

A M E N D E D R E S O L U T I O N

WHEREAS, Evangel Temple, Inc. is the owner of a 200.30-acre parcel of land known as part of Parcel 21 and Outlot 2, Tax Map 69 Grid D-2 and D-3 and E-2 and E-3, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-L; and

WHEREAS, on June 25, 2003, Patrick Ricker filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 166 lots, 1 outlot and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03057 for Palisades at Oak Creek was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on September 25, 2003, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on September 25, 2003, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application; and

*WHEREAS, by letter dated October 30, 2003, the attorney for the applicant requested a reconsideration of Condition 7 of the Planning Board's approval; and

*WHEREAS, on November 13, 2003, the Planning Board approved the request for reconsideration based on inadvertence; and

*WHEREAS, on November 20, 2003, the Planning Board heard testimony regarding the reconsideration.

**WHEREAS, by letters dated April 19, 2005 and March 15, 2006, the applicant requested a reconsideration of the layout for the lots obtaining access from Panora Way; and

**WHEREAS, on April 20, 2006, the Planning Board approved the request for reconsideration based on the good cause associated with a lot arrangement that creates a more environmentally sensitive impact; and

*Denotes 2003 Amendment

** Denotes 2006 Amendment

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**WHEREAS, on September 7, 2006, the Planning Board heard testimony regarding the reconsideration.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/24/03-0[1]**2), and further APPROVED Preliminary Plan of Subdivision 4-03057, Palisades at Oak Creek for Lots 1-166, Parcel A and Outlot 1 with the following conditions:

1. Prior to signature approval of the preliminary plan, TCPI/24/03-01 shall be revised as follows:
 - a. Correct the existing tree line for Parcel "A" in the northwest corner of the property.
 - b. Revise the Woodland Conservation Area at the northwest corner of the property to reflect the correct tree line and type of Woodland Conservation proposed.
 - c. Identify where the 3.53 acres of natural regeneration is that is being proposed to satisfy the requirements and provide specific information with respect to the existing conditions in those areas.
 - d. The plans appear to suggest that the landscape buffer is being used as part of the Woodland Conservation requirements yet the worksheet does not reflect any afforestation. Provide information on the plan view and worksheet to clarify if the landscape buffer is being used to satisfy part of the requirements.
 - e. The TCP shall be signed and dated by the qualified professional who prepared the plan.
 - f. Show the limit of disturbance (LOD) for the storm drain outfall on sheet 7 of 8.
 - g. Show the boundary of Outlot 1 on the TCP.
 - h. Revise the worksheet after all other corrections have been completed.
2. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/24/03-0[1]**2). The following notes shall be placed on the Final Plat of Subdivision:

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"This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/24/03-0[1]**2), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."

3. Prior to the submittal of the Specific Design Plan, each of the proposed PMA impacts shall be evaluated in an effort to further minimize the proposed PMA impacts. The SDP shall then be designed to minimize all PMA impacts.
4. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area except for approved impacts. The following note shall be placed on the plat:

Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

5. The design of the landscape buffer plantings along Church Road shall preserve the scenic and historic character of the road through the provision of native plants and random planting to mimic the predevelopment conditions.
6. The Specific Design Plan shall show no direct impacts on the wetlands associated with the State of Maryland-listed endangered plant species located in the vicinity of proposed Lots 128-132.
7. *[Prior to signature approval of the preliminary Plan of Subdivision, resolve the property issues associated with existing Outlot 1 and with respect to the church facilities on proposed Parcel "A."]

Prior to signature approval of the Preliminary Plan of Subdivision, the property issues associated with existing Outlot 1 with respect to the church facilities on proposed Parcel 'A' shall be resolved. In addition, prior to any grading on Lots 137-166, the Applicant shall execute and provide evidence of receipt for recordation by County Land Records of an "off-site" Tree Conservation Easement to satisfy the tree preservation requirements of the existing Lot 2, TCPII/100/95-03, on which the Evangel Temple is situated.

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8. The applicant and the applicant's heirs, successors and/or assignees shall provide the following:

