

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 January 8, 2015, regarding Specific Design Plan SDP-0610-01 for Oak Creek Phase 4, the Planning Board finds:

1. The approval in this case reconfigures Landbay 'N' so as to provide internal access to the 10 lots fronting on Oak Grove Road in Specific Design Plan SDP-0610, and provide a current approval that will supersede SDP-0610.

2. **Development Data Summary:**

| | EXISTING | APPROVED |
|---------|-----------------|-----------------|
| Zone | R-L | R-L |
| Use(s) | Vacant | Residential |
| Acreage | 69.68 | 69.68 |
| Lots | 135 | 135 |
| Parcels | 12 | 12 |

3. **Location:** The site is in Planning Area 74A, Council District 6. The location of the overall Oak Creek Development is in the northwestern and northeastern quadrants of the intersection of Oak Grove and Church Roads. Phase 4 includes two segments within that development: Landbay 'N' in the western portion of the development, approximately 2,000 feet west of the intersection of Oak Grove and Church Roads, and Landbays 'D' and 'E' in the eastern portion, approximately 5,000 feet east of the intersection of Church Road and Mary Bowie Parkway. Landbay 'N' is the focus of this approval.
4. **Surroundings and Use:** The subject property is bounded in all directions by other portions of the Oak Creek development, except for the southern boundary of the western portion of the proposed phase, which is bounded to the south by Oak Grove Road.
5. **Previous Approvals:** The project herein approved is subject to the requirements of Comprehensive Design Plan CDP-9902, approved for the R-L-Zoned portion of the larger Oak Creek project on May 13, 2002, by District Council order affirming the Planning Board's decision. Comprehensive Design Plan CDP-9902 has been revised five times. Specific Design Plan SDP-0303, Streetscape Elements, was approved by the Planning Board for the Oak Creek development on July 17, 2003. The Planning Board adopted Resolution No. 03-155, formalizing that approval on September 4, 2003. Specific Design Plan SDP-0303 has been revised three times. Specific Design Plan 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 20 times, with a 21st revision currently pending. Specific Design Plan SDP-0610 was approved by the Planning Board on October 11, 2007. PGCPB Resolution No. 07-194 was adopted on November 1, 2007, formalizing that approval. Stormwater Management Concept No.6397-2001-02 was approved by DPW&T for the subject property of this SDP on May 13, 2013 and will expire in three years or on May 13, 2016. Final Plats have also been approved for the subject property.

6. **Design Features:** The specific design plan includes three pods of development. Pod D and Pod E are located in the far northeastern corner of the subdivision and Pod N is located in the central southern portion of the western part of the subdivision. Pod D has a single spine road, Bottsford Avenue, which extends north from Mary Bowie Parkway and provides frontage for 41 lots. Two additional lots in the pod, Lots 42 and 43, front directly on Mary Bowie Parkway. Pod E is also accessed primarily from Mary Bowie Parkway, with 22 lots having frontage on it. Frontage for the additional 17 lots is provided by Bowers Court and Lynnville Terrace. Both branch off of Mary Bowie Parkway in a northwestern direction, in a more or less parallel manner. Hopewell Court continues along Bowers Court in a southeastern direction from Mary Bowie Parkway. The subject approval includes no changes to the previously approved layout of Pods D and E.

The southern boundary of Pod N is Oak Grove Road, on which ten lots would front, offering a more attractive appearance. They will be accessed from the rear, unlike in the original approval of SDP-0610 in which these 10 lots were front-loaded, accessed directly from Oak Grove Road via dualized driveways. As the rears of these units will face the fronts of the units immediately across the street, a condition of this approval requires enhanced architectural treatment in terms of materials and design on the sides and/or rears of these units. The remaining 40 lots are accessed internally from the site via the internal road network. More specifically, these lots have frontage on Shannock Lane which runs off Bleak Hill Place which, in turn, extends from Dormersville Boulevard and ultimately, Church Road.

Oak Creek Club is a private community with all private roads. Therefore, the introduction of public no parking signage for a single land bay of many would be incongruous. All prior land bays have the same parking restriction without such signage as it is enforced by the HOA.

7. **Basic Plans A-8427, A-8578, and A-8579:** The revisions to Specific Design Plan SDP-0610 herein approved do not affect the previous findings of conformance to the requirements of the approval of Basic Plans A-8427, A-8578, and A-8579. Each relevant environmentally-related condition is included in [boldface] type below:

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 this criterion.

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. The TCPIIs as approved use a 25 percent woodland conservation threshold for all R-L portions of the development.

- 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 approved reflect the 100-year floodplain (FPS #0002F-2000) 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 considered in the previous SDP approvals.

- 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 approvals included letters requesting a Jurisdictional Determination (JD) by the U.S. Army Corps of Engineers and/or Maryland Department of Environment, and a copy of the JD letter has been previously submitted and considered.

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

The plans as submitted indicate no proposed wetland mitigation areas within the limits of Phase 4.

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

The following materials were considered with the current approval: Stormwater Management Concept Approval Letter 7097-2006-01 and plans, approved May 4, 2013, were submitted for Landbay 'E', Stormwater Management Approval Letter 7095-2006-01 and associated plans, approved May 4, 2013, were submitted for Landbay 'D', and Stormwater Management Concept Approval Letter 6397-2001-02 and associated plans was submitted for other associated sections of the approval. These materials confirm the conceptual location of SWM facilities, and demonstrate a consistent limit of disturbance between the SDP, TCPIIs and SWM conceptual plans. Approved technical SWM plans in accordance with this condition are required by a condition of this approval.

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

The plans as approved herein show the 25-foot wetland buffer around all wetlands, except for one impact to a wetland buffer which was approved with SDP-0610 to accommodate a stormwater management outfall. No new nontidal wetland impacts are herein approved.

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 are accurately reflected on the plans. This condition of approval requires that the PMA be preserved in conformance with the Patuxent River Primary Management Area Preservation Area guidelines. Specific Design Plan SDP-0610 proposed impacts to the PMA for road construction and stormwater management facilities, which had been reviewed and approved previously during the preliminary plan process. The approved impacts were further evaluated for minimization with the prior approval of the SDP for Phase 4 and approved. One additional PMA impact is approved herein, which has been evaluated and found to be justified by the Planning Board.

