

R E S O L U T I O N

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 January 5, 2017 regarding Detailed Site Plan DSP-16017 for Mount Oak Estates, Lot 19, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan (DSP) for one single-family detached residential house.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-A	R-A
Use	Single-family detached	Single-family detached
Acreage	2.63	2.63
Number of lot	1	1
Total Gross Floor Area (sq. ft.)	0	7,280

3. **Location:** The subject property is located on the east side of Westbrook Lane in the existing Mount Oak Estates Subdivision, northwest of its intersection with Woodmore Road. Westbrook Lane is one-third mile west of the intersection of Woodmore Road and Church Road.
4. **Surrounding Uses:** The surrounding areas are zoned R-A (Residential-Agriculture) with properties zoned R-E (Residential-Estate) east of Church Road. The Freeway Airport and landing strip begin about one-half mile north of Lot 19, and the site is near Woodmore Road Park, which is to the west of the property and owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC).
5. **Previous Approvals:** Lot 19 is a part of Preliminary Plan of Subdivision (PPS) 4-83073, which was approved by the Prince George’s County Planning Board on July 28, 1983 (PGCPB Resolution No. 83-166) (See Finding 8 for the requirements of the PPS.) A final plat was also recorded in Plat Book NLP 120-67 on August 14, 1984. The 2006 *Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity* retained the property in the R-A Zone. Additionally, the site is subject to the requirements of the Stormwater Management Concept Plan 25053-2016-00, which is valid through September 19, 2019.

6. **Design Features:** The subject application proposes to construct a two-story, single-family detached home on a previously recorded lot. The home is located approximately 2,500 feet from the south end of the airport runway and much of the home site is within the extended runway centerline area, which consists of Aviation Policy Areas (APA) APA-2, APA-3M, APA-4, and APA-6.

The site can be accessed using a 22-foot common access easement (recorded in Plat Book NLP 120-67). Lot 19 is a large triangularly-shaped lot and this application proposes to locate the home toward the front of the site near the access easement.

The plan proposes a 7,280-square-foot colonial-style residence with a multi-part hip roof and various cross-gables. The home includes a multi-car side-load garage, and exterior amenities such as a pool and recreational facility in the rear of the residence.

The building elevations show building mounted lighting near the entrance and garage. Additional lighting is not specified near the outdoor amenity area or pool. However, additional lighting on the property should be appropriately directed and screened to avoid spillover onto neighboring properties. There is no specific signage being proposed with this application.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject DSP has been reviewed for compliance with the requirements in the R-A Zone, APAs, and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-441(b), Table of Uses, of the Zoning Ordinance, which governs uses in residential zones. A single-family detached dwelling is permitted in the R-A Zone.
- b. The DSP shows a site layout that is consistent with Section 27-442, Regulations regarding lot area and building setbacks. The following additional information is provided:

Dimensional Standards	Required	Approved
Min. Net Lot Area	87,120 sq. ft.	114,575 sq. ft.
Max. Building Height	50 feet	40 feet
Min. Side Setback (of either yard)	17 feet	17 feet
Min. Side Setback (of both yards)	35 feet	35 feet
Max. Density (dwelling unit per acre)	0.50	0.38
Max. Lot Coverage	10%	10%

- c. The submitted DSP needs to be in conformance with the applicable parts of Sections 27-548.32 through 27-548.48, Aviation Policy Areas, as described in detail below.

Aviation Policy Area Regulations

This DSP application for development of one single-family detached dwelling has been filed due to its location under the air traffic pattern for a small general aviation airport, Freeway Airport, in Bowie. Lot 19 is subject to the 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 is located approximately one-half mile south of Freeway Airport in Bowie and 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. The airport has approximately 24,900 operations per year with 89 based aircraft, the majority of which are single-engine airplanes. The majority of the site is located in APA-2, however, a small portion of the site on the southwest portion of the site is in APA-3M, APA-4, and APA-6.

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 take-off 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.

APA-3M—is the Medium Airport Inner Turning Area. 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.

APA-4—is the Outer Safety Area, and is defined by a rectangular area adjacent to APA-2, and centered on and parallel to the extended runway centerline, extending 2,500 feet. The Outer Safety Area, has a width of 225 feet from the centerline of the runway on either side.

APA-6—is the Traffic Pattern Area. This zone is an oblong area extending 5,000 feet in all directions from the centerline of the runway.

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-Regulated uses in Aviation Policy Areas.

(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.**

The proposed residential structure is within APA-2. Residential structures are permitted on lots recorded before September 1, 2002. The subdivision for this lot was recorded in 1984, therefore, development is permitted. But the site plan does not show the Extended Flight Path Centerline. A condition has been included in this resolution requiring the applicant to illustrate how the proposed site plan is impacted by the extended centerline.

- (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.**

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, DSP review is required prior to issuance of building permit for construction.

- (4) In APA-4 and APA-6: Development densities and intensities are the same as in the underlying zone.**

The proposed plan shows these areas on Lot 19 within APA-6 as undeveloped and unimpacted.