- a. A connection through the subject site, either west to the adjacent parkland or immediately to the south, as the master plan connection to the Black Branch Stream Valley Trail by constructing a “Modified Urban Primary Residential Road” within a 60-foot right-of-way with bikeway per the agreement of DPW&T.
 - b. The applicant shall ensure dry passage for all pathways and sidewalks. If wet areas must be traversed, suitable structures shall be provided.
 - c. All landscape materials shall be at least five feet from the asphalt pathway, where feasible and practical.
 - d. All pathways and sidewalks shall be free of above-ground utilities and utility boxes.
 - e. Standard sidewalks shall be provided along both sides of all internal roads, per the concurrence of DPW&T.
 - f. All HOA feeder trails provided shall be a minimum of six-feet wide and asphalt.
 - g. Detailed construction drawings for trail construction on the HOA land for review and approval by the Urban Design Section.
 - h. A comprehensive map showing all trail, feeder trail, and sidewalk facilities being proposed at the time of SDP.
9. Prior to the issuance of any building permits within the subject property, the following road improvements shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with SHA/DPW&T:
 - At the MD 193/MD 214 intersection, construction of a second northbound left-turn lane along the MD 193 approach to MD 214. This would allow the northbound MD 193 approach to function with two left-turn lanes, two through lanes, and a right-turn lane.
10. At the time of final plat approval, the applicant shall dedicate right-of-way along Church Road of 45 feet from the centerline of the existing pavement.
11. Prior to the issuance of any building permits, other than model homes, for the subject property, the applicant shall bond to construct access improvements at the site access on Church Road to provide for separate right and left turn lanes on the eastbound approach. Such improvements within the Church Road right-of-way will also include acceleration and deceleration lanes along southbound Church Road as well as a northbound left-turn bypass lane, if required by the Department of Public Works and Transportation, at the site entrance.
12. The following note shall be placed on the Final Plat:

“An automatic fire suppression system shall be provided in all proposed buildings in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.”

13. To maintain the scenic and historical character of Church Road, the Specific Design Plan shall examine, in addition to typical review, frontage along Church Road to ensure that the views of the site from Church Road will be adequately screened through the use of landscape treatment wherever the existing woodland fails to do so.
14. Corner lots shall have wider lot frontages that will allow equal building setbacks on each street while keeping a private and usable rear yard. This shall be examined at the Specific Design Plan stage.
15. Prior to the submission of the Final Plat, Lots 162 through 166 shall be (1) designed without the use of private driveways as standard lots, or (2) have the proposed driveways approved by the Department of Public Works and Transportation as reduced standard public streets, inclusive of any requirement by DPW&T for private maintenance.
16. At the time of Specific Design Plan review, attention shall be given to the siting and elevation design of the buildings as well as on-site landscape screening on the corner lots as well as the lots adjacent to tot lots and pre-teen lots (such as Lots 5, 14, 35, 36, 82,83, 87 and 88) to ensure those lots not only have private rear yards but also attractive elevations facing public space.
17. At the time of final plat, the applicant, his heirs, successors and/or assignees shall dedicate to M-NCPPC the floodplain and adjoining buffer area located within the designated area along Black Branch as shown on the Department of Parks and Recreation (DPR) Exhibit “A.” Floodplain buffer on dedicated parkland can be placed in tree conservation. Dedication shall be subject to the following:
 - a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be

disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.

- e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it is in acceptable condition for conveyance, prior to Final Plat approval.
 - g. No stormwater management facilities, or utility easements shall be proposed on lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
18. Prior to issuance of any grading permits, the applicant shall submit to the Department of Parks and Recreation a fee-in-lieu in the amount of \$75,000 for construction of the restroom facility on the adjacent parkland. This fee shall be placed in Community CH, Account Code # 840801.
- **19. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised as follows:
- a. The sewer alignment shall be relocated outside of the 100 foot-wide landscape buffer along the west side of Church Road; and
 - b. The sewer alignment shall be revised to reduce the length of the alignment to the extent possible, in order to minimize impacts to the PMA to the greatest extent possible.

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- **20. Prior to signature approval of the preliminary plan and woodland conservation plan, the plan shall be amended to:
- a. Remove the shared driveway easement that is reflected along the common

boundary of Lots 131 and 132 on Panora Way.

- b. Note that the cul-de-sac roadway that is setback 100 feet from Church Road be dedication to public use and its width dimensioned.
- c. The two separate parcels in between the proposed cul-de-sac street and Church Road shall be labeled with a parcel designation, their area (square footage) provided and a notation that they are to be conveyed to the HOA.

****21.** At the time of final plat of subdivision for the 25 lots along Panora Way, appropriate revisions to the respective HOA documents for the Palisades and Oak Creek Club shall be accomplished to clearly provide that these lots, the parcel for Panora Way and the open space parcel are to be part of the Oak Creek Club development.

****22.** At the time of Specific Design Plan for the 25 lots along Panora Way, a determination shall be made that the open space parcel behind lots 133 through 141 will either be conveyed to the holdings of the Oak Creek Club golf course or to the Oak Creek Club HOA with an access strip provided out to Panora Way.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the south side of Central Avenue, west of Church Road. Evangel Temple is to the north in the R-A Zone.

