

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on September 25, 2003, regarding Specific Design Plan SDP-0308 for Oak Creek Club, Phase I, the Planning Board finds:

1. The site is located on both sides of Church Road between Oak Grove Road and Central Avenue.

2. **Development Data Summary**

	Existing	Proposed
Zone(s)	RL and LAC	RL and LAC
Use(s)	Vacant	Mixed-use development
Acreage	Approximately 923	Approximately 923
Lots	0	631
Parcels	45	45
Square footage/GFA	0	0
Dwelling Units:	631	631

3. The proposed project includes a variety of uses in an integrated community to be known as the Oak Creek Club. Zoned a combination of Residential-Low Density (R-L) and Local-Activity-Center (L-A-C), the project spans 923 acres. The total land use mix will be comprised of 1,148 single-family homes with up to 26,000 square feet of retail neighborhood commercial space, an 18-hole golf course, a day care center, preservation of a historic site, recreational facilities, a school, parkland and open space. The subject phase, however, seeks approval for "Phase 1" of the project, which includes Landbays A, B & I, F, G, H, C & J, and H 1 and will result in the creation of 412 single-family detached and 219 townhouse units. An existing pond and stream on the site have been integrated into the design.

4. Comprehensive Design Plan CDP-9902 was approved for the project on May 13, 2002, by District Council Orders affirming the Planning Board's decision regarding CDP-9902 and CDP-9903. The order regarding CDP-9902 related to the R-L portion of the site, subject to 56 conditions, and the order regarding CDP-9903 related to the L-A-C portion of the site, subject to 46 conditions.

5. **REFERRALS**

- a. **Historic**—The Historic Preservation and Public Facilities Planning Section has offered draft comments to be made final after the Historic Preservation Commission meets on September 16, 2003. These comments, centering on the Bowieville Historic Site located on the property and its Environmental Setting, including:

- (1) The memorandum of understanding required by Condition 1(b) of Planning Board Resolution 01-181 has been duly executed.
 - (2) The Historic Preservation Commission (HPC) issued the written statement required by Condition 12 of Planning Board Resolution 01-181 regarding the need for a Phase II and/or Phase III archeological study at its September 16th meeting.
 - (3) Plans for the golf club house and its setting must be submitted for HPC review and suggest that it best be handled in a separate Specific Design Plan.
 - (4) Prior to the approval of SDP-0308, the applicants must indicate in writing their intention to restore the Bowieville mansion as a private residence and the expected restoration timeframe, clarifying the issue of parking at the residence.
 - (5) The plan for Landbay H1 provides protection for the buildings and landforms of the Historic Site and provides landscaped lakes for the entrance to the proposed clubhouse area.
 - (6) The applicant must submit a Historic Area Work Permit application for the proposed relocation of the windmill and for the grading and creation of the two lakes.
 - (7) Because of the impact of the construction of the golf clubhouse on an archeological feature, a Phase II/III investigation shall be required in accordance with the Section's guidance.
 - (8) A Phase II/III investigation will not be required on the grounds of the Bowieville mansion within the Environmental Setting as long as sensitive areas can be avoided in the development process.
- b. **Community Planning**—The Community Planning Section, noting that the SDP is consistent with the 1991 *Bowie-Collington-Mitchellville & Vicinity Master Plan* that rezoned the property from R-A to R-L, stated that previously approved development plans have resolved all master plan issues.
- c. **Transportation**—While the Transportation Planning Section found the plans for the subject SDP generally acceptable, they noted several outstanding issues. More particularly, these include:
- (1) Condition 32 of CDP-9902 and 9903 requires the submittal of a traffic signal warrant study, or DPW&T approval of roundabouts, at two site access points along Church Road. The condition requires DPW&T's approval prior to Planning Board approval of the Specific Design Plan. To date, no signal warrant study has been

submitted, and while DPW&T is actively reviewing frontage improvements along Church Road (including the roundabouts), approval of the design of the roundabouts has not been given. Therefore, this condition is not met at this time.

- (2) Condition 35 of CDP-9902 and 9903 requires that all interior streets show a cross-section with a sidewalk, walkway, or trail on at least one side. This was done during approval of SDP-0303 for the streetscape elements. However, a number of interior streets are missing a sidewalk, walkway or trail on at least one side. These include:

- Dornamsville Boulevard, south and east of Coffren Place, in Land Bay B
- Himalia Circle, in Land Bay B
- Coffren Place, in Land Bay B
- Ansonia Court, in Land Bay B
- Stanwich Terrace, in Land Bay C
- “C” Place, in Land Bay F
- Rifton Court, in Land Bay I
- Modena Circle, in Land Bay I
- Elara Court, in Land Bay I
- Bloomfield Lane, in Land Bay J
- Panora, in Land Bay J

The Transportation Planning Section further noted that a lack of pedestrian ways creates a dangerous situation, especially in a community where there is bus service planned and many patrons could be waiting for or exiting buses in the dark during much of the year. Pedestrian ways are a needed amenity for walkers, especially in neighborhoods with families, and should be provided along all streets. Since the plan does not meet Condition 35 at this time, it must be revised.