8. **Comprehensive Design Plans CDP-9902 and its revisions:** The revisions to Specific Design Plan SDP-0610 herein approved do not affect the previous findings of conformance to the requirements of the approvals of Comprehensive Design Plans CDP-9902 and its revisions. Each relevant condition of that approval is included in **[boldface]** type below:

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

Copies of approved revised Stormwater Management Concept Letters and plans were considered with this approval, but no evidence of technical stormwater management approval. Therefore, a condition of this approval requires that prior to signature approval of the plans, the applicant shall provide written evidence of approval by the Department of Permitting, Inspections and Enforcement (DPIE) of technical approval of the location and sizes of stormwater management facilities.

10. All residential structures shall be fully sprinklered in accordance with the National Fire Protection Standard (NFPA) 13D and all applicable county laws.

This requirement has been brought forward as a condition of this approval.

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.

The Open Space Plan was previously approved with SDP-0610. The Planning Board did not identify any issues with respect to the proposed Open-Space Plan at that time. The revised SDP and TCPIIs are in substantial conformance with the previously approved plans with regards to woodland conservation, nontidal wetlands protection and primary management area protection.

- 13. Prior to approval of each residential Specific Design Plan the applicant shall provide a detailed analysis of the individual holes which abut, or may impact, the residential lots contained within the submitted SDP to demonstrate that the residential development will not be at risk with regard to errant golf shots. The errant ball studies shall include, but not be limited to, grading, topography, spot elevations, slopes, existing vegetation, proposed landscaping, golf course hazards, etc. Furthermore, the applicable SDPs with golf holes adjacent to Church Road and Oak Grove Road shall demonstrate safety for vehicles traveling the said thoroughfares.**

The subject approval does not affect the previous finding of conformance to this requirement.

- 14. For those lots with frontages along Church Road or Oak Grove Road, or with an intervening open space parcel between the road and the lot, the minimum lot width shall be 100 feet. Units on these lots shall have side-entrance garages and may have dualized driveways. A 50-foot building setback is required from the street line and the property line. Units built on these lots shall have side-entrance garages and may have dualized driveways.**

A requirement that the units built on certain lots shall have side-entrance garages has been included in this approval and the applicant has found it agreeable.

- 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.**

The subject approval does not affect the previous finding of conformance to this requirement.

- 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.

No portions of the trails system are located within the landbays the subject of this approval.

21. On-street parking shall be prohibited throughout the proposed development.

A condition of this approval requires that a note shall be added to the plans stating that the HOA in conjunction with the Prince George's County Fire and Police Departments shall prohibit parking on private roads except under special circumstances approved by the HOA and/or Prince George's County Fire or Police Departments.

22. Public utilities should be buried wherever possible on site.

The subject approval does not affect the previous finding of conformance to this requirement.

23. Prior to/or concurrent with the submission of the first Specific Design Plan for residential areas, the applicant shall submit and obtain Planning Board approval of a special-purpose Specific Design Plan devoted to elements of streetscape including but not limited to street trees, lighting, entry monuments, signage, special paving at important facilities and intersections, and design intentions in the neo-traditional area of the L-A-C Zone. This SDP shall also address signage, and landscaping utilizing distinctive landscape treatments to emphasize important focal points, intersections, and trail heads, and concentrations of particular species as an identifying feature for particular neighborhoods.

Specific Design Plan SDP-0303, Streetscape Elements was approved by the Planning Board for the Oak Creek Club development on July 17, 2003 fulfilling this requirement.

24. The residential architecture shall be attractively and creatively designed with an emphasis on high quality and natural materials. Where siding is employed, high quality vinyl and decorative trim shall be required. At least 60 percent of all units shall have brick fronts. All exterior fireplace chimneys shall be brick or stone. A strong emphasis shall be placed on details such as dentil molding, jack arches, lintel, brick or stone foundations, creative window and door treatment, cornice lines, quoins, reverse gables, dormer windows, and varied roof lines. Roofing material shall consist of standing seam metal, cedar shake shingles, imitation slate, or high quality dimensional asphalt shingles.

All side and rear elevations visible from roads, parking areas, the golf course, and the existing two-acre pond shall have a high level of detail comparable to that of the fronts, and shall demonstrate a pattern of fenestration which is orderly and harmonious.

The minimum roof pitch for all dwelling units shall generally be 8/12. A minimum ceiling height for the first floor shall be nine feet.

The minimum residential square footage, excluding townhouses, shall be two-thousand and two-hundred (2,200) square feet.

Decks and porches on rears that face the golf course must be painted, stained, etc. They may not be left to weather naturally.

No private fences will be allowed in rear yards of single family lots facing the golf course; a consistent private fence can be constructed in rear yards of attached houses facing the golf course.

Rear yard landscape plans facing the golf course shall be selected from a limited group of options to be installed by the developer.

The subject approval does not affect previous findings of conformance with this requirement. However, a condition of this approval requires that the applicant develop even further enhanced architectural designs for the sides and/or rears of the units proposed to front on Oak Grove Road.

25. Provide a separate Specific Design Plan for all proposed architecture.

Specific Design Plan SDP-0304, Umbrella Architecture, was approved by the Planning Board for the Oak Creek Club on September 25, 2003 in conformance with this requirement.

26. Every Specific Design Plan for Oak Creek Club shall include on the cover sheet a clearly legible overall plan of the project on which are shown in their correct relation to one another all phase or section numbers, all approved or submitted Specific Design Plan numbers, and all approved or submitted Tree Conservation Plan numbers.

The applicant included the overall plan for the project on the cover sheet. However, the chart that listed the various SDPs that have been approved for the site was somewhat inaccurate. The Planning Board requires by condition of this approval that the chart be updated to include all the revision applications that have been approved for the various SDPs. Additionally, by condition of this approval, the Planning Board requires that the reference to a conceptual plan in that same chart should be changed to a comprehensive design plan as the underlying approval is CDP-9902.

35. All interior street cross sections associated with the CDPs for the R-L and the L-A-C Zones shall be revised to provide, at a minimum, either a four-foot-wide sidewalk, walkway, or a trail along at least one side of all streets. Location and type shall be determined at Specific Design Plan review.

The required four-foot-wide sidewalk is indicated throughout the SDP in conformance to this requirement.

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

A-44 has been deleted from the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and from the SDP, which has eliminated the necessity for a Phase II noise study.

9. **Preliminary Plan of Subdivision, 4-01032:** Preliminary Plan of Subdivision 4-01032 was approved by the Planning Board on December 20, 2001. The resolution of approval, PGCPB Resolution No. 01-178(C) was adopted on December 20, 2001. Final plats have been approved and the record plats have been recorded in the county land records. The property is subject to the 43 conditions contained in the resolution of approval. Each relevant requirement of that approval is included in [boldface] type below:

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

In an e-mail received December 18, 2014, a representative of the Department of Permitting, Inspections and Enforcement (DPIE), stated that the site development herein approved is consistent with the approved Stormwater Management Concept Plan No. 6397-2001-02, in accordance with this condition.