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3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-L	R-L
Use(s)	Vacant	Single-family detached homes
Acreage	200.3	200.3
Lots	0	1
Parcels	1	1
Outlots	0	1
Detached dwelling units	0	166

4. **Environmental**—A review of the available information indicates that streams, wetlands, 100-year floodplain, areas of steep slopes with highly erodible soils, and severe slopes are found to occur within the limits of the property that is the subject of this application. Although MD 214 has been identified as a transportation-related noise generator there are no adverse impacts associated with this application because all the residential areas are located more than 700 feet from that roadway. The soils found to occur according to the Prince George's County Soil Survey include Collington fine sandy loam, Monmouth fine sandy loam, Mixed alluvial land, and Shrewsbury fine sandy loam. The Mixed alluvial land and the Shrewsbury soils have limitations with respect to high water tables and impeded drainage. According to available information, Marlboro clay is found to occur in a small area near the proposed entrance road. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are rare, threatened, or endangered species found to occur in the vicinity of this property. Church Road is a designated scenic and historic road located along the eastern property boundary. This property is located in the Black Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the adopted General Plan.

Environmental Conditions of Approval to be Addressed at Preliminary Plan

The approval of the Basic Plan and Comprehensive Design Plan by the District Council and the approval of the Preliminary Plan by the Planning Board included numerous conditions, several of which dealt with environmental issues that were to be addressed during subsequent reviews. The environmental conditions to be addressed during the review of this Preliminary Plan of Subdivision are addressed below.

Basic Plan, A-9839C

- 3. At each access point off of Church Road and Central Avenue, the amended Basic Plan will provide entrance buffers 100 feet wide on each side of the access road and 100 feet deep along the access road.**

Comment: The Comprehensive Design Plan and the Type I Tree Conservation Plan each propose a 100-foot wide landscape buffer along the entire length of the property frontage for Church Road. No further information is required with respect to the landscape buffer at this time. However, more detail will be required with each subsequent plan submittal.

- 10. All nontidal wetland mitigation areas shall be shown on the Comprehensive Design Plan (CDP) or Specific Design Plan (SDP).**

Comment: The nontidal wetland mitigation area is shown on the plans and labeled as such. No further information is required with respect to the "Wetland Mitigation Area" located within the limits of this application at this time. The "Wetland Mitigation Area" and a 25-foot buffer shall be shown on all subsequent plan submittals.

- 12. Prior to submittal of a CDP, the applicant and the M-NCPPC Natural Resources Division staff shall determine if a noise study, which considers the impact of Central Avenue and Church Road on the subject property, is necessary. If such a study is required it shall be submitted with the CDP.**

Comment: A representative of the applicant met with the Environmental Planning Section prior to the submittal of this application. Based on the analysis of the current traffic volume, both roads were evaluated and it was determined that the 65 dBA Ldn noise contour for Central Avenue was located approximately 250 feet from the centerline of the roadway, and Church Road, which is classified as a collector, has an estimated 65 dBA Ldn noise contour at approximately 60 feet from the road centerline. The 65 dBA Ldn noise contour has been accurately shown on the revised plans.

- 13. All nondisturbed nontidal wetlands shall have at least a 25-foot nondisturbance buffer around their perimeters.**

Comment: All of the delineated wetlands and the Wetland Mitigation Area have been shown with a 25-foot nondisturbance buffer around their perimeters.

- 14. All streams and drainage courses shall comply with the buffer guidelines for the Patuxent River Primary Management Areas.**

Comment: The PMA and each of the component parts have been shown on the plans as submitted. See Environmental Review section of this memorandum for further details.

- 15. As part of the submittal of the CDP, the applicant shall include a conceptual layout**

of water and sewer service to the site, and an analysis of the impact of the construction of water and sewer lines on the subject property.

Comment: The TCPI included as part of this application shows the proposed sewer alignment for this site as it connects into the Oak Creek Club subdivision to the south. No further information is required with respect to the sewer and water alignments with this application.

- 16. As part of the submittal of the CDP, the applicant shall include a soil study which identifies the location and extent of the Marlboro Clay, if any.**

Comment: The site was evaluated and determined to have a very minimal amount of Marlboro clay at the location of the proposed access road. Because this location is essentially level there is no threat of slope failure. The clay is further located within the proposed 100-foot landscape buffer and does not extend into the development pods. The limitations associated with the Marlboro clay will be dealt with by the Department of Public Works and Transportation in association with their review of the proposed road construction. No further information is required with respect to the location and properties of the Marlboro clay.

- 33. The applicant shall include in the Comprehensive Design Plan (CDP) for the R-L portion of the site abutting Church Road a visual assessment of the scenic character of Church Road in sufficient detail on the plans to determine if the scenic character of the road is being protected.**

Comment: A visual assessment of the Church Road frontage was submitted with the CDP application for this site. The frontage is generally comprised of existing woodland areas or a narrow hedgerow of trees. This application is proposing to retain existing woodlands and to provide a 100-foot landscape buffer along the R-L frontage with Church Road with the exception of the entrance for the access road. The scenic and historic character of Church Road will thus be maintained. No further information is required with respect to the visual assessment of Church Road. Additional protections will not be required unless the 100-foot landscape buffer is reduced or eliminated.

