

March 23, 2021

Chesapeake Custom Builders, LLC
14326 Old Marlboro Pike
Upper Marlboro, MD 20772



Re: Notification of Planning Board Action on
Detailed Site Plan DSP-20046
2914 Westbrook Lane

Dear Applicant:

This is to advise you that, on **March 18, 2021**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.


Pursuant to Section 27-290, the Planning Board's decision will become final 30 calendar days after the date of this final notice of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

Sincerely,
James R. Hunt, Chief
Development Review Division

By:  _____
Reviewer

Attachment: PGCPB Resolution No. **2021-37**

cc: Donna J. Brown, Clerk of the County Council
Persons of Record

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 March 11, 2021, regarding Detailed Site Plan DSP-20046 for 2914 Westbrook Lane Property, the Planning Board finds:

1. **Request:** The subject DSP requests approval for a single-family detached dwelling unit within the Aviation Policy Areas (APA) 3M area.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-A	R-A
Use(s)	Vacant	Single-family detached
Gross Acreage	2.20	2.20
Number of Lots	1	1
Total Gross Floor Area	0 sq. ft.	7,373 sq. ft.*

Note: *The DSP does not indicate the exact gross floor area for the house, which should be added as conditioned herein.

3. **Location:** The subject property, Lot 25, is located on the north side of Westbrook Lane, approximately 0.5 mile north of its intersection with Woodmore Road.
4. **Surrounding Uses:** The subject property is zoned Residential-Agricultural (R-A) and is surrounded by other R-A-zoned properties developed with single-family detached homes. The Freeway Airport and landing strip begin approximately one-half mile northwest of Lot 25.
5. **Previous Approvals:** The subject property, Lot 25, is 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). A final plat was also recorded in Plat Book NLP 120-67 on August 14, 1984. The 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B* retained the property in the R-A Zone. The subject property also has an approved Stormwater Management (SWM) Concept Plan 27345-2020-00, which is valid through October 26, 2023.
6. **Design Features:** The subject application proposes to construct a two-story, single-family detached home with a basement and access to Westbrook Lane on a previously recorded lot. The plan proposes an approximately 35-foot-high, 7,373-square-foot home, with multiple covered

decks in the rear, a three-car side-load garage, a breezeway to an additional one-car garage, and a 12-foot-wide driveway, including a circular turnaround in front of the house. The architecture proposes a combination of brick veneer and cultured stone, multiple roof cross-gables, decorative windows, columns, turrets, and carriage-style garage doors, which are some of the features that result in a high-quality design.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County 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, of the Zoning Ordinance, including lot area and building setbacks. However, the proposal does not meet the required lot coverage and the applicant obtained approval of a variance, V-46-20, from the Prince George's County Board of Zoning Appeals on January 13, 2021.
 - c. Per Section 27-548.37(a) of the Zoning Ordinance, this DSP for development of a 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 25 is subject to APA regulations in Section 27-548.38 through 27-548.43. 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.

The property is located approximately one-half mile south of Freeway Airport in Bowie and is subject to APA regulations established in 2002 by Prince George's 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. This site is located in the APA-3M area, which is the Medium Airport Inner Turning Area that is the pie-shaped section exclusive of APA-1 and APA-2.

According to Section 27-548.38, 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.

Lot 25 is the subject of a record plat from 1984 and is therefore allowed one unit. The recorded plat does not include a condition requiring disclosure of a nearby airport; thus, this DSP is required prior to construction.

(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 subject property is a long, relatively narrow, rectangular lot that is somewhat parallel to the extended runway centerline, south of Freeway Airport. It is along the APA-3M policy area boundary between 2,000 and 2,500 feet from the south end of the airport runway, and between 450 and 600 feet southeast of the extended runway. The proposed house site is located at the far southern end of the lot and is adjacent to the eastern building restriction line, as far from the extended runway centerline and end of the runway, as reasonably possible within the building envelope for the 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 statement of justification (SOJ) indicates that the proposed gross floor area is 7,373 square feet, which equals a floor area ratio of approximately 0.077.

(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.**

Single-family residential development typically does not result in the conditions that would be restricted under this section. There will be caution regarding activities that may attract large numbers of birds, and care will be taken to avoid use of ground-mounted spotlights or other similar lighting for the home, trees, shrubbery, or other features that could be confused with airport lighting.

