

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 December 9, 2004, regarding Specific Design Plan SDP-0411 for Oak Creek Club – Phase II, the Planning Board finds:

1. **Request**—Construction of a second phase of the Oak Creek Club development to include 86 single-family residential units.

2. **Development Data Summary**

	Existing	Proposed
Zone(s)	RL	RL
Use(s)	Vacant	Single-family residential, part of a mixed-use development
Acreage	64.73 acres, part of an approximately 923 acre tract	64.73 acres, part of an approximately 923-acre tract.
Lots	631 (Phase One)	86 (Phase II) 717 (Total Phase I and II)
Parcels	45	45
Square footage/GFA	NA	NA
Dwelling Units:	631	86

3. **Location**—The site is located in the northwest quadrant of the intersection of Oak Grove and Church Roads. Access to the site is from Church Road, approximately 2,550 feet north of its intersection with Oak Grove Road.
4. **Surroundings and Use**—The subject property is bounded by residential use and vacant land to the north; by residential use and a plant nursery to the west; by St. Barnabus Church, Queen Anne School, and the Perrywood CDZ to the south; and by residential use and vacant land to the east.
5. **Previous Approvals** – 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. Therefore, the requirements of the approval of CDP-9902 are applicable to this site, zoned exclusively R-L. The site is also the subject of approved stormwater concept 28201-2004. In addition, Oak Creek Club has received approval of four other SDPs—SDP-0303 for the streetscape

elements; SDP-0304 and revisions thereto, an “umbrella” approval for all single-family detached architecture in all sections of the project; SDP-0306 for the golf course; and SDP-0308 for Phase 1 of the development involving the approval of 631 units on the site.

6. **Design Features**—The overall 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 comprise 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 (Phase II), however, involves the construction of 86 single-family detached units in “Landbay M.” Zoning for this phase of the proposed project is solely R-L. Residential Pod “M” is accessed by a single point on Church Road via Dormansville Boulevard that subsequently terminates in a cul-de-sac. Bleak Hill Place branches off to the south, single-loaded in part, providing access for additional lots and also terminating in a cul-de-sac, Shannock Lane, which, in turn, branches off Bleak Hill Place offering access to additional lots and providing future access to planned residential pods, N, O, P and Q. Ardonia Terrace branches off Shannock Lane to the northwest, providing access to additional lots. Residential Pod “M” also includes the portion of the stream valley on the property immediately to its north and some floodplain along the stream, west of Bleak Hill Place and west of Ardonia Terrace. There is a small parcel adjacent to Land Bay “M,” known as the Hope Young Cottage that is not part of Oak Creek Club.

Compliance with Evaluation Criterion

7. **The Zoning Ordinance**—The project was originally approved under Part 8, Comprehensive Design Zones. Division 2, Subdivision 2, applies specifically to the L-A-C portion of the site and Subdivision 8 applies specifically to the R-L portion of the site. Specific design plans are addressed by Division 4, Subdivision 2, specifically Section 27-528 that outlines the required findings. As particularized in Finding 12 below, staff has reviewed the submission and would recommend that the required findings may be made under that section.
8. **Preliminary Plan of Subdivision**—Preliminary Plan 4-01032 was approved by the Planning Board on December 20, 2001. The resolution, PGCPB 01-178, was adopted that same day. Conditions 12, 15, 16, 19, 21 and 26 were noted to be relevant to the subject application. Staff has reviewed the plans for compliance with those conditions and found them to be generally acceptable except as provided for in the recommended conditions below.
9. **Landscape Manual**—The *Landscape Manual* applies only in part to the subject project because its design and development have 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*.

10. **Woodland Conservation Ordinance**—The proposed application is subject to the provisions of the Woodland Conservation Ordinance. A Type I Tree Conservation Plan, TCPI/91/92, and a Type II Tree Conservation Plan, TCPII/94/04, were approved for the site. This application is for a portion of the site identified as Landbay “M.”

11. **Referral comments—**

Historic Preservation—In a memorandum dated August 2, 2004, the Historic Preservation Section stated that the applicant should identify archeological resources in the project area by conducting a Phase I archeological investigation. Staff has recommended a condition that will ensure that a Phase I archeological investigation will be done prior to signature approval of the subject DSP.

Community Planning—In a memorandum dated August 18, 2004, the Community Planning Division stated that the basic plan and an approved comprehensive design plan resolved all master plan issues relating to the subject site.

