

A M E N D E D 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, by letter dated October 5, 2017, the applicant requested a waiver and reconsideration of the conditions to construct a roundabout at the intersection of Oak Grove Road and Church Road and convert the roundabout to a four-way signal-controlled intersection; and

†WHEREAS, on November 9, 2017, the Planning Board approved the waiver and request for reconsideration due to mistake or inadvertence in furtherance of substantial public interest (Rules of Procedure, Section 10(e)); and

†WHEREAS, on February 15, 2018, the Planning Board heard testimony regarding the reconsideration.

WHEREAS, in consideration of evidence presented at a public hearing on May 12, 2005, regarding Specific Design Plan SDP-0417 for Oak Creek Club, Phase 3, the Planning Board finds:

1. **Request:** The subject application requests the construction of 92 single-family detached houses in the R-L Zone.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone	R-L	R-L
Use(s)	Vacant	Residential
Acreage	64.73	64.73
Lots	0	92

3. **Location:** The site is in Planning Area 74A, Council District 6. More specifically, it is located in the northwestern quadrant of Oak Grove and Church Roads.

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4. **Surroundings and Use:** The subject property is bounded by vacant land to be developed as an M-NCPPC-owned park to the north; single-family detached residential development to the south; and part of the Oak Creek Development, vacant land to be developed as single-family residential, recreational facilities ancillary to residential development, and part of Phase II of the Oak Creek development to the east.
5. **Previous Approvals:** The proposed project is subject to the requirements of CDP-9902 and 9903. CDP-9902 was approved for the larger Oak Creek 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 the site. The current application falls within the portion of the site zoned R-L. SDP-0303 Streetscape Elements was approved by the Planning Board for the site on July 17, 2003. The Planning Board adopted Resolution No. 03-155, formalizing that approval on September 4, 2003. SDP-0304 Umbrella Architecture was approved by the Planning Board for the site on September 25, 2003. PGCPB Resolution No. 03-206 was subsequently adopted by the Planning Board on October 2, 2003. The decision was then affirmed by the District Council on October 10, 2003. The umbrella architecture for the project has been revised two times, by SDP-0304/01, approved June 21, 2004, and by SDP-0304/02, approved November 22, 2004. SDP-0306 was approved for the golf course for Oak Creek on September 25, 2003. Resolution No.03-207 was adopted by the Planning Board, formalizing that approval, on October 2, 2003. SDP-0308, Phase I of residential development was approved for Oak Creek on September 25, 2003. Resolution No. 03-205, formalizing that approval, was adopted by the Planning Board on October 2, 2003. SDP-0411, Phase II of residential development was approved by the Planning Board on December 9, 2004. Resolution No. 04-294, formalizing that approval, was adopted by the Board on January 3, 2005. Stormwater Case #6397-2002-01 was approved on July 14, 2004. Such approval remains in full force and effect for three years or until July 14, 2007.
6. **Design Features:** Vehicular access to this phase of the Oak Creek Club development is provided by an extension of "Mary Bowie Parkway" from the already approved Residential Pod "J" of Phase One approved by the Planning Board on September 25, 2003, as Specific Design Plan SDP-0308. Mary Bowie Parkway swings through the site in a horseshoe configuration, double-loaded with lots, except at a few junctures where environmental features, the presence of a stormwater pond or trail connection break the consistent pattern. The Parkway terminates in a cul-de-sac as do two of the other streets in the proposed phase, Winamac St. and Theses Lane. Recreational facilities included in the design are a tot lot (sheet three) and trails throughout located on homeowner association land.

The subject phase of development was in part designed around an existing half-acre private homestead to remain in the center of it on the southerly side of the intersection of the park access road and Mary Bowie Parkway.

COMPLIANCE WITH EVALUATION CRITERIA

7. Staff has reviewed the proposed plan against the requirements of Basic Plans A-8427, 8578, and 8579 and found it to be in substantial conformance.
8. Staff has reviewed the proposed plan against the requirements of CDP-9902 and 9903 and found it to be in substantial conformance, provided plans are revised in accordance with recommended conditions below.
9. **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 14 below, staff has reviewed the submission and would recommend that the required findings may be made under that section.
10. **Preliminary Plan of Subdivision, 4-01032:** Preliminary Plan 4-01032 was approved by the Planning Board on December 20, 2001. The resolution of approval, PGCPB Resolution 01-178(c) was adopted on December 20, 2001. The preliminary plan remains valid until December 20, 2007, or until a final plat is approved and record plat recorded in the county land records. Further, the property is subject to the 43 conditions contained in the resolution of approval. The following conditions of approval apply to the review of the subject Specific Design Plan.