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

All master plan trail facilities are located outside Phase 4 in the Department of Public Works and Transportation (DPW&T) right-of-way. Therefore, this requirement does not apply to the subject approval.

- 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.**

As A-44 has been removed from the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), a noise study and noise attenuation are no longer necessary. Therefore, the subject approval conforms to this requirement.

- 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 AA 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.**

Per the Planning Board's environmental review of the subject project, this condition had been addressed satisfactorily in this approval.

- 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.**

With the revised Phase 4 development, there is a requirement for 23.96 acres of off-site woodland conservation to satisfy the requirements of Type II Tree Conservation Plans TCPII-103-09-05 and TCPII-094-04-02. Off-site mitigation is normally required to be secured prior to the issuance of grading permits. The applicant had acquired 23.96 acres of off-site woodland conservation in afforestation in an approved woodland conservation bank Type II Tree Conservation Plan TCPII-004-07-01 in conformance with this requirement.

- 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 overall worksheet included on the TCPIIs as revised in accordance with requirements of this approval addresses this condition.

- 34. Prior to building permits in each phase the applicant, his heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.**

To ensure that this requirement is conformed to, it has been made a condition of this approval.

- 39. All land to be dedicated to a Homeowners Association shall be subject to the following conditions:**

- a. Conveyance shall take place prior to the issuance of building permits.**

- b. **All manmade debris shall be removed from the land to be conveyed.**
- c. **The conveyed open space shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.**
- d. **Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved Specific Design Plan or shall require the written consent of the Development Review Division. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.**

This requirement is conformed to, and so has not been made a condition of this approval.

- 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.**

See Finding 9 for a full discussion of conformance to this requirement. A condition of this approval requires that the plans for the roundabout be finally approved by DPW&T and DPIE prior to the approval of the next SDP that adds residential lots or commercial square footage to the Oak Creek Club development.

- 10. **Specific Design Plan SDP-0610:** The Planning Board has reviewed the subject project against the conditions of the approval of SDP-0610. Each condition is included in [**boldface**] type below. The subject approval will entirely supersede the approval of SDP-0610.

- 1. **Prior to acceptance for review of a final plat for any property included in SDP-0610, additional Phase II (Evaluation) archeological investigations shall be completed as directed by the staff archeologist to determine if any subsurface features remain intact at site 18PR665 by stripping off some of the plow zone in areas identified in earlier surveys as the likely locations of two buildings. M-NCPPC concurrence with the final additional Phase II report shall be obtained.**
Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area; the applicant shall provide a plan that the staff archeologist deems acceptable for:

- a. **Evaluating the resource at the Phase III level, or**
- b. **Avoiding and preserving the resource in place.**

Any Phase III work shall be pursuant to a plan approved by the staff archeologist prior to work commencing. If Phase III archeological mitigation is necessary the applicant shall provide a final report detailing the Phase III investigations and interpretation proposals, and ensure that all artifacts are curated in a proper manner acceptable to staff. If any of this further archeological work identifies significant features, final plats shall not be accepted for review until such time as the specific design plan is redesigned and adjusted, potentially involving the loss of lots, to avoid disturbing such identified significant features to the satisfaction of the staff archeologist.

At this juncture, the subject project will not affect any significant archeological resources and there is no need to place any archeologically-related conditions on the subject approval.

2. **Prior to signature approval of the plans the following revisions shall be made to the specific design plan or additional documentation provided:**
 - b. **A copy of the approved technical stormwater management plan and associated landscape 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.**

The following materials were submitted for the current approval and are included in the file: Stormwater Management Concept Approval Letter 7097-2006-01 and plans, approved May 4, 2013, were submitted for Landbay 'E'; Stormwater Management Approval Letter 7095-2006-01 and associated plans, approved May 4, 2013, were submitted for Landbay 'D', and Stormwater Management Concept Approval Letter 6397-2001-02 and associated plans was submitted for other associated sections of the application. These materials confirm the conceptual location of SWM facilities, and demonstrate a consistent limit of disturbance between the SDP, TCPIIs and SWM conceptual plans, but no evidence of technical stormwater management approval. Therefore, a condition of this approval requires that prior to signature approval of the plans, that the applicant shall provide written evidence of approval by the Department of Permitting, Inspections and Enforcement (DPIE) of technical approval of the location and sizes of stormwater management facilities.

3. **Prior to the issuance of grading permits, evidence shall be submitted to the Environmental Planning Section that the required off-site woodland conservation mitigation area has been acquired and is permanently protected.**

The applicant has submitted recorded Off-site Woodland Conservation Acreage Transfer Certificates which demonstrate that a total of 23.94 acres of off-site woodland conservation in afforestation has been provided on Type2 Tree Conservation Plan TCP2-04-07-01 (The Preserve at Piscataway, Open Space) for the benefit of Type II Tree Conservation Plans TCPII-109-03 and

TCPII-094-04 which fulfills the projected woodland conservation requirement associated with the current approval.

- 4. Prior to certificate approval of the TCPII, it shall be revised as follows:**
 - a. The TCPII shall be separated into two parts; TCPII/109/03-02 and TCPII/94/04-01.**
 - b. TCPII/94/04 shall be revised to incorporate the associated portions of the TCPII.**
 - c. All TCPIIs shall be revised to show permanent protection fencing along all vulnerable edges.**

The required revisions were done and plans for SDP-0610 were certified. The current revision of SDP-0610 requires two associated TCPIIs be revised. The issue of permanent protection fencing along all vulnerable edges has been addressed in the Environmental Planning portion of this approval.

- 5. The TCPIIs shall be approved prior to final plat. All approved afforestation areas shown shall be placed in conservation easements at time of final plat.**

This condition requires that all woodland conservation areas be placed in a conservation easement at time of final plat, which is not a standard condition. Experience has since informed us that this results in a very busy final plat, and confuses conservation easements with woodland conservation easements which have differing requirements. For consistency, this condition has been placed on the subject approval and will be carried forward and complied with for the landbays associated with this plan. A condition of this approval ensures that prior to approval of a final plat, any associated TCPIIs shall be approved and any approved afforestation areas shown shall be placed in conservation easements on the final plat.

- 6. Afforestation and associated permanent protection fencing shall be installed prior to the issuance of building permits for adjacent lots. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.**

This has been made a condition of the current approval.

