

4/10/07

51829-6673

Comment #
4/19/07 KES



**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

April 19, 2007

Cecilia Lammers, Supervisor
M-NCPPC – Planning Department
Countywide Planning Division
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: A-9986, Riverbend Estates
Proposed Growth Allocation

Dear Ms. Lammers:

Thank you for submitting the proposed application to Prince George's County to rezone a parcel partially located within the Critical Area from Resource Conservation Overlay (RCO) to Limited Development Overlay (LDO). The parcel is 12.81 acres in size of which 4.75 acres are located within the RCO. Growth allocation is proposed for the 4.75 acres in order to develop the entire parcel with one-half acre lots for single-family homes. Based on the information provided I have the following comments at this time:

Conceptual Development Plan

1. The site plan should include Critical Area notes that identify proposed impervious surface within the Critical Area overall and by each individual lot. Per Natural Resources Article Section 8-1808.3, if parcels or lots less than one acre are proposed, then impervious surface may not exceed 25% of the lot, provided the entire subdivision within the Critical Area does not exceed 15%.
2. Based on aerial imagery, it appears the parcel is entirely forested. The conceptual development plan should indicate the area and extent of existing forest and the area and extent of forest proposed to be cleared. Clearing should be limited to 30% of the site, however if more than 30% clearing is proposed the applicant will need to demonstrate the ability to provide mitigation at a ratio of 3:1. Per COMAR 27.01.04, developed woodland vegetation shall be conserved to the greatest extent practicable. Because of recent revisions in Critical Area law requiring the Commission to ensure program changes are consistent with the purposes, policies,

goals, and provisions of the Critical Area Law and Criteria it is likely that clearing in excess of 30% will be significant to their review of this proposal.

3. The submitted site plan should identify all areas of slopes greater than 15%, hydric soils or highly erodible soils if they occur on the site within the Critical Area. Additionally, the environmental report prepared by the applicant should address how these areas will be protected under the provisions of the County's Critical Area Program.
4. The submitted staff report states that there are no Habitat Protection Areas on the subject parcel, abutting properties or other nearby RCO areas. The submittal to the Commission should include a copy of this response from the Department of Natural Resources Natural Heritage Program.

Growth Allocation Process and Submittal

5. The Critical Area Commission must review and approve all requests for map amendments involving the use of growth allocation. Once the County's submittal is accepted as complete, the Chairman of the Critical Area Commission will make the determination of whether the submittal is an amendment or a refinement. If the proposal is determined to be an amendment, the Critical Area Commission has up to 90 days to process the proposal and make a decision.
6. The Critical Area Law was amended in 2006 and requires that local jurisdictions use specific locational guidelines when locating new IDAs or LDAs and that the Commission ensure that these guidelines have been applied in a manner that is consistent with the purposes, policies, goals, and provisions of the Critical Area Law and Criteria. Documentation of the County's application of these guidelines must be provided as a part of the growth allocation request. These guidelines are provided below:

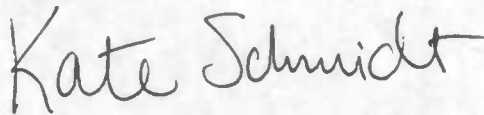
When locating new Intensely Developed or Limited Development Areas the County shall use these guidelines:

- (1) Locate a new Intensely Developed Area in a Limited Development Area or adjacent to an existing Intensely Developed Area;
- (2) Locate a new Limited Development Area adjacent to an existing Limited Development Area or an Intensely Developed Area;
- (4) No more than one-half of the County's allocated expansion may be located in Resource Conservation Areas except as provided in paragraph (9) below;
- (5) Locate a new Limited Development Area or Intensely Developed Area in a manner that minimizes impacts to Habitat Protection Area as defined in COMAR 27.01.09 and in an area and manner that optimizes benefits to water quality;
- (6) New Intensely Developed Areas should be located where they minimize their impacts to the defined land uses of the Resource Conservation Area;

- (7) Locate a new Intensely Developed Area or a Limited Development Area in a Resource Conservation Area at least 300 feet beyond the landward edge of tidal wetlands or tidal waters;
 - (8) New Intensely Developed or Limited Development Areas to be located in Resource Conservation Areas shall conform to all criteria of the County for such areas, shall be so designated on the County Zoning Map and shall constitute an amendment to this program subject to review and approval by the County Planning Commission, the County Commissioners and the Critical Area Commission. .
7. Application made to the Critical Area Commission for approval of growth allocation should include a conservation plan and conceptual development plan to determine whether LDO development standards can be achieved, including whether afforestation requirements are met.

