



PGCPB No. 12-63

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

File No. DSP-02043/04

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on June 28, 2012, regarding Detailed Site Plan DSP-02043/04 for Cross Creek Club, Phase IV, Lot 63, the Planning Board finds:

1. **Request:** The subject application is for the addition of a deck to an existing single-family detached dwelling and modification to the established lot standards to allow the deck to extend nine feet beyond the previously established building restriction line (BRL). The previously approved 20-foot rear building restriction line was established at the time of approval of Detailed Site Plan DSP-02043 and is discussed further in Findings 6 and 7 below.
2. **Location:** The subject site is located on the east side of River Creek Terrace, approximately 1,000 feet west of Old Gunpowder Road and Bay Hill Drive.
3. **Surrounding Uses:** The subject property is surrounded on the north, south, and east by single-family detached homes and on the west by River Creek Terrace.
4. **Previous Approvals:** The site is included on Conceptual Site Plan CSP-96021, which was approved by the Planning Board on July 25, 1996 (PGCPB Resolution No. 96-250) for the Cross Creek Club 18-hole golf course and residential community consisting of 466 lots to be developed in six phases. Preliminary Plan of Subdivision 4-96048 was approved by the Planning Board on July 25, 1996 (PGCPB Resolution No. 96-254) for 472 lots and 18 parcels. Preliminary Plan of Subdivision 4-03016 was originally approved by the Planning Board on June 19, 2003 for 126 lots and 8 parcels, and a reconsideration of that plan was approved on July 27, 2006 (PGCPB Resolution No. 03-119). The following detailed site plans have been approved for the golf course and residential phases of Cross Creek Club:
 - a. DSP-96024 and subsequent revisions for Phase I.
 - b. DSP-99029 and subsequent revisions for Phase II.
 - c. DSP-96076 and subsequent revisions for Phase III.
 - d. DSP-02043 and subsequent revisions for Phase IV.
 - e. DSP-00048 for Phase V.
 - f. DSP-03013 and subsequent revisions for Phase VI.
 - g. DSP-96056 and subsequent revisions for the golf course.
 - h. DSP-97042 and subsequent revisions for the overall architecture for the residential development.

5. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	Rural Residential (R-R)	Rural Residential (R-R)
Use(s)	Single-family Detached Residential	Single-family Detached Residential
Acreage	0.1570	0.1570
Lots	1	1
Building Square Footage (GFA)	3,380	3,380

6. **Design Features:** The subject detailed site plan approves the addition of a deck off of the rear façade of an existing single-family detached house. As the house has an in-ground basement, the deck will be built about two feet above ground level. The rear façade of the existing house features white vinyl siding. The deck is proposed to be constructed of pressure-treated wood with a white vinyl railing and two white vinyl trellises in each corner of the deck opposite the house. The rear yard orientation of the subject property is such that it does not directly face the rear façades of the adjoining lots. Additionally, three existing evergreen trees, planted in accordance with the previously approved landscape plan, contribute to the screening of the area in which the deck is proposed. The Planning Board finds that the proposed deck will not significantly impact the adjacent properties given the proposed height and orientation in combination with the existing plant material.

The deck is proposed to extend nine feet beyond the established BRL. The previously approved detailed site plan contains the following information for lot standards on the cover sheet:

LOT STANDARDS CHART							
Lot Type	Min. Lot	Min. width at Front BRL	Min. width at Front Street Line	Max Lot Coverage	Front BRL	Side BRL	Rear BRL
Large	10,000 SF	75'	25'	30%	25'	5'	20'
Small	5,000 SF	60'	25'	50%	25'	5'	20'

PER DSP-02043/01 MAX LOT COVER FOR LOTS 26A, 27A, 90A & 92A = 35%

The Planning Board accepts the proposed revision to the lot standards for Lot 63 only and modifies the rear building restriction line (BRL) for Lot 63 only to 11 feet. At the time of the Planning Board hearing, the applicant had not submitted an updated coversheet for Detailed Site Plan DSP-02043 which indicates the proposed revision for the extension of a deck over the BRL. A condition of approval of this application requires that the most recently approved coversheet for DSP-02043, and its revision, be submitted for certification with the subject application with a note added below the lot standards chart which indicates that the rear BRL for Lot 63 only is revised to 11 feet.

