The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: *Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.*

Detailed Site Plan DSP-10003

Application	**General Data**	
Project Name: Mt. Oak Estates, Lot 21	Planning Board Hearing Date:	04/01/10
	Staff Report Date:	03/18/10
Location: Located 2,799 feet northwest of the intersection at Woodmore Road and Westbrook Lane.	Date Accepted:	02/24/10
	Planning Board Action Limit:	05/05/10
	Plan Acreage:	3.58
Applicant/Address: MB Visnic, Inc. 1684 E. Gude Drive, Ste. 102 Rockville, MD 20850	Zone:	R-A
	Dwelling Units:	1
	Gross Floor Area:	9,187 sq. ft.
	Planning Area:	74A
	Tier:	Developing
	Council District:	06
	Election District	07
	Municipality:	N/A
	200-Scale Base Map:	204NE12

Purpose of Application	**Notice Dates**	
Proposed single-family home on a 3.58-acre lot in an aviation policy area.	Informational Mailing:	01/19/10
	Acceptance Mailing:	02/24/10
	Sign Posting Deadline:	03/02/10

Staff Recommendation		**Staff Reviewer: Meika Fields**	
APPROVAL	**APPROVAL WITH CONDITIONS**	**DISAPPROVAL**	**DISCUSSION**
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-10003
Mt. Oak Estates, Lot 21

Urban Design staff has completed its review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the recommendation section of this report.

EVALUATION

This detailed site plan was reviewed and evaluated for compliance with the following criteria:

a. The requirements of the Zoning Ordinance in the Residential-Agricultural (R-A) Zone.

b. The requirements of the *Prince George's County Landscape Manual*.

c. The requirements of the Woodland Conservation and Tree Preservation Ordinance.

d. The requirements of Preliminary Plan of Subdivision 4-83073 for Mount Oak Estates.

e. The requirements of Aviation Policy Areas per Section 27-548.32 of the Zoning Ordinance.

f. Referral comments.

FINDINGS

Based upon the evaluation and analysis of the subject detailed site plan, the Urban Design Review staff recommends the following findings:

1. **Request:** The subject application is for approval of a detailed site plan for one single-family detached residential home. A detailed site plan is required per Section 27-548.37 of the Zoning Ordinance of Airport Compatibility procedures. The subject application includes site, landscape, and tree conservation plans.

2. **Development Data Summary:**

	Existing	Proposed
Zone	R-A	R-A
Uses	Vacant forested lot	One single-family home (9,187 sq. ft. GFA)
Acreage (in the subject SDP)	3.58	3.58

3. **Location:** The subject property is located northwest of the intersection of Woodmore Road and Westbrook Lane. Westbrook Lane is one-third mile west of the intersection of Woodmore Road and Church Road.

4. **Surroundings and Use:** The surrounding area is zoned R-A with properties zoned R-E (Residential-Estate) east of Church Road. The Freeway Airport and landing strip begin one-half mile north of Lot 21, and the site shares a western property boundary with Woodmore Road Park, which is owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC.)

5. **Previous Approvals:** The proposed project is subject to the requirements of Preliminary Plan of Subdivision 4-83073. See Finding 10 for a detailed discussion of the requirements of that approval.

6. **Design Features:** Lot 21 is a large, trapezoid-shaped lot just to the west of the extended runway centerline south of Freeway Airport. This lot straddles the boundary of APA-2 and APA-3M between 1,800 and 2,450 feet from the south end of the airport runway and it is between 45 feet and 500 feet west of the extended runway centerline.

   The architectural elevations depict a two-story building with a multi-part hip roof. The building height for this residence will be 28 feet. As roofs are not always fully included in building height calculations, it is noted that the architectural elevations depict a building that has a maximum height of 34 feet. This 34-foot maximum calculation is taken from the garage floor to the top of the hip roof.

   The most important issue for this detailed site plan is safe development within the Aviation Policy Area (APA) 3M and 2. Building and structure heights and locations are therefore subject to careful examination during this detailed site plan review. Architectural building features are not currently under review, unless considered to be a safety concern as outlined by APA regulations.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject detailed site plan has been reviewed for compliance with the requirements in the R-A (Residential-Agricultural) Zone. The subject site is in compliance with the requirements of Section 27-426.