- 7. Prior to the issuance of the first building permit for Phase 4 of the Oak Creek Development, the applicant shall pay \$35,550.90 to Prince George's County as the fair-share contribution toward the provision of adequate fire and ambulance service to the project.**

The subject project is within the required maximum of seven minutes travel time from the first due station in the vicinity of the property proposed for development. The proposed project will be served by Bowie Fire/EMS Co. 43, located at 16408 Pointer Ridge Drive, and it is from this, their first due response station, that the maximum travel time of seven minutes is met. Therefore, the requirement for a payment in previous Condition 7 is no longer applicable to the subject project and has not been made a condition of this approval.

- 8. The applicant, his heirs, successors and assignees, shall contribute 50 percent of the total costs of the roundabout located at Oak Grove Road and Church Road. The contribution shall be paid upon the issuance of the construction permits to the permittee for said roadwork but also provided that Oak Creek shall post, prior to any issuance of a building permit in Phase V, a bond or irrevocable letter of credit to the permittee for their estimated share of the costs based on an estimate proposed by the permittee and approved by Oak Creek until the actual construction takes place. The total costs shall be determined according to AASHTO or other applicable guidelines as determined by DPW&T and reviewed and approved by the applicant and permittee. In no way shall the permits (stormdrain, paving, grading, model permits, or construction/building permits of any type) for Oak Creek Club be conditioned upon any event other than the issuance of the bond or irrevocable letter of credit and/or the contribution by the applicant to the permittee upon issuance of the permit. The roundabout is not an APF requirement for Oak Creek and the applicant's contribution satisfies road frontage requirements at this intersection per the road Code and Condition 42 (PGCPB 01-178(C)) of the Oak Creek Preliminary Plan or subsequent plans.**

As this requirement remains applicable to the subject project, it has been made a condition of this approval.

- d. A note shall be added to the plans stating the following: "Prior to signature approval of the next residential or commercial retail specific design plan to be considered by the Planning Board for Oak Creek, the applicant shall have procured approval of final design and a schedule for construction from the Department of Public Works and Transportation for the roundabout at the intersection of Oak Grove and Church Roads."**

This condition establishes the requirement to have procured approval of final design and a schedule for construction from the Department of Public Works and Transportation prior to the next residential or commercial retail specific design plan to be considered by the Planning Board for Oak Creek. This was further explained in the Findings under "Transportation Planning" in the approval of SDP-0610 to mean the next specific design plan that would result in the creation of additional residential units or commercial square footage. As no additional residential units or commercial square footage are created by this approval, the requirement does not apply at this time. The Planning Board expects that this

requirement will be triggered at the time of approval of the next and final phase for the development, Phase 5, and has made this requirement a condition of this approval.

- e. **Prior to signature approval of the subject specific design plan, the applicant, his heirs, successors and/or assignees shall demonstrate access for Parcel 19, measuring a minimum of 25 feet wide, connecting to Bottsford Avenue and to be conveyed to the property owner of Parcel 19 prior to the approval of a final plat(s) for the project. Construction of the driveway shall be the responsibility of the applicant, his heirs, successors and/or assignees.**

As an adjoining landowner would have been landlocked by the construction of SDP-0610, Oak Creek Club, Phase 4, a condition of that approval required that a 25-foot-wide access connecting Parcel 19 to Bottsford Avenue be conveyed to the adjoining landowner prior to the approval of final plat(s) for the project, with the applicant paying the construction costs of said access. This has been made a condition of this approval as the owner of Parcel 19 has expressed concern that he could lose access to his property in the current application.

- 11. **Specific Design Plan SDP-0303 and its revisions:** The proposed revisions to Specific Design Plan SDP-0610 do not affect the previous findings of conformance to the requirements of Specific Design Plan SDP-0303.
- 12. **Specific Design Plan SDP-0304 and its revisions:** The proposed revisions to the Specific Design Plan SDP-0610, do not affect the previous findings of conformance to the requirements of Specific Design Plan SDP-0304.
- 13. **Zoning Ordinance:** The subject project was reviewed against the following Zoning Ordinance requirements:
 - a. Section 27-441 regarding uses in residential zones;
 - b. Section 27-442 regarding regulations in residential zones; and
 - c. Section 27-528 regarding required findings for specific design plans.

The Planning Board has reviewed plans for the project against the various requirements of these sections and found them to be in conformance. See Finding 18 for a detailed description of the project's conformance to the required findings of Section 27-528.

- 14. **The 2010 Prince George's County Landscape Manual:** The 2010 *Prince George's County Landscape Manual* (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.
- 15. **Woodland and Wildlife Conservation Ordinance:** The following findings relate to grandfathering with respect to the Woodland and Wildlife Conservation Ordinance:

The project is not subject to the requirements of Subtitle 24 and 27 that became effective September 1, 2010 and February 1, 2012 because the CDP and preliminary plan were approved prior to the effective date. The project is not subject to the current requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance, that became effective September 1, 2010 and February 1, 2012, because the TCPI and TCPIIs for the site were approved prior to the effective date. The property is, however, subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there are previously approved Tree Conservation Plans, TCPI/9/92 and TCPI/97/95, encompassing the parcels or portions of the parcels included in this application. The Planning Board has reviewed the project and herewith approved Type II Tree Conservation Plans TCPII-109-03-05 and TCPII-094-04-03 subject to conditions that bring them into conformance. Therefore, it may be said that the project is in conformance with the requirements of the Prince George's Count Woodland Conservation Ordinance.

16. **Tree Canopy Coverage Ordinance:** The applicant has included a Tree Canopy Coverage Schedule for the SDP on Sheet 2 of the landscape plan. It indicates correctly that the tree canopy coverage required for the SDP is 303,526 square feet and that it is met and exceeded by providing 487,001 square feet of tree canopy coverage of existing trees in non-woodland conservation areas.
17. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The comments are summarized as follows:
 - a. **Historic Preservation**—The proposed project would have no effect on historic resources.
 - b. **Archeological Review:**
 - (1) Phase I and Phase II archeological survey and evaluation were conducted in 1999, February 2004, and November 2004 within the entire 923 acres within the Oak Creek Club subdivision. This work was carried out under Section 106 of the National Historic Preservation Act of 1966 (as amended) when the applicant applied for a wetland permit through the U.S. Army Corps of Engineers and the Maryland Department of the Environment. The Phase I survey identified two previously recorded sites, 18PR79 (a prehistoric site) and 18PR580 (Bowieville Mansion). Thirty-three new prehistoric and historic sites were identified. In consultation with the Maryland Historical Trust, sites 18PR79, 18PR580, 18PR659, 18PR665, 18PR669, and 18PR677 were considered potentially significant archeological resources. Phase II evaluations were conducted on these sites to determine their eligibility for inclusion on the National Register of Historic Places (NRHP).
 - (2) Sites 18PR665, 18PR687, and 18PR688 are located within the subject 71.90 acres of Oak Creek Club. The Planning Board concurs that sites 18PR687 (a 20th

century residence) and 18PR688 (a multi-component prehistoric and historic site) are not eligible for listing on the NRHP.

