

PGCPB No. 16-73

File No. CDP-8909-H1

RESOLUTION

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Comprehensive Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on June 2, 2016, regarding Comprehensive Design Plan CDP-8909-H1 for Summit Creek, Lot 18 (Stover Deck), the Planning Board finds:

1. **Request:** The subject homeowner’s minor amendment to a comprehensive design plan (CDP) is a request to construct a 10-foot by 32-foot by 12-foot deck attached to the rear of an existing single-family detached dwelling within the side yard setback.

2. **Development Data Summary:**

	EXISTING
Zone	R-S
Use	Residential
Lot size	7,573 square feet
Lot	1
Number of Dwelling Unit	1

	REQUIRED	APPROVED
Total parking spaces	2	4

3. **Location:** The subject property is located on the west side of Wooden Bridge Road, approximately 580 feet south of its intersection with Summit Creek Drive, within the Summit Creek Subdivision. The property is also located in Planning Area 81A and Council District 9.
4. **Surrounding Uses:** The subject property is bounded to the west and south by single-family detached units, to the east by the public right-of-way of Wooden Bridge Road with single-family detached units beyond, and to the north by the public right-of-way of Tiara Court with single-family detached units beyond, in the Residential Suburban Development (R-S) Zone.
5. **Previous Approvals:** The subject property was part of a large site rezoning from the Rural Residential (R-R) and One-Family Detached Residential (R-80) Zones to the R-S Zone as approved by Zoning Ordinance No. 94-1988, Zoning Map Amendment (Basic Plan) A-9679-C. The application is also subject to the requirements of Comprehensive Design Plan CDP-8909 (PGCPB Resolution No. 90-59) which was approved by the Planning Board on March 1, 1990.

The CDP was subsequently amended in 1994, CDP-8909-01 (PGCPB Resolution No. 94-86), to adjust building setbacks for duplex units.

6. **Design Features:** The subject application includes a proposal for the addition of a 10-foot by 32-foot by 12-foot wood and composite deck to the rear of an existing single-family detached dwelling, which was constructed in 1998. The subject property, known as Lot 18, Block P, of Summit Creek, is a corner lot with an existing dwelling, which fronts on Wooden Bridge Road to the east. The proposed deck, which will be attached to the southwest corner of the dwelling, will be located within one foot of the side property line and will encroach into the side yard setback by nine feet.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The project is in compliance with Section 27-515 of the Zoning Ordinance regarding uses permitted in the R-S Zone. A single-family detached dwelling is a permitted use in the R-S Zone. The project is also in compliance with the requirements of Section 27-513, which includes regulations applicable to the R-S Zone. The project also conforms to the requirements of Section 27-521 regarding required findings for CDP applications and Section 27-524 regarding amendments to approved CDP applications. See Findings 12 and 13 below for a more detailed discussion of this conformance.
8. **Zoning Map Amendment (Basic Plan) A-9679-C:** The project is in compliance with the requirements of Basic Plan A-9679-C. The proposed deck in the side yard setback does not alter the previously made findings of approval of the basic plan that were made at the time of approval of the CDP.
9. **Comprehensive Design Plans CDP-8909 and its revision:** The project is in compliance with the requirements of Comprehensive Design Plan CDP-8909 and its revision (CDP-8909-01), except regarding the required side yard setback. Whereas the CDP stipulates a 20-foot total minimum side yard setback for a corner lot, the proposed deck would leave approximately one foot between the proposed deck and the property line.
10. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The subject lot does not contain any woodland conservation; the addition of the proposed deck would not alter the previously made findings of conformance with the Woodland Conservation and Tree Preservation Ordinance that were made at the time of approval of the CDP.
11. **Further Planning Board Findings and Comments from Other Entities:** The application was referred to the concerned agencies and divisions. Referral comments are summarized as follows:

- a. **Summit Creek Community Association**—In a letter dated December 9, 2015, the Summit Creek Community Association indicated that the request for a rear deck installation associated with this application had been approved with caveats regarding permitting, construction, and site plan conformance.
12. Prior to approving a CDP, the Planning Board must make the required findings found in Section 27-521(a) of the Zoning Ordinance:

- (1) **The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The CDP was previously found to be in conformance with the Basic Plan (A-9679-C) as approved by the District Council, with conditions, on January 9, 1989. The proposed deck does not affect that finding.