Condition 4. Prior to signature approval of the preliminary plan, the plan shall be revised to include the cart path detail referenced in the variation request. All cart paths that are proposed to cross PMAs shall be constructed as bridges or boardwalks for the entire length of the crossing. All cart paths shall be field located in consultation with the Environmental Planning Section staff prior to grading plan approval.

Comment: The cart path detailed on the specific design plan is consistent with the cart path detailed on the preliminary plan of subdivision.

Condition 7. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #6397-2001-00, or any revisions thereto.

Comments: In comments dated March 16, 2005, the Department of Environmental Resources stated that plans for Specific Design Plan SDP-0417 were consistent with approved Stormwater Management Concept Plan #6397-2001-00 or any revisions thereto.

Condition 15. The applicant, his heirs, successors and/or assignees shall construct, at a time to be determined in a Recreational Facilities Agreement at the time of the first Specific Design Plan:

- a. The multiuse, hiker-biker trail extends the entire length of the Black Branch Stream Valley Park. This trail will ultimately connect to a planned stream valley trail along Collington Branch. This trail shall be staked in the field with the Department of Parks and Recreation and the trails coordinator prior to construction. Appropriate trail connections shall be included to this trail from the development parcels.
- b. A comprehensive sidewalk and/or walkway network with sidewalks and/or walkways being constructed along at least one side of all primary, secondary, and village roads.

Comments: The appropriate trails and sidewalk/walkway as indicated above have been included in the subject plans. That the trails will be staked in the field with the Department of Parks and Recreation and the trails coordinator prior to condition is ensured by recommended Condition 1.m.(2) below.

Condition 16. All trails networks shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed.

Comments: That all trails networks shall be constructed to assure dry passage is ensured by recommended Condition 1.m.(3) below.

Condition 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.

Comments: In comments dated April 29, 2005, the Environmental Planning Section has stated that the submitted plans for off-site mitigation and a Type II Tree Conservation Plan shall be revised to the satisfaction of the Environmental Planning Section prior to signature approval of the subject specific design plan.

Condition 25. Prior to the approval of the final plat of subdivision, the applicant, his heirs, successors, and/or assignees shall demonstrate conformance to CB-72-2000, allowing the use of private roads to serve an integrated development, which contains lands in the R-A, L-A-C, and R-L Zones. Specifically, if the applicant is unable to identify R-A zoned land within the limits of the proposed preliminary plan all roads shall be dedicated to public use.

Comments: By concurrence between subdivision staff and the Subdivision Section, reference to R-A zoned land was a clerical error. Therefore, L-A-C and R-L zoned land in the development is sufficient to warrant the use of private roads.

Condition 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 which 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.

Comments: Compliance with this requirement is ensured by recommended Condition 1.n. below.

Condition 42. To facilitate traffic calming along Oak Grove Road, the applicant, his heirs, successors and/or assignees, shall construct a roundabout at the intersection of Church Road and relocated Oak Grove Road. The design of this roundabout shall be subject to the approval of the Department of Public Works and Transportation.

Comments: In an email dated November 10, 2004, the Department of Public Works and Transportation stated that regarding the two proposed roundabouts on Church Road at the intersections of Dormansville Boulevard/Church Road and Mary Bowie Parkway that the proposed geometry as shown on the plans defining the main curb and pavement location is acceptable and that the proposed location of the referenced roundabouts is acceptable and will function with the proposed roadway improvement at the referenced intersections. †On November 9, 2017, the Planning Board approved a reconsideration of findings and conditions relating to the applicant's responsibility to construct a roundabout at the intersection of Oak Grove Road and Church Road. The reconsideration allowed for the conversion of the roundabout to a four-way signal-controlled intersection, with the concurrence of the Prince George's County Department of Public Works and Transportation (DPW&T), while maintaining adequate transportation facilities. A revised Condition 42 has been recommended in reconsidering the preliminary plan.