Dimensional Standards	Required	Proposed
Min. Net Lot Area	87,120 sq. ft.	155, 945 sq. ft.
Max. Building Height	50 feet	34 feet
Min. Side Setback (of either yard)	17 feet	72.25 feet
Min. Side Setback (of both yards)	35 feet	222.92 feet
Max. Density (dwelling unit per acre)	.50	.28
Max. Lot Coverage	10 percent	6.8 percent

8. ***Prince George's County Landscape Manual*:** The proposed project is subject to the requirements of Section 4.1 (a) of the *Prince George's County Landscape Manual.* Staff has reviewed the submitted plans in accordance with the applicable sections of the *Prince George's County Landscape Manual* and found the application to be in compliance with those sections.

   Section 4.1 requires a minimum of four shade trees and three evergreen or ornamental trees on each lot over 40,000 square feet in size. It also requires that three of those shade trees be planted in the front yard for single-family detached lots larger 87,120 square feet. The landscaping plan meets the residential requirements, and is proposing a mix of American beech, red maples, and crape myrtles on-site.

9. **Woodland Conservation and Tree Preservation Ordinance:** The property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance. The Environmental Planning Section has reviewed the subject plan with respect to the approved tree conservation plans and has indicated that the site is in conformance with the approved Type II Tree Conservation Plan TCP II/38/09.

10. **Preliminary Plan of Subdivision 4-83073:** The site is the subject of Preliminary Plan of Subdivision 4-83073. The Preliminary Plan of Subdivision 4-83073 is for Mount Oak Estates and was originally approved by the Prince George's County Planning Board on July 28, 1983 (PGCPB Resolution No. 83-166). The resolution contains five conditions and the following conditions in **bold type** relate to the review of this detailed site plan:

    Condition 1: The property was revised in red to make necessary adjustments because of transportation considerations. In addition, a 200-foot building restriction line was established for certain lots in order to buffer the proposed buildings from the intensive recreational activities which will take place on the adjacent Prince George's County Boys and Girls Club property. This buffering was recommended by the Department of Parks and Recreation memorandum of June 29, 1983.

    Comment: The 200-foot rear building restriction line is located within this subject property and is reflected on the recorded plat and this site plan. The proposed development will not impact the rear building restriction line.

    Condition 3: There is a 100-year flood plain within the property which should be restricted from development.

    Comment: The 100-year flood plain easement and 25-foot building restriction line are located within the subject property and are reflected on the recorded plat and this site plan. The proposed development will not impact the flood plain easement and the building restriction line.

Condition 4: Sewer and water are not currently available to the property and development is contingent upon the approval of a private sewer and water system by the Health Department.

Comment: As indicated on the site plan, the property will be served by private well and septic. The Health Department has issued well and septic permits to the property. Further review and approval of the private well and septic systems will be conducted by the Health Department.

The detailed site plan is in conformance with Preliminary Plan of Subdivision 4-83073 and previous conditions.

11. **Aviation Policy Area Regulations:** This detailed site plan application for development of one-single-family home on a large residential lot has been filed due to its location under the air traffic pattern for a small general aviation airport, Freeway Airport in Bowie, which is subject to the Aviation Policy Area (APA) regulations in Section 27-548.32 through 27-548.48 of the Zoning Ordinance. Overall, the site plan for this property is consistent with the APA regulations given the size, shape and location of the lot which was recorded prior to enactment of the APA regulations.

The property subject to this application located approximately one-half mile south of Freeway Airport in Bowie in an area that is subject to Aviation Policy Area regulations established in 2002 by County Council Bill CB-51-2002 (DR-2). Freeway Airport is a small, general aviation airport that was established in 1941. It has a 2,425-foot by 30-foot paved runway, which runs north to south, numbered 18/36. The airport has approximately 24,900 operations per year with 89 based aircraft, the majority of which are single-engine airplanes. (Source: Airport Land Use Compatibility and Air Safety Study for The Maryland-National Capital Park and Planning Commission (M-NCPPC) November 10, 2000).

This application is located in Aviation Policy Area (APA)-3M and APA-2. The majority of the site is located in APA-3M, and only a small portion of the residence, approximately 10 to 15 feet, extends into APA-2. APA-3M is the Medium Airport Inner Turning Area, as defined by the Zoning Ordinance. Due to tall, high-voltage electric power transmission lines parallel to the west side of this airport, there is a non-standard air traffic pattern and all take-off and landing operations occur toward the east side of Freeway Airport. Thus, flight landing or take-off operations at the south end of Freeway Airport will occur over the APA-3M policy area in which this application is located.