- (2) **The proposed plan would result in a development with a better environment than could be achieved under other regulations;**
- (3) **Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;**
- (4) **The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;**
- (5) **Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:**
 - (A) **Amounts of building coverage and open space;**
 - (B) **Building setbacks from streets and abutting land uses; and**
 - (C) **Circulation access points**
- (6) **Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;**
- (7) **The staging of development will not be an unreasonable burden on available public facilities;**

Conformance with these requirements were found at the time of approval of the original CDP and the proposed deck does not change those findings.

- (8) **Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**
- (A) **The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
 - (B) **Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
 - (C) **The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

The proposed revision does not propose an adaptive reuse of a historic site.

- (9) **The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and except as provided in Section 27-521(a)(11), where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d);**

Conformance with this requirement was found at the time of approval of the original CDP and the proposed deck does not change that finding.

- (10) **The Plan is in conformance with an approved Tree Conservation Plan;**

Conformance with this requirement was found at the time of approval of the original CDP and the proposed deck does not change that finding.

- (11) **The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

There are no regulated environmental features on the subject lot.

- (12) **Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

Conformance with this requirement was found at the time of approval of the original CDP and the proposed deck does not change that finding.

- (13) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.**

The subject lot is not part of a regional urban community.

13. Section 27-524(b)(3) of the Zoning Ordinance sets forth the criteria for granting minor amendments to approved CDPs for the purpose of making home improvements requested by a homeowner (or authorized representative) and approved by the Planning Director (or designee) in accordance with specified procedures, as follows:
- (A) The Planning Board shall conduct a public hearing on the requested amendments.**
- (B) Findings. The Planning Board may grant the minor amendment if it finds that the requested modifications will not substantially impair the intent, purpose, or integrity of the approved Comprehensive Design Plan.**
- (C) The Planning Board shall approve, approve with modification, or disapprove the requested amendments, and shall state its reasons for the action. The Planning Board's decision (resolution) on the minor amendment shall be sent to all persons of record in the hearing before the Planning Board and to the District Council.**

The subject CDP application was reviewed by the Planning Board in conformance with criterion (A) above. The Board is required to make a decision on the CDP application in conformance with criterion (C) above. In regards to criterion (B), the Planning Board found that the requested deck will not substantially impair the intent, purpose, or integrity of the approved CDP. The modification of the side building restriction line to one-foot for the proposed deck will not be detrimental to the community, nor will it negatively impact the visual characteristics of the neighborhood because the deck is located at the corner of the house farthest from adjacent rights-of-way and closest to the rears of the adjacent homes and an off-site wooded area, as is typical in single-family residential neighborhoods.

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 Comprehensive Design Plan, CDP-8909-H1, for the above described land, subject to the following condition:

1. Prior to certificate approval of the comprehensive design plan, the applicant and the applicant's heirs, successors, and/or assignees shall reference the following on the site plan:
 - a. Provide the dimension of the existing driveway on the site plan.
 - b. Label the material of the deck on the site plan.

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 Geraldo, with Commissioners Washington, Geraldo, Bailey, Shoaff, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, June 2, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of June 2016.

APPROVED AS TO LEGAL SUFFICIENCY

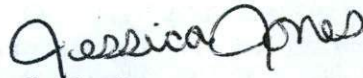


M-NCPPC Legal Department

Date

6/9/16

Patricia Colihan Barney
Executive Director



By Jessica Jones
Planning Board Administrator

PCB:JJ:JK:rpg