- (3) Condition 36 requires that a financial guarantee and accompanying agreement for operation of a private bus service be filed with DPW&T. The details of the agreement between the applicant and DPW&T, including a timetable for bonding and initiating the service, must be approved by the Planning Board with approval of the initial SDP. To date, an executed agreement still has not been provided for inclusion in the technical staff report. Also, the materials submitted are not entirely about the timetable for bonding and initiating the private bus service. These issues are known to be under active review by DPW&T at this time, but a final approval has not been received. Therefore, this condition is not met at this time.
- (4) In addition, Preliminary Plan of Subdivision Condition 42 requires traffic calming along Oak Grove Road through the installation of a roundabout at the Church Road/Oak Grove Road intersection. Although a timing for this condition is not specified, it is presumed that design approval will be obtained from DPW&T at the time of SDP. To date, while staff is aware that DPW&T is actively reviewing frontage improvements along Church Road, including the roundabouts, approval of

the design of the roundabouts has not been given. Therefore, this condition is not met at this time.

The Transportation Planning Section concludes their report by saying that while the Transportation Section can make a finding that the subject property will be served by adequate transportation facilities within a reasonable period of time, there are a number of outstanding issues requiring resolution prior to Planning Board approval, and, for that reason, they suggest that approval of the subject plan would be premature, as there has not been full compliance with all relevant transportation conditions. However, Staff has worked with the applicant and addressed the Transportation Planning Section's concerns either by revisions to the plans or in the recommended conditions below.

- d. **Subdivision**—The Subdivision Section noted that since the Preliminary Plan for the project approved more than 400 lots, final plats may be received by the Subdivision Section within six years (December 20, 2007) of the approval date. Noting the conditions of the CDP approvals that relate to subdivision issues (12, 15, 16, 19, 21 and 26), the Subdivision Section stated that the proposed Specific Design Plan presents a lotting pattern and road configuration in substantial conformance with the approved preliminary plan. Review of the submitted plans for the land bays included in Phase 1 of the project have shown that the total number of lots for all land bays for the project may not exceed 1,148, the number of lots approved in Preliminary Plan of Subdivision 4-01032.
- e. **Trails**—The senior trails planner of the Transportation Planning Section cites the *Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan* as recommending three master plan trails that impact the subject site, as reflected in Condition 44 of approved CDP-9902. He also noted the importance of arriving at a mutually acceptable solution for pedestrian facilities along both open and closed section roadways. Lastly, he mentioned that trail or sidewalk connections should be considered from the end of Landess Place and Dumbarton Boulevard to the park/school site at the time of school and/or park construction.
- f. **Parks**—The Park Planning and Development Division of the Department of Parks and Recreation (DPR) noted that the master plan trail along the rear of Lots 1-6 and 8-33, Block A should be resited a minimum of 20 feet from private property lines and a minimum of 25 feet from buildings and that building permits for those lots should not be issued until the sections of the trail behind those lots are under construction. Additionally, the Division stated that although CDP-9902 requires detailed construction drawings for park facilities to be submitted to DPR for review and approval prior to the issuance of the 250th residential building permit, DPR felt that such details are needed now to evaluate the impact of the proposed development on the master plan trail, including information as to how the master plan trail will cross Church Road; such crossing is to be approved by DPR and DPW&T. Lastly, DPR stated that they would need conceptual details for the master plan trail construction, including conceptual details showing typical trail sections and surface materials and concept plans for bridges and boardwalk construction, together with the assurance of dry passage for the trails, including any structures built to assure dry passage to

be DPR approved. Since receiving the Parks Department's referral, staff has worked with the applicant to address the park Department's concerns either by revisions to the plans or in the recommended conditions below.

- g. **Permits**—The Permits Section offered numerous comments regarding the project that either have been addressed by revisions to the plans or in recommended conditions contained below.
- h. **Public Facilities**—The Public Facilities Section made the following comments regarding Fire and Rescue, Schools and Police Protection:

- (1) **Fire and Rescue:** The Historic Preservation and Public Facilities Planning Section reviewed this plan during its submission for a comprehensive design plan (CDP-9902 and CDP-9903) and preliminary plan of subdivision (4-01032) and found that a portion of the subject property was beyond the response time requirements for ambulance service. The staff recommended that the applicant provide a fair share fee toward the provision of the service and the proposed Leeland Road Fire Station. The fee was calculated to be \$206 per dwelling unit.

The following lots shown on this SDP are subject to the fee:

Landbay A—Section A, lots 6-54; Section B, lots 1-15

Landbay B—Section B, lots 3-42 and 45-52

Landbay C—Section A, lots 1-52; Section B, lots 1-15; Section C, lots 1-23.

