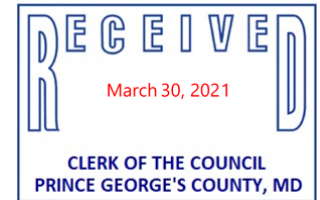


March 30, 2021

Michelle Clancy
P.O Box 310
Perry Hall, MD 21128



Re: Notification of Planning Board Action on
Comprehensive Design Plan CDP-9306-H2
Lusby Village East, Lot 4 Block B (Gunn Deck)

Dear Applicant:

This is to advise you that, on **March 25, 2021**, the above-referenced Comprehensive Design Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-523, the Planning Board's decision will become final 30 calendar days after the date of this final notice of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

Very truly yours,
James R. Hunt, Chief
Development Review Division

By: *N. Andrew Bishop*
Reviewer

Attachment: PGCPB Resolution No. **2021-35**

cc: Donna J. Brown, Clerk of the County Council
Persons of Record

R E S O L U T I O N

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 March 25, 2021, regarding Comprehensive Design Plan CDP-9306-H2 for Lusby Village East, Lot 4 Block B (Gunn 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 12-foot by 29-foot open deck to the rear of an existing single-family detached dwelling within the rear yard setback.

2. **Development Data Summary:**

	EXISTING
Zone	R-L
Use	Residential
Lot size	7,556 square feet
Lot	1
Number of Dwelling Units	1

3. **Location:** The subject property is located at 14207 Hidden Forest Drive, on the north side of Hidden Forest Drive, approximately 212 feet west of Hardy Tavern Drive. The property is also located in Planning Area 84 and Council District 9.

4. **Surrounding Uses:** The subject property is bounded by Hidden Forest Drive to the south, by single-family detached homes to the east and west, and to the north by Parcel B, which includes a tree conservation area and 100-year floodplain. All are within the Residential Low Development (R-L) Zone.

5. **Previous Approvals:** The subject site was developed as part of the Glassford Village neighborhood within the larger Villages of Piscataway subdivision. The site and surrounding area were rezoned under Zoning Map Amendment (Basic Plan) A-9869, which was approved on September 14, 1993 by the Prince George’s County District Council. A-9869, and companion A-9870, rezoned approximately 858.7 acres in total from the Residential-Agricultural (R-A) Zone to the R-L Zone, and approximately 20 acres from the R-A Zone to the Local Activity Center – Village Center Zone. CDP-9306 (PGCPB Resolution No. 94-98) was originally approved by the Prince George’s County Planning Board on March 24, 1994 with 36 conditions, and later corrected and amended on October 28, 2004 (PGCPB Resolution No. 94-98(C)(A)). The CDP

approved 201 single-family detached units and 33 single-family attached units in Lusby Village, inclusive of the subject site.

Preliminary Plan of Subdivision (PPS) 4-94017 was approved with 20 conditions on June 23, 1994 (PGCPB Resolution No. 94-213), and subsequently expired. PPS 4-03027 was approved for 836 dwelling units with 47 conditions on June 17, 2003 (PGCPB Resolution No. 03-122), and includes the subject property. A revised Type I tree conservation plan was included in that approval. Multiple specific design plans (SDPs) were approved by the Planning Board for specific phases of the development. SDP-0401 was approved by the Planning Board on October 28, 2004, with 37 conditions for development of 176 single-family homes, inclusive of the subject property.

6. **Design Features:** The subject application includes a proposal for a 12-foot by 29-foot open deck attached to the rear of the existing single-family detached home, within the rear yard setback. The deck is proposed to be attached to the north side (rear) of the house and extend into the 25-foot rear yard setback by 11 to 15-feet, and is 10 to 14-feet from the rear property line.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The project conforms with Section 27-514.09 of the Zoning Ordinance, regarding uses permitted in the R-L Zone. A single-family detached dwelling is a permitted use in the R-L Zone. The project is also in compliance with the requirements of Section 27-514.10, which includes regulations applicable to the R-L Zone. The project also conforms to the requirements of Section 27-521 of the Zoning Ordinance, regarding required findings for CDP applications and Section 27-524 of the Zoning Ordinance, regarding amendments to approved CDP applications. See Findings 11 and 12 below for a more detailed discussion of this conformance.
8. **Zoning Map Amendment (Basic Plan) A-9869:** The project is in compliance with the requirements of A-9869, as the proposed deck in the rear yard setback does not alter findings of conformance with the basic plan that were made at the time of approval of the CDP.
9. **Comprehensive Design Plans CDP-9306:** The project complies with the requirements of CDP-9306, except regarding the required rear yard setback. Whereas, the CDP stipulates a 25-foot minimum rear yard setback, the proposed deck would sit approximately 10 to 14 feet from the rear property line. Condition 1c includes five design standards regarding the construction of decks, as follows:
 - 1c. **No typical residential-style decks constructed of pressure-treated pine or other wood left to weather naturally shall be attached to a house, if the deck would be visible from the street, the golf course or any other public space. (This restriction does not apply to Danville Estates.)**

Open decks shall only be permitted on rears of units.

Any deck visible from the street, the golf course, or any other public space shall be stained or painted to complement the color of the house.

Any deck visible from these areas shall incorporate design features and details which are evocative of traditional town architecture.

Any deck built above ground level shall have the undercroft screened from view by decorative lattice or other screening of similar durability and visual interest, if the undercroft is four feet or less in height.

The proposed open deck conforms to the requirements of the CDP and is located at the rear of the existing single-family dwelling, approximately 11 feet above grade, and is proposed in a location that will not be visible from the street or any other public space.

- 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 previous findings of conformance with the Woodland Conservation and Tree Preservation Ordinance that were made at the time of approval of the CDP.
- 11. Prior to approving a CDP, the Planning Board must make the required findings found in Section 27-521(a):**
- (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 A-9869, as provided for in PGCPB Resolution No. 94-98(C)(A). 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 (2–7) 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 an historic site. This finding is not applicable.

- (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 Type 1 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.

12. Section 27-524(b)(3) 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 is being reviewed by the Planning Board, in conformance with criterion (A) above. The Planning Board is required to make a decision on the CDP application, in conformance with criterion (C) above. In regard to criterion (B), the Planning Board finds that the proposed deck will not substantially impair the intent, purpose, or integrity of the approved CDP. The modification of the rear yard setback from 25 feet to a varied setback that is 10 to 14 feet from the property line to the proposed deck will not be detrimental to the community. The proposed deck will not negatively impact the visual characteristics of the neighborhood, and will be located to

the rear of an existing single-family dwelling and not visible from the street or public space.

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 Comprehensive Design Plan CDP-9306-H2.


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, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 25, 2021, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of March 2021.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:NAB:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: March 19, 2021