Section 27-548.41(b) provides the following guidelines for minimum open area percentages, which should be retained in each APA:

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

The site plan indicates that lot coverage will be about 12.13 percent of the total size of the lot. The remaining 87.87 percent of the site will be comprised of yard or retained existing woodland, some of which qualify as open area for APA-3M.

Section 27-548.42 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 height of the proposed two-story dwelling will be approximately 35 feet at a site elevation of approximately 161 feet above sea level. Freeway Airport is at a similar elevation, approximately 168 feet. The building height will be lower than the height of most of the existing trees and therefore conforms with this section.

- 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, views, and green area.

- 8. **Preliminary Plan of Subdivision 4-83073:** PPS 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, of which the following are relevant to this review:

3. There is a 100-year floodplain within the property which should be restricted from development.

Floodplain is not present on the subject lot, and the DSP depicts the 25-foot-wide floodplain building restriction line in the northeast corner of the property as is shown on the record plat. The DSP does not propose any development within the setback area.

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.

The DSP depicts the locations of the required well and septic systems for this development. The applicant has documented that the Prince George's County Health Department has issued a permit for installation of an individual sewage disposal system. A search for permits issued for this property also shows that an individual well permit has been issued.

9. 2010 Prince George's County Landscape Manual: Development proposed by this DSP is subject to Section 4.1, Residential Requirements and Section 4.9, Sustainable Landscaping Requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The Planning Board finds that the proposal conforms with the Landscape Manual, as shown on the plans. However, the landscape plan is not prepared in accordance with the provisions of Section 2 of the Landscape Manual, as required by Section 27-282(e)(16) of the Zoning Ordinance. Therefore, a condition is included herein requiring revision of the plan accordingly.

10. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance: This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet and contains more than 10,000 square feet of existing woodland. A Type 2 Tree Conservation Plan, TCP2-001-2021, was submitted for review.

According to the worksheet, the overall site is 2.20 acres within the R-A Zone. A total of 2.07 acres of existing woodlands are on the net tract. The site has a woodland conservation threshold of 1.10 acres, or 50 percent of the net tract, as tabulated. The woodland conservation worksheet proposes the removal of 1.66 acres of woodland in the net tract area, for a woodland conservation requirement of 2.03 acres. The TCP2 shows this requirement will be met with 0.41 acre of on-site preservation and meet the remaining requirement of 1.62 acres with off-site woodland conservation requirements.

The TCP2 requires additional technical corrections to be in conformance with the WCO. These revisions are outlined in the conditions included herein.

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 the concerned agencies and divisions. The referral comments are summarized, as follows, and are incorporated herein by reference:
 - a. **Community Planning**—The Planning Board adopts a memorandum dated February 3, 2021 (McCray to Butler), which indicated that pursuant to Part 3, Division 9, Subdivision 3, of the Zoning Ordinance, master plan conformance is not required for this application.
 - b. **Subdivision**—The Planning Board adopts a memorandum dated February 8, 2021 (DiCristina to Butler), which provided a discussion of the applicable PPS. The bearings, distances, and acreage shown on the DSP are in conformance with the approved PPS 4-83073 and the record plat.
 - c. **Transportation Planning**—The Planning Board adopts a memorandum dated January 27, 2021 (Howerton to Butler), which stated that the multimodal transportation site access and circulation of this plan are acceptable, consistent with the site design guidelines, pursuant to Sections 27-283 and 27-274 of the Zoning Ordinance. It also stated that the DSP meets parking and loading requirements, pursuant to Sections 27-568 and 27-582 of the Zoning Ordinance, and the findings required by Section 27-285(b) of the Zoning Ordinance, for a DSP for multimodal transportation purposes.
 - d. **Environmental Planning**—The Planning Board adopts a memorandum dated February 2, 2021 (Rea to Butler), which indicated that the Natural Resources Inventory plan (NRI-109-2020) was submitted with the review package, which was approved on October 2, 2020. The NRI verifies that there are no regulated environmental features present and that one specimen tree is located on-site.

Specimen, Champion, or Historic Trees

Section 25-122(b)(1)(G) of the WCO requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the Environmental Technical Manual.”