Condition 41 of the preliminary plat of subdivision states: "Prior to approval of the first final plat of for any area beyond response time requirements for ambulance service, the applicant, his heirs, successors and /or assignees shall pay a fee to Prince George's County which shall serve as a fair share contribution toward the provision of a fire station and ambulance service. Proof of payment shall be submitted to the Planning Department, Subdivision Section, prior to approval of the final plat. A final determination of the fair share contribution to be paid by the applicant will be made by the Planning Department at the time of that final plat review. This determination will be based on all of and portions of residential and non-residential parcels/lots that are found to be beyond the recommended ambulance response times guidelines with an appropriate inflation factor."

- (2) **Public Schools:** The Planning Board condition during the preliminary plat of subdivision was the payment of a fee of \$2160.00 per dwelling unit that would be placed in an account to relieve overcrowding at the Perrywood and/or Woodmore Elementary and Largo High Schools. This property is subject to the surcharge fees that are in effect when they apply for a building permit.

- (3) **Police:** The proposed development is within the service area for Police District II–Bowie. The 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 6/30/2002, 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 development.

- i. **Environmental Planning**—The Environmental Planning Section offered the following comments:

The Environmental Planning Section has reviewed the above referenced Specific Design Plan and Type II Tree Conservation Plan date stamped as received on August 25, 2003. The plans as submitted have been found to generally address the requirements of the Prince George's County Woodland Conservation Ordinance and the environmental constraints for the site. Specific Design Plan, SDP-0308, and Type II Tree Conservation Plan TCPII/109/03 are recommended for approval subject to the conditions found in this memorandum.

BACKGROUND

This site was previously reviewed by the Environmental Planning Section in conjunction with the Basic Plans, A-8427, A-8578, and A-8579; the Comprehensive Design Plans, CDP-9902 and CDP-9903; the Preliminary Plan of Subdivision, 4-01032; the Type I Tree Conservation Plan, TCPI/91/92; and a Type II Tree Conservation Plan, TCPII/97/95; all of which were approved.

SITE DESCRIPTION

This application totals 242.65 acres in the R-L and L-A-C Zones on the both sides of Church Road and north of Oak Grove Road. A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, areas of steep slopes with highly erodible soils, and the associated buffers for these features are found to occur within the limits of this application. No transportation-related noise impacts have been identified. The soils found on this property include Adelphia fine sandy loam, Collington fine sandy loam, Mixed alluvial land, Monmouth fine sandy loam, Shrewsbury fine sandy loam, and Westphalia fine sandy loam. Although some of the soils have limitations with respect to impeded drainage, slow permeability, and seasonally high water tables, most of the soils have no significant limitations with respect to the development of the property. According to available information, Marlboro clays are found to occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. Church Road, which bisects the parcels

included in this application, is a designated scenic and historic road. This property is located in the Black Branch and Collington Branch watersheds of the Patuxent River basin and in the Developing Tier as reflected in the adopted General Plan.

SUMMARY OF PRIOR ENVIRONMENTAL CONDITIONS OF APPROVAL

The approval of the Basic Plans, the Comprehensive Design Plans, and the Preliminary Plan of Subdivision 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 the Specific Design Plan are addressed below. The respective conditions are in **bold** typeface, the associated comments are in standard typeface, and additional information or plan revisions are in italics.

A-8427, A-8578 and A-8579 conditions to be addressed at SDP

- 12. The applicant shall dedicate the right-of-way for Church Road as a (90-foot maximum) four-lane collector with an open median of varying width as determined by DPW&T. The location of the road shall be finalized at the time of CDP and shall be based on an Inventory of Significant Visual Features prepared according to the "Design Guidelines for Scenic and Historic Roads." Construction will be in accordance with DPW&T requirements and may utilize the existing roadbed when appropriate.**

An inventory of significant visual features for Church Road was submitted and reviewed with the CDP in accordance with the "Design Guidelines for Scenic and Historic Roads." That inventory was evaluated and was found to meet the minimum standard for a visual assessment for historic roads.

- 12. A woodland conservation requirement of 25 percent shall be established for the portion of the site zoned R-A, unless it can be shown that the existing woodland is less than that amount. If so, the conservation threshold may be reduced to the percentage of existing woodland down to 20 percent of the net tract area of R-A zoned land. A Woodland Conservation requirement of 15% shall be established for the portion of the site zoned L-A-C. In addition, the applicant will reforest as required under applicable State and**

County regulations. All Tree Conservation Plans shall demonstrate how the development will meet these criteria.

The zoning for the property is actually R-L, not R-A. It is assumed that an error occurred during the typing of this condition. TCPII/109/03 as submitted uses a 25 percent Woodland Conservation Threshold for the R-L portion of this property.

- 13. The limits of the existing 100-year floodplain shall be approved by the**

**Watershed Protection Branch of the Department of Environmental Resources
prior to the approval of any Specific Design Plan.**

The SDP and Type I Tree Conservation Plans as submitted reflect the 100-year floodplain as approved by the Watershed Protection Branch of the Department of Environmental Resources. A copy of the February 2, 2002, approved 100-year floodplain delineation was date-stamped as received by the Development Review Division and Environmental Planning Section on July 30, 2003.

