

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 April 1, 2010, regarding Detailed Site Plan DSP-10002 for Mt. Oak Estates, Lot 24, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan for one single-family detached residential home on a 2.04-acre lot recorded in 1984. A detailed site plan is required per Section 27-548.37 of the Zoning Ordinance pertaining to airport compatibility procedures. The subject application includes site, landscape, and tree conservation plans.

2. **Development Data Summary:**

	Existing	Approved
Zone	R-A	R-A
Uses	Vacant forested lot	One single-family home (13,018 sq. ft. GFA)
Acreage (in the subject DSP)	2.04	2.04

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 24, and the Woodmore Road Park is west of the Mount Oak Estates community.
5. **Previous Approvals:** The proposed project is subject to the requirements of Preliminary Plan 4-83073 for Mount Oaks Estates. See Finding 10 for a detailed discussion of the requirements of that approval.
6. **Design Features:** Lot 24 is a narrow and deep wooded lot with frontage on Westbrook Lane. This lot is fully encompassed by Aviation Policy Area 3M. The lot is between 2,000 feet and 2,500 feet from the south end of the airport runway and between 450 feet and 600 feet east of the extended runway.

The architectural elevations depict a two-story building with a multi-part hip roof. The building height for this residence will be 27.13 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 height 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 Aviation Policy Area (APA) 3M. 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-3M regulations.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject detailed site plan has been reviewed for compliance with the requirements of the R-A (Residential-Agricultural) Zone. The subject site is not in full compliance with the requirements of Section 27-426.

Dimensional Standards	Required	Approved
Min. Net Lot Area	87,120 sq. ft.	88,381 sq. ft.
Max. Building Height	50 feet	34 feet
Min. Side Setback (of either yard)	17 feet	17.92 feet
Min. Side Setback (of both yards)	35 feet	59.17 feet
Max. Density (dwelling unit per acre)	.50	.49
Max. Lot Coverage	10%	10.01%

The applicant incorrectly calculated the net lot area for this application, and it was therefore found that the proposed development exceeded the 10 percent maximum lot coverage by 16.81 square feet. The applicant has agreed to revise the detailed site plan by returning 16.81 square feet of the development to green space, thereby, meeting the maximum lot coverage.

A condition below requires that, prior to plan certification, the applicant shall demonstrate that the lot coverage does not exceed 10 percent of the net lot area.

8. **Landscape Manual:** The proposed project is subject to the requirements of Section 4.1(a) of the Landscape Manual. The submitted plans have been reviewed in accordance with the applicable sections of the Landscape Manual and have been found 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 than 87,120 square feet. The landscape plan meets the residential requirements, and is proposing a mix of willow oaks, red maples, and redbuds on-site.

9. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince George's County Woodland Conservation 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 approved Type II Tree Conservation Plan TCP II/37/09.
10. **Preliminary Plan of Subdivision 4-83073:** The site is the subject of Preliminary Plan 4-83073. Preliminary Plan 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 3 There is a 100-year flood plain within the property which should be restricted from development.

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 neither impact the flood plain easement nor 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.

As indicated on the detailed site plan, the property will be served by private well and septic. The Prince George's County Health Department has issued well and septic permits for the subject property. Further review of the private well and septic systems will be completed 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 Sections 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 subject property is located approximately one-half mile south of Freeway Airport 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, November 10, 2000).

This application is located in Aviation Policy Area (APA) 3M, 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 nonstandard 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.

According to Section 27-548.38 of the Zoning Ordinance, development regulations for the APA-3M policy area are the same as the underlying zone, except as stated:

(b) Density

- (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 Mount Oaks 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 the issuance of building permits for construction to determine compliance with APA regulations.

(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.**

Lot 24 is a long, relatively narrow, rectangular lot that is somewhat parallel to the extended runway centerline, south of Freeway Airport. It is located along the periphery of the APA-3M policy area boundary between 2,000 and 2,500 feet from the south end of the airport runway and between 450 feet and 600 feet east of the extended runway. The

proposed house site is located at the far south end of the lot and is adjacent to the eastern building restriction line, as far from the extended runway center line and end of the runway as reasonably possible within the building envelope for this recorded lot.