- 35. The applicant shall identify with the CDP application the approximate location of impacts to the PMA. If impacts to the PMA are proposed the applicant shall provide justification for the disturbances which includes an estimate of the total area of disturbance, the features to be impacted and other alternatives that were considered to avoid these disturbances.**

Comment: The CDP application proposed six PMA impacts generally associated with the infrastructure required to develop the property. Those impacts included one combination sewer alignment and trail crossing, one trail crossing, two stormdrain outfalls and two driveway connections. The impacts were further identified in the CDP text (Chapter 5, pages 4 and 5). This Preliminary Plan application proposes 10 impacts, some of which

are not essential for the development of the site. See the Environmental Review portion of this memorandum for further evaluation of the proposed impacts as identified on the revised TCPI.

- 36. At the time of CDP the application shall provide the Natural Resources Division with a conceptual alignment of the off-site sewer and water alignments which considers significant environmental features such as streams, wetlands, floodplains and steep and severe slopes. This alignment shall be further refined in conjunction with the Preliminary Plan of Subdivision and Specific Design Plans as more detailed information is available. Prior to signature approval of the Specific Design Plan the applicant shall provide the Natural Resources Division with an approved sewer alignment from WSSC.**

Comment: The Sewer and Water Concept Plan submitted with the CDP limited the proposed PMA impacts necessary to provide sewer to this site to a single impact between the northern and southern portions of this site. See the Environmental Review portion of this memorandum for further evaluation of the proposed impacts as identified on the revised TCPI.

Comprehensive Design Plan, CDP-9705; PGCPB NO. 98-35

- 27. The edges of tree preservation or non-disturbance areas which are internal to the subdivision shall be inspected in order to identify those areas where thick undergrowth (such as brambles, climbing vines, poison ivy), large dead branches (still attached to the tree or on the ground), or dead trees which create an unsightly appearance. Those areas so identified shall be cleared of such undergrowth, dead branches or dead trees for a minimum of 25 feet into the interior of the woods in phase with development.**

Comment: This condition will be addressed during the review of the Specific Design Plans.

Woodland Conservation

A Detailed Forest Stand Delineation (FSD) was submitted and was found to address the requirements for an FSD. No additional information is required with respect to the Forest Stand Delineation.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on-site, and there are prior Tree Conservation Plan

approvals. TCPI/24/03-01 as submitted has been found to generally address the requirements of the Prince George's County Woodland Conservation Ordinance.

This 200.3-acre property has a Woodland Conservation Threshold of 25 percent, or 37.4 acres, and a replacement requirement of 11.42 acres, for a total requirement of 48.82 acres. The requirements for this property are proposed to be satisfied by approximately 45.3 acres of on-site preservation and 3.53 acres of on-site afforestation. TCPI/24/03-01 is recommend for approval subject to several required modifications.

Patuxent River Primary Management Area (PMA)

Streams, wetlands, 100-year floodplain, steep slopes with highly erodible soils, and severe slopes are found on this property. These features along with their respective buffers comprise the Patuxent River Primary Management Area (PMA). The individual features and the PMA have been correctly shown on the plans as submitted. As required, wetland and 100-year floodplain studies have been submitted for review.

The Subdivision Ordinance, Section 24-130(b)(5), requires that the PMA be preserved in a natural state to the fullest extent possible. A Letter of Justification that identified and addressed each of the proposed PMA impacts was submitted to the Subdivision Section and date stamped as received by the Environmental Planning Section on September 2, 2003.

The Letter of Justification identifies eight proposed PMA impacts including one that is no longer shown on the plans as submitted, for a total of seven requested impacts. In addition, the Environmental Planning Section identified three minor PMA impacts on proposed Lots 138–140 and 164. With the exception of the three minor PMA impacts on the proposed lots, all the other PMA impacts are associated with the access, storm drain outfalls, or sewer and water outfalls which have been minimized to the greatest extent possible. The three minor PMA impacts are located in areas where the PMA boundary undulates significantly. After reviewing the ten proposed impacts the Environmental Planning Section supports each of the proposed impacts. Further analysis at the Specific Design Plan stage should reduce even further the impacts to the PMA.

Church Road

Church Road is a designated scenic and historic road. A viewshed analysis was submitted with the CDP for this property and was found to be acceptable. The proposed development on this property has been set back from Church Road by the creation of a 100-foot landscape buffer within which plantings will be done to expand upon the existing hedgerow adjacent to Church Road.

Marlboro Clay

Marlboro clay has been identified on being present on this property in the vicinity of proposed Meares Boulevard and Church Road intersection. Because there are no slopes or proposed residences in this area, the Marlboro clay does not pose a safety issue. The only potential impact is associated with the construction of the Meares Boulevard and Church Road intersection, which

will be evaluated by the Department of Public Works and Transportation in conjunction with street grading plans for this site.

Rare, Threatened, or Endangered Species

This property was identified by the Maryland Department of Natural Resources Natural Heritage Program as potentially including habitat for rare, threatened, or endangered species. An April 2003 report that evaluated the flora and fauna on this property identified two Maryland state-listed plant species and one plant species recently removed from the list.