- 14. The applicant shall provide proof that the U.S. Army Corps of Engineers or the appropriate state or local wetlands permitting authority agrees with the nontidal wetlands delineation along with submittal of the SDP.**

Prior applications included letters requesting a Jurisdictional Determination (JD) by the U.S. Army Corps of Engineers and/or Maryland Department of Environment. A copy of the JD letter has been submitted for inclusion with this application.

- 15. All nontidal wetland mitigation areas shall be shown on the SDP.**

The plans as submitted reflect the location of the proposed wetland mitigation areas within the limits of this application.

- 16. Technical approval of the location and sizes of Stormwater Management Facilities is required prior to approval of any SDP.**

No information has been provided with respect to the approval of the technical Stormwater Management Plan. It is critical that the limits of disturbance shown on the Stormwater Management Plan matches the limits on the TCPII.

Recommended Condition: Prior to certification of the Specific Design Plan, a geotechnical report prepared by a geotechnical engineer shall be submitted to the Environmental Planning Section addressing the proposed grading and construction on proposed Parcel 11 with respect to the required 1.5 safety factor as required by DER. If the geotechnical report does not adequately address the 1.5 safety factor for the above-referenced parcel, the Specific Design Plan's certification will exclude those lots from the final approval and the subject lots may not be platted.

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

The plans as submitted show the 25-foot-wide wetland buffer around all wetlands. Because some of the wetlands on the site are proposed to be disturbed, there are no non-disturbance buffers in the areas approved for disturbance.

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

Streams, wetlands, 100-year floodplains, and the associated buffers that compose the Patuxent River Primary Management Area (PMA) preservation area have been found to occur on this property and appear to be accurately reflected on the plans. The condition of approval requires that the PMA be preserved in conformance with the Patuxent River Primary Management Area preservation area guidelines. The plans propose numerous impacts to the PMA for road construction, stormwater management facilities, sewer outfalls, and trail construction. A total of 19 PMA impacts are proposed by this application, 11 of which were not addressed by the Preliminary Plan of Subdivision. Nearly all of the new proposed impacts are associated with the main sewer outfall for the site that was originally located in the road and is now located behind the lots where the PMA is located. The remaining eight PMA impacts were all approved, some with the condition that they be further evaluated during the review of subsequent plan submittals to determine if the proposed impacts could be further minimized. A detailed analysis of the PMA impacts is discussed in Comment 3 of the Environmental Review section of this memorandum.

CDP-9902 and CDP-9903 Comprehensive Design Plan Conditions to be addressed at SDP

It should be noted that many of the conditions for CDP-9902 and CDP-9903 are the same. Therefore, only the condition numbers associated with CDP-9902 are shown below.

9. Technical approval of the location and sizes of Stormwater Management Facilities is required prior to approval of the applicable SDP.

A copy of the proposed/approved Stormwater Management Plan has not been submitted for review with this application. Because stormwater management plays a critical part of the overall design of this site, it is necessary to evaluate all aspects of the application together.

Recommended Condition: Prior to certification of the Specific Design Plan, a copy of the approved Technical Stormwater Management Plan that is consistent with the approved TCPII shall be submitted to the Environmental Planning Section and Urban Design Section for inclusion in the case file.

11. Prior to approval of each Specific Design Plan the applicant shall submit an overall open space plan with calculations for areas of tree preservation, wetlands and floodplain, to ensure preservation of areas approved as open space per CDP-9902 and CDP-9903.

A copy of the proposed Open Space Plan was submitted for review. The Environmental Planning Section has not identified any issues with respect to the proposed Open Space Plan.

- 17. Prior to Specific Design Plan approval and to the extent practicable, existing fence rows, isolated trees, or existing agricultural structures occurring in the setback shall be preserved and maintained unless removing such elements can be justified on the grounds of safety. The quality of these features shall be determined by the Planning Board and/or District Council at the time of Specific Design Plan review. In addition, groves, clusters, or rows of native trees and shrubs typical of those indigenous to the vicinity of the proposed development shall be encouraged to be planted in the setback in order to enhance the rural character. Furthermore, the applicant shall provide a photographic and plan inventory of all agricultural structures within a proposed plan area for submission and review at the time of Specific Design Plan approval.**

This application includes a number of the features referenced by this condition, which have generally been addressed by the Type II Tree Conservation Plan, TCPII/109/03. The TCPII proposes preserving these features where practical and in some cases enhancing these features by proposing afforestation in and around these features.

- 18. Prior to approval of Specific Design Plans, the handicapped accessibility of all trails shall be determined. Furthermore, all trails shall be field-located and staked by the applicant in consultation with M-NCPPC staff from the Environmental Planning Section, Transportation Planning Section, and the Department of Parks and Recreation, prior to construction.**

The trail system as currently shown on the TCPII does not propose to traverse any significant areas of slopes and does provide for the construction of boardwalks where the trail crosses streams and wetlands. It is likely that the Department of Parks and Recreation will have additional comments with respect to this condition.

