) Zones

- (e) **Development standards. The following development standards must be demonstrated within the I-D-O Zone:**

- (1) **For redevelopment plans, opportunities to reduce impacts on water quality generated by existing development shall be analyzed;**

Comment: Opportunities to reduce impacts on water quality have been reviewed by The Maryland-National Capital Park and Planning Commission (M-NCPPC) as well as the State of Maryland Critical Area Commission.

- (2) **Urban (BMPs) [Best Management Practices] for stormwater treatment shall be considered and, where appropriate, implemented as part of all plans for development and redevelopment;**

Comment: The Department of Public Works and Transportation (DPW&T) has determined that, because the proposed addition results in less than 5,000 square feet of disturbance, no stormwater management facilities are required.

- (3) **Stormwater shall be addressed in accordance with the following provisions:**

- (A) **Development or redevelopment projects shall use technologies as required by applicable ordinances in order to minimize adverse impacts to water quality caused by stormwater.**

Comment: The site has been submitted in accordance with the above requirement. The site development has an approved Stormwater Management Concept Plan, 12000-2010, dated May 21, 2010, which states that, because the addition results in less than 5,000 square feet of disturbance, no stormwater management facilities are required.

- (B) **In the case of redevelopment, if these technologies do not reduce pollutant loadings measured by use of the keystone pollutant method by at least 10 percent below the level of pollution on the site prior to redevelopment, then offsets shall be provided. Guidance for compliance with this requirement is provided in the Critical Area 10% Rule Guidance Manual – Fall 2003 and as may be subsequently amended.**

Comment: The mitigation, based on ten percent stormwater management calculations in the I-D-O Zone, requires planting five trees or three trees and five shrubs. The planting proposed on the plan includes five trees which would fulfill this requirement. The applicant should include a chart on the conservation plan indicating the ten percent requirement and how it is met on-site.

- (C) **In the case of new development, offsets shall be used if they reduce pollutant loadings by at least 10 percent of the pre-development levels. Guidance for compliance with this requirement is provided in the Maryland Chesapeake and Atlantic Coastal Bays Critical Area 10% Rule Guidance – Fall 2003 and as may be subsequently amended.**

Comment: The subject conservation plan is not for new development. The above provision is not applicable to the subject review.

- (D) **Offsets may be provided either on or off site, provided that water quality benefits are equivalent, that the benefits are obtained within the same watershed, and that the benefits can be determined through the use of modeling, monitoring or other computation of mitigation measures. Guidance regarding offsets is provided in the Maryland Chesapeake and Atlantic Coastal Bays Critical Area 10% Rule Guidance – Fall 2003.**

Comment: If offsets are determined to be necessary, staff recommends that they be provided on-site.

- (4) **There is no Critical Area lot coverage maximum in the I-D-O, however, where practicable, permeable areas shall be established in vegetation, and whenever possible, redevelopment shall reduce existing levels of pollution.**

Comment: The application has been reviewed for conformance with the above requirement. The conservation plan currently proposes to plant two ornamental trees and three shade trees on the site. Additional plant material may be required prior to signature approval of the conservation plan to comply with CBCA provisions. If approved with conditions, staff determines that permeable areas will be established with vegetation.

- (5) **Areas of public access to the shoreline, such as foot paths, scenic drives and other public recreational facilities, should be maintained and, if possible, encouraged to be established within the I-D-O.**

Comment: The above provision is not applicable to the subject review. There are no areas of public access to any shoreline, nor is there public recreation proposed on the subject site.

3. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning North Division**—In a memorandum dated November 30, 2010, the Community Planning North Division noted that a detailed site plan application is required because the proposed addition does not meet all applicable development district standards. On page 147 of the Gateway Arts District Sector Plan, Standard 27 provides that one-family detached dwellings shall have a minimum rear yard of 25 feet in depth. The proposed rear yard is 20.7 feet. An amendment to this standard is required to reduce the rear yard setback. The Community Planning North Division recommended approval of a reduction to the rear yard setback.

The subject CP plan is companion to Detailed Site Plan DSP-10037 and Special Permit SP-100003. Any amendment to the applicable development district standards is further discussed as a part of those approvals.

- b. **Environmental Planning Section**—In a memorandum dated April 11, 2011 and comments dated November 12, 2010 and March 8, 2011 the Environmental Planning Section provided analysis of the subject conservation plan.