Transportation Planning Section—The Transportation Planning Section, in a memorandum dated October 11, 2004, summarized applicable transportation conditions in prior approvals including Comprehensive Design Plan CDP-9902 and CDP-9903 and Preliminary Plan of Subdivision 4-01032, concluding that there are a number of outstanding issues requiring resolution prior to Planning Board approval. Specifically, they noted that Condition 32 of CDP-9902 requires the submittal of a signal warrant study, or DPW&T’s approval of roundabouts at two site access points along Church Road, prior to Planning Board approval of the specific design plan and Condition 42 of Preliminary Plan of Subdivision 4-01032 requires traffic calming along Oak Grove Road through the installation of a roundabout at the Church Road/Oak Grove Road intersection. The applicant argues that these conditions should not be required at this time, as the approval of Landbay M does not involve the entire Church Road frontage. Staff would suggest that, since Phase II involves the impact of vehicle trips from 86 additional units on Church Road, the conditions should be complied with before staff can recommend approval of the subject DSP. Please note, as mentioned in Finding 3 above, only the requirements of CDP-9902 are operative for this phase of the development. On November 29, 2004, in view of DPW&T’s approval of the design of the two roundabouts for the project, the Transportation Planning Section verbally revised their comments, stating the site plan is acceptable.

Subdivision Section—The Subdivision Section, in a memorandum dated August 12, 2004, stated that Preliminary Plan 4-01032 was approved by Planning Board on Thursday, December 20, 2001. Resolution PGCPB 01-178 was adopted that same day. Conditions 12, 15, 16, 19, 21 and 26 of that approval are relevant to the review of the subject specific design plan. Further, they stated that the proposed specific design plan presents a lotting pattern and road configuration that is in substantial conformance with the approved preliminary plan.

Trails—In a memorandum dated August 19, 2004, the trails planner stated that the adopted and approved Bowie-Collington-Mitchellville and Vicinity Master Plan recommends the three master

plan trails in the vicinity of the subject site, one located on the land that is the subject of this application. However, that trail is being included on the easterly side of Church Road and the subject application is located on its westerly side. Further, he stated that a required stream valley trail along Black Branch is appropriately reflected on the submitted plans; it is properly noted that the trail in conformance with CDP Condition 44 C is to be staked in the field with DPR and the trails planner prior to construction. With respect to sidewalk connectivity, the trails planner noted that, as required, sidewalks are reflected along one side of all internal roads. Lastly, the trails planner suggested three conditions that are reflected in the recommended conditions below.

Permit Review Section—The Permit Review Section, in a memorandum dated September 2, 2004, made numerous comments that have either been addressed by revisions to the plans or in the recommended conditions below.

Public Facilities—In a memorandum dated September 1, 2004, the Historic Preservation and Public Facilities Planning Section stated that fire and ambulance service to the subject location is beyond the desirable response time, but within the desired response time for paramedic service and will be adequately served by existing police service in the area. In order 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 specific design plan, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate. The Historic Preservation and Public Facilities Planning Section suggested that the preliminary plan condition calling for a fair share contribution for the Leeland Road station be retained in accordance with the fair share fee formula or \$21,688 for these lots.

Environmental Planning—In a memorandum dated October 11, 2004 (received October 18, 2004), the Environmental Planning Section stated 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. They also stated that no transportation-related noise impacts have been identified. The soils on the property are varied and some of the soil types have limitations with respect to impeded drainage, slow permeability, and seasonally high water tables. Most of the soils were found to have no significant limitations with respect to the development of the property. The Environmental Planning Section then offered a review of prior approved environmental conditions, including conditions from the approval of basic plans A-8427, A-8578, A-8579 and comprehensive design plans CDP-9902 and CDP-9903 and recommended several conditions regarding submission of a technical stormwater management plan, dry passage on the trail system in the development and certain revisions to the tree conservation plan that have been incorporated in the recommended conditions below.

Department of Environmental Resources—In comments August 17, 2004, the Department of Environmental Resources stated that the site plan for Oak Creek Club, Phase II (SDP-0411) is consistent with approved stormwater concept 28201-2004.

Prince George's County Fire Department—In a memorandum dated August 10, 2004, the Prince George's County Fire Department made comments regarding access to the site, road design, and the required location and performance of fire hydrants.