- 42. As part of the SDP submittal that shows A-44, a Phase II Noise Study shall be provided for residential areas adjacent to A-44 with projected noise levels in excess of 65 dBA. The SDPs shall include detailed information on the**

- 43. noise attenuation measures that will be used to mitigate the adverse noise impacts associated with the A-44 Master Plan Roadway.**

No written information has been provided with respect to a Phase I or Phase II noise study for the residential areas adjacent to A-44. Oral information provided by the applicant suggests that the 65 dBA Ldn noise contour extends onto one lot only (Lot 1, Block "A" of Landbay "C"). Because no specific information has been received with respect to potential adverse noise impacts to residential areas adjacent to A-44, it is impossible to determine if this condition has been satisfied.

Recommended Condition: Prior to certification of Specific Design Plan SDP-0308, a

Phase I and/or Phase II noise study shall be submitted for Lots 1 and 2, Block "A," Landbay "C" that demonstrates that no adverse impacts will affect the above mentioned lots. If adverse impacts are found to impact either of the lots, the lot(s) so impacted shall be identified as Outlot(s) until such time as a Specific Design Plan addressing noise attenuation is approved by the Planning Board.

4-01032 Preliminary Plan Conditions to be addressed at SDP

- 16. All trails network shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed.**

It should be noted that the proposed trail system within the limit of this application includes numerous stream and wetland crossings that require special attention. The TCPII as submitted proposes the use of boardwalks for all stream and wetland crossings.

Recommended Condition: Any areas of the proposed trail system not identified as requiring dry passage but determined to require dry passage during the field review of the proposed alignment shall be flagged so the Department of Parks and Recreation, the Urban Design Section and Environmental Planning Section can be consulted to determine the appropriate actions required prior to the start of any construction in those areas. If determined to be necessary, additional segments of boardwalk will be required.

- 17. As part of the Specific Design Plan submittal that shows A-44, a Phase II Noise Study shall be provided for residential areas adjacent to A-44 with projected noise levels in excess of 65 dBA. The SDPs shall include detailed information on the noise attenuation measures that will be used to mitigate the adverse noise impacts associated with the A-44 Master Plan Roadway.**

See CDP Condition 42 above.

- 19. Prior to the approval of any Specific Design Plan proposing PMA impacts listed as A-3 & 4; B-1, 2, 3, & 5; C-5, 6 & 8-11; and D-2 on Attachment "A" of the Environmental Planning Section's referral memo dated August 28, 2001, the SDP shall provide additional justification for the proposed impacts and show how the site has been redesigned to avoid or further minimize the PMA impacts including, but not limited to, relocation of proposed site features, use of bridges, and any other technique.**

See Environmental Review item #3.

- 21. Prior to the approval of the Specific Design Plan and the associated Type II Tree Conservation Plan which would initiate the requirement for off-site woodland conservation, the location of the off-site mitigation shall be identified and a Type II Tree Conservation Plan shall be approved for said location.**

Because this is the first phase of the project that initiates the requirement for a Type II Tree Conservation Plan, and there are sufficient woodlands remaining to meet the requirements on site, this condition does not apply. No further information is required with respect to this condition for this phase of the Oak Creek Club development.

- 26. As part of the Specific Design Plan submittal, a Type II Tree Conservation Plan shall be provided that includes a woodland conservation worksheet that reflects the overall requirements for Oak Creek Club, the requirements for each of the prior phases that may have been approved, the requirements for the current phase of the project, and the cumulative requirements for all approved phases and phases under review.**

The worksheet included on the TCPII as revised has addressed this condition.

ENVIRONMENTAL REVIEW

As revisions are made to the plans, the revision boxes on each plan sheet shall be used to describe the changes, the date made, and by whom.

- (1) The Detailed Forest Stand Delineation (FSD) was previously reviewed and found to address the criteria for an FSD in accordance with the Prince George=s County Woodland Conservation and Tree Preservation Technical Manual

Discussion: No additional information is required with respect to the Forest Stand Delineation.

- (2) 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 previously approved Tree Conservation Plans, TCPI/91/92 and TCPII/97/95, encompassing the parcels or portions of the parcels included in this application. It should be noted that TCPII/97/95 was approved for the sole purpose of establishing 25 acres of off-site mitigation on existing woodlands in the northeast corner of this property.

Type II Tree Conservation Plan TCPII/109/03 has been found to generally address the requirements of the Prince George's County Woodland Conservation Ordinance. This application is the second application to be submitted within the limits of the overall site and has been evaluated assuming that Phase 1A, the golf course phase, has been approved. This 235.39-acre application (SDP-0308 and TCPII/109/03) increases the overall woodland conservation requirement by 25.64 acres over the requirement established by TCPII/97/95-01 and SDP-0306. The 24.08 acres of additional requirement are associated with the ¼: 1 replacement required for

clearing 96.32 acres of woodland on the net tract and the 1:1 replacement requirement for clearing 1.56 acres of forested floodplain, for an overall total requirement of 266.75 acres.