Review of the proposed plan for Phase III of the proposed subdivision against the approved preliminary plan of subdivision gave rise to several other concerns regarding project design. These are as follows:

- A significant increase in the number of lots abutting the Sierra Meadow Subdivision to the south.
- Reduction in the open space window between Lots 21 and 25 to 20 feet from the 35 feet indicated on the approved preliminary plan of subdivision.
- The removal of the open space window from Thebes Lane to Parcel D that was reflected on the preliminary plan between Lots 17 and 18.
- A reduction in the park access window from 100 to 90 feet.

Staff has recommended conditions below that would make the proposed plan more consistent with the approved preliminary plan of subdivision.

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11. **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 project.
12. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance. A Type I Tree Conservation Plan, TCPI/91/92/05, and a Type II Tree Conservation Plan, TCPII/97/95, were previously approved for the site. This application, for a portion of the site identified as Landbays K and L, has been reviewed together with TCPII/51/05 and recommended for approval subject to conditions that have been included below in the Recommendation section of this report.
13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Historic Preservation—In a memorandum dated May 5, 2005, the Historic Preservation Planning Section stated:

Findings: The Planning Board has issued a directive that the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples, must be considered in the review of development applications, and that potential means for preservation of these resources should be considered.

Since the subject property includes land that was once part of the 850-acre antebellum Bowieville plantation, documentary and archeological investigation will be required to determine whether there exists physical evidence of slave dwellings or burials, or of Native American presence.

Conclusions:

The applicant has completed "A Phase I Archeological Survey of the Oak Creek Club: a 900-Acre+ Property Dissected by Church Road South in Prince George's County, MD," dated April 7, 2004, prepared by Archeological Testing and Consulting, Inc. The subject of this SDP includes archeological site 18PR677 which has been determined to potentially significant archeological resource and possibly eligible for listing on the National Register of Historic places. The document states (page 6-8):

"The site was also thought to have possible research value for Prince George's County and greater Maryland. These conclusions were based on the nineteenth-century affiliation of the site and its potential presence of buried artifact deposits and intact cultural features in the yards of surrounding the Bird dwelling. After site review, the Maryland Historical Trust agreed with these conclusions."

It has been determined that since potentially significant archeological resources exist in the project area, the applicant should evaluate the resource at the Phase II level and submit a report for staff approval.

A condition to this effect has been included in the recommended conditions below.

Community Planning—In a memorandum dated March 11, 2005, the Community Planning Division stated that the subject application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier and that the application is in conformance with the land use recommendations of the Bowie-Collington-Mitchellville and Vicinity Master Plan (1991).

Transportation—In a memorandum dated April 25, 2005, the Transportation Planning Section offered the following comments regarding transportation-related conditions contained in the relevant approvals:

Comprehensive Design Plans CDP-9902 and CDP-9903:

- Condition 30 requires improvements at MD 214/MD 193 and MD 214/Church Road and is enforceable at the time of the approval of building permits.
- Condition 31 requires dedication along Church Road. Right-of-way shown on the submitted plan is acceptable, and this condition is enforced at the time of approval of Final and Record Plat.
- Condition 32 requires submittal of a signal warrant study, or Department of Public Works and Transportation's approval of the roundabouts, at two site access points along Church Road. This condition requires Department of Public Works and Transportation's approval prior to Planning Board approval of the Specific Design Plan. While no signal warrant study has been submitted, the Department of Public Works & Transportation has reviewed frontage improvements along Church Road (including the roundabouts) and has approved them. Therefore, staff believes that this condition is met.
- Condition 33 requires dedication along Oak Grove Road. Right-of-way dedication shown on the submitted plan is acceptable and the condition is enforceable at the time of the approval of the Final and Record Plats.
- Condition 34 requires that all Plans clearly label the right-of-way of the A-44 facility, and that has been done.
- Condition 35 requires that all interior streets show a cross-section with a sidewalk, walkway, or trail on at least one side. This was done during the approval process of Specific Design Plan SDP-0303 for the streetscape elements, and all interior streets within this phase meet this condition.