Based on information available these species will not be adversely affected unless impacts to their wetland habitats occur. The plans as submitted do not propose impacts to the wetlands in the vicinity of these species. It should be noted that future grading will not be allowed to impact the wetlands or adversely affect the wetlands in the area where these species are found.

Noise

The 65 dBA Ldn noise contours associated with MD 214 and Church Road extend onto the property that is the subject of this application. The contour has been accurately reflected for Church Road and for MD 214 on the revised plans as submitted. It should be noted that the 65 dBA Ldn noise contour does not extend into any residential areas and mitigation measures will not be required.

Outlot 1 and Parcel "A"

The revised plans as submitted include several changes with respect to the properties included in this application. The first noteworthy change in the plan is the removal of Outlot 1 from the plan. Even though this outlot was not included in the revised plans it was still included in the plan acreage.

There are buildings and/or church facilities on proposed Parcel "A." These facilities are apparently associated with Evangel Church and cannot be accessed from the subject application without additional PMA impacts. If the facilities are part of the church it may be necessary to include them in an outlot for transfer to the church.

*The subject property abuts Evangel Church to the north and the Oak Creek Club subdivision to the west. Evangel Church exists and the Oak Creek Club is being developed. An overall Tree Conservation Plan ties the subject property and these two adjoining properties together. Outlot 1 is to be deeded to the adjoining Evangel Church. Tree conservation for the Evangel Church is located on the Palisades property in the area of proposed Lots 137 – 166. If these lots are developed as proposed, Evangel Church will fall out of conformance with the Woodland Conservation Ordinance. Therefore it was an error to approve these lots without an assurance that the tree preservation requirement would be met somewhere else.

To that end, the developer of Oak Creek Club has agreed to provide additional tree conservation on that site to make up for the lost tree preservation with the development of Lots 137 – 166. This is appropriate, as it will consolidate woodland areas. A revision to Condition 7 that restricts development of Lots 137 – 166 until that agreement has been executed and recorded is appropriate to ensure Evangel Temple’s continued compliance with the Woodland Conservation Ordinance.

****Panora Way Lots**

**At the reconsideration request hearing, the Planning Board informed the applicant that they would like some documentation from the state regarding the environmental impact. In a May 1, 2006 e-mail from Robert Cooper of the Maryland Department of the Environment (MDE), Mr. Cooper concluded that given the impacts associated with each option (originally approved versus currently proposed), the originally approved layout was “less favorable to MDE than the Church Road option.”

**After the reconsideration was granted, the applicant submitted revised versions of the preliminary plan of subdivision and the Woodland Conservation Plan (TCPI/24/03-02). These plans were reviewed by Urban Design and Environmental Planning staff, as well as staff from the Subdivision Section and other public agencies.

**Staff of the Environmental Planning Section (EPS) concurred with the assessment that the proposed lotting pattern has less environmental impact. They did note, however, a conflict with a proposed sewer extension and a buffer requirement established with the Basic Plan (A-9839C) approved by the District Council. Additionally, EPS recommended a minor change to an existing condition to reflect the now applicable tree conservation plan number to be noted on the final plat.

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**Another issue associated with the adjustment of the lotting pattern is the location of the 25 lots with access from Panora Way. Although not fully articulated in the original review, it is clear that the development of these lots was to be associated with the adjoining golf course development known as Oak Creek Club. These 25 lots are isolated from the other lots in the Palisades by surrounding environmental features and the access is provided via an extension of Panora Way, a private road owned and maintained by the Oak Creek Club homeowners association (HOA).

**Staff believes the inclusion of the Panora Way lots into Oak Creek Club is appropriate, but

some practical concerns need to be addressed. The original layout reflected the entire area devoted to lots. Subsequent to the original approval, the applicant and staff determined that the woodland preservation area located along the rears of nine lots would be better located in an open space parcel. The concern relates to access for the parcel. The layout currently proposes no access for the parcel to the street. This parcel is surrounded on three sides by the Panora Way lots and on the fourth side by a golf course parcel in Oak Creek Club. Staff believes this open space parcel should either be incorporated into the holdings of the golf course or be conveyed to the Oak Creek Club HOA with an access strip provided out to Panora Way.

**There are some additional minor concerns with the revised preliminary plan that need to be corrected or clarified. A shared driveway easement is reflected along the common boundary of Lots 131 and 132 on Panora Way. The Subdivision Regulation do not provide for this type of lot access. Each lot should have its own separate and distinct access to Panora Way. With regard to the five lots situated along Church Road, some additional clarification on the plan is needed. The cul-de-sac roadway that is set back 100 feet from Church Road should be noted for dedication to public use and its width dimensioned. Additionally, the plan reflects what appear to be two separate parcels in between the proposed cul-de-sac street and Church Road. These parcels need to be labeled with a parcel designation, their area (square footage) provided and a notation that they are to be conveyed to the HOA.

