

RESOLUTION

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 29, 2017, regarding Detailed Site Plan DSP-04067-07 for Balk Hill Village (Davy Deck), the Planning Board finds:

1. **Request:** The detailed site plan (DSP) is being filed by the homeowner to request the construction of a 16-foot by 11.5-foot composite deck and stairs, attached to the rear of an existing single-family detached house.
2. **Development Data Summary**

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use	Residential	Residential
Gross Acreage	0.06	0.06
Dwelling Unit:	1	1

	EXISTING
Total parking spaces	4

Floor Area Ratio (FAR) in the M-X-T Zone

FAR Permitted (for entire development):

Base Density	0.4 FAR
Residential	1.0 FAR

Total Permitted: 1.4 FAR (permitted under the Optional Method of Development, Section 27-545(b)(4) of the Zoning Ordinance, for provision of more than 20 dwelling units) This DSP will not have any impact on the previously approved FAR for the larger development.

3. **Location:** The subject property consists of 0.06 acre, located on the southwestern side of Campus Way North, approximately 200 feet north of its intersection with Byward Boulevard.
4. **Surrounding Uses:** To the southeast of the site is vacant land in the Planned Industrial/ Employment Park (I-3) and Commercial Office (C-O) Zones; to the northeast is land in the Residential Suburban Development (R-S) Zone, currently under development (Balk Hill); to the

west is the mixed-use Woodmore Towne Centre development in the Mixed Use–Transportation Oriented (M-X-T) Zone; and to the southwest is a church in the Rural Residential (R-R) Zone.

5. **Previous Approvals:** The larger project was previously in the residential Comprehensive Design Zone. Zoning Map Amendment (Basic Plan) A-9956-C was approved, with conditions, by the Prince George’s County District Council to rezone the property to the M-X-T Zone on July 23, 2002. Subsequently, the Prince George’s County Planning Board approved Conceptual Site Plan CSP-03001 for the site on September 11, 2003 and adopted PGCPB Resolution No. 03-176 on September 25, 2003. On February 19, 2004, the Planning Board approved Preliminary Plan of Subdivision 4-03094 for the subject property and adopted PGCPB Resolution No. 04-33 on March 11, 2004. On September 29, 2005, the Planning Board approved Detailed Site Plan DSP-04067 for the subject site and adopted PGCPB Resolution No. 05-202 on October 27, 2005. On November 14, 2005, the District Council elected to review DSP-04067 and, on March 13, 2006, following oral argument on the case, remanded the application to the Planning Board. The Planning Board reapproved the remanded DSP-04067 on June 1, 2006 and subsequently adopted PGCPB Resolution No. 05-202 on June 1, 2006. The District Council reviewed and finally approved the application, with conditions, on July 18, 2006. Detailed Site Plan DSP-04067-01 was approved by the Planning Director on July 18, 2006 for the purpose of installing a public water line. However, this case was subsequently withdrawn by the applicant on August 21, 2006. Detailed Site Plan DSP-04067-02 was approved by the Planning Director for four residential home models on February 26, 2008. Detailed Site Plan DSP-04067-04 was approved by the Planning Director for an entrance sign and decorative wall along Campus Drive on June 25, 2009. Detailed Site Plan DSP-04067-05 was approved by the Planning Board on November 4, 2010 and adopted PGCPB Resolution No. 10-121 on November 18, 2010. The site is also the subject of the requirements of Stormwater Management Concept Plan 39070-2007-00, approved on May 12, 2011.
6. **Design Features:** The subject application includes a proposal for the addition of a 16-foot by 11.5-foot composite deck and stairs at the rear of an existing single-family detached dwelling, which is located at 2316 Campus Way North. The subject property, known as Lot 22, Block L, of Balk Hill Village, is an interior lot with an existing dwelling, which fronts on Campus Way to the north. The proposed deck will be attached to the southern elevation of the dwelling. The deck is proposed within the rear property line; however, it will encroach into the rear yard setback by three feet.