- Condition 36 requires that a financial guarantee and accompanying agreement for operation of a private bus service be filed with the Department of Public Works & Transportation. The condition requires that details of an agreement between the applicant and the Department of Public Works and Transportation, including a timetable for bonding and initiating the service, be approved by the Planning Board with approval of the initial DSP. This agreement has been executed and recorded.

Preliminary Plan of Subdivision 4-01032:

- Conditions 10, 1, 12, 13, 14 and 43 of the Preliminary Plan of Subdivision 4-01032 are identical to Conditions 30, 31, 32, 33, 34, and 36 above.
- Condition 42 requires traffic calming devices along Oak Grove Road through the installation of a roundabout at the Church Road/Oak Grove Road intersection. Although timing for the installation of the device is not specified, and it is presumed that design approval be obtained from the Department of Public Works and Transportation at the time of the approval of the appropriate specific design plan. While no signal warrant study has been submitted, the Department of Public Works & Transportation has reviewed frontage improvements along Church Road (including the roundabouts) and has approved them, meeting the requirements of this condition. †On November 9, 2017, the Planning Board approved a reconsideration of findings and conditions relating to the applicant's responsibility to construct a roundabout at the intersection of Oak Grove Road and Church Road. The reconsideration allowed for the conversion of the roundabout to a four-way signal-controlled intersection, with the concurrence of DPW&T, while maintaining adequate transportation facilities. A revised Condition 42 has been recommended in reconsidering the preliminary plan.

Additionally, the Transportation Section stated that access and circulation within the area covered by the subject specific design plan is acceptable and that the subject applicant is required to make roadway improvements in the area pursuant to a finding of adequate public facilities made in the year 2001 for Preliminary Plan of Subdivision 4-01032, supported by a traffic study submitted at that time. Finally, they stated that insofar as the basis for the finding is still valid, and in consideration of the scope of this application, the transportation staff concludes that the subject property will be served by adequate transportation facilities within a reasonable period of time.

Subdivision—In a memorandum dated February 3, 2005, the Subdivision Section stated that the property is the subject of Preliminary Plan 4-01032, approved by the Planning Board on December 20, 2001, and formalized by PGCPB Resolution 01-178, adopted December 20, 2001. Noting that the preliminary plan of subdivision remains valid until December 20, 2007, or until a final plat is

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approved and a record plat recorded in the county land records, they stated that the following Conditions 4, 7, 15, 16, 18, 21, 25, 26, 40, and 42 related to the approval of the subject specific design plan. Please see Finding 10 herein for further discussion of those conditions and other observations regarding compliance with the approved preliminary plan of subdivision.

Trails—The senior trails planner, in a memorandum dated March 17, 2005, stated that the subject application for Landbays K and L is impacted by one master plan trail recommended along Back Branch. Further, he stated that the trail has been included on prior approvals for Phase I of the development and is shown on the current submission from the limits of Phase I, north along the Back Branch within M-NCPPC land, through the recreational facilities being provided within Parcel C, and connecting to a trail planned as part of the Cameron Grove Development. He said that he supports the provision of the trail as shown, subject to the approval of the Department of Parks and Recreation. As to oversight on the construction of trails within the land area covered by the specific design plan he suggested that trails on land to be dedicated to M-NCPPC should be overseen by M-NCPPC, Department of Parks and Recreation and all other trails should be field located and approved by the Environmental Planning Section, the Department of Environmental Resources inspector, and M-NCPPC trails coordinator. He also mentioned that a preliminary plan of subdivision condition requires the provision of appropriate structures at all wetland and stream crossings. Lastly, he mentioned that other trail and pedestrian facilities provided in the subject application include an eight-foot-wide trail around the lake on HOA Parcel D, an eight-foot-wide trail running west through Parcel C from the stream valley trail, and five-foot walkways along one side of the internal roads creating a comprehensive pedestrian network. The senior trails planner's recommendations have been incorporated in the recommended conditions below.

Parks—The Department of Parks and Recreation has stated that they have no comment on the subject specific design plan.

Permits—In comments dated March 9, 2005, the Permit Review Section offered numerous comments on the subject project. The comments have either been addressed by revisions to the plans or in the recommended conditions below.