Water and Sewer Categories

The property is in water category W-4 and sewer category S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated September 2002. The homes will be served by public systems.

5. **Community Planning**—The property is in Planning Area 74B/Community IX. The 2002 General Plan places the property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

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The Bowie-Collington-Mitchellville & Vicinity Master Plan (1991) recommends low-density residential land use at a range of 1.0-1.5 dwelling units per acre. There is a Natural Reserve Primary Area located in the northern, western and southern portions of the property. This indicates environmentally sensitive areas. There is a proposed stormwater management pond in the northwestern portion of the property. The Bowie-Collington-Mitchellville & Vicinity SMA (1991) rezoned the property from the R-A Zone to the R-L Zone.

The proposed subdivision is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. The proposal conforms to the master plan recommendation for residential low-density land use.

6. **Parks and Recreation**—In accordance with Section 24-134 (a) of the Prince George’s County Subdivision Regulations and Basic Plan A-9839-C, Condition 19, Comprehensive Design Plan CDP-9705/03, Condition 12, the applicant should dedicate approximately 20 acres of floodplain shown on Department of Parks and Recreation Exhibit “A.” This land will be added to the Black Branch Stream Valley Park and may be used for tree conservation purposes.
7. **Trails**—The Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan recommends the provision of a trail network within the subject property. These trails are shown following the stream valley corridors on the master plan. The master plan also recommends the provision of a Class I Trail along Church Road.

The approved preliminary plan for Oak Creek Club (4-01032) contains several conditions requiring trail improvements. The Class I Trail is required along the east side of Church Road through the Oak Creek Club property (Condition 44.a). Also, the construction of the master plan trail along Black Branch is required within land dedicated to M-NCPPC (Condition 44.c).

Because Condition 44.a for 4-01032 requires the construction of the Class I Trail along the east side of Church Road, no construction of this master plan trail is recommended for the subject site. The trail will ultimately be located on the other side of Church Road from the subject site’s frontage.

The stream valley trail is being provided through the property immediately to the south of the subject site, per Condition 44 of CDP-9902 for Oak Creek Club. However, the Department of Parks and Recreation has indicated that they are not interested in the acquisition of the Black Branch stream valley on the subject site. Furthermore, environmental constraints may make a stream valley trail impractical through the subject property. However, staff recommends that a connection be provided to the approved stream valley trail in the adjacent site. Based on discussion with the applicant, this connection can be provided as standard sidewalks adjacent to interior roads on the subject site, in conjunction with trail connections and in-road bicycle facilities. This would provide for the master plan trail connection to the stream valley trail in Oak Creek Club. An exact determination of the type and location of the trail facility should be made at the time of specific design plan. However, the in-road bicycle facility should include appropriate signage, striping, and/or pavement markings, per an agreement with M-NCPPC, DPW&T, and the applicant.

8. **Transportation**—The applicant prepared a traffic impact study dated January 2003 in support of Comprehensive Design Plan CDP-9705/03; the study was prepared in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The traffic study includes two addenda dated April 2003 and June 2003. As the traffic counts that formed the basis of the traffic study were approximately one year old, no significant changes had occurred in the area, and the transportation staff largely accepted the findings in it, the traffic study done for the CDP was accepted as a basis for reviewing the subject application. The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the

guidelines. Comments from the county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) were provided and addressed when the CDP was reviewed.

Growth Policy - Service Level Standards

The subject property is located within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

- MD 214 and MD 193 (signalized)
- MD 214 and Church Road (signalized)
- Church Road and Oak Grove Road (unsignalized)
- Church Road and site entrance/Jones Bridge Road (unsignalized)
- Church Road and Oak Creek entrance (planned)

Existing traffic conditions were based on traffic counts done in 2002. Existing conditions within the study area are summarized as follows:

EXISTING CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 214/MD 193	1433	1,260	D	C
MD 214 and Church Road	1,229	968	C	A
Church Road and site entrance/Jones Bridge Road	11.0*	10.7*	--	--
Church Road and Oak Creek entrance		Planned	--	--

Church Road and Oak Grove Road	15.0*	11.6*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.				

The submitted traffic study provides an analysis for assessing the background traffic situation. The applicant has taken the following steps to develop background traffic, including:

- Using a 2 percent annual growth factor for through traffic along MD 193 and MD 214, and this is consistent with past studies in the area. It is also consistent with historical data.
- Adding background development in the area.