Thank you for the opportunity to provide comments. The preceding comments represent the review and evaluation of the materials received by Commission staff. As you know, the Critical Area Commission must review and approve all map amendments involving the use of growth allocation. During the Commission's formal review, they may request additional information or have additional concerns. If you have any questions, please feel free to call me at (410) 260-3475.

Sincerely,



Kate Schmidt
Natural Resource Planner

cc: Hiatham Hijazi, Department of Public Works and Transportation
Laxmi Srinivas, Senior Planner, Zoning Section

MN
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-3796

Countywide Planning Division
Environmental Planning Section
301-952-3650

Ren Serey, Executive Director
Chesapeake Bay Critical Area Commission
1894 West Street, Suite 100
Annapolis, MD 21401



RE: A-9986
Riverbend Estates
Proposed Rezoning
From R-C-O to L-D-O

Dear Mr. Serey:

In an effort to keep the Chesapeake Bay Critical Area Commission informed about upcoming cases as early in the process as possible, we are forwarding the above-referenced application to you for comment.

The application is for the rezoning of a portion of a parcel within the Resource Conservation Overlay Zone to the Limited Development Overlay Zone. It should be noted that this area is not within 300 feet of the mean high tide line, so the provisions within our ordinance that relate to land within the R-C-O being required to remain in R-C-O do not apply. This project proposes to use growth allocation of 4.78 acres from our remaining 89.6 acres.

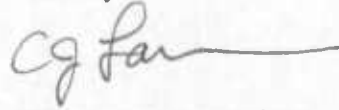
Enclosed are copies of the application and exhibits prepared by the applicant and a copy of the comments prepared by staff of the Environmental Planning Section that have been forwarded to Laxmi Srinivas of the Zoning Section who will be the planner handling the zoning case. We have also included some maps to help orient you to the site. When a copy of the staff report has been prepared, it will be forwarded to you as well.

No specific time frame for this application is available. The staff report from the Zoning Section must be presented to the Planning Board at least 60 days prior to any public hearing; however, the staff report is in its initial phases of preparation. The site is required to be posted for a minimum of 30 days before the public hearing, at the hearing the Planning Board will take testimony and at a date after the hearing adopt a resolution containing the Board's determination. The Zoning Hearing Examiner can take no action on the application until after receipt of the resolution from the Planning Board. Additionally, the District Council will have to hold public hearings before they can make a final determination on this application.

If this project needs to be brought before the Project Evaluation Subcommittee, please contact Hiatham Hijazi, Director of the Department of Public Works and Transportation, so that his staff can coordinate this review.

If you have any questions regarding the case or this hearing, please contact Jim Stasz at (301) 952-3650.

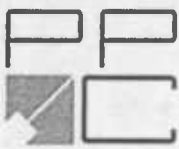
Sincerely,

A handwritten signature in black ink, appearing to read "CJ Lammers", followed by a horizontal line extending to the right.

CJ Lammers, Supervisor

Cc: Haitham Hijazi, Director, Department of Public Works and Transportation
Laxmi Srinivas, Senior Planner, Zoning Section

MN
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-3796

Countywide Planning Division
Environmental Planning Section
301-952-3650

March 6, 2007

MEMORANDUM

TO: Laxmi Srinivas, Senior Planner, Zoning Section

VIA: CJ Lammers, Supervisor, Environmental Planning Section *cf*

FROM: Jim Stasz, Planner Coordinator, Environmental Planning Section *JS*

SUBJECT: **Riverbend Estates; A-9986**

The Environmental Planning Section has reviewed the above referenced application stamped as received by the Environmental Planning Section on January 8, 2007. The rezoning application has been found to address the required environmental findings with respect to Chesapeake Bay Critical Area Ordinance and the environmental constraints of the property, however, revisions to the Concept Plan are needed prior to completion of the environmental review of this case. This memorandum also includes recommended conditions for your consideration.

Background

This site has not been previously reviewed by the Environmental Planning Section. This 12.81-acre property includes approximately 4.78 acres of land in the Chesapeake Bay Critical Area (CBCA) that is currently zoned R-R/R-C-O. This application is intended to rezone the portion of the property in the Resource Conservation Overlay Zone to the Limited Development Overlay Zone. The portion of the property being rezoned is located between 700 feet and 1000 feet from the mean high tide line and does not contain any portion of the primary buffer or secondary buffer.

In June 1984, the Maryland General Assembly adopted the Chesapeake Bay Critical Area Law (Subtitle 18) after finding that there exists a critical and substantial State interest in fostering more sensitive development along the shoreline of the Chesapeake Bay so as to minimize damage to water quality and natural habitats. The framework for the Prince George's County Chesapeake Bay Critical Area Program was created when the District Council adopted CB-72-1987, CB-73-1987, and CB-74-1987 on November 17, 1987.

