

PGCPB No. 2024-128

File No. SDP-0610-H7

R E S O L U T I O N

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Legacy Comprehensive Design Zone (LCD); and

WHEREAS, pursuant to Section 27-1704(g) of the Zoning Ordinance, development applications submitted and accepted as complete before April 1, 2022, but still pending final action as of that date, may be reviewed and decided in accordance with the Zoning Ordinance in existence at the time of submission and acceptance of the application; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, an application was submitted by CUSTOM WORKS, INC. for approval of a specific design plan; and

WHEREAS, in consideration of evidence presented at a public hearing on December 5, 2024, regarding Specific Design Plan SDP-0610-H7 for Oak Creek Club, Lot 4 Block A, the Planning Board finds:

1. **Request:** The subject homeowner's minor amendment to a specific design plan (SDP) requests approval for the construction of a 20-foot by 12-foot covered porch and connected 8-foot by 12-foot deck at the rear of the existing single-family detached dwelling, located in the Oak Creek Club development. The porch and connected deck would run parallel to the rear of the home and extend 12 feet from the northern building façade of the subject house. The porch and connected deck would be 16 feet away from the rear property line, which does not meet the minimum 20-foot rear yard setback.

2. **Development Data Summary:**

	EXISTING	EVALUATED
Zone	LCD (Prior R-L)	R-L (prior)
Use	Residential	Residential
Lot size	13,236 sq. ft.	13,236 sq. ft.
Gross Acreage	0.30	0.30
Lot	1	1
Number of Dwelling Units	1	1

3. **Location:** The subject property is in the Legacy Comprehensive Design (LCD) Zone, previously the Residential Low Development (R-L) Zone. It is located within the development known as Oak Creek Club, Phase Four, which is located in the northwest quadrant of the intersection of

Oak Grove Road and Church Road. More specifically, the subject property is located at 13916 Shannock Lane, Upper Marlboro, Maryland, and is within Planning Area 74A and Council District 6.

4. **Surrounding Uses:** The subject property fronts Shannock Lane and is surrounded by single-family detached homes within the LCD Zone, aside from the north which abuts a golf course for Oak Creek Club. The property is located within the southwestern area of the Oak Creek Club development. The overall Oak Creek Club development is generally bounded to the north by MD 214 (Central Avenue); to the east by forested land in the Reserved Open Space (ROS) Zone; to the south by Oak Grove Road and single-family detached homes in the LCD Zone beyond; and to the west by a solar farm in the Residential-Estate Zone (RE) and Watkins Park Drive beyond.
5. **Previous Approvals:** The subject site, Lot 4, Block A, was developed as part of the Oak Creek Club Phase Four development. On November 26, 1991, the Prince George's County District Council approved the zoning map amendment (ZMA) and accompanying Basic Plan application A-8427, A-8578 and A-8579 (CR-120-1991) for the subject property. The ZMA rezoned the property from the Residential-Agricultural (R-A) and Rural Residential (R-R) Zones to the R-L and Local Activity Center (L-A-C) Zones. On July 24, 2000, the District Council approved the amended Basic Plan application, A-8427, A-8578, and A-8579 (Zoning Ordinance No. 11-2000) for Oak Creek Club. The amended basic plans provided for generally the same number of residential units and types of recreational/public amenities but included an 18-hole golf course. The basic plans are subject to 49 conditions and 10 considerations.

Comprehensive Design Plan CDP-9902 and CDP-9903 were approved, with conditions, by the Prince George's County Planning Board (PGCPB Resolution No. 01-180) on December 20, 2001. The District Council affirmed the Planning Board's decision on May 13, 2002. The order regarding CDP-9902 applies to the R-L portion of the site and includes 56 conditions, whereas the order regarding CDP-9903 pertains to the L-A-C portion of the site. The current application falls within the portion of the site zoned R-L. CDP-9902 was subsequently amended four times. The first amendment to that CDP, CDP-9902-01, was approved by the Planning Board on July 20, 2006, to reduce the attached single-family dwelling unit side yard setback from 5 feet to 0 feet (PGCPB Resolution No. 06-150). A second amendment to that approval, CDP-9902-02, was approved by the Planning Board on October 4, 2007, to combine the community building and golf course clubhouse into a single facility, and to amend the recreational facilities' location and schedule (PGCPB Resolution No. 07-172(C)). The third amendment, CDP-9902-03, addressed Condition 27 of CDP-9902, which established the bonding and initiation of the construction of the golf course clubhouse. The Planning Board approved the amendment on May 26, 2011 (PGCPB Resolution No. 11-41). The fourth amendment, CDP-9902-05, was approved by the Planning Board on January 10, 2013 to reduce the required size of the golf course clubhouse from 25,000 square feet to 13,000 square feet (PGCPB Resolution No. 12-110).