The Planning Board noted that a survey has not been submitted with this application. The deck may impact the public utility easement, as stated, and multiple utilities may currently exist within the vicinity of the proposed deck as well as the support structure of the deck. The applicant should work with the appropriate utility companies to determine the exact location of the utilities. If the installation is determined to be detrimental to any of the affected utilities, the location should be adjusted accordingly.
7. **Prince George’s County Zoning Ordinance:** The subject application has been reviewed for compliance with the following Zoning Ordinance requirements:

- a. The subject application is in conformance with the requirements of Section 27-547, which governs uses in mixed-use zones. The proposed deck is attached to the residential property, which is a permitted use in the M-X-T Zone. A variance application was provided in error with this submission, but is not required. Section 27-548(c) states that the dimensions for the location, coverage, and height of all improvements shown on an approved DSP shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.
 - b. Section 27-548, M-X-T Zone regulations establishes additional standards for the development in this zone. The DSP's conformance with all applicable provisions is still valid for the development, but does not affect this application for a homeowner's minor improvement and addition of the deck on the property.
 - c. Section 27-274, Design Guidelines: Prior findings for conformance with all applicable site design guidelines are still valid and governing this DSP.
8. **Zoning Map Amendment (Basic Plan) A-9956-C:** None of the 14 conditions of approval are relevant to this application. The proposed deck in the rear yard setback do not alter the previously made findings of approval of the basic plan.
9. **Conceptual Site Plan CSP-03001:** Conceptual Site Plan CSP-03001 was approved, subject to 11 conditions. The relevant conditions of that approval are included in **boldface** type below, followed by Planning Board comment:

8. **At time of Detailed Site Plan submission, the TCPII shall contain details and a narrative regarding the proposed preservation measures for all specimen trees to be preserved on site. These measures shall include treatments to occur prior to, during and after construction.**

The Planning Board found that this requirement was satisfied prior to signature approval of the previous Type II tree conservation plan (TCPII). The subject application is for a deck on a private residence and does not impact the TCPII.

10. **At time of submission of the Detailed Site Plan, the technical stormwater management plans shall be submitted.**

The Planning Board noted that the subject application is for a deck on a private residence and does not require and will not impact technical stormwater management approval.

11. **The Type I Tree Conservation Plan shall be modified to incorporate any design changes made subsequent to the Environmental Planning Section memo dated June 25, 2003.**

The Planning Board noted that this requirement was satisfied previously. The subject application is for a deck on a private residence and does not impact the Type I tree conservation plan.

10. **Preliminary Plan of Subdivision 4-03094 and Record Plat PM 225@66:** The subject project generally complies with the requirements of Preliminary Plan of Subdivision 4-03094, which was approved by the Planning Board, subject to 23 conditions. None of the conditions of approval are relevant to this application.

The subject project is in compliance with the requirements contained in the plat notes of Balk Hill Village, Plat Four, recorded as Plat Book PM 225@66.

11. **Detailed Site Plan DSP-04067 and its amendments:** The subject project does not impact the requirements of Detailed Site Plan DSP-04067, which was approved by the District Council, subject to 27 conditions. The DSP was subsequently amended several times. None of the conditions of approval are relevant to this application.
12. **2010 Prince George's County Landscape Manual:** The addition of a deck is exempted from the requirements of the 2010 *Prince George's County Landscape Manual*. Previous landscaping-related findings are still valid.
13. **Prince George's County Tree Canopy Coverage Ordinance:** The subject application is exempt from the Tree Canopy Coverage Ordinance because the applicant proposes less than 5,000 square feet of gross floor area or disturbance.
14. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The subject lot does not contain any woodland conservation. The addition of the proposed deck would not alter the previous findings regarding conformance with the Woodland and Wildlife Habitat Conservation Ordinance that were made at the time of approval of the preliminary plan and previous DSPs.
15. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Community Planning Division**—The Planning Board found that there are no master plan issues at this time.
 - b. **Subdivision Review Section**—The Planning Board found that there are no subdivision issues at this time.
 - c. **Permit Review Section**—Permit review comments have been either addressed during the review process or worded as conditions of this approval.

- d. **Prince George’s County Fire/EMS Department**—The Fire/EMS Department did not offer any comments on the subject project.
 - e. **Prince George’s County Department of Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE did not offer any comments on the subject project.
16. Based upon the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, the subject DSP represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
17. In addition, as required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board found that the regulated environmental features on a site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations. Since the lot has been developed in accordance with previously approved plans, this requirement is not applicable.

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 Detailed Site Plan DSP-04067-07.

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.

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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, Doerner, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, June 29, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of July 2017.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:NAB:rpg