CR-120-1987 directed the Planning Board to initiate an overlay zoning map amendment to add the Chesapeake Bay Critical Area with the following overlay zones: Intense Development Overlay Zone (I-D-

Riverbend Estates, A-9986

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D-O), Limited Development Overlay Zone (L-D-O), and Resource Conservation Overlay Zone (R-C-O). The initial Chesapeake Bay Critical Area Overlay Zones were adopted and approved in September, 1989. The subject property was placed in the R-C-O zone because at the time of adoption it was undeveloped and was not served by public water or sewer.

Site Description

The property is located on the northwest side of Fort Foote Road approximately 5,000 feet southwest of its intersection with Oxon Hill Road. There are no streams, wetlands or 100-year floodplain on the property. According to the "Prince George's County Soil Survey" the principal soils are in the Aura, Beltsville and Chillum 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. This property is located in the Potomac River watershed. The Countywide Green Infrastructure Plan designates the R-C-O area as a Regulated Area and the remainder of the site is within a designated Evaluation Area.

Analysis of the Subject Application

The subject application requests a rezoning from the R-C-O zone to the L-D-O zone within the Chesapeake Bay Critical Area. Section 27-213.13(b)(1) of the Zoning Ordinance permits the expansion of the L-D-O zone within the Chesapeake Bay Critical Area in accordance with subparagraphs A, B, and C.

The acreage requirement is stated in subparagraph A as follows:

- (1) The boundaries of the Intense Development and Limited Development Overlay Zones may be expanded within the Chesapeake Bay Critical Area only in accordance with the following:**
 - (A) Acreage. The maximum area of future additional Intense Development or Limited Development Overlay Zones shall be five percent (5%) of the total area designated as Resource Conservation Overlay Zones at the time of adoption of the initial Chesapeake Bay Critical Area Overlay Zoning Map Amendment. A maximum of fifty percent (50%) of the permissible growth increment may be used to rezone a Resource Conservation Overlay Zone to another Chesapeake Bay Critical Area Overlay Zone.**

Subparagraph Analysis: Table 1 below summarizes the current status of the approved growth allocation acreages. When the initial Chesapeake Bay Critical Area Overlay Zones were established, a benchmark to allow for future growth was also established. In addition, an analysis of the growth allocation was prepared which assumed certain areas would experience growth based on the underlying zoning and proximity to other L-D-O and I-D-O zones. One area that was evaluated was the subject property which was assumed to be a likely choice for use of the growth allocation because of its proximity to available public water and sewer and the development pattern of the area. The growth allocation may be used to change R-C-O to L-D-O or I-D-O or to change L-D-O to I-D-O if the other provisions of Section 27-213.13(b)(1) are met. By regulation, the total allocation of 328.4 acres was divided in half to allow 164.2

acres of change from R-C-O to L-D-O or I-D-O and 164.2 acres from L-D-O to I-D-O.

TABLE 1

CHESAPEAKE BAY CRITICAL AREA GROWTH ALLOCATION CURRENT STATUS ¹			
Change from R-C-O	(acres)	Change from L-D-O	(acres)
R-C-O Allocation	164.2	L-D-O Allocation	164.2
Waterside (SMA)	-36.9	Port America	-98.0
Tepaske (A-9849)	-9.8	National Harbor	- 5.1
National Harbor	-8.7		
River's Edge (A-9955)	-13.6		
Remaining Balance	89.6	Remaining Balance	61.1

¹ Total allocation approved is 328.4 acres.

The subject zoning map amendment would require the use of approximately 4.78 acres of the remaining 89.6 acres of growth allocation that may be used to convert R-C-O zone to L-D-O zone. This would leave 84.82 acres for future growth allocation use. There are no pending applications to use any allocation and staff are not aware of any project where it may be required.

Comment: The acreage criteria for an Overlay Zoning Map Amendment in Section 27-213.13(b)(1)(A) have been met.

The contiguity and resource protection requirements are stated in Subparagraph B as follows:

- (B) **Location. Expanded Intense Development or Limited Development Overlay Zones may be approved subject to the following locational criteria:**

New Limited Development Overlay Zones shall:

- (aa) Be located contiguous to existing Limited Development Overlay Zones or Intense Development Overlay Zones;
- (bb) Be located at least three hundred (300) feet from tidal waters or tidal wetlands if the land was originally designated in the Resource Conservation Overlay Zone, except for Water-Dependent Uses; and
- (cc) Minimize impacts on Habitat Protection Areas and land in Resource Conservation Overlay Zones in proximity to an expanded Limited Development Overlay Zone.