(3) Condition 1 of PGCPB Resolution No. 07-194 is applicable to the subject SDP:

1. **Prior to acceptance for review of a final plat for any property included in SDP-0610, additional Phase II (Evaluation) archeological investigations shall be completed as directed by the staff archeologist to determine if any subsurface features remain intact at site 18PR665 by stripping off some of the plow zone in areas identified in earlier surveys as the likely locations of two buildings. M-NCPPC concurrence with the final additional Phase II report shall be obtained.**

Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area; the applicant shall provide a plan that the staff archeologist deems acceptable for:

- a. **Evaluating the resource at the Phase III level, or**
- b. **Avoiding and preserving the resource in place.**

Any Phase III work shall be pursuant to a plan approved by the staff archeologist prior to work commencing. If Phase III archeological mitigation is necessary the applicant shall provide a final report detailing the Phase III investigations and interpretation proposals, and ensure that all artifacts are curated in a proper manner acceptable to staff. If any of this further archeological work identifies significant features, final plats shall not be accepted for review until such time as the specific design plan is redesigned and adjusted, potentially involving the loss of lots, to avoid disturbing such identified significant features to the satisfaction of the staff archeologist.

(4) The Planning Board concluded as follows:

The applicant's archeological consultant conducted additional Phase II investigations on archeological site 18PR665 in August 2013. Seven backhoe trenches were placed across the northern part of the site where a concentration of eighteenth century artifacts was identified. Two post holes were identified in trenches 1 and 7. These post holes may have been associated with fencing used to contain livestock or to keep them out of the fields. Only four additional eighteenth century artifacts were noted. This portion of site 18PR665 is recommended not

eligible for listing in the National Register of Historic Places. The Planning Board concurs that this portion of site 18PR665 is not eligible for the National Register and no additional archeology work is required. However, the southern portion of 18PR665 may still contain information significant to the history of Prince George's County. If this area is disturbed in the future, additional investigations may be warranted. The subject approval does not propose disturbance to the significant portion of site 18PR665 and will have no adverse impacts on the archeological resource.

The subject approval will not affect any significant archeological resources. Therefore, no archeologically-related conditions have been attached to the subject approval.

- c. **Community Planning**—The application is consistent with the *Plan Prince Georges 2035 Approved General Plan* and the 2006 *Approved Master Plan for Bowie and Vicinity and the Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B* and there are no community planning issues connected with the subject project.
- d. **Transportation Planning**—According to the “Transportation Review Guidelines, Part 1,” driveways proposed onto a major collector facility (such as Oak Grove Road) are strongly discouraged. Strategy 3 of Policy 3 in Chapter VI of the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), recommends that such driveways should be treated similarly to driveways onto arterial or higher (more travelled) facilities. In these cases, the Planning Board will actively pursue alternative access and layout.” The proposal herein approved follows the recommendation in the Transportation Review Guidelines, Part 1.

The site is adjacent to two master plan roadways: Oak Grove Road and Church Road. Both are listed in the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B*. Oak Grove Road is listed as a major collector with a right-of-way width of 100 feet. Church Road is listed as a collector with a right-of-way of 90 feet. There is no presence of buildings, parking, landscape elements, signage, fences, retaining walls, and any other structures within the ultimate master plan rights-of-way. The Planning Board notes that the applicant had dedicated land for a future roundabout at the intersection of Oak Grove Road and Church Road.

The applicant should offer the Planning Board an update on the final design and schedule of construction for the roundabout at the intersection of Oak Grove and Church Roads. In any case the applicant is responsible for paying 50 percent of the total costs of the roundabout which shall be paid upon the issuance of construction permits and the applicant is also required to provide, prior to the issuance of any building permits for Phase V, a bond or letter of credit to the county for their share of the costs of the roundabouts.

- e. **Subdivision Review**—The subject property is located within the Oak Creek Club Subdivision on Tax Map 76 in Grid D-2, and measures approximately 69.68 acres. The subject specific design plan (SDP) approval pertains to a mix of recorded and unrecorded portions of Oak Creek Club, shown as parts of Landbays ‘D’, ‘E’ and ‘N’ on the SDP and adjusts the lotting pattern approved for Landbay ‘N’. Based on the submitted site plan no adjustments to the lotting pattern are proposed for Landbay ‘D’ and only slight layout revisions to Landbay ‘E’ are proposed.

The Prince George’s County Planning Board approved preliminary plan of subdivision (PPS) 4-01032 on September 12, 2014 and adopted the resolution of approval (PGCPB Resolution No. 01-178(C)) on December 20, 2001 formalizing that approval. The resolution of approval for the PPS contains forty-three conditions.

For a discussion of the applicable conditions, see Finding 9 of this approval.

Further, regarding subdivision issues, the Planning Board hereby finds:

- (1) The layout proposed with this SDP revision for Landbays ‘D’ and ‘E’ is in substantial conformance with the approved preliminary plan of subdivision and subsequent Specific Design Plan SDP-0610.
- (2) In regard to the revisions to Landbay ‘N’, the Planning Board hereby finds:
 - (a) The platted areas adjacent to the three Specific Design Plan SDP-0610-01 revision areas shall by condition of this approval be reflected on the plans with bearings and distances consistent with the record plats as well as with the plat reference and proposed use.
 - (b) Oak Grove Road is designated as a major collector as well as a scenic and historic roadway in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). The 2010 *Prince George’s County Landscape Manual* requires buffering residential development fronting a designated scenic and historic road Section 4.6(c)(2)(ii)). The 20-foot-wide buffer with planting requirements has been reviewed and is found to not unduly encumber the developable and useable yard area for the homeowners in Landbay ‘N’ along Oak Grove Road.
 - (c) Overlapping easements are shown on the SDP. Conditions of this approval require clarity on the apparent colocation of stormwater easements and public utility easement (PUEs). The easements shall by condition of this approval cross at right angles and not run parallel.