APA-2, the inner safety area, is comprised of a rectangle 450 feet wide that is centered on the extended runway centerline beginning at the end of the Runway Protection Zone and extends for a total distance of approximately 2,500 feet (less than one-half mile) from the end of the runway. The inner safety area and the runway protection zone encompass land under the flight path as pilots depart the runway after takeoff or align their aircraft to land on the runway. Aircraft are close to the ground over this area and pilots have little time or opportunity to compensate for any difficulties experienced in flight. Next to the Runway Protection Area (APA-1) the runway approach/departure corridors encompassed by APA-2 have the highest level of exposure to potential incidents off the airfield itself.

Section 27-548.38(a) of the Zoning Ordinance states that "For an individual property, APA regulations are the same in the property's underlying zone, except as stated in this Subdivision."

Section 27-548-38(b) Density

(2) In APA-2 and APA-5: No new residential structures are permitted, except that one may be located on each lot recorded before September 1, 2002. Where a plat recorded prior to March 1, 2001, includes a condition requiring disclosure of a nearby airport, permits may be issued without Detailed Site Plan review. Yards for structures located outside APA-2 and APA-5 are permitted.

Comment: Residential structures are permitted on lots recorded before September 1, 2002. The subdivision for this lot was recorded in 1984, therefore development is permitted. The proposed residential structure projects approximately ten feet into APA-2. Development in APA-2 should be limited.

(3) In APA-3S and APA-3M: 0.2 dwelling units per acre are permitted. If clustered in accordance with APA mitigation subdivision techniques, 0.5 dwelling units per acre are permitted. One unit may be located on each lot recorded before September 1, 2002. Where a plat recorded prior to March 1, 2001, includes a condition requiring disclosure of a nearby airport, permits may be issued without Detailed Site Plan review.

Comment: Lots in this portion of the Oak Grove Estates subdivision were recorded before 2002; therefore, one unit may be located on each lot. They were developed under conventional subdivision regulations in 1984 and exceed the two-acre lot size minimum required in the R-A Zone, e.g. density is 0.5 dwelling units per acre or less. These lots exceed the permitted 0.2 dwelling units per acre minimum density in APA-3M, were not clustered in accordance with APA mitigation techniques and do not include the above referenced airport disclosure condition (see Plat NLP 120-67); thus detailed site plan review is required prior to issuance of building permit for construction to determine compliance with APA regulations.

Section 27-548.38(c) Building Orientation and Massing

(1) In APA-1 (where allowed), APA-2 (where allowed), APA-3S, APA-3M, and APA-5, all structures except those used for airport operations shall be located as far from the runway centerline as possible, after compliance with applicable yard and setback requirements.

Comment: Due to the building restriction line on the west side of the property, the proposed home site is in compliance with the regulation to locate the structure as far from the runway centerline as possible, after yard and setback requirements are taken into account. The building's location places it approximately 210 feet from the extended runway centerline.

(2) In APA-2, APA-3S, APA-3M, and APA-5, development on a lot shall not exceed a floor area ratio (FAR) of 0.25.

Comment: The site plan indicates the proposed gross floor area is 9,187 square feet, which equals an FAR of approximately 0.06.

Section 27-548.38(d) Use Restrictions

(3) In all APAs, uses of land should, to the greatest extent possible, not:

(A) Cause electrical interference with navigational signals or radio communications at the airport or with radio or electronic communications between the airport and aircraft;

(B) Emit fly ash, dust, vapor, gases, or particulate matter that may conflict with operation of the airport;

(C) Foster a substantial increase in bird population;

(D) Make it difficult for pilots to distinguish between airport lights and other lights, or impair pilot or ground operator visibility in the vicinity of an airport; or

(E) Otherwise endanger the landing, taking off, or maneuvering of aircraft.

Comment: With the possible exception of items (C) and (D), single-family residential development typically does not result in the conditions described above. With respect to item (C), caution should be exercised regarding construction or activities that may attract large numbers of birds, which appears unlikely on this 3.58-acre residential lot. Regarding item (D), lighting that could be confused with airport lighting, especially under poor visibility conditions, should be avoided; downward shielded lighting should be required for any exterior lighting.