Subparagraph Analysis:

- (aa) The original zoning map amendment for the Chesapeake Bay Critical Area zoned the abutting property to the north as Limited Development Overlay Zone or L-D-O. Therefore the first criterion is satisfied because the proposed Limited Development Overlay Zone is contiguous to an existing Limited Development Overlay Zone.
- (bb) The second criteria requires that the proposed Limited Development Overlay Zone be located at least 300 feet from tidal waters or tidal wetlands if the land was originally designated as Resource Conservation Overlay Zone. Because this property is currently in the Resource Conservation Overlay Zone and the property is located between 700 feet and 1,000 feet from the tidal waters and tidal wetlands, the required criteria of this subparagraph has been met.
- (cc) There are no Habitat Protection Areas [defined as Natural Heritage Areas; Rare, Threatened, or Endangered Species; Colonial Waterbird Nesting Sites; Forests with Interior Dwelling Bird Species; Waterfowl Staging and Concentration Areas; Anadromus Fish Propagation Areas; Non-tidal Wetlands] on the subject property, abutting properties, or other nearby R-C-O zoned lands. The closest land remaining in Resource Conservation Overlay Zone, Fort Foote National Park, abuts the subject application to the southeast. Development of the subject property may result in an insignificant increase in runoff from major storm events; however, the "Chesapeake Bay Critical Area Conservation Manual" requires that any run off generated on-site be managed to standards higher than properties not within the CBCA.

Comment: The location and resource protection criteria for an Overlay Zoning Map Amendment in Section 27-213.13(b)(1)(B) have been met.

The approval of this change from R-C-O zone to L-D-O zone, will permit development to proceed in conformance with the underlying zoning and in a similar manner to that for property located immediately north of this application.

The Justification Statement indicates the area to be rezoned from R-C-O to L-D-O as 4.75 acres; however, the Plat exhibit and the Concept Plan both indicate the area as 4.78 acres.

Environmental Review

As revisions are made to the plans submitted the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

1. The portion of the property located outside of the Chesapeake Bay Critical Area is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance. The portion located in the Chesapeake Bay Critical Area is subject to more stringent requirements than the Woodland Conservation Ordinance.

Discussion: No additional information is required at this time. During the review of the

* 30% clearing limit. Need to address at this stage.

Preliminary Plan of Subdivision and CBCA Conservation Plan, afforestation requirements will be addressed.

2. The Conceptual Development Plan has been reviewed to determine if the site can be developed without creating the need for any future variances to the regulations of the Chesapeake Bay Critical Area Program. A subsequent Preliminary Plan is not required to be identical to the Concept Plan, but must adhere to the requirements for development set forth in the Zoning Ordinance for both the R-R and L-D-O zones. Whenever there is a conflict between the requirements, the more stringent shall apply. If the L-D-O zone is approved for this site, four residential lots per acre would technically be allowed for this portion of the site; however, the R-R zone has a minimum net lot area of 20,000 square feet and the development will result in approximately two lots per acre, with the R-R zone requirements being followed for the entire site.

The Conceptual Development Plan included with this application shows six lots entirely within the proposed L-D-O zone and four lots partially within the L-D-O zone. Split zoning of lots can create unusual problems for development review with specific regard to maximum impervious surface areas. To the extent possible, the plan should provide lots that are entirely within or entirely outside of the L-D-O zone. ✓

Within the Chesapeake Bay Critical Area disturbance to slopes exceeding 15% is prohibited by Section 27-548.17 of the Zoning Ordinance unless otherwise permitted by the "Chesapeake Bay Critical Area Conservation Manual". The manual permits disturbance to steep slopes when the disturbance is (1) necessary to maintain or improve the stability of the slope; (2) consistent with an approved Forest Management Plan, if applicable; (3) consistent with an approved Surface Mining Permit, if applicable; and (4) consistent with an approved Soil Conservation and Water Quality Plan, if applicable. The Concept Plan should be revised to illustrate all areas of slopes greater than 15% and note if any of these areas would require future disturbance. If any disturbance to steep slopes is proposed, the Concept Plan must demonstrate how it will meet the four criteria listed above or remove the disturbance. ✓

The area within an R-C-O or L-D-O zone that can be covered with impervious surfaces is limited by Section 27-548.17 of the Zoning Ordinance to 15% of the gross tract within those zones. The impervious surface areas will, at a minimum, include all streets and sidewalks required by the Department of Public Works and Transportation and the footprints of all structures and will be divided among lots using a lot table. ✓

Required Revisions: At least 30 days prior to any Planning Board hearing, the Conceptual Development Plan shall be revised to:

- a. provide lots that are entirely within or entirely outside of the L-D-O zone, to the extent possible
- b. illustrate all areas of slopes of 15% or greater and note areas that may need to be disturbed to develop the site as proposed. Justification for the disturbance, consistent with the requirements of the "Chesapeake Bay Critical Area Conservation Manual" must be provided or the plan must be revised to remove the disturbance.