Under background traffic, two of the signalized intersections in the study area would show unacceptable operations during at least one peak hour. It should be noted that the applicant's traffic studies analyzed the Church Road/Oak Creek entrance roadway as a stop-controlled intersection. It was proposed (and continues to be proposed) by the Oak Creek Club to be constructed as a roundabout. Therefore, it is analyzed as a roundabout. Background conditions are summarized as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 214/MD 193	1,523	1,461	E	E
MD 214 and Church Road	1,347	1,254	D	C
Church Road and site entrance/Jones Bridge Road	18.5*	12.6*	--	--
Church Road and Oak Creek entrance (roundabout)	0.59*	0.82*	--	--
Church Road and Oak Grove Road	24.2*	35.7*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive. At the roundabout, the maximum volume to capacity ratio (V/C) is presented, with a value of 0.80, as an example, indicating that the roundabout is operating at 80 percent of capacity.				

The site is proposed for residential development. The site is proposed to be developed with 166 single-family detached residences. The site trip generation would be 125 AM peak hour trips (25 in, 100 out) and 149 PM peak hour trips (98 in, 51 out). The site trip distribution used in the traffic study has been deemed acceptable for the evaluation of site impacts. Therefore, we obtain the following results under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 214/MD 193	1,533	1,479	E	E
MD 214 and Church Road	1,424	1,298	D	C
Church Road and site entrance/Jones Bridge Road	31.8*	43.8*	--	--
Church Road and Oak Creek entrance (roundabout)	0.61*	0.83*	--	--
Church Road and Oak Grove Road	33.7*	43.3*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive. At the roundabout, the maximum volume to capacity ratio (V/C) is presented, with a value of 0.80, as an example, indicating that the roundabout is operating at 80 percent of capacity.				

Under total traffic as presented in the traffic study, one of the signalized intersections, the MD 193/MD 214 intersection, operates unacceptably. At the MD 214/MD 193 intersection, the applicant has proposed an improvement that would provide adequacy. The proposed improvement is:

- Construction of a second northbound left-turn lane along the MD 193 approach to MD 214. This would allow the northbound MD 193 approach to function with two left-turn lanes, two through lanes, and a right-turn lane.

With this improvement in place, the intersection would operate at LOS D, with a CLV of 1,444 in the AM peak hour. Similarly, the intersection would operate at LOS D with a CLV of 1,429 in the PM peak hour.

Conceptual Site Plan CSP-02004 for Karington is proposed approximately two miles east of the subject property and has at least one critical intersection in common with the subject property. Karington has approximately seven times the number of residences proposed for the subject property, and it will include other uses as well. Along MD 214, the impact of this development would degrade service levels at the MD 193 and Church Road intersections to LOS F and LOS E in both peak hours. CSP-02004 currently stands approved by the Planning Board, but is pending a District Council appeal. At this time we cannot consider Karington to be an approved development, particularly given the preliminary nature of the application.

Comments^{3/4} Operating Agencies

Both DPW&T and SHA provided comments on the traffic study when it was referred as part of the CDP, and the comments are included briefly below.

DPW&T indicated a need for a southbound acceleration lane along Church Road at the site entrance. As this is a frontage improvement within dedicated right-of-way, it can be specified at this time.

SHA was initially concerned about the needed improvements at the MD 193/MD 214 intersection. The addenda which were later provided did address the state's concerns.

Plan Comments

Access and circulation is acceptable, and all internal streets are adequately sized. MD 214 is a master plan expressway, and Church Road is a master plan collector facility. Existing right-of-way along the through lanes of MD 214 is sufficient to accommodate future recommendations; therefore, no additional dedication is required along MD 214. The plan reflects a right-of-way of 45 feet from the existing center line of pavement along Church Road, which is consistent with the transportation recommendation for Church Road in the Bowie, Collington, Mitchellville, and Vicinity Master Plan. It should be noted, however, that Condition 6 of Basic Plan A-9839 (as amended in 1997) has the following requirement:

- 6. Prior to the issuance of any building permits for the balance of the property which is not developed as a Mixed Retirement Development (i.e. the 150+A portion fronting on Church Road), the applicant shall dedicate the 200-foot right-of-way from the proposed future baseline of Church Road along the proposed development's**

frontage to provide a four-lane, divided collector to rural parkway standards with an open median of varying width. Construction will be in accordance with DPW&T requirements and may utilize the existing roadbed when appropriate.

The right-of-way requirement noted in this condition is not consistent with either the area master plan or with requirements made of other properties along Church Road between MD 214 and Oak Grove Road. The current plan includes a wide buffer area along Church Road that is not proposed for street dedication and could be utilized in the event that the right-of-way currently proposed on the plan for dedication is insufficient. For these reasons, the dedication currently shown on the subdivision plan is deemed to be acceptable.

Conformance to Basic Plan

This site was reviewed as Basic Plan A-9839, which was approved with several transportation-related conditions. Condition 6 has been discussed. The status of the remaining conditions is summarized below:

Condition 4: This condition requires LOS D operations at MD 214/Church Road prior to preliminary plan approval. The plan and the traffic study indicate conformance with this requirement.

Condition 7: This condition requires that the access point along Church Road be constructed with separate right-turn and left-turn lanes eastbound. While this condition is enforceable at the time of building permit, it will be written into the conditions for the preliminary plan in order to ensure compliance at later stages.