The 266.75 acres required is proposed to be satisfied by 91.85 acres of on-site preservation, 18.00 acres of on-site preservation as part of a mitigation bank that was previously approved, and 49.71 acres of on-site afforestation and reforestation. The 159.56 acres total and the 132.50 acres of woodland remaining in later phases of this project meet the overall requirement of 292.06 acres. Therefore, the property is in compliance with the requirements of the Prince George's County Woodland Conservation Ordinance.

TCPII/109/03 is recommended for approval subject to the following conditions.

- (a) *Prior to certification of the Specific Design Plan, SDP-0308, the Type II Tree Conservation Plan, TCPII/109/03, shall be revised as follows:*
 - i. *Each sheet of the plan shall be signed and dated by the licensed landscape architect, licensed forester or other qualified professional who prepared the plan.*
 - ii. *Correct the information on the Phase I–Site Information table and/or the TCP worksheet to be consistent with respect to the correct acreage of land included in this application. As currently shown, there is a 32.47-acre difference between these two tables with respect to the area included in the application.*
 - iii. *Correct the planting schedule and the reforestation calculation tables to reflect the same acreages for each category of plantings.*
 - iv. *Additional notes item 2 on sheet 30 of 30 shall be corrected to indicate the site development inspector and the correct phone number (301-731-8790).*
 - v. *Add specific notes indicating the sequence of the planting within the scope of this phase of the project.*
 - vi. *Revise the worksheet to correctly account for the woodland remaining in later phases so that a negative number is not reflected in the shortage row of the worksheet.*
 - vii. *Revise the worksheet as necessary after addressing each of the above items.*

- (3) As noted previously in this memorandum, the PMA has been accurately reflected on the plans as submitted. During the review of the Preliminary Plan of Subdivision, numerous PMA impacts were proposed, some of which were supported, some that were supported with a condition that the proposed impacts be further evaluated and minimized during the review of the SDP, and some impacts that were not supported or approved. A total of 19 PMA impacts are proposed by this application, 11 of which were not addressed by the Preliminary Plan of Subdivision. Nearly all of the new proposed impacts are associated with the main sewer outfall for the site that was originally located in the road and is now located behind the lots where the PMA is located. The relocated sewer alignment is in response to a WSSC requirement for the new location due to the depth of the sewer at its current location and an even greater depth that would be needed if placed in the roadway as originally proposed. The remaining eight PMA impacts were all approved, some with the condition that they be further evaluated during the review of subsequent plan submittals to determine if the proposed impacts could be further minimized.

Discussion: The plans as revised generally address Preliminary Plan Condition 19 by providing additional justification for the proposed impacts where those impacts were not further reduced beyond that approved with the Preliminary Plan of Subdivision.

- (4) Marlboro clay has been found to occur within the limits of this application. During the review of the Preliminary Plan of Subdivision, a geotechnical report was submitted that identified several areas where the 1.5 safety factor line extended into the proposed residential development area. Based on the geotechnical report, proposed Lots 34-52, Block "A," Landbay "C" and Lots 13-14, Block "B," Landbay "C" were specifically identified as not meeting the required 1.5 safety factor. Areas that do not meet or exceed the 1.5 safety factor are at risk for slope failures, thus creating unsafe land, when grading and construction activities place additional weight within areas delimited by the 1.5 safety factor line. As of this date no additional information has been provided to indicate that the development of these lots as proposed would inadequately address the required 1.5 safety factor to ensure that the proposed lots are indeed safe.

Recommended Condition: Prior to certification of the Specific Design Plan, a geotechnical report prepared by a geotechnical engineer shall be submitted to the Environmental Planning Section addressing the proposed grading and home construction on Lots 34-52, Block "A" and Lots 13-14, Block "B," Landbay "C" with respect to the required 1.5 safety factor as required by the Department of Environmental Resources. If the geotechnical report does not adequately address the 1.5 safety factor for the above referenced lots, the Specific Design Plan's certification will exclude those lots from the final approval and the subject lots may not be platted.

- j. **Department of Environmental Resources (DER)**—DER stated that while the site plans

for Landbay A are consistent with approved stormwater concept 42867-2002, the other landbay areas are not consistent with approved Stormwater Management Concept Plan 6397-2001.