Public Facilities—In a memorandum dated March 23, 2005, the Historic Preservation and Public Facilities Planning Section offered the following:

Fire and Rescue

The existing fire engine service at Bowie Fire Station, Company 43, is located at 16400 Pointer Ridge Road. The 92 dwelling units proposed in this application are beyond response time guidelines of 5.25 minutes.

The existing ambulance service at Bowie Fire Station, Company 43, is located at 16400 Pointer Ridge Road. The entire section of this development (92 dwelling units) is beyond response time standards for ambulance service guidelines of 6.25 minutes.

The existing paramedic service at Bowie Fire Station, Company 43, is located at 1640 Pointer Ridge Road. The 92 single-family dwelling units proposed in this section of the development are within response time standards for paramedic service guidelines of 7.25 minutes.

The above 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.

In order to alleviate the negative impact on fire and rescue services due to the inadequate engine service, a fire suppression system should be installed in each residential unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

Staff recommends that we retain the original recommendation of approval condition. This requirement specifically states "the Countywide Planning Division is required to calculate the amount of contribution required to constitute the applicant's fair share towards the provision of the Leeland Road Fire Station and ambulance to alleviate the above inadequacies. Staff recommends that the applicant provide a fee of \$83.60 dollars for each of the residents proposed in the 92 dwelling units. The fee amount is based upon the construction cost of the station (\$2,500,000) and the purchase price of the ambulance (\$120,000) divided by the total amount of population and employees (37,767) within the service area at buildout. The service area includes those areas that are currently unserved within response time standards of the proposed Leeland Road Station. The fee is based on \$83.60 per resident, which takes into consideration inflation, times 3.15 residents (yield) per unit times (92-single-family homes) or \$24,228, which is \$263 per dwelling unit."

Recommended Condition: The applicant shall pay a fee to Prince George's County, which shall serve as fair share contribution towards the provision of a fire station and ambulance. This entire section of the development, 92 dwelling units, is beyond response time standards for ambulance service. The fair share fee is \$263.34 per dwelling unit or \$24,228 for 92 units. This fee should be paid prior to issuance of building permits.

Police Facilities

The proposed development is within the service area for Police District II-Bowie. The Planning Board's current test for police adequacy is based on a standard complement of officers. As of January 2, 2005, the county has 1,302 sworn officers and 43 student officers in the academy. for a total of 1,345 personnel, which is within the standard of 1,278 officers. This police facility will adequately serve the population generated by the proposed residences.

Environmental Planning—In a memorandum dated May 2, 2005, the Environmental Planning Section offered the following:

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.

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

- 11. 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 and the Preliminary Plan of Subdivision in accordance with the "Design Guidelines for Scenic and Historic Roads." That inventory was evaluated and was found to meet the standards for a visual assessment for scenic and historic roads. This application has no frontage along Church Road.

- 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 percent 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. TCPH/51/04 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 II 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 8, 2002, approved 100-year floodplain delineation was date stamped as

received by the Environmental Planning Section on February 26, 2004, and is found in the file for TCPII/109/03.

- 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.**

A copy of the Jurisdictional Determination letter and certified plans showing the location of the wetlands within the limits of this project were submitted.

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

The plans as submitted do not propose any 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.**

A copy of the proposed Stormwater Management Concept Plan date stamped as received by the Environmental Planning Section on October 1, 2004, was submitted with SDP-0411. The proposed Stormwater Management Concept Plan is consistent with the proposed Type II Tree Conservation Plan, TCPII/94/04.

- 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 wetland buffer around all wetlands. The plans as submitted are consistent with the Jurisdictional Determination date stamped as received by the Environmental Planning Section on October 11, 2004.

- 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, which comprise the Patuxent River Primary Management Area Preservation Area (PMA), 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 impacts to the PMA for road construction, stormwater management facilities and trail construction. A detailed analysis of the PMA impacts is provided 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 Stormwater Management Concept Plan was submitted for review with this application. Because the Technical Stormwater Management Plan is not normally approved by the Department of Environmental Resources until after approval of the SDP, a copy of the Stormwater Management Concept is acceptable to address this condition subject to the following condition.

Recommended Condition: 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.