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.**

The proposed building and improvements are within APA-2. Due to the shape of the lot, that is narrow in the front and wider when it gets further on the lot, the location of the house is acceptable after meeting applicable yard and setback requirements.

- (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.**

The site plan indicates that the proposed gross floor area is 7,280 square feet, which equals a floor area ratio (FAR) of approximately 0.06, which is well below the maximum allowed FAR of 0.25.

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.**

With the exception of items (C) and (D), single-family residential developments typically do not result in the conditions as described above. With respect to item (C), caution should be exercised regarding construction or activities that may attract large numbers of birds. Regarding item (D), lighting that could be confused with airport lighting, especially under poor visibility conditions, should be avoided; downward shielded, and full cut off lighting shall be required for any exterior lighting. A condition has been included in this resolution

requiring the applicant to provide a site plan note regarding item (D). During the review process, the applicant has revised the site plan to include a note as follows:

“Any outdoor lighting on-site shall not impede pilots to distinguish between airport lights and other lights, or impair pilot or ground operator viability in the vicinity of an airport; or otherwise endanger the landing, take-off, or maneuvering of aircraft. Any landscape or other lighting fixtures must be downward facing or full cut-off.”

Section 27-548.41. 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 storm water 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: twenty percent (50%) open area.**
 - (3) APA-3M, Inner Turning Area: twenty percent (20%) open area.**
 - (4) APA-4, Outer Safety Area: thirty percent (30%) percent open area.**

As stated in subsection (a) above, the purpose for described open areas is to allow pilots to set an aircraft down in an 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. Similarly, in APA-4 a minimum of 20 percent open area is indicated.

Lot 19 is currently wooded. The site plan for Lot 19 indicates that approximately 1.51 acres of the 2.63-acre lot will be disturbed for construction. The majority of Lot 19 is in APA-2, which includes the residential building, driveway, and yard. The remainder of the site in APA-3M, APA-4, and APA-6 will be retained as existing woodland. As such, clearing for home construction on Lot 19 should be limited to the improvements proposed to contribute to the goal for open areas of one acre or more in APA-3M, on this pre-existing subdivision lot. This application does not 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.**

The architectural elevations indicate the height of the proposed two-story residence will be 39 feet at a construction site elevation of approximately ± 165 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 Part 77 and COMAR 11.03.05; see Figure 77, County Council Bill CB-51-2002 (DR-2)). Based on information in Part 77 regarding height, it is estimated that at approximately more than 2,500 feet from the end of the runway primary surface, (where this residential structure is proposed), at a slope of 20:1, for protected airspace along the approach to the runway at a small general aviation airport like Freeway Airport, a structure would need to be more than 125 feet above the airport runway elevation to cause an obstruction to air traffic. As such, this application appears to be well below the 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.

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.**

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).

- d. The DSP shows a site layout that is consistent with Section 27-274 of the Zoning Ordinance regarding Site Design Guidelines, including those for parking, lighting, and green area.
8. **Preliminary Plan of Subdivision 4-83073 and Record Plat Book NLP 120-67:** The site is the subject of Preliminary Plan of Subdivision 4-83073. The Preliminary Plan of Subdivision 4-83073 for Mount Oak Estates was originally approved by the 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 DSP:

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 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.

The 200-foot rear building restriction line (BRL) is located within this subject property and is reflected on the recorded plat, but not originally on this site plan. While the proposed development will not impact the rear building restriction line, this restriction line should be shown on the site plan. During the review process, the applicant has revised the site plans to include this BRL along the rear of the property.

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.

As indicated on the site plan, the property will be served by private well and septic tank. The Prince George's Health Department will issue 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 through their separate permit process. The DSP is in conformance with Preliminary Plan of Subdivision 4-83073 and applicable conditions.

9. **2010 Prince George's County Landscape Manual:** The proposed project is subject to the requirements of Section 4.1 (a) of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The Planning Board found that the submitted plans are in accordance with Section 4.1 of the Landscape Manual, as follows:

- a. **Section 4.1, Residential Requirement**—Lot 19 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 two of those shade trees be planted on the south and/or west side of the lot within 30 feet of the structure (where feasible). Additionally, it requires that at least one of the required shade trees and one of the ornamental trees be located in the front yard. The landscaping plan meets the residential requirements, and is proposing a mix of red maples and red buds on-site.
10. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** The property is subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) (Subtitle 25), which came into effect on September 1, 2010 and February 1, 2012 (as amended) because the application is for a new DSP. Additionally, this property is subject to the WCO because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 2 Tree Conservation Plan (TCP2-032-2016) was submitted with the DSP application. This 2.63-acre property is totally wooded according to the approved natural resources inventory. The TCP worksheet correctly shows the woodland conservation threshold as 50 percent, or 1.32 acres of the net tract; however, the afforestation threshold is incorrectly shown as 10 percent. The correct afforestation threshold for R-A zoning is 20 percent. Based on the proposed clearing of 1.62 acres of the on-site woodlands. The cumulative woodland conservation requirement is 2.15 acres. Some of the woodland conservation requirement may be met on-site; however, the remaining requirement must be placed in an off-site woodland conservation bank. The subject DSP is in general conformance with the requirements of the WCO.
 11. **Prince George’s County Tree Canopy Coverage Ordinance:** The subject application is exempt from the requirements of the Tree Canopy Coverage Ordinance because the property is in the R-A Zone.
 12. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Historic Preservation**—The Planning Board found that the development had no effect on identified historic sites, resources, or districts.
 - b. **Community Planning**—The Planning Board found 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*. The Planning Board also made detailed findings regarding the site plan’s conformance with APA-2, APA-3M, APA-4 and APA-6. 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 all applicable APA regulations given the size, shape and