- k. **Fire Department**—The Prince George’s Fire Department has advised that the subject site must be accessible to fire apparatuses from a public street and all buildings on the site must be within 500 feet of a fire hydrant. In addition, all private roads must be designed at least 20 feet in width.
- l. **Department of Public Works & Transportation (DPW&T)**—The Department of Public Works and Transportation stated that right-of-way dedication and frontage improvements, including sidewalks, street trees and lighting, would be required along Oak Grove and Church Roads. In addition they suggested that use of a roundabout or traffic signalization be considered at both the northern and southern access to Church Road South.
- m. **The Washington Suburban Sanitary Commission (WSSC)**—WSSC stated that an amended revision will be required for F, D, J and Golf Course areas 14, 16 and 17 and that rights-of-way easements in golf areas should be shown on the plan.
- n. **The City of Bowie**—The Bowie City Council held a public hearing on the subject application on Tuesday, September 2, 2003. At the conclusion of that hearing, the Council unanimously voted to recommend approval subject to conditions, all of which have been incorporated into the proposed conditions below except the following:
 - (1) Bowie recommended Condition 1 has not been included because the Perrywood 4 model (K & P Homes) at 2,370 square feet exceeds the recommended 2,200-square-foot minimum, and because the square footage of the Belvedere model (Ryan Homes) has been addressed by recommended Condition 4.c. of SDP-0304.
 - (2) Bowie recommended Condition 12 has not been included because it is unsupported by any local and state law or policy, and because the Environmental Planning Section finds no environmentally based reason for its inclusion.
 - (3) While staff agrees in principle with Bowie Condition 8, staff is not including it in the list of recommended conditions, although staff has no objection to the applicant including such units in future modifications to the umbrella architectural approval.
 - (4) Lastly, we recommend that Condition 9 be modified to require that at least 50, instead of 80, percent of trees and plants indicated on the landscape plan be chosen from native species.
- 6. The *Landscape Manual* applies only in part to the subject project because its design and development has been controlled by the comprehensive design process. Comparable landscaping, however, is being provided for the project, and parking lot landscaping, if any, will be within the

parameters of the *Landscape Manual*.

7. The project meets the guidelines for approving a specific design plan outlined in Section 27-528 of the Zoning Ordinance. Specifically:
 - a. The plan is in general conformance with the approved CDP, although some items of required information have not yet been provided but will be required prior to certificate approval in accordance with the proposed conditions below.
 - b. Based on conditions approved in Preliminary Plan 4-01032, the development will be adequately served within a reasonable period of time with existing or programmed public facilities as required by Zoning Ordinance Section 27-528(a)(2).
 - c. Recommended Condition 2 ensures that the development will be adequately served as per the above finding.
 - d. Adequate provision will be made for draining surface water so that there are no adverse effects on the subject property or adjacent properties.
 - e. The plan is in conformance with the Tree Conservation Plan recommended for approval by the Environmental Planning Section.
 - f. Recommended Condition 2.h. assures that the submitted Type II Tree Conservation Plan, TCPII/97/95-01, meets the requirements of the Prince George's County Woodland Conservation Ordinance.
8. Approval of the subject application in combination with SDP-0304, the umbrella architecture approval for the project, constitutes the entire SDP.
9. The following townhomes, by convention not included in the umbrella architecture application, are included in the subject SDP.

Builder	Townhome Unit	Total Base Finished Area (in square feet) [add??]
Craftstar	Foxhall	2,046.00
Craftstar	Kensington	2,462.60
Craftstar	Arlington	1,981.94
NV Homes	Astor	2,061.00

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/109/03), and further APPROVED Specific Design Plan SDP-0308 for the above-described land, subject to the following conditions:

1. Prior to signature approval of the plans for the project the applicant shall:
 - a. Show on the plans a concrete sidewalk on at least one side for:

Dornamsville Boulevard, south and east of Coffren Place, in Land Bay B
Himalia Circle, in Land Bay B
Coffren Place, in Land Bay B
Ansonia Court, in Land Bay B
Stanwich Terrace, in Land Bay C
Rifton Court, in Land Bay I
Modena Circle, in Land Bay I
Elara Court, in Land Bay I
Bloomfield Lane, in Land Bay J
Panora, in Land Bay J
 - b. Provide staff with a financial guarantee and accompanying executed agreement with the Department of Public Works and Transportation for operation of a private bus service, including a timetable for bonding and initiating the service. Such financial guarantee and agreement shall be approved by staff as designee for the Planning Board.
 - c. The applicant shall provide concrete walkways (colored or stained, if desired by the applicant, to any shade or color agreed upon by staff and applicant) for pedestrian facilities in accordance with the section in the streetscape approval of SDP-0303 for both open and closed section roadways.
 - d. Show trail or sidewalk connections from the end of Landess (Esmond) Place to the park/school site.
 - e. The master plan trail along the rear of Lots 1-6 and 8-33, Block A, shall be a minimum of 25 feet from buildings and 20 feet from the rear property lines. The Department of Parks and Recreation may agree that the trail may be closer to the rear property lines based on a field visit prior to construction of the dwelling units on these lots.
 - f. Provide the Park Planning and Development Division of the Department of Parks and Recreation with conceptual details for the master-planned trail construction including conceptual details showing typical trail sections and surface materials and concept plans for bridges and boardwalk construction, together with plans for any Department of Parks and Recreation approved structures to assure dry passage for trails.
 - g. Submit a Phase I and/or Phase II Noise Study for Lots 1 and 2, Block "A", Landbay "C," that demonstrates that no adverse impacts will affect the above-mentioned lots. If adverse impacts are found to impact either of the lots, the lot(s) so impacted shall be identified as Outlot(s) until such time as a Specific Design Plan addressing noise attenuation is approved

by the Planning Board.