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 with SDP-0306. The Environmental Planning Section did not identify 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, TCP/II/51/05. The TCP/II 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.

4-01032 Preliminary Plan Conditions to be addressed at SDP

- 16. All trails network shall be constructed to ensure 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 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 area. If determined to be necessary, additional segments of boardwalk will be required.

- 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.**

The need for off-site mitigation as a means to satisfy the requirements for the Oak Creek Club project is necessary at this phase of the development, but the exact acreage required has not been determined because revisions to the worksheet have not been finalized. Between the 211.98 acres specifically identified as Woodland Conservation Areas to date, and the 54.1 acres of woodland remaining on future phases of the project, the overall site appears to require 12.19 acres of off-site mitigation to be in compliance with the requirements of the Prince George's County Woodland Conservation Ordinance.

To satisfy this condition, prior to certificate approval of this SDP, the location of the off-site mitigation must be identified, and a Type II Tree Conservation Plan must be approved for the mitigation location.

Recommended Condition: Prior to signature approval of the Specific Design Plan, the location of the off-site woodland conservation mitigation shall be identified and a Type II Tree Conservation Plan shall be approved for the off-site mitigation site.

- 26. As part of the Specific Design Plan submittal, a Type II Tree Conservation Plan shall be provided that includes a Woodland Conservation Worksheet, which reflects the overall requirements for Oak Creek Club, the requirements for each of the prior phases which 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 Type II Tree Conservation Plan, TCPII/51/05 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 for another project on existing woodlands in the northeast corner of this property. TCPII/97/95-01 maintained boundaries of the mitigation areas as reflected by the recorded easement and the off-site mitigation being provided is accurately reflected in the Phased Worksheet included in this plan.

This application is the fourth application to be submitted within the limits of the overall site. This 104.32-acre application (SDP-0417 and TCPII/51/05) increases the overall Woodland Conservation requirement from 271.83 acres to 279.00 acres or an overall increase of 7.17 acres over the requirement established by the previously approved Type II Tree Conservation Plans, TCPII/97/95-01, TCPII/109/03, and TCPII/94/04. The additional requirements are associated with the clearing of woodlands and include 6.11 acres associated with the ¼: 1 replacement required for clearing 24.45 acres of woodland

on the net tract, and the 1:1 replacement requirement for clearing 0.58 acres of forested floodplain, for an overall total requirement of 279.00 acres.

The 279.00-acre requirement is proposed to be satisfied by 135.09 acres of on-site preservation, 18.00 acres of on-site preservation as part of a mitigation bank that was previously approved, 58.89 acres of on-site afforestation and reforestation, plus 15.45 acres of off-site mitigation. This application and the overall project are in compliance with the requirements of the Prince George's County Woodland Conservation Ordinance with respect to the acreage of woodland conservation being provided.

The Woodland Conservation Areas proposed to satisfy the requirements for this site are generally associated with priority retention areas and priority afforestation areas located within or adjacent to the Patuxent River Primary Management Area or enhancing smaller isolated woodlands by providing connections to other existing woodland areas.

The Type II Tree Conservation Plan, TCPH/51/05 is recommended for approval subject to the conditions below.

Recommended Conditions: Prior to certificate of approval the Type II Tree Conservation Plan, TCPH/51/05, shall be revised as follows:

- a. The woodland conservation worksheet shall be revised as necessary to correctly reflect how the woodland conservation requirement will be fulfilled, both on- and off-site;
 - b. The plans shall be signed and dated by the licensed landscape architect, licensed forester or other qualified professional who prepared the plan.
3. 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.

PMA impacts proposed by this application were previously addressed during the review of the Preliminary Plan of Subdivision. The proposed PMA impacts include impacts for Stormwater Management outfalls, road construction and one for the construction of the stream valley trail system. The PMA impacts as proposed have been minimized to the fullest extent possible. The impacts associated with the stream valley trail will be further evaluated thru field inspection to ensure that the type and extent of the proposed impacts will be minimized in accordance with the findings associated with the Letter of Justification approved with the Preliminary Plan of Subdivision.

Discussion: The plans as submitted generally address Preliminary Plan condition 19 by reducing the number and extent of the proposed PMA impacts located within the limits of this application.