The water quality and stormwater measures used for redevelopment areas should reduce pollutant loading by at least ten percent below the levels expected from the site prior to redevelopment. The plan shows this requirement being met.

The applicant will also be required to execute and sign a conservation agreement to be recorded in the Prince George’s County Land Records prior to final signature approval of the conservation plan.

- c. **Permit Review Section**—In a memorandum dated October 28, 2010, the Permit Review Section provided comment on the subject conservation plan. The recommended revisions have been addressed.

- d. **State of Maryland Critical Area Commission**—In a memorandum dated October 28, 2010, The Critical Area Commission provided comment on the submitted conservation plan, as follows:

1. The applicant should revise the lot coverage chart to correctly indicate the amount of lot coverage that currently exists.
2. Since the property is located within the I-D-O Zone and greater than 250 square feet of new impervious surface is proposed, ten percent phosphorus reduction is required. The applicant should complete and submit the necessary worksheets for re-review. It appears that 0.03 lbs/year of phosphorus removal is required. This can be met on-site by planting a combination of native trees and shrubs.

Comment: The applicant should submit revised plans to the Critical Area Commission for re-review. The plans should be revised, or information provided, as determined necessary.

- e. **Department of Public Works and Transportation (DPW&T)**—In a memorandum dated November 2, 2010, DPW&T provided comment on the conservation plan submitted.

1. The project does not impact any county-maintained roadways.
2. The proposed site development has an approved Stormwater Management Concept Plan (12000-2010).
3. The site plan needs to show how the “Critical Area 10% Rule” will be met.

- f. **Town of North Brentwood**—In a letter dated April 7, 2011, the Town of North Brentwood provided written comment on the companion detailed site plan. The letter indicates that the town has a long history of flooding and other water-related issues.

Additionally, the town is striving to maintain the integrity and continuity of bungalow-style homes in keeping with North Brentwood's rich history and culture. Three items of concern were raised in the letter:

1. There is a property close to the site that is a historic property, which was stated contrary on the site plan.

Comment: The subject property is located within North Brentwood National Register Historic District 68-061. There are a few history resources and sites along 41st Avenue in the near vicinity of the subject property. None of those resources or sites about the subject property. The applicant should revise Note 21 on the conservation plan accordingly.

2. The site is located in the 100-year floodplain, which was stated contrary on the site plan.

Comment: Geographic Information Systems (GIS) data indicates that Federal Emergency Management Agency (FEMA) floodplain affects a large portion of 41st Avenue, north of the subject property. No FEMA floodplain is indicated on the subject property. Due to the nature of the site and extent of the revision, no floodplain study is required.

3. The site is in the Chesapeake Bay Critical Area, this was stated properly on the site plan, and due to reoccurring flooding issues in the town, and we want to make sure this issue is addressed.

Comment: Staff has determined that, if the conservation plan is approved with conditions, it will be in conformance with the applicable requirements of the Chesapeake Bay Critical Area.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Conservation Plan CP-10002 for Holladay Company's Addition, Lots 4 and 5 (Potts Residence), subject to the following condition:

1. The following revisions shall be made to the conservation plan, or information provided, prior to signature approval.
 - a. Add a note to the site plan indicating that the site is within the One-Family Detached Residential (R-55) Zone and Development District Overlay (D-D-O) Zone of the Gateway Arts District.
 - b. Revise the conservation plan and associated notes to indicate that the maximum lot coverage permitted is 45 percent, pursuant to the provisions of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*.
 - c. Revise the plan to indicate the walkways as existing and to remain.

- d. Revise the limit of disturbance to include the area disturbed by the removal of the concrete slabs on the back of the lot.
- e. Revise the calculations for disturbed area.
- f. The site plan shall include a chart indicating that the ten percent phosphorus removal requirement is being met with the planting of five trees.
- g. Provide a planting plan and schedule for all of the proposed plantings.
- h. Revise Note 14 on the conservation plan to state, “A critical area primary buffer area is not present on this site.”
- i. Revise Note 21 to state, “The property is located within the North Brentwood National Register Historic District 68-061. No historic sites or resources abut the subject property.”
- j. Add the following note:

“The Conservation Agreement that commits the current and future property owners to maintain the property as shown herein has been recorded in the land records of Prince George’s County at _____ .”