7. **Conformance to the applicable sections of the Zoning Ordinance:** Section 27-444 of the Zoning Ordinance sets forth development regulations for recreational community development in the Rural Residential (R-R) Zone. The following requirements are applicable to the subject application:

(b) Requirements:

- (10) With the exception of Section 27-444 (b)(16), in the R-R Zone, the applicable minimum requirements of the R-R Zone shall apply, except as follows:**

- (D) Single-family detached dwellings that are adjacent to, or within the immediate vicinity (300 feet) of, a golf course fairway, green, or teeing area may be developed on lots containing less than ten thousand (10,000) square feet, but not less than five thousand (5,000) square feet, in accordance with the following:**
- (i) Such lots shall not be located within three hundred (300) feet of the perimeter of the community;**
 - (ii) These lots are not subject to the provisions of Section 27-442;**
 - (iii) A maximum lot coverage of up to seventy-five percent (75%) may be allowed for such lots;**
 - (iv) The minimum front, side, and rear yards for each lot shall be established by the Planning Board and shown on the approved Detailed Site Plan; however, in no case shall any building be set back less than five (5) feet from any lot line; and**
 - (v) A review of the architectural elevations of the dwellings shall be included as part of the Detailed Site Plan review for the purpose of ensuring that a detached single-family character is attained.**

- (16) For small-lot detached units, the following requirements shall apply:**

- (A) The minimum net lot area shall be five thousand (5,000) square feet;**
- (B) The minimum lot width at the front street line shall be twenty-five (25) feet;**
- (C) The minimum lot width at the front building line shall be forty (40) feet;**

- (D) The side yards may be a minimum of zero (0) feet on one side and six (6) feet on the other side;
- (E) The front yard shall be a minimum of twenty (20) feet;
- (F) The minimum distance between residential buildings shall be seven (7) feet; and
- (G) A maximum lot coverage of fifty percent (50%) shall be allowed.

As stated in the requirements above, the Planning Board establishes the required building setbacks. The deck is proposed to extend nine feet into the 20-foot rear BRL which was established at the time of Planning Board approval of Detailed Site Plan DSP-02043. It is presumed that the established 20-foot rear BRL was proposed by the applicant with the detailed site plan submission for DSP-02043 since the Planning Board approved the application without any conditions pertaining to the BRLs proposed. The approved modification for an 11-foot rear BRL on Lot 63, to allow for the addition of a deck, is in conformance with the above requirements.

8. **Conceptual Site Plan CSP-96021:** Conceptual Site Plan CSP-96021 was approved by the Planning Board on July 25, 1996 (PGCPB Resolution No. 96-250) for the Cross Creek Club 18-hole golf course and residential community consisting of 466 lots to be developed in six phases, subject to 21 conditions. A revision to the conceptual site plan, CSP-96021/01, was approved by the Planning Board on November 4, 1999 (PGCPB Resolution No. 99-208) to alter the access to Phase II, subject to three conditions. Of the conditions set forth by the Planning Board for CSP-96021 and its revision, none are applicable to the review of this application.
9. **Preliminary Plan of Subdivision 4-96048:** Preliminary Plan of Subdivision 4-96048 was approved by the Planning Board on July 25, 1996 (PGCPB Resolution No. 96-254) for 472 lots and 18 parcels, subject to 44 conditions. Of the conditions set forth by the Planning Board for 4-96048, none are applicable to the review of this application.
10. **Preliminary Plan of Subdivision 4-03016:** Preliminary Plan of Subdivision 4-03016 was originally approved by the Planning Board on June 19, 2003 for 126 lots and 8 parcels, and a reconsideration of that plan was approved on July 27, 2006 (PGCPB Resolution No. 03-119(A/C)), subject to 21 conditions. Of the conditions set forth by the Planning Board for 4-03016, none are applicable to the review of this application.
11. **Detailed Site Plan DSP-02043 and its revisions:** Detailed Site Plan DSP-02043 was approved by the Planning Board on December 12, 2002 (PGCPB Resolution No. 02-239) for Phase IV of Cross Creek Club, consisting of 75 lots, subject to five conditions. The first revision to the detailed site plan, DSP-02043/01, was approved by the Planning Board on July 27, 2006 (PGCPB Resolution No. 06-162) for modification of the lot coverage requirement for Lots 26, 27, 90, and 92 of Block