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c. add the following note:

“A maximum of 15% of the gross tract within the L-D-O zone is permitted to have impervious surface areas. The impervious surface areas will, at a minimum, include all streets and sidewalks required by the Department of Public Works and Transportation and the footprints of all structures.”

Required Revisions: At least 30 days prior to any Planning Board hearing, the Conceptual Development Plan, Plat exhibit and Statement of Justification shall be revised to indicate the same acreage [to the nearest 100th of an acre] of the area proposed for rezoning.

If you have any questions concerning these comments, please contact me at 301-952-5402 or by e-mail at Jim.Stasz@ppd.mncppc.org.

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**FRIENDSHIP GREENS AT THE POTOMAC, LLC
ZONING MAP AMENDMENT JUSTIFICATION STATEMENT
FOR THE AMENDMENT OF THE CHESAPEAKE BAY CRITICAL AREA OVERLAY ZONE
CONCERNING THE RESIDENTIAL DEVELOPMENT OF PARCEL "A" AT RIVERBEND
ESTATES IN FORT WASHINGTON, PRINCE GEORGE'S COUNTY, MARYLAND**

I. INTRODUCTION

This is a request for a Zoning Map Amendment for the expansion of the Limited Development Overlay (L-D-O) Zone within the approved Chesapeake Bay Critical Area (CBCA). The subject property, known as Parcel "A", Riverbend Estates, contains approximately 12.81 acres and is zoned R-R (Rural Residential). Approximately 4.75 acres of these 12.81 acres (37%) are within the CBCA Resource Conservation Overlay Zone (R-C-O).

The Applicant seeks this zoning change in order to better utilize this portion of his property, which contains no environmentally regulated features and in its current R-C-O designation, represents a localized 'blip' in the County's usual application of the R-C-O zone.

This rezoning would be a logical extension of 1988 CBCA Overlay Map Amendment 1 (CR-96-1988), approved for the Waterside Subdivision, which adjoins the subject property along its entire northern boundary.

This request for rezoning meets all of the applicable requirements for the expansion of the L-D-O zone as contained in Section 27-213.13(b) (1) (A) and (B) (ii) as discussed below.

II. DESCRIPTION OF PROPERTY

- 1) Location – Approximately 5,000 feet southwest of the intersection of Fort Foote Road and Oxon Hill Road in Fort Washington, Maryland
- 2) Premise Address – 8801 Fort Foote Road, Fort Washington, Maryland
- 3) Frontage – Site has frontage along Fort Foote Road, which is a paved asphalt road lined with residential development.
- 4) Municipality - None
- 5) Zoning – R-R (entire site) and R-C-O (for 37% of the site)
- 6) Area – 12.81 acres (entire site) and 4.75 acres (area of requested rezoning)
- 7) Right-of-Way – Fort Foote Road (80' R-O-W)
- 8) Zoning Map – 211SW01
- 9) Tax Map – 113
- 10) History – this undeveloped parcel was recorded as a single parcel by the Board of Education in 1969 (Plat WWW 72/86), and partially placed in the CBCA, R-C-O zone in 1987 (CB-72-1987)
- 11) Master Plan – Subregion VII
- 12) Historic Sites – None
- 13) Councilmanic District – Eight (8)

III. SITE DESCRIPTION AND PROPERTY HISTORY

Site Description

The subject property is located approximately 5,000 feet southwest of the intersection of Fort Foote Road and Oxon Hill Road in Fort Washington, Maryland. The 12.81 +/- acre site lies within a relatively flat, wooded area east of the Potomac River, approximately 1.5 miles south of Interstate 95/495 (Capital Beltway). The site is bounded on the west by National Park Service land, and to the north by the developed Waterside Subdivision, also zoned R-R . This site is adjoined on the eastern boundary by Fort Foote Road. The southwestern boundary of the property is adjacent to National Park Service land, and the northeastern portion of the property is adjacent to an existing residential dwelling.

The subject property appears to have been wooded since at least the 1930's. Much of the surrounding property in this area was, at one time, predominantly wooded. Much of the residential development surrounding the property has been constructed within the past 25 years; however the Fort Foote Road corridor surrounding the subject property has been developed with residential structures for many decades.