The SDP revision is in substantial conformance with the preliminary plan of subdivision. Further, the Planning Board hereby finds:

- (1) If the street names shown on the site plan have not been approved by the Property Address Workgroup, they may be subject to change at the time of final plat which could require a revision to the SDP.
- (2) Failure of the SDP and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected.

f. **Trails**—The subject specific design plan was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or appropriate area master/sector plan in order to provide the appropriate recommendations.

Type of Master Plan Bikeway or Trail

| | | | |
|-------------------|-------------------|---------------------------|-------------------|
| Municipal R.O.W.* | | Public Use Trail Easement | |
| PG Co. R.O.W.* | <u>X</u> | Nature Trails | <u> </u> |
| SHA R.O.W.* | <u> </u> | M-NCPPC – Parks | <u> </u> |
| HOA | <u> </u> | Bicycle Parking | <u> </u> |
| Sidewalks | <u>X</u> | Trail Access | <u> </u> |

*If a Master Plan Trail is within a city, county, or state right-of-way, an additional 2 to 4 feet of dedication may be required to accommodate construction of the trail.

The Planning Board hereby finds that the specific design plan application referenced above conforms with the 2009 *Approved Countywide Master Plan of Transportation* and/or the 2006 *Approved Master Plan for Bowie and Vicinity and the Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B* in order to implement planned trails, bikeways, and pedestrian improvements.

The subject approval is for revisions to the SDP for Phase 4 of Oak Creek Club. The property is subject to multiple prior approvals and includes conditions of approval related to trails and sidewalks. The approval is within the area covered by the 2006 *Approved Master Plan for Bowie and Vicinity and the Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B* (area master plan) and the 2009 *Approved Countywide Master Plan of Transportation* (MPOT).

The area master plan and MPOT include three master plan trail issues that impact the subject site. These were addressed via prior conditions of approval, including Condition 15 of Preliminary Plan of Subdivision 4-01032 (PGCPB No. 01-178(C)), which is referenced below.

- 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. A Class I hiker-biker trail along the subject property's entire frontage of Church Road as reflected on the submitted CDP.**
 - b. A Class I hiker-biker trail along the subject property's entire frontage of Oak Grove Road as reflected on the submitted CDP.**
 - c. The multiuse, hiker-biker trail 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 DPR and the trails coordinator prior to construction. Appropriate trail connections shall be included to this trail from the development parcels.**
 - d. 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.**

The subject approval revises the layout for Phase 4, but does not negatively impact any of the master plan trail facilities, which are outside of Phase 4 and within either dedicated M-NCPPC parkland or DPW&T right-of-way. However, DPW&T has implemented the master plan trail along Oak Grove Road (which abuts the subject site) with a standard sidewalk and designated bike lanes. This cross section as approved by DPW&T is correctly shown on the plans approved herein.

The approved layout also does not negatively impact pedestrian circulation. Roads include a standard sidewalk along one side, consistent with prior approvals. Moreover, the approved layout provides for additional open space and removes access to lots directly from Oak Grove Road. This further improves the pedestrian environment by reducing conflicts between pedestrians and bicyclists along Oak Grove Road and the multiple driveways that had previously been proposed.

There are no master plan trails recommendations for the submitted SDP revision. From the standpoint of non-motorized transportation, it is determined that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, fulfills prior conditions of approval, and meets the finding required for a specific design plan as described in Section 27-285 of the Zoning Ordinance

- g. Permit Review**—There are no permit review issues connected with the subject project.

- h. **Public Facilities**—The Planning Board has reviewed the SDP in accordance with Section 27-528(a)(2) of the Zoning Ordinance which states that 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. More particularly, regarding police facilities the Planning Board hereby finds:

The proposed development is within the service area of Police District I, Hyattsville. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2013 (U.S. Census Bureau) county population estimate is 890,081. Using the 141 square feet per 1,000 residents, it calculates to 125,501 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

The Planning Board hereby finds the following regarding fire and rescue service:

The Planning Board has reviewed this specific design plan for adequacy of fire and rescue services in accordance with Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance. Section 24-122.01(e)(1)(E) states that "A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month." The project herein approved is served by Bowie Fire/EMS Co. 43, a first due response station (a maximum of seven (7) minutes travel time), located at 16408 Pointer Ridge Drive.

The Planning Board finds regarding the Capital Improvement Program (CIP): There are no CIP projects for public safety facilities proposed in the vicinity of the subject site. The above finding is in conformance with the 2008 *Adopted and Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

Regarding water and sewerage the Planning Board hereby finds: Section 24-122.01(b)(1) states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval." The 2008 *Water and Sewer Plan* placed this property in Water and Sewer Category 3, Community System.

- i. **Environmental Planning**—The Planning Board has reviewed Specific Design Plan, SDP-0610-01, Type II Tree Conservation Plans TCPII-109-03-05, and Type II Tree Conservation Plan TCPII-094-04-03 for the Oak Creek Club, Phase 4 project.

The site was previously reviewed by the Planning Board in conjunction with the Basic Plans, A-8427, A-8578, and A-8579; Comprehensive Design Plans, CDP-9902 and CDP-

9903; Preliminary Plan of Subdivision, 4-01032; Type I Tree Conservation Plan, TCPI-091-92; and a Type II Tree Conservation Plan, TCPII-097-95 for construction of the golf course (Phase 1A) all of which were approved. TCPII-109-03 was originally approved for the development of Phase 1, which included neighborhoods A-C, and F-J. The Prince George's County Planning Board approved Type II Tree Conservation Plan, TCPII-094-04-01, and Specific Design Plan, SDP-0610, on October 11, 2007 subject to conditions contained PGCPB Resolution No. 97-194. The approval of Specific Design Plan SDP-0610 expanded Type II Tree Conservation Plan TCPII-109-03 to include Neighborhoods A-J. Type II Tree Conservation Plan TCPII-094-04 was originally approved for the development of Phase 2, which included Neighborhood M. Specific Design Plan SDP-0610 also expanded the limits of TCPII-094-04 to include Neighborhood N, and eventually Neighborhoods (Landbays) O, P, Q and R.

The current approval is for revisions to SDP-0610 (Landbays D, E and N) and revisions to associated plans TCPII-109-03 and TCPII-094-04). Also included in the current approval is a minor revision to Type II Tree Conservation Plan TCPII-094-04 for Landbay 'M' to extend a private drainage easement between Lots 28 and 29, Block A into an existing woodland conservation area. This revision is necessary to resolve an on-going drainage issue involving already constructed dwellings in Landbay 'M' in accordance with direction provided by the Department of Permitting, Inspections and Enforcement (DPIE).