The specimen tree table identifies three specimen trees, one is on-site and two are located off-site. Specimen Tree 3 (ST-3) is the tree on-site and is a 32-inch yellow poplar rated as being in good condition and the current design proposes to remove ST-3. A Subtitle 25 Variance Application and an SOJ dated July 24, 2020, in support of a variance to remove

ST-3, was submitted. ST-3 is located in the northeastern portion of the site, in the area of the proposed SWM facilities.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The submitted SOJ seeks to address the required findings for the specimen tree, as follows:

(A) Special conditions peculiar to the property have caused the unwarranted hardship.

The project has been approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) to have four infiltration berms near the rear of the property to treat the stormwater runoff. ST-3 is in the area for two of these berms. Other alternative measures were considered but found not feasible for this property. Yellow poplars have a low tolerance for construction disturbance. If SWM features were redesigned so that the tree did not need to be removed, the critical root zone (CRZ) would still be affected and likely result in a hazardous tree post-construction. The retention of ST-3 would cause an unwarranted hardship and directly impact the development of this site to current standards.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

Based on the location of the tree, retaining the tree and avoiding disturbance to the CRZ would have a considerable impact on the development potential of the property.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.

As previously discussed in findings (A) and (B) above, not granting this variance will prevent the project from being developed in a functional and efficient manner. The variance would not result in a privilege to the applicant; it would allow for development to proceed with similar rights afforded to others with similar properties and land uses.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant.

The nature of the variance request is not in response to actions taken or resulting by the applicant.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

The request to remove the specimen tree does not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

(F) Granting of the variance will not adversely affect water quality.

The site is governed by SWM regulations that went into effect on May 5, 2010. The site contains no streams or wetlands. The removal of the one specimen tree will not adversely affect water quality or cause degradation in the water quality. In fact, the need for the removal is associated with SWM for the purpose of water quantity and water quality.

Based on the information submitted, the removal of ST-3 is supported.

Soils

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Annapolis fine sandy loam and Shrewsbury loam. No unsafe soils containing Marlboro clay or Christiana complexes have been identified on this site. DPIE may require a soils report to address on-site conditions, prior to issuance of a grading and/or building permits.

Stormwater Management

The site has an approved SWM Concept Letter (27345-2020) and associated plan submitted with the application for this site. The approval was issued on October 26, 2020 from DPIE. The approved plan proposes four infiltration berms. An SWM fee-in-lieu of \$250.00 is required for on-site attenuation/quality control measures.

- e. **Historic Preservation**—The Planning Board adopts a memorandum dated January 15, 2021 (Stabler to Butler), which noted that the subject property does not contain and is not adjacent to any designated Prince George’s County historic sites or resources. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low.

- 13. As required by Section 27-285(b), the DSP, if revised as conditioned, 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. Section 27-285(b)(4) provides the following required finding for approval of a DSP:

- (4) The plan 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 Subtitle 24-130 (b)(5).**

No regulated environmental features such as streams, wetlands, 100-year floodplain, associated buffers, and primary management areas are located on-site. Therefore, this finding 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 Type 2 Tree Conservation Plan TCP2-001-2021, and further APPROVED Detailed Site Plan DSP-20046 for the above described land, subject to the following conditions

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

- a. Revise the Vicinity Map to reflect the correct Tax Map and Grid numbers.
- b. Remove the "MIOZ" label from General Note 21.
- c. Note the gross floor area of the house on the plan.
- d. Review the landscape plan to be in accordance with the provisions of Section 2 of the 2010 *Prince George's County Landscape Manual* regarding plan preparation.
- e. Revise Type 2 tree conservation plan (TCP2), as follows:

- (1) Add the following note to the plan under the specimen tree table:

"NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of one specimen tree (Section 25-122(b)(1)(G), T1, a 32-inch Yellow Poplar."

- (2) Submit documents for the required woodland conservation easements to the Environmental Planning Section, for review by the Prince George's County Office of Law, and submission to the Prince George's County Office of Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan, as follows:

"Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the

Prince George's County Land Records at Liber _____ Folio _____.
Revisions to this TCP2 may require a revision to the recorded easement.”


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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, March 11, 2021, in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 18th day of March 2021.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:TB:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: March 11, 2021