location of the lot which was recorded prior to enactment of the APA regulations. The Planning Board did not support the penetration of the residential building into APA-2. However, the Planning Board found that this penetration should 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.

- c. **Transportation Planning**—The Planning Board found that this plan is acceptable and meets the necessary requirements.
- d. **Subdivision**—Comments regarding subdivision issues are incorporated in this approval.
- e. **Permit Review**—Permit review comments are either addressed by the revised plan or incorporated as conditions in this resolution.
- f. **Environmental Planning**—The Planning Board reviewed this application and provided the following summarized comments on the subject plan with respect to the TCPs.

The 2.63-acre site is located on a panhandle drive off the Westbrook Lane cul-de-sac. According to available information, there is a stream on the site. There are no wetlands, 100-year floodplain, or steep and severe slopes on highly-erodible soils located on-site. A review of 2016 air photos shows that the site is approximately 100 percent wooded. According to the *Prince George's County Soil Survey*, the soils on-site are Adelpia silt loam, Annapolis fine sandy loam and Collington-Wist complex soils. Based on available information Marlboro clays are not associated with the site. Westbrook Lane is not identified as a traffic-related noise-generator or a designated scenic and historic roadway. The site is not within a Sensitive Species Project Review Area. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains a small area of network gap within the designated network. This network gap area is located in the southwest corner of the site. The on-site stormwater drains to the south to an on-site stream system that flows in a westerly direction, which drains to the Western Branch then to the Patuxent River. The site is now located within the Established Communities Area of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

The Planning Board approved Detailed Site Plan DSP-16017 and Type 2 Tree Conservation Plan TCP2-032-2016 subject to several technical revisions required that are detailed in the conditions of this resolution.

- g. **Environmental Health**—The Prince George's County Health Department, Division of Environmental Health, did not provide comments on the subject plan.

- h. **City of Bowie**—In a referral dated October 20, 2016, 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.
 - i. **Prince George’s County Police Department**—The Police Department did not provide comments on the subject plan.
13. As required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP 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.
14. As required by Section 27-285(b)(4) of the Zoning Ordinance, the DSP shall demonstrate 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 Section 24-130(b)(5). There are no regulated features on the site; therefore, this requirement does not apply.

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 Type 2 Tree Conservation Plan (TCP2-032-2016) and further APPROVED Detailed Site Plan DSP-16017 for the above-described land, subject to the following conditions:

- 1. Prior to certification, the detailed site plan shall be revised or information shall be provided as follows:
 - a. The extended flightpath centerline shall be shown on the plans.
 - b. The applicant shall demonstrate that the proposed building does not extend into regulated airspace.
 - c. The net lot area provided on the site plan shall be revised, and the lot coverage recalculated based on the revised net lot area.
 - d. Correct the general notes to list all Aviation Policy Area zones.
 - e. Correct the lot size shown in the general notes from “114,775 sq. ft.” to “114,575 sq. ft.”
 - f. Specify the driveway material under the “General Notes;” i.e. gravel, asphalt, or concrete.
 - g. Show the bearings and distances on the site plan to match those on the record plat.
 - h. Correct the 20-foot access easement shown the site plan to match the 22-foot access plan recorded on Plat NLP 120-67.

- i. The Type 2 tree conservation plan (TCP2) shall be revised as follows:
 - (1) Add “TCP2-032-2016” to the approval block.
 - (2) Revise the TCP2 to use the official woodland conservation worksheet.
 - (3) Revise all woodland conservation areas to eliminate areas less than 50 feet wide as credit toward meeting the requirement.
 - (4) Show the remaining requirement to be met in an off-site woodland conservation bank.
 - (5) Add a “Property Owners Awareness Certification” block on each TCP2 sheet.
 - (6) Have the revised plan signed and dated by the qualified professional who prepared the plan.

j. Provide a site plan note as follows:

“Prior to signature approval of a TCP2 for this property, pursuant to Section 25-122(d)(1)(B), all woodland preserved, planted, or regenerated on-site shall be placed in a woodland conservation easement recorded in the Land Records of Prince George’s County and the liber/folio of the easement shall be indicated on the TCP2.”

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 Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, January 5, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of January 2017.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

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