Neighborhood

The boundaries of the neighborhood for this case were established using prominent natural features in the landscape, as well as major highways and/or structural features. These boundaries are:

- North: Interstate 95/495 (Capital Beltway)
- East: Oxon Hill Road (MD Route 414)
- South: Broad Creek
- West: Potomac River

The character of this neighborhood hasn't changed much within the last 25 years. It is still made up of a mix of residential dwellings intermingled with tracts of woodland. As the demand for housing in Prince George's County has been steadily increasing, the neighborhood has recently seen an expansion of residential subdivisions.

IV. CONFORMANCE WITH THE ZONING ORDINANCE SECTION 27-213.13 MAP AMENDMENT APPROVAL

Pursuant to Section 27-213.13 of the Prince George's County Zoning Ordinance, the District Council must make the following findings in order to grant the zoning map amendment application.

(a) Mistake Rule

- (1) Except for Subsection (b), no application for amendment of a Chesapeake Bay Critical Area Overlay Zone shall be granted without the applicant proving that there was a mistake in the original zoning or subsequent rezoning.

COMMENT: The applicant requests to seek amendment of a Chesapeake Bay Critical Area Overlay Zone under Subsection (b) of the Zoning Ordinance Section 27-213.13.

(b) Expansion of Intense Development and Limited Development Overlay Zones.

(1) The boundaries of the Intense Development and Limited Development Overlay Zones may be expanded within the Chesapeake Bay Critical Area only in accordance with the following:

(A) Acreage. The maximum area of future additional Intense Development or Limited Development Overlay Zones shall be five percent (5%) of the total area designated as Resource Conservation Overlay Zones at the time of adoption of the initial Chesapeake Bay Critical Area Overlay Zoning Map Amendment. A maximum of fifty percent (50%) of the permissible growth increment may be used to rezone a Resource Conservation Overlay Zone to another Chesapeake Bay Critical Area Overlay Zone.

COMMENT: The Maryland National Capital Park and Planning Commission has informed the applicant's representatives that there are approximately 60 acres of R-C-O zone that can still be allocated to L-D-O or I-D-O Zone.

(B) Location. Expanded Intense Development or Limited Development Overlay Zones may be approved subject to the following locational criteria:

(i) New Intense Development Overlay Zones shall:

- (aa) Be located in existing Limited Development Overlay Zones or contiguous to existing Intense Development Overlay Zones;
- (bb) Be located at least three hundred (300) feet from tidal waters or tidal wetlands if the land was originally designated in the Resource Conservation Overlay Zone, except for the Water-Dependent Uses; and
- (cc) Minimize impacts on Habitat Protection Areas and on land in Resource Conservation Overlay Zones in proximity to an expanded Intense Development Overlay Zone.

COMMENT: The applicant does not seek to expand any Intense Development Overlay Zones, only the Limited Development Overlay Zone.

(ii) New Limited Development Overlay Zones shall:

- (aa) Be located contiguous to existing Limited Development Overlay Zones or Intense Development Overlay Zones;
- (bb) Be located at least three hundred (300) feet from tidal waters or tidal wetlands if the land was originally designated in the Resource Conservation Overlay Zone, except for Water-Dependent Uses, and
- (cc) Minimize impacts on Habitat Protection Areas and land in Resource Conservation Overlay Zones in proximity to an expanded Limited Development Overlay Zone.

COMMENT: The subject property, Parcel "A", is contiguous to existing Limited Development Overlay Zone (see Attachment "A"), is located at least three hundred (300) feet from any tidal hydrologic features and will produce only minimal impacts to Habitat Protection Areas.

The Waterside development, adjoining the subject property along its entire northern boundary, was originally placed within the R-C-O Zone. This area of R-C-O in Waterside, along with the subject property, formed a substantial 52 ± acre area of R-C-O zoning that extended outside of the usual 1,000' wide band of R-C-O along the east side of the Potomac River.

The developable portion of the Waterside R-C-O was rezoned to L-D-O in 1988 as CBCA Map Amendment 1 of CR-96-1988, and was subsequently developed as a standard R-R subdivision. The portion of the R-C-O Zone that remained R-C-O, just north of the development, was kept within the R-C-O Zone to protect a stream system that would likely be regulated today.

The Waterside rezoning left an isolated peninsula of R-C-O Zone on Parcel A, which is the subject of this rezoning request. This leftover peninsula of R-C-O is no longer part of a substantial area of R-C-O zoning that extends beyond the aforementioned usual 1,000' deep band. Further, the remaining R-C-O on the subject property was protecting no sensitive environmental features; however, it was owned by Prince George's County. Subsequently, it was sold by the County to the Applicant (L. 25403 / F. 699). This remaining peninsula of R-C-O Zone is perfectly suited for development, such as the standard R-R Zone subdivision proposed by the Applicant (see Attachment 'B').