A with no conditions. The second revision to the detailed site plan, DSP-02043/02, was approved by the Planning Director as designee of the Planning Board on September 20, 2007 for minor modifications to landscaping and the entrance feature with no conditions. Of the conditions set forth for Detailed Site Plan DSP-02043 and its revisions, none are applicable to the subject application.

12. **Conformance to the *Prince George's County Landscape Manual*:** The addition of a deck is exempt from the residential requirements of the *Prince George's County Landscape Manual* pursuant to Section 1.1(d). However, the subject site shall conform to the previously approved landscape plan. A condition of approval requires the previously approved landscape plan be submitted with this application and any missing plant material be replaced in accordance with that plan.
13. **Conformance to the Woodland and Wildlife Habitat Conservation Ordinance:** The Planning Board found that the subject detailed site plan is consistent with approved Tree Conservation Plan TCP2-114-02, and there are no identified environmental issues as indicated in the referral comments shown in Finding 15 below.
14. **Conformance to the Tree Canopy Coverage Ordinance:** This application is not subject to the requirements of the Tree Canopy Coverage Ordinance pursuant to Section 25-127 which establishes the applicability of the Ordinance and states the following:
 - (a) **General**
 - (1) **Building and grading permits that propose 1,500 square feet or greater of gross floor area or disturbance shall be in compliance with this Division, except as provided in Section 25-127(b).**
 - (b) **Exemptions**
 - (1) **The following are exempt from this Division:**
 - (B) **Any permit pertaining to an existing single-family detached home.**

The subject application does not necessitate greater than 1,500 square feet of disturbance and is for an existing single-family detached home.
15. **Further Planning Board Findings and Comments from Other Entities:**
 - a. **Environmental Planning:** The Planning Board found that the proposed revision is consistent with approved Tree Conservation Plan TCP2-114-02, and that no environmental issues are identified.

- b. **Subdivision Review:** The Planning Board found that no preliminary plan is required and the detailed site plan is consistent with the record plan, REP-206-16.
- c. **Permit Review:** The Planning Board accepts the following findings:
 - (1) A tree conservation plan or exemption letter will be required; refer to the Environmental Planning Section for review.
 - (2) Because the property is located in a recreational community development subdivision, a revision of the detailed site plan is required for any construction of a deck which is over the building restriction line, and a variance cannot be obtained.

The above comments have been addressed with the filing of this application and through the subject plan's referral to the Environmental Planning Section.

- 16. As required by Section 27-285(b)(1) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use. In particular, the approved addition of a deck is in keeping with the Rural Residential (R-R) Zone and the residential character of the area in which it is to be located.
- 17. Section 27-285(b)(4) of the Zoning Ordinance requires that a detailed site plan demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible. The subject application was referred to the Environmental Planning Section and no environmental issues have been identified.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-02043/04, subject to the following conditions:

- 1. Prior to certification, the applicant shall revise the detailed site plan to:
 - a. Include the previously approved landscape plan. Any missing plant material shall be replaced in accordance with that plan.
 - b. On the coversheet for Detailed Site Plan DSP-02043-04, add a note below the lot standards chart which indicates that the rear building restriction line (BRL) for Lot 63 is 11 feet.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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, Squire, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, June 28, 2012, in Upper Marlboro, Maryland.

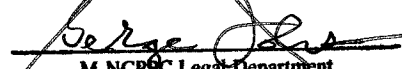
Adopted by the Prince George's County Planning Board this 19th day of July 2012.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:SM:arj

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 7/6/12