Recommended Condition: A note shall be placed on the site plan stating that exterior lighting shall consist of full cut-off, post-mounted or wall-mounted lamps to prevent upward light transmission. The use of ground-mounted spotlights or other similar lighting for the home, trees, shrubbery, or other features shall be prohibited. The above requirement shall remain in effect only as long as Freeway Airport continues to operate as an airport.

Section 27-548.01 Open area guidelines

(a) The objective of open area guidelines around airports is to provide strategically located areas under flight paths, to permit a successful emergency landing without hitting an occupied structure and to allow aircraft occupants to survive the landing without serious injury. Open area in Aviation Policy Areas generally refers to stormwater management ponds, field crops, golf courses, pasture lands, streets or parking lots, recreational facilities such as ball parks, or yards, if the area is relatively level and free of objects such as overhead lines and large trees and poles. Because a pilot's discretion in selecting an emergency landing site is reduced when the aircraft is at low altitude, open areas should be one or more contiguous acres.

(b) In each Aviation Policy Area, the following minimum open area percentages should be retained:

(1) APA-1, Runway Protection Zone: Maintain all undeveloped land in open space in accordance with FAA standards

(2) APA-2, Inner Safety Area: fifty percent (50%) percent open area.

(3) APA-3S, APA-3M, Inner Turning Area: twenty percent (20%) open area.

(4) APA-4, Outer Safety Area: thirty percent (30%) percent open area.

Comment: As stated in subsection (a) above, the purpose for described open areas is to allow pilots to set aircraft down in a rare emergency without hitting a home or seriously injuring themselves or passengers. Heavily wooded areas do not contribute to "open area" for this purpose. A minimum of 50 percent open area should be retained in APA-2. In APA-3M a minimum of 20 percent open area is indicated.

Lot 21 is currently wooded. The site plan for Lot 21 indicates that approximately 1.12 acres of the 3.58 acre lot will be disturbed for construction. Except for the slight protrusion of the proposed residential building, all of APA-2 on Lot 21 will be driveway, yard or retained woodland. And, except for the proposed home construction in roughly the center of the area to be cleared, the remainder the site in APA-3M will be comprised of yard areas and retained existing woodland. As such, clearing for home construction on Lot 21 will not appreciably contribute to the goal for open areas of one acre or more in APA-2 or APA-3M, nor is it required to do so as a pre-existing subdivision lot. As such, this application does not contribute to the APA objective for more open area, nor does it reduce the amount of open area currently available.

Section 27-548.42 Height Requirements

(a) Except as necessary and incidental to airport operations, no building, structure, or natural feature shall be constructed, altered, maintained, or allowed to grow so as to project or otherwise penetrate the airspace surfaces defined by Federal Aviation Regulations Part 77 or the Code of Maryland, COMAR 11.03.05, Obstructions to Air Navigation.

Comment: The architectural elevations indicate the height of the proposed two-story residence will be 34 feet at a construction site elevation of approximately 158± feet above sea level; Freeway Airport is at a similar elevation, approximately 168± feet. This application does not indicate whether the proposed building height infringes on airspace restrictions referenced in the County Code (Federal Aviation Regulations (FAR) Part 77 and COMAR 11.03.05; see Figure 77, County Council Bill CB-51-2002 (DR-2). Based on information in FAR Part 77 regarding height, it is estimated that at a distance of more than 2,000 feet from the end of the runway primary surface, approximately where this residential structure is proposed, and at a slope of 20:1 for protected airspace along the approach surface for the runway at a small general aviation airport like freeway, a structure would need to be more than 100 feet above the airport runway elevation to pose an obstruction to air traffic. As such, this application appears to be well below with height limits for protected airspace, but the determination regarding compliance with regulated airspace around airports, and any need for marking of structures, should be demonstrated by the applicant and made by the FAA or the Maryland Aviation Administration. It is also noted that the proposed building height should be lower than the height of trees that currently exist in this area.

Recommended Condition: Prior to the certification of the detailed site plan, the applicant shall demonstrate that the proposed building does not extend into regulated airspace.

Section 27-548.43 Notification of airport environment

(a) In all APAs after September 1, 2002, the General Aviation Airport Environment Disclosure Notice, in a form approved by the Planning Board, shall be included as an addendum to the contract for sale of any residential property.