Regarding the issue of grandfathering, the Planning Board stated that the project is not subject to the requirements of Subtitle 24 and 27 that became effective September 1, 2010 and February 1, 2012 because the CDP and preliminary plan were approved prior to the effective date.

With respect to the current requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance, that became effective September 1, 2010 and February 1, 2012, the Planning Board found that the applicant is not subject to the requirements of the WCO Ordinance because the TCPI and TCPIIs for the site were approved prior to the effective date.

The Planning Board then describes the subject specific design plan as 69.68 non-contiguous acres in the R-L Zone on the both sides of Church Road and north of Oak Grove Road. The combined area of the two associated TCPIIs is much larger, totaling 516.38 acres. 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 Phase 4, though no transportation-related noise impacts had been identified. The soils found on Phase 4 of the property as identified under the 1967 Soil Survey 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 portions of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. Church Road, which separates the parcels included in this approval, is a designated scenic and historic road, but none of the parcels associated with Phase 4 has frontage on Church Road. The subject property is located in the Black Branch and Collington Branch watersheds of the Patuxent River basin, that, according to the 2005 *Approved Countywide Green Infrastructure Plan*, Neighborhoods D and E contain Regulated Areas and Evaluation Areas and that the site is located within the Established Communities of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

The approval of the Basic Plans, the Comprehensive Design Plans and the Preliminary Plan of Subdivision included conditions which dealt with environmental issues that were to be addressed during subsequent reviews. The following is a summary of previously approved environmentally-related conditions relevant to this approval. See Finding 7 for a discussion of environmentally-related conditions of Basic Plans A-8427, A-8578 and A-8579. See Finding 8 for a discussion of the environmentally-related conditions of CDP-9902. See Finding 9 for the environmentally-related conditions of 4-01032. See Finding 10 for a discussion of the environmentally-related conditions of SDP-0610.

In summary, with respect to the conditions of previous approvals on the site, the Planning Board hereby makes the following findings:

- (1) The revised specific design plan and TCPIIs are in conformance with the requirements of the approvals of Basic Plans A-8427, A-8578 and A-8579.
- (2) The revised specific design plan and TCPIIs are in conformance with the requirements of the approval of Comprehensive Design Plan CDP-9902.
- (3) The revised specific design plan and TCPIIs are in conformance with the requirements of the approvals of Preliminary Plan 4-01032 and TCPI-091-92-01.
- (4) The revised specific design plan and TCPIIs are in conformance with the requirements of the approvals of SDP-0610 and TCPII-094-04-01.

The revision boxes on each plan sheet shall be properly filled out, describing the changes, the date made and by whom. Further, the findings of the Planning Board resulted from their environmental review are as follow:

- (1) A 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. The current approval is grandfathered from the requirement to submit an NRI plan because of prior approval and partial implementation of two TCPIIs. An NRI-Equivalency Letter, NRI-150-13 was issued for the site. No additional information was required of the applicant with respect to the Forest Stand Delineation or the NRI.

- (2) This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there are previously approved Type I (TCPI-091-92) and TCPII Tree Conservation Plans. TCPII-094-04 for 18 acres of off-site woodland conservation in preserved woodlands in the northeast corner of this property and construction of the golf course: TCPII-109-03 for Landbays "A" through "J"; TCPII-094-94 for Landbays "M" through "R"; and TCPII-051-05 for Landbays "K" through "L". Additional TCPIIs will be developed for the area which remains to be developed in the Oak Creek Club project.

The two Type II Tree Conservation Plans submitted with Phase 4 are for a total tract area much larger than the acreage of the current approval and encompass many more Landbays than the three disconnected neighborhoods the subject of this approval.

The overall worksheet for the Oak Creek Club development indicates a gross tract area of 917.75 acres and a net tract area of 839.25 acres. The Woodland Conservation Threshold for the development is 24.61 percent or 206.51 acres, plus replacement for net tract, 100-year floodplain and off-site clearing; and the provision of 20.96 acres of off-site woodland conservation for a cumulative woodland conservation requirement of 307.96 acres.

The overall TCPII worksheet indicates that cumulatively the associated TCPIIs provide 183.31 acres of on-site preservation; 68.52 acres of on-site afforestation/reforestation, and 28.20 acres of off-site mitigation, 20.96 of off-site woodland conservation provided, 0.12 acres of fee-in-lieu and 35.98 acres of off-site woodland conservation on another property provides a total of 309.89 acres which satisfies the overall woodland conservation requirement for the development, the requirements of the current phase, and is in general conformance with the approved TCPI.

The two TCPIIs approved herein require the following technical revisions to conform to the requirements of the Environmental Technical Manual:

Type II Tree Conservation Plan TCPII-094-04: A condition of this approval shall require the following technical revisions to TCPII-094-04:

- (a) The prior approval of the “-02” revision “KIF August 12, 2014” shall be added to the approval block on all sheets and the TCPII number shall be revised to show a hyphenated format.
- (b) The overall worksheet shall be revised to indicate the correct revision number for Type II Tree Conservation Plans TCPII-109-03-05 and TCPII-094-04-02, to indicate that the status is pending, and remove the approval date until time of certification.
- (c) The Post-Type Tree Protection Signage detail shall be revised to change the term on the sign from “Forest Conservation” to “Woodland Conservation.”

Two notes shall be added under the “Tree Protection Fence – Permanent Fence Detail” which states the following:

- i. “The smaller post-type woodland conservation signage (5 ½ by 8 ½”) may be substituted for the larger plastic woodland conservation signage shown in the above detail.”
 - ii. “The permanent protection fencing detail is to be used to protect the vulnerable edges of woodland conservation areas during the required maintenance period. After the maintenance period has been satisfactorily fulfilled, the permanent protection fencing may be removed and replaced with Post-type Tree Protection Signage.”
- (d) On the cover sheet, the TCPII numbers for Landbays M and N shall be added.
 - (e) On Sheet 6 of 30, an extension of an existing private 25-foot wide drainage easement between Lots 28 and 29, Block A shall be shown extending to elevation 86 msl. The LOD shall be shown to include the private drainage easement as cleared and the TCPII and associated worksheet calculations shall be revised accordingly.
 - (f) An updated overall TCPII worksheet for Oak Creek Club including all revisions to quantities on TCPII-109-03-05 and TCPII-094-04-3 shall be placed on the Worksheets and Details Sheet (Sheet 2).
 - (g) The revised plan shall be certified by the Qualified Professional who prepared it.