4. Marlboro clay is found to occur within the overall Oak Creek Club site but is not found within the limits of this application. Therefore, no additional information is required with respect to the Marlboro clay for this application.

Discussion: No further information is required with respect to Marlboro clays for this application.

Department of Environmental Resources (DER)—In comments dated March 16, 2005, the Department of Environmental Resources stated that the site plan for SDP-0417 is consistent with approved Stormwater Concept 2927-2005.

Fire Department—At the time of this writing, staff has not received comment from the Prince George's Fire Department.

Department of Public Works and Transportation (DPW&T)—In a memorandum dated March 14, 2005, DPW&T stated:

- All improvements in the public right-of-way are to be designed in accordance with the County Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act.
- Sidewalks are required along all urban roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance.
- Storm drainage systems and facilities must be designed in accordance with DPW&T's and the Department of Environmental Resources' requirements.
- Conformance with street tree and street lighting standards is required on all public roadways. Street lighting, raised pavement markers and street trees are required throughout the full frontage of newly aligned Church Road.
- Utilization of cut-off optic luminaries is required for all proposed street lighting.
- Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- A soils investigation report, which includes subsurface exploration and a geotechnical engineering evaluation for public streets is required.
- A roundabout at the northern access to Church Road may not be an appropriate traffic control device at this location. If a roundabout is being considered, close coordination with our Traffic Division is required.

- It is recommended that the southern entrance on Church Road also be reviewed for use of a roundabout.
- Otherwise, a signalization study by the applicant to provide a traffic signal at the intersection of Church Road and the northern access is required.
- The existing roundabout at Watkins Park Drive (MD 193) and Oak Grove Road is to remain in place.
- At the Oak Grove Road and Church Road South intersection, construction of an exclusive right-turn lane along southbound Church Road South, which can be accommodated by the additional lane required by the Church Road frontage improvements is required. An exclusive left-turn lane along eastbound Oak Grove Road at this intersection is required. The left-turn lane is in addition to the additional lane required under the Oak Grove Road frontage improvements.
- At the MD 214/193 intersection, further improvements will be required to achieve adequate levels of service and to mitigate the traffic generated by the proposed development. Such improvements shall be approved by the Maryland State Highway Administration.
- At the MD 214/Church Road South intersection, the applicant had previously proposed construction of a second left-turn lane along northbound Church Road South and the provision of the necessary signal modifications are required. Further improvements will be required to achieve adequate levels of service and to mitigate the traffic generated by the proposed development. Approval of these improvements by DPW&T and the Maryland State Highway Administration are required.

Please note that DPW&T's requirements are enforced through a separate permitting process.

Washington Suburban Sanitary Commission (WSSC)—In a memorandum dated February 15, 2005, WSSC stated that a water extension would be required and that Project #DA3113Z01 is an approved project within the limits of the proposed site and that amendment revision would be required for part 23 (Landbay K) to reflect layout and increase in number of lots as shown on the plans. WSSC provided the names and telephone numbers of the appropriate staff contacts so that the applicant can more easily proceed with the required WSSC approvals.

City of Bowie—In comments received February 14, 2005, the City of Bowie stated that they had no comment on the subject specific design plan. They noted that they had reviewed previous plans for the subdivision including a conceptual design plan, architecture and previous specific design plans and their comments would be similar, so there was no need to review the subject specific design plan.

14. 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. The Prince George's County Zoning Ordinance includes in this section 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 Plan 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, a memorandum dated February 18, 2005, from the Historic Preservation and Public Facilities Planning Section and a memorandum dated April 25, 2005, 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 February 14, 2005, from the Department of Environmental Resources, the site plan for Oak Creek Club, Phase 3, SDP-0417, 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.

(1) The plan is in conformance with an approved Tree Conservation Plan.