Transportation Conclusion

Based on this discussion, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with the three transportation conditions included in this report.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002).

Affected School Clusters #	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	166 sfd	166 sfd	166 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	39.84	9.96	19.92
Actual Enrollment	5619	4896	9660
Completion Enrollment	276	197	393
Wait Enrollment	202	225	451
Cumulative Enrollment	37.44	43.08	86.16
Total Enrollment	6174.28	5371.04	10610.08
State Rated Capacity	5094	4638	8770
Percent Capacity	121.21%	115.81%	120.98%
Funded School	Bowie, Whitehall	N/a	N/a

Source: Prince George's County Planning Department, M-NCPPC, July 2003

These figures are correct on the day the referral memorandum was written. They are subject to change under the provisions of CB-40 and CR-23. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers that will be shown in the resolution are the ones that will apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.
 - a. The existing fire engine service Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive, has a service travel time of 6.25 minutes, which is beyond the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Bowie Fire Station, Company 43, has a service travel

time of 6.25 minutes, which is within the 6.25-minute travel time guideline.

- c. The existing paramedic service at Bowie Fire Station, Company 43, has a service travel time of 6.25 minutes, which is within the 7.25-minute travel time guideline.

To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/ EMS Department determines that an alternative method of fire suppression is appropriate.

These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. In accordance with Section 24-122.1(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Palisades at Oak Creek development. This police facility will adequately serve the population generated by the proposed subdivision.

The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 69 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.

12. **Health Department**—The Health Department reviewed the application and noted that numerous tires had been found on the property. The applicant submitted receipts dated June 6, 2003, from the Brown Station Sanitary Landfill demonstrating that the tires had been hauled to a licensed facility.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan has not yet been approved. To ensure that development of this site does not result in on-site or downstream flooding, a Stormwater Management Concept Plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan, or any revisions thereto.
14. **Cemeteries**^{3/4} There are no known cemeteries on or adjoining the property.
15. **Public Utility Easement**—The proposed Preliminary Plan includes the required 10-foot-wide public utility easement. This easement will be shown on the Final Plat adjacent and contiguous to all public rights-of-way.
16. **Design Issues**^{3/4} The Urban Design Section offered the following comments:

Comprehensive Design Plan CDP-9705/03, approved by the Planning Board on July 10, 2003 (Resolution PGCPB No. 03-138), allows the development of the subject property for 166

single-family lots. The subject preliminary plan shows a layout and lotting pattern that is in general conformance with the approved CDP-9705/03, except for the layouts of five lots (Lots 159 to 163) in Pod C. These lots are served by “private driveways.” These lots have been designed with flag stems leading to Church Road. This arrangement is not permitted in the R-L Zone. Private easements are permitted in the R-L Zone, but Section 24-128 of the Subdivision Regulations specifically states that these easements are not permitted to serve single-family detached dwellings. Prior to signature approval, the preliminary plan must be revised so that either these lots are removed or so that the lots satisfy minimum standard requirements for frontage and access.

Comprehensive Design Plan CDP-9705/03 approves the subject site as Cameron Grove–The Palisades at Oak Creek. The Urban Design staff recommends that the subject preliminary plan of subdivision use the same project name in order to be consistent with the approved CDP-9705/03.

The proposed layout orients the rears of Lots 1 to 11, 128 to 131 toward Church Road, which is a rural collector within a 90-foot right-of-way. A 100-foot-wide forested bufferyard, which preserves the existing woodland, was proposed and approved at the time of CDP-9705/03. There should be no problem with the site plan meeting Section 4.6 requirements of the *Landscape Manual*. During the review of CDP-9705/03, however, the local community expressed their strong concerns over screening and buffering the subject site from the view of Church Road. The frontage along Church Road should be thoroughly examined at the time of Specific Design Plan to ensure that the views of the site from Church Road will be completely screened through the use of landscape treatment wherever the existing woodland fails to do so in order to maintain the scenic and historical character of Church Road.

Corner lots such as Lots 1, 14, 23, 24, 30, 31, 60, 61, 64, 73, 74, 81, 85, 104, 123, and 131 should have a wider lot frontage that will allow equal building setbacks on each street while keeping a private and usable rear yard.

At the time of Specific Design Plan review, attention should be given to the siting and elevation design of the buildings as well as on-site landscape screening on the above-mentioned corner lots as well as the lots adjacent to tot lots and pre-teen lots such as Lots 5, 14, 35, 36, 82, 83, 87 and 88 to ensure those lots not only have a private rear yard but also attractive elevations facing public space.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with Circuit Court for Prince George’s County, Maryland within thirty (30) days following the adoption of this Resolution.

* * * * *

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 Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Vaughns, Squire, and Parker voting in favor of the motion, at its regular meeting held on

Thursday, September 7, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of September 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:bjs