- h. The Type II Tree Conservation Plan, TCPII/109/03, shall be revised as follows:
 - (1) Each sheet of the plan shall be signed and dated by the licensed landscape architect, licensed forester or other qualified professional who prepared the plan.
 - (2) Correct the information on the Phase I–Site Information table and/or the TCP worksheet to be consistent with respect to the correct acreage of land included in this application. As currently shown there is a 32.47-acre difference between these two tables with respect to the area included in the application.
 - (3) Correct the Planting Schedule and the Reforestation Calculations tables to reflect the same acreages for each category of plantings.
 - (4) Additional Notes item #2 on sheet 30 of 30 shall be corrected to indicate the Site Development Inspector and the correct phone number (301-731-8790).
 - (5) Add specific notes indicating the sequence of the planting within the scope of this phase of the project.
 - (6) Revise the worksheet to correctly account for the woodland remaining in later phases so that a negative number is not reflected in the shortage row of the worksheet
 - (7) Revise the worksheet as necessary after addressing each of the above items.
 - i. The plans shall be amended to show how the master planned trail will cross Church Road. Plans for the crossing shall be approved by the Department of Public Works and Transportation and the Department of Parks and Recreation.
- 2. When building permits are applied for, the applicant shall pay a per-dwelling-unit fee (in the amount in effect when building permits are applied for) to relieve overcrowding in the local elementary schools.
 - 3. The Belvedere model proposed by Ryan Homes may be used only if options chosen cause the base finished area to meet or exceed 2,200 square feet minimum for aboveground finished floor area.
 - 4. On corner lots, or on highly visible units where a chimney is provided and faces the street, those chimneys shall be constructed entirely of brick. Where the chimney faces public space, brick is encouraged.
 - 5. Units across the street from or next to each other shall not have the same front elevation. A variety of different colors, materials, and special features should also be used to ensure that units appear

unique, even if adjacent to units with similar front elevations.

6. Vehicular access to corner lots shall be provided from the street of lower classification, wherever possible. Corner lots should be generally larger and wider to accommodate the siting of dwelling units in a manner that preserves the greatest amount of functional rear yard as possible.
7. Units shall be sited on lots to provide the greatest functional rear yard possible. To accomplish this, dwelling units shall be sited at or close to the front building restriction line so as to provide for the greatest amount of functional rear yard.
8. Developers and builders shall consider landscaping techniques and materials to shade dwelling units and reduce energy consumption.
9. On highly visible townhouse units and detached lots, the front façade and (visible) endwall shall be constructed of the same material. Prior to certificate approval, the lots affected by this condition shall be agreed upon by the applicant and staff and shown graphically on the SDP.
10. The landscape plan shall be revised to demonstrate that at least 50 percent of the trees and plants are native plants, with an additional 30% to be hybrids of native plants.
11. The landscape plan shall be revised to substitute the Winged Burning Bush (except in the L-A-C portion of the site and within the clubhouse parking area) with a native plant alternative such as red chokeberry, silky dogwood, Virginia sweetspire, mapleleaf viburnum and highbush blueberry.
12. Prior to the issuance of the building permit for units to be built on Lots 1-6 and 8-33, Block A, signs shall be posted on the alignment of the Master Plan Trail behind all the above-mentioned lots.
13. All play areas shall comply with the requirements of the Americans with Disabilities Act and with the *Parks and Recreation Facilities Guidelines*.
14. On-street parking shall be prohibited throughout the proposed development.
15. The applicant shall not utilize a diesel bus for purposes of providing private bus service.
16. At least a 50-foot building setback shall be provided from the street line and property line along Church Road. Units built on these lots shall have side entrance garages and may have dualized driveways.
17. The plan shall be modified to show turnarounds acceptable to the Transportation Planning Section at the following locations:

The north end of Landess (Esmond) Place
The west end of Argos Place
The west end of Briarly Place

The north end of Canaan Street

18. Prior to final plat approval a geotechnical report shall be prepared by a geotechnical engineer, submitted to and approved by the Environmental Planning Section addressing the proposed grading and home construction on Lots 34-52, Block "A;" and Lots 13-14, Block "B", Landbay "C" with respect to the required 1.5 safety factor as required by the Department of Environmental Resources. If the geotechnical report does not adequately address the 1.5 safety factor for the above referenced lots, the subject lots shall be removed from the plan and may not be platted.
19. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Design of any needed structures shall be reviewed and approved by DPR.
20. Prior to the issuance of the first building permit for the project, the applicant shall provide the Washington Suburban Sanitary Commission with the required amended revision for Land bays F, D, and J.
21. Applicant shall reduce the number of townhouse sticks with more than 6 units to no more than 20% of the total number of sticks.
22. The total number of lots for the entire development shall not exceed 1,148, the number of lots approved by Preliminary Plan 4-01032.
23. Prior to grading or construction of golf course paths or facilities on property to be dedicated to the Department of Parks and Recreation, the construction drawings for such golf course paths or facilities on property to be dedicated to the Department of Parks and Recreation shall be reviewed and approved by that Department.

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 Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Vaughns, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 25, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of October 2003.

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Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RG:rmk