On December 20, 2001, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-01032 (PGCPB Resolution No. 01-178(C)), subject to 43 conditions. On March 8, 2018, the Planning Board amended the previously approved resolution, updating the number of conditions

to 42 (PGCPB Resolution No. 01-178(C)(A), none of which are applicable to the review of the subject SDP.

On November 1, 2007, the Planning Board approved SDP-0610 (PGCPB Resolution No. 07-194(A), subject to seven conditions, none of which are applicable to the review of the subject SDP. Several amendments to this SDP were subsequently approved, including multiple homeowner minor amendments, that do not apply to the subject property.

In addition, it is noted that the site is the subject of Stormwater Management (SWM) Concept Plan 6397-2002-01, however, the approved addition does not affect the requirements of this approval.

6. **Design Features:** The subject application includes a proposal for a 20-foot by 12-foot porch and an 8-foot by 12-foot deck addition at the rear of an existing single-family detached home. The materials and roofing of the porch and deck will match and complement the existing architecture of the house. The porch and deck will encroach into the 20-foot rear setback line.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the prior R-L Zone, as follows:
 - a. The project conforms with the requirements for purposes, uses, and regulations of the R-L Zone contained in Sections 27-514.08, 27-514.09, and 27-514.10 of the prior Prince George's County Zoning Ordinance.
 - b. Per Section 27-515 of the prior Zoning Ordinance, regarding uses permitted in the R-L Zone, the existing single-family detached dwelling is a permitted use in the zone.
 - c. As detailed in Findings 14 and 15 of this resolution, the project also conforms to the requirements of Section 27-528 of the prior Zoning Ordinance, regarding required findings for SDP applications, and Section 27-530 of the prior Zoning Ordinance, regarding amendments to approved SDP applications.
8. **Zoning Map Amendment (Basic Plan) A-8427, A-8578 and A-8579:** The project is in compliance with the requirements of Basic Plans A-8427, A-8578 and A-8579, as the approved porch and deck in the rear yard do not alter findings of conformance with the basic plans that were made at the time of approval of the CDP.
9. **Comprehensive Design Plans CDP-9902 and CDP-9903:** As previously mentioned, CDP-9903 outlines development details and conditions for the L-A-C zoned portion of the Oak Creek Club development. The subject site, however, is located within the R-L zoned section of the development, which is the focus of this resolution. The project complies with the requirements of CDP-9902, except regarding the required rear building restriction line. The CDP stipulates that the minimum rear building restriction line, for single-family detached houses, is 20 feet. The

approved porch and deck would be approximately 16 feet from the rear property line, encroaching 4 feet into the rear yard setback for the subject site, Lot 4, Block A. As approved by the Planning Board, the reduction in the setback is applicable to the subject lot only, and the development standards continue to apply in all other respects to the subject lot and all other lots in the Oak Creek Club subdivision.

CDP-9902 also limits the lot coverage for Lot 4, Block A. The lot coverage approved for the subject property is 35.7 percent, which is less than the maximum lot coverage of 40 percent.