The Department of Public Works and Transportation—In a memorandum dated August 25, 2004, the Department of Public Works and Transportation stated that right-of-way dedication and frontage improvements must be required in accordance with the County Road Ordinance, the Department of Public Works & Transportation's specifications and standards, and the Americans with Disabilities Act. Additionally, they noted that all storm drainage systems and facilities are to be in accordance with requirements of the Department of Public Works and Transportation and the Department of Environmental Resources and that coordination with various utility companies would be required if existing utilities require relocation and/or adjustments. In an e-mail dated November 10, 2004, DPW&T indicated approval of the design of the roundabout on Church Road. This approval made it unnecessary for a signalization study to be provided by the applicant for providing a traffic signal at the intersection of Church Road South and the northern access to the development. Noting that the existing intersection at Watkins Park Drive (MD 193) and Oak Grove Road is controlled by a roundabout that is to remain in place, they stated that an exclusive right-turn lane should be installed along the southbound Church Road and an exclusive left-turn lane should be installed along the eastbound movement of Oak Grove Road at the same intersection. Lastly, they mentioned that certain specified improvements would have to be made at the MD 214 and 193 and the MD 214 and Church Road intersections. Please note that compliance with the Department of Public Works and Transportation's requirements will be accomplished through a separate permitting process.

The Washington Suburban Sanitary Commission—In a memorandum dated August 3, 2004, the Washington Suburban Sanitary Commission stated that Project #DS3113ZO1 is an approved project within the limits of this proposed site and the applicant should contact the Washington Suburban Sanitary Commission for further information.

12. The project fulfills the required findings for approving a specific design plan outlined in Section 27-528 of the Zoning Ordinance. Specifically:

Sec. 27-528. Planning Board action of the Prince George's County Zoning Ordinance includes the required findings for the approval of a specific design plan. Staff has bolded each required finding below and followed with an explanation of how that finding has been met.

(a) Prior to approving a Specific Design Plan, the Planning Board must find that:

- (1) The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual...**

Comment: Staff has reviewed the proposed project against the approved Comprehensive

Design and the applicable standards of the *Landscape Manual* and found it to be in substantial conformance with the approved Comprehensive Design Plan and the applicable standards of the *Landscape Manual*.

- (2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development;**

Comment: As discussed in Finding 11 above, memorandum dated September 1, 2004, from the Historic Preservation and Public Facilities Planning Section and a memorandum dated October 11, 2004, from the Transportation Planning Section indicate that the development will be adequately served with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties and**

Comment: As per comments received from the Department of Environmental Resources, the site plan for Oak Creek Club, Phase II, SDP-0411, is consistent with approved stormwater concept 28201-2004. The approved stormwater concept plan for the property ensures that stormwater will be managed so that there are no adverse effects on either the subject property or adjacent properties.

- (4) The plan is in conformance with an approved Tree Conservation Plan.**

Comment: In a memorandum dated August 23, 2004, the Environmental Planning Section stated that the Type II Tree Conservation Plan, TCP/94/04, could be recommended for approval provided certain revisions are made to the TCPII/109/03. Recommended Condition 2 below ensures these revisions will be made. Therefore, it may be said that the plan is in conformance with an approved tree conservation plan.

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/94/04), and further APPROVED Specific Design Plan SDP-0411 for the above-described land, subject to the following conditions:

1. Prior to signature approval of the plans for the project, the following revisions to the plans or submissions shall be made by the applicant:

- a. Include a note on the plans that all trails shall be assured of dry passage. If wet areas must be traversed, suitable structures shall be constructed.
- b. Sidewalks and associated improvements as approved in SDP-0303 shall be provided along one side of all internal roads.
- c. Applicant, in accordance with the fair share formula for the subject lots, shall contribute \$21,688 toward the construction of the Leeland Road station, in order to address negative impact that the construction of these units will have on fire and rescue service in the vicinity of the proposed project.
- d. Revisions requested by the Environmental Planning Section as designee of the Planning Board shall be made to the TCPII tree conservation plan.
- e. A copy of the approved jurisdictional determination for wetlands shall be made available to staff and the PMA adjusted as per instruction from the Environmental Planning Section as designee of the Planning Board.
- f. Submit a copy of the approved or pending technical stormwater management plan.
- g. The applicant shall identify archeological resources in the project area by conducting Phase I archeological investigations.
- h. The applicant shall add a note to the plans indicating that automatic fire suppression systems shall be provided for the approved units.
- i. The applicant shall add the details of sidewalks and associated improvements, including required placement of street trees as approved as part of SDP-0303.
- j. The "Brick Front Tracking Chart" denoted on the site plans shall state the minimum percentage (60%) of homes required to have brick fronts and the percentage proposed for each neighborhood.
- k. A note shall be added to the site plans stating that, for detached units with rears facing the golf course:
 - i. Decks and porches facing the golf course shall be painted, stained, etc. and shall not be allowed to weather naturally.
 - ii. Private fences shall not be allowed in the rear yards and rear yard landscaping shall be selected from a limited group of options to be installed by the developer.