It makes good land use planning sense to rezone the very developable subject 4.75 acres from the R-C-O Zone to the L-D-O Zone so that, like the similar developable portion of the adjoining Waterside Subdivision, the reasonable development potential of this R-R property can be realized.

(C) Additional requirements. Prior to developing land in an expanded Chesapeake Bay Critical Area Overlay Zone, the area shall be mapped and submitted to the Chesapeake Bay Critical Area Commission for informational purposes only. This submission shall include an analysis of:

- (i) The manner in which the proposed expansion conforms to the locational criteria.
- (ii) How the proposed expansion affects the total growth allocation; and
- (iii) How the proposed expansion will accommodate the growth needs of municipalities impacted by the Chesapeake Bay Critical Area Overlay Zones.

COMMENT: The District Council will forward the necessary documents and maps to the Chesapeake Bay Critical Area Commission at the appropriate time, including the technical staff report, which should address the growth allocation aspects of the area.

CONCLUSION

The applicant seeks approval of a Zoning Map amendment in order to accommodate the desired development program of standard R-R zone 20,000 s.f. lots. This will involve the 4.75 +/- acres of existing Resource Conservation Overlay Zone being rezoned to Limited Development Overlay Zone. With increasing economic growth in the county, specifically in the Fort Washington area, the need for additional housing, especially in desirable locations, is becoming readily apparent. The subject property contains relatively few sensitive environmental features, making it a much better choice for development than alternative parcels of land. Engineering costs as well as mitigation fees will be held at a minimum when developing a relatively featureless parcel such as this one.


The foregoing information and statements within this justification demonstrate that the request is justified. The required findings can therefore be made by the Hearing Examiner. For the foregoing reasons, the applicant requests that the Zoning Map Amendment be granted.

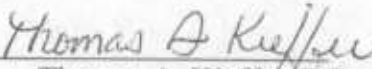
Respectfully submitted,

ShIPLEY & HORNE, PA

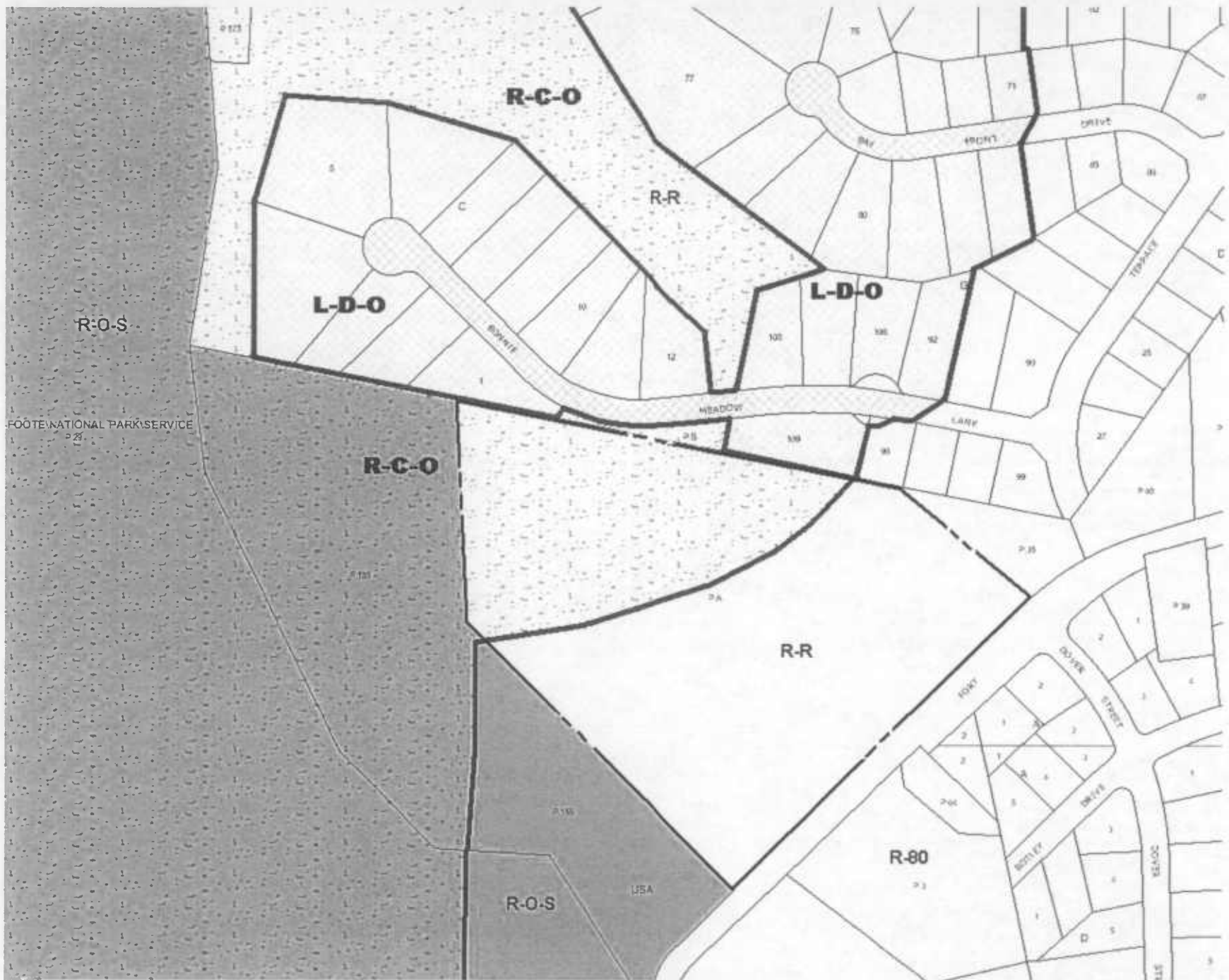
By 
Arthur J. Horne, Jr.