10. **Preliminary Plan of Subdivision 4-01032:** The project is in compliance with the requirements of PPS 4-01032, as the approved porch and deck do not alter findings of conformance with the PPS.
11. **Specific Design Plan SDP-0610:** As previously stated, SDP-0610 was approved with seven conditions, none of which are applicable to the review of the subject SDP. The subject application complies with the requirements of SDP-0610, except for the rear yard setback. The approved porch and deck will encroach into the required 20-foot setback by 4 feet.
12. **2010 Prince George's County Landscape Manual:** The approved porch and deck are exempt from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because the requirements were satisfied at the time of SDP-0610 approval. The approved location of the porch and deck does not impact previously approved landscaping located on the lot or adjoining properties.
13. **Prince George's County Tree Canopy Coverage Ordinance:** The subject application is exempt from Subtitle 25, Division 3, 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 Conservation and Tree Preservation Ordinance:** The approved addition will not alter the previous findings of conformance with the Prince George's County Woodland Conservation and Tree Preservation Ordinance, which were made at the time of approval of CDP-9902, CDP-9903, and SDP-0610.
15. **Community feedback**—No community feedback was received regarding the subject SDP and no members of the public provided testimony at the public hearing for this matter.
16. Section 27-528 requires that the Planning Board make the following findings before approving an SDP, unless an application is being processed as a limited minor amendment. Each required finding is listed in **bold** text below, followed by staff comments, which the Planning Board has reviewed and adopts as part of this resolution.

Section 27-528. Planning Board action.

- (a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**
 - (1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in**

Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);

The subject amendment conforms to the requirements of CDP-9902, as outlined in Finding 9, and the applicable standards of the Landscape Manual, as outlined in Finding 11. The subject amendment does not involve townhouse construction, nor is it located in the prior L-A-C Zone. The second portion of this required finding does not apply to the subject application.

- (1.1) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

The property is not within a regional urban community.

- (2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program, provided as part of the private development or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;**

This finding was made with the approval of the original SDP and will not be affected by the approved covered porch and connected deck.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

The site is consistent with the approved SWM concept plan, and this minor deck and porch will not impact that approval. The approved covered porch and connected deck will be constructed above grade, and adequate provision will be made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties, in accordance with this required finding.

- (4) The plan is in conformance with an approved Type 2 Tree Conservation Plan; and**

The approved construction of a covered porch and connected deck, to an existing single-family detached dwelling and setback modification, does not impact the previously approved Type 2 tree conservation plan.

- (5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

No regulated environmental features exist on the subject lot. Therefore, this finding is not applicable to the subject SDP.

17. Section 27-530(c)(3) of the prior Zoning Ordinance sets forth the criteria for granting minor amendments to approved SDPs, 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, including meeting the following criteria:
- (A) Are located within the approved Comprehensive Design Plan building lines and setbacks or any approved amendments to the Comprehensive Design Plan;**
 - (B) Are in keeping with the architectural and site design characteristics of the approved Specific Design Plan; and**
 - (C) Will not substantially impair the intent, purpose, or integrity of the approved Comprehensive Design Plan.**

CDP-9902 established the rear building restriction line at a minimum of 20 feet. The approved covered porch and connected deck encroach 4 feet into this rear building setback line, with the approved structure being approximately 16 feet from the rear property line. The subject application does not meet Criterion (A) and, therefore, the subject Homeowner's Minor Amendment to SDP-0610 is to be heard by the Planning Board, as stated in Section 27-530(d)(3)(A) of the prior Zoning Ordinance.

Regarding Criterion (B) above, the approved covered porch and connected deck is consistent with the architectural and site design characteristics of the approved SDP, except regarding the rear yard setback. The approved roof of the porch will be a shed-style design, with siding in the side gable, keeping with the existing architectural characteristics of the SDP in color, materials, and design.

Regarding Criterion (C), the Planning Board believes that the approved covered porch and connected deck will not substantially impair the intent, purpose, or integrity of the approved SDP. The modification of the setback for the approved covered porch and connected deck will not be detrimental to the community, nor will it negatively impact visual characteristics of the neighborhood. The addition is at the rear of the home and not visible from the nearest public right-of-way, due to orientation of the dwelling, and cannot be seen from the abutting golf course, in the rear of the property, due to the vegetative buffer.

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 Homeowner's Minor Amendment to a Specific Design Plan SDP-0610-H7, for Oak Creek Club, Lot 4, Block A.

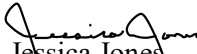
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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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, Geraldo, and Shapiro voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, December 5, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of December 2024.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:DC:tr


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 12/9/24