- (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 13.018 square feet, which equals an floor area ratio (FAR) of approximately 0.15.

(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 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 2.04-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.

A condition below requires that exterior lighting 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 27-548.41(b) of the Zoning Ordinance provides the following guidelines for minimum open area percentages which should be retained in each aviation policy area:

- (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%) open area.**
- (3) **APA-3S, APA-3M, Inner Turning Area: twenty percent (20%) open area.**
- (4) **APA-4, Outer Safety Area: thirty percent (30%) open area.**

Aviation Policy Area APA-3M requires 20 percent open area. The site plan indicates that lot coverage will be less than 10 percent of the total lot size. The remaining 90 percent of the site will be comprised of yards or retained existing woodland, some of which could qualify as open area for APA-3M.

Section 27-548.42 of the Zoning Ordinance states the following concerning 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 that the height of the proposed two-story building will be 34 feet at a construction site elevation of approximately ± 165 feet above sea level. Freeway Airport is at approximately the same elevation, but the determination regarding compliance with regulated airspace around airports is made by the Federal Aviation Administration (FAA) or the Maryland Aviation Administration (MAA) Federal Aviation Regulations. The applicant and this application should be referred to MAA for further information and comment.

Acquiring supplemental information from the MAA is a condition below.

Section 27-548.43 of the Zoning Ordinance states the following concerning 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.**

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 the approval of 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 Agencies and Divisions:** The subject application was referred to concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Community Planning**—It was determined that this application for residential development is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developing Tier, and additionally conforms to the low-density residential land use recommendation of the 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. The most relevant of those findings were included in the above Airport Policy Area Regulations section of this report. Overall, the site plan for this property is consistent with APA regulations given the size, shape, and location of the lot which was recorded prior to enactment of the APA regulations.
 - b. **Health Department**—The Prince George's County Health Department issued septic and well permits for the property on November 5, 2009. It was determined that the lot has sufficient percolation tests to accommodate a 10,000-square-foot or larger sewage disposal area. The Health Department'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**—The site plan is in conformance with approved Type II Tree Conservation Plan TCPII/37/09.
 - d. **City of Bowie**—In a referral dated February 26, 2010, the City of Bowie, Department of Planning and Economic Development wrote that the site has no impact on the city, and therefore provided no comment.
 - e. **Historic Preservation**—The development was determined to have no effect on identified historic sites, resources, or districts.
 - f. **Permit Review**—Comments from the Permit Review Section were received on March 12, 2010. Their recommendations are incorporated in the conditions below.

- g. **Subdivision**—Comments from the Subdivision Section referral dated March 12, 2010 are incorporated in the conditions below.

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.

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 Detailed Site Plan DSP-10002, subject to the following conditions:

1. Prior to plan certification, the detailed site plan shall be revised as follows:
 - a. The approved location of the well shall be shown on the plan.
 - b. The Aviation Policy Area shall be written as "APA-3M," not "74A."
 - c. The net lot area shall be provided on the site plan and the lot coverage shall be recalculated based on the net lot area.
 - d. The lot coverage shall not exceed 10 percent of the net lot area.
 - e. The building restriction line shall be revised to read "rear building restriction line."
 - f. 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.
 - g. The applicant shall demonstrate that the proposed building does not extend into regulated air space.
 - h. The septic field shall be relocated out of the PUE if required by Verizon.

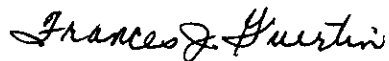
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Clark, seconded by Commissioner Cavitt, with Commissioners Clark, Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, April 1, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of April 2010.

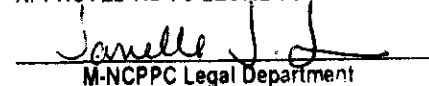
Patricia Colihan Barney
Executive Director



By Frances J. Guertin
Planning Board Administrator

PCB:FJG:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 4/2/10