- l. A note shall be added to the site plans that roofing shingles that are energy-sensitive and light-reflective shall be offered to buyers as an option for all models, if feasible.
 - m. The lot performance standards on Sheet 1 of 10 shall be revised to conform to page 10 of approved CDP-9902.
 - n. In order to determine which model will be allowed on the various lots, a table shall be provided that tracks the lot area, the permitted amount of building coverage, and the lot width at the front building line for each lot in the neighborhood.
 - o. Applicant shall provide a tot lot, designed in accordance with the *Parks and Recreation Facilities Guidelines* within the confines of Landbay M. If insufficient land area is available to accommodate the tot lot, a residential lot shall be eliminated to provide adequate space for a properly designed tot lot.
2. Prior to certificate approval the Type II Tree Conservation Plan, TCPII/94/04 shall be revised as follows:
 - a. Delete the note by the TCP worksheet on sheet 11 of the TCP and replace it with the following:

“For the purpose of this plan all woodlands shown as being saved on lots less than 20,000 square feet in size have been calculated as being cleared for the purpose of determining the woodland conservation requirements for this site.”
 - b. Remove the “proposed tree line” symbol from the plans and replace it with a “limit of disturbance” symbol.
 - c. Add a note to the plan indicating that all afforestation adjacent to any lot shall be completed prior to the issuance of the use and occupancy permit for the adjacent lot.
 - d. The plans shall be signed and dated by the licensed landscape architect, licensed forester, or other qualified professional who prepared the plan.
3. Prior to the issuance of any permits within the limits of this application a copy of the approved technical stormwater management plan shall be submitted to the Environmental Planning Section to ensure that it is consistent with the approved Type II Tree conservation plan. Any inconsistencies between the plans will require revisions and approval of those revisions to one or both plans prior to the issuance of any permits.
4. At the time of building permit for each lot, the following shall be observed:
 - a. To the extent possible, driveways shall be set back a minimum of two (2) feet from the side lot line.

- b. Units shall be sited at or close to the front building line in order to provide the greatest functional rear yard possible.
 - c. Dwelling units on corner lots shall generally face the street corner.
 - d. Site trees shall be informally grouped near proposed street trees to the extent possible.
- 5. 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 by the Department of Parks and Recreation, the Urban Design Section, and the Environmental Planning Section and those areas shall be provided dry passage. Staff shall 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.
 - 6. The applicant shall dedicate the land along the Black Branch stream valley to the M-NCPPC Department of Parks and Recreation as shown on the approved preliminary plan and construct the multiuse hiker/biker trail the entire length of the stream valley, which will ultimately connect to a planned stream valley trail along Collington Branch. This trail shall be staked in the field with a representative of the Department of Parks and Recreation and the trails planner prior to construction.
 - 7. Clearing shall take place in an east/west fashion where possible to promote the migration of wildlife away from the roads towards the streams and woodland.
 - 8. In order to promote wildlife control, temporary plastic snow fencing shall be installed along the roadway frontage on the west side of Church Road South and the north side of Oak Grove Road before grading is underway. The fencing shall remain and be maintained for the duration of the grading work at the site.
 - 9. Units across the street from and next to each other shall not have the same front elevation.
 - 10. On highly visible detached lots, the front façade and (visible) endwall shall be constructed of the same material.
 - 11. The applicant, his heirs, successors and/or assignees shall display in the sales office, all of the plans approved by the Planning Board for this subdivision, including all exterior elevations of all approved models, the specific design plans, tree conservation plans, landscape plans and plans for recreational facilities.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns, Squire and Hewlett voting in favor of the motion, and with Commissioner Harley absent at its regular meeting held on Thursday, December 9, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of January 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RG:rmk