Comment: This application does not indicate whether the notification requirement was satisfied during the sale of this property. It should be noted that this requirement of the Zoning Ordinance was reinforced by approval of County Council Bill CB-15-2003, General Aviation Airport Environment Disclosure Notice, which amended County Code Subtitle 2. Administration; Division 8, Consumer Protection; Subdivision 2, Real Estate Practices, to require disclosure in real estate contracts of the location of property within one mile of public-use general aviation airports and to attach the disclosure notice approved by the Planning Board to the contract of sale (see County Code Section 2-162.01).

12. **Referral Comments:** The subject application was referred to concerned agencies and divisions. The referral comments are summarized as follows:

a. **Community Planning Division**—In a referral from Community Planning dated March 15, 2010, it was determined that this application for residential development is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier, and additionally conforms to the low-density residential land use recommendation of the February 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B.* Community Planning also provided detailed findings regarding the site plan's conformance with APA-3M and APA-2. The most relevant of those findings were included in the above Aviation Policy Area Regulations section of this report. Overall, the site plan for this property is consistent with most of the APA regulations given the size, shape and location of the lot which was recorded prior to enactment of the APA regulations. Community Planning's referral did not support the penetration of the residential building into APA-2. However, the Urban Design Section recommends that this penetration be allowed to remain as it does not appear to violate the letter of the relevant APA regulation, and it involves only small areas of the corner of the entranceway and the garage.

b. **Division of Environmental Health**—The Division of Environmental Health issued septic and well permits to the property on November 9, 2009. It was determined that the lot has sufficient percolation tests to accommodate a 10,000-square-foot or larger sewage disposal area. The Environmental Health Division's approved site plan indicated a different location for the well than depicted on this detailed site plan. This discrepancy should be rectified prior to certification of the detailed site plan.

c. **Environmental Planning Section**—In a referral dated March 10, 2010, the Environmental Planning Section indicated that the site plan is in conformance with the approved Type II Tree Conservation Plan TCPII/038/09. However, existing wetlands need to be shown on the plan.

Recommended Condition: Prior to certification of the detailed site plan, the DSP shall be revised to show existing wetland and associated 25-foot-wide wetland buffer.

d. **City of Bowie**—In a referral dated February 26, 2010, the City of Bowie Department of Planning and Economic Development stated that the site has no impact on the city, and therefore provided no comment.

e. **Historic Preservation Section**—The development was determined to have no effect on identified historic sites, resources, or districts in a memo dated February 25, 2010.

f. **Permit Review Section**—A referral from the Permit Review Section was received on March 12, 2010. Recommendations from the Permit Review Section are incorporated in the recommended conditions.

g. **Subdivision Section**—Comments from the Subdivision Section referral dated March 12, 2010 are incorporated in this report and recommended conditions.

13. As required by Section 27-285(b) 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.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-10003, Mt. Oak Estates, Lot 21, subject to the following conditions:

1. Prior to certification of the detailed site plan, the DSP shall be revised as follows:

a. The approved location of the well shall be shown on the plan.

b. The existing wetland and associated 25-foot-wide wetland buffer shall be shown.

c. The Aviation Policy Area shall be written as "APA-2" and "APA-3M," not "74A."

d. The area of each APA on Lot 21 shall be shown on the plan.

e. The distance of the eastern property line shall be revised to read 247.97 feet, in accordance with record plat 120-067.

f. The entire 22-foot-wide access easement from Lot 21 to Westbrook Lane shall be shown on the plan.

g. The dimensions and square footage of access easement on the lot shall be shown.

h. The landscape plan shall be revised to demonstrate the 200-foot building restriction line (BRL) along the rear of the property.

i. The correct use of Parcel 5 shall be shown on the plan.

j. The building restriction lines shall be revised to read "rear building restriction lines."

k. The net lot area shall be provided on the site plan, and the lot coverage shall be recalculated based on the net lot area.

l. The applicant shall demonstrate that the proposed building does not extend into regulated airspace.

m. A note shall be placed on the site plan stating that exterior lighting shall consist of full cut-off, post-mounted or wall-mounted lamps to prevent upward light transmission. The use of ground-mounted spotlights or other similar lighting for the home, trees, shrubbery, or other features shall be prohibited. The above requirement shall remain in effect only as long as Freeway Airport continues to operate as an airport.