Comment: In a memorandum dated April 28, 2005, the Environmental Planning Section stated that the Type II Tree Conservation Plan, TCP/51/05, could be recommended for approval provided certain revisions are made. 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 (TCP/51/05), and further APPROVED Specific Design Plan SDP-0417 for the above-described land, subject to the following conditions:

1. Prior to signature approval of SDP-0417:
 - a. The applicant shall evaluate the identified potentially significant archeological resource found to exist in the project area at the Phase II level and submit a report for staff review and approval. Such review and approval shall occur prior to signature approval of the specific design plan.
 - b. The maximum height of dwellings in the proposed development shall be three stories and 40 feet for the single-family and 45 feet for the townhome units.
 - c. Applicant shall add the following notes to the plans regarding trail construction:
 - i. All trails other than those constructed on land to be dedicated to the M-NCPPC shall be field located and approved by the Environmental Planning Section, the Department of Environmental Resources inspector and M-NCPPC trails coordinator.
 - ii. All trails shall be constructed to ensure dry passage. If wet areas must be traversed, suitable structures shall be constructed.
 - d. The walkways along Winamac Court and Thebes Lane shall be revised to be four feet wide.
 - e. Applicant shall redesign Lots 1-7, Block B, eliminating three proposed lots to be more consistent with the preliminary plan and lots abutting to the south.
 - f. Applicant shall increase the open space window between Lots 24 and 25 to 35 instead of 20 feet as was indicated at the time of preliminary plan of subdivision approval.
 - g. Applicant shall replace the open space window from Thebes Lane to Parcel D that was reflected on the preliminary plan between Lots 17 and 18. Such open space window may be placed between Lots 16 & 17 if design considerations make it more desirable.

- h. Applicant shall indicate a park access window 100 feet wide as was indicated at the time of preliminary plan of subdivision approval.
 - i. Applicant shall redesign the lots along the southern side of Mary Bowie Drive (Lots 8-20) and eliminate two lots that were not indicated at the time of preliminary plan approval.
 - j. Applicant shall redesign the plan so as to eliminate Lot 37 on the northern side of Mary Bowie Drive to be more consistent with the approved preliminary plan of subdivision
 - k. A note shall be added to the plans that extensions and projections into the minimum required yards marginally exceeding the requirements of Section 27-422(a-f) may be evaluated and approved by the Planning Board or its designee.
 - 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. 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.
 - n. A note shall be added to the plans that, to the extent possible, driveways shall be set back a minimum of two (2) feet from the side lot line.
 - o. A note shall be added to the plans that units shall be sited at or close to the front building line in order to provide the greatest functional rear yard possible.
 - p. A note shall be added to the plans that dwelling units on corners shall generally face the street corner.
 - q. A note shall be added to the plans that site trees shall be informally grouped near proposed street trees to the extent possible.
 - r. A note shall be added to the plans stating that clearing shall take place in a south/northeast fashion where possible to promote the migration of wildlife away from existing development towards streams and woodland.
 - s. A note shall be added to the plans that units across the street from and next to each other shall not have the same front elevation.
2. Prior to certificate of approval the Type II Tree Conservation Plan, TCPII/51/05, shall be revised as follows:
- a. 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.

- b. The applicant shall provide the location of off-site mitigation;
 - c. Correct the Woodland Conservation Worksheet to reflect the overall requirements for Oak Creek Club, the requirements for each of the prior phases, which 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 to the satisfaction of the Environmental Planning Section.
 - 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 the first building permit for the proposed project, the applicant shall provide information on the plans regarding the percentage of lot coverage and building height for each lot.
 4. Prior to the issuance of the first grading permit for the proposed project, the applicant shall submit a copy of the approved Technical Stormwater Management Plan 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.
 5. Prior to the approval of the first final plat for the proposed phase of development, the applicant, his heirs, successors and/or assignees shall pay \$263.34 per unit to Prince George's County which shall serve as a fair share contribution towards the construction of the Leeland Road Fire/EMS Station because the area is beyond response time requirements for fire engine and ambulance service.

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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Vaughns, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, May 12, 2005 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of June 2005.

†This is to certify that the foregoing, indicated in underline and deletion, is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission relating to the conversion of a roundabout to a four-way signal-controlled intersection on the motion of Commissioner Washington, seconded by Commissioner Doerner, with Commissioners Washington, Doerner, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, February 15, 2018, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period of the specific design plan.

†Adopted by the Prince George's County Planning Board this 8th day of March 2018.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:SC:rpg

†Denotes Amendment
Underlining indicates new language
[Brackets] and ~~strikethrough~~ indicate deleted language