Ben Dyer Associates, Inc.

By 
George Dix, Environmental Planner

By 
Thomas A. Kieffer, R.L.A.

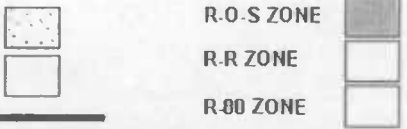
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Attachment "A"

LEGEND




- RESOURCE CONSERVATION OVERLAY ZONE
- LIMITED DEVELOPMENT OVERLAY ZONE
- OVERLAY BOUNDARY



A-9986 RIVERBEND ESTATES - [1:7,919]

Information deemed reliable but not guaranteed. Maps are for information purposes only.



-  Property Research
-  Property
-  Overlay

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* Forest clearing requirements

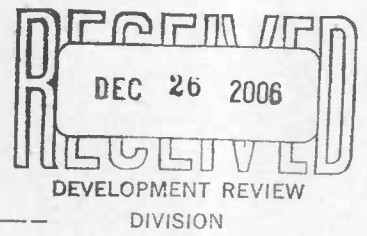
Revise to show areas of slopes >15%

Provide estimate of Impervious surface areas
Do not split-zone lots.



LEGEND

UNDERLYING ZONING CATEGORIES R-R
CHESAPEAKE BAY CRITICAL AREA OVERLAY ZONING CATEGORIES R-C-O
& DIVISION LINE - - - - - DIVISION



NOTES

- EXISTING ZONE: R-R W/ R-C-O ON 4.8+/- AC. PORTION. 19,910 = 0.72ac
- PROPOSED ZONE: R-R W/ L-D-O ON SAME 4.8+/- AC. PORTION.
- THE DEVELOPMENT STANDARDS THAT WILL BE CONFORMED TO ARE THE STANDARD R-R REGULATIONS WHEN PUBLIC WATER AND SEWER ARE TO BE UTILIZED, AS FOLLOWS:
 - A. MINIMUM NET LOT AREA = 20,000 SF.
 - B. MINIMUM LOT WIDTH
 - AT STREET = 70' OR 60' ON CUL-DE-SAC.
 - AT FRONT BUILDING LINE = 80'
 - C. MAXIMUM LOT COVERAGE = 25%
 - D. MINIMUM FRONT YARD = 20'
 - E. MINIMUM SIDE YARDS = 17' BOTH/B' ONE

Add max. impervious rule

A9986

ATTACHMENT 'B'
CONCEPTUAL DEVELOPMENT PLAN
PARCEL A
RIVERBEND ESTATES
OXON HILL DISTRICT No. 12
PRINCE GEORGE'S COUNTY, MARYLAND



17721 WOODHURST ROAD, SUITE 200 MITCHELLVILLE, MARYLAND 20721		BEN DYER ASSOCIATES, INC. Engineers / Surveyors / Planners TELEPHONE (301) 430-2000	
DATE		DESCRIPTION	BY
REVISTIONS		SCALE 1" = 100'	DATE
		PROJECT NO. B-06018	DATE AUGUST 2006
		DWG. NO.	47.002-M