Type II Tree Conservation Plan TCPII-109-03-05: A condition of this approval shall require the following technical revisions to be made to TCPII-109-03-05:

- (a) The prior approval of the “-04” revision “KIF July 11, 2013” shall be added to the approval block on all sheets and the TCPII shall be revised to use a hyphenated format.
 - (b) The overall worksheet shall be revised to indicate the correct revision number for TCPII-109-03-05 and TCPII-094-04-02, indicate that the status is pending, and remove the approval date until time of certification.
 - (c) The Post-Type Tree Protection Signage detail shall be revised to change the term on the sign from “Forest Conservation” to “Woodland Conservation.”
 - (d) Two notes shall be added under the “Tree Protection Fence – Permanent Fence Detail” which states the following:
 - i. “The smaller post-type woodland conservation signage (5 ½ by 8 ½”) may be substituted for the larger plastic woodland conservation signage shown in the above detail.”
 - ii. “The permanent protection fencing detail is to be used to protect the vulnerable edges of woodland conservation areas during the required maintenance period. After the maintenance period has been satisfactorily fulfilled, the permanent protection fencing may be removed and replaced with Post-type Tree Protection Signage.”
 - (e) An updated overall TCPII worksheet for Oak Creek Club including all revisions to quantities on TCPII-109-03-05 and TCPII-094-04-3 shall be placed on the Worksheets and Details Sheet (Sheet 2).
 - (f) The revised plan shall be certified by the Qualified Professional who prepared it.
- (2) Afforestation is proposed in order to fulfill woodland conservation requirements on this site. In order to protect the afforestation areas after planting, so that they may mature into perpetual woodlands, afforestation areas shall be protected by permanent tree protection devices, such as two-rail split fences or approved equivalent, and all afforestation must be placed in conservation easements at time of final plat. Afforestation areas also must be planted prior to building permits issuance to ensure the longevity of the planted areas. All relevant

environmentally-related conditions of the previous SDP approval have been made conditions of this approval.

- (3) During the review of the Preliminary Plan of Subdivision, five primary management areas (PMA) impacts were approved, and one was supported with a condition that the proposed impacts be further evaluated and minimized during the review of the SDP. The impact is for the construction of Shannock Lane, which was conditionally approved at time of preliminary plan, was further evaluated during the review of the subsequent plan for minimization and found to fulfill the condition. The PMA impacts proposed with this plan are in general conformance with the impacts reviewed at time of preliminary plan and with the previous SDP approval.
- (4) Marlboro clay has been found to occur within the limits of Oak Creek Club. During the review of the Preliminary Plan of Subdivision a detailed Geotechnical Report was submitted that identified several areas where the 1.5 safety factor line extended into the proposed residential development area. None of these areas occur within Landbays 'D', 'E' or 'N' so are not of concern in this approval.

In summary, with respect to the environmental review, the Planning Board finds:

- (a) Subject to required revisions, TCPII-109-03-05 and TCPII-09-04-03 can be found to be in conformance with the requirements of Subtitle 25, Division 2 the Woodland and Wildlife Habitat Conservation Ordinance and The Woodland and Wildlife Habitat Conservation Technical Manual.
- (b) The regulated environmental features on the subject property have been found to have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the Type II tree conservation plans submitted with the current application. The PMA impacts shown on the revised SDP and TCPII plan are consistent with those approved with Preliminary Plan 4-09003 and Specific Design Plan SDP-0610.
- (c) The revised specific design plan and TCPIIs conform to the environmentally-related requirements of the approvals of Basic Plans A-8427, A-8578 and A-8579.
- (d) The revised specific design plan and TCPIIs conform to the environmentally-related requirements of the approvals of CDP- 9902, CDP-9903 and TCPI-091-92.
- (e) The revised specific design plan and TCPIIs conform to the environmentally-related requirements of the approvals of Preliminary Plan 4-01032 and Type I Tree Conservation Plan TCPI-091-92-01.

- (f) The revised specific design plan and TCPIIs conform to the environmentally-related requirements of the approvals of Specific Design Plan SDP-0610 and Type II Tree Conservation Plan TCPII-094-04-01.
- j. **The Prince George's County Fire Department**—In a memorandum dated November 4, 2014, the Prince George's County Fire Department offered comments on needed accessibility, private road design and the location and performance of fire hydrants.
- k. **The Department of Permitting, Inspections and Enforcement (DPIE)**—In an e-mail dated December 18, 2014, DPIE stated that the proposed site development is consistent with the approved Stormwater Management Concept Plan No. 6397-2001-02, dated May 13, 2013.
- l. **The Prince George's County Police Department**—In a memorandum dated October 3, 2014, the Prince George's Police Department stated that they had reviewed the subject plans and found no Crime Prevention Through Environmental Design (CPTED) issues connected with the project.
- m. **The Prince George's County Health Department**—In a memorandum dated November 7, 2014, the Prince George's County Health Department offered the following comments:

The Environmental Engineering/Policy Program of the Prince George's County Health Department has completed a health impact assessment review of the Specific Design Plan for Oak Creek Club, and has the following comments/recommendations:

There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse effects on human health. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light.

There is an emerging body of scientific evidence indicating that fine particulate air pollution from traffic is associated with childhood asthma. The proposed site will consist of single-family homes, a school, and daycare facilities that are located less than 1000' feet away from Church Road. The developer should take into consideration the proximity of the road and the proposed project.

The number of neighborhood parks in proximity to one's residence and the types of amenities at the park predict the duration of physical activity in children. Further research has shown that living in proximity to green space is associated with reduced self-reported health symptoms, and better self-rated health. There is an M-NCPPC park approximately 700 feet north of the proposed Oak Creek Club site. There is also another park community

approximately 500 feet away from the site. In addition, the proposed project will comprise of its own recreation facilities, a park dedication, as well as an open space. These will be excellent health benefits for the future community residents.

Scientific research has demonstrated that a high quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. The project is proposing trails and standard sidewalks that will provide safe pedestrian access to the site.

There are no grocery stores within a ½ mile radius of this location. Health Policy Research has found that the presence of a supermarket in a neighborhood predicts higher fruit and vegetable consumption and a reduced prevalence of overweight and obesity. The developer should consider incorporating a supermarket into the proposed “neighborhood retail space.”

During the grading/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

During the grading/construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George’s County Code.

The Prince George’s County Health Department’s recommendations have been selectively included as conditions of this approval as the Planning Board does not have the legal authority to establish conditions related to air quality, and does not in the present application have any ability to affect whether or not a grocery store will be included in future retail space.

- n. **The Maryland State Highway Administration (SHA)**—In an e-mail received October 9, 2014, the State Highway Department stated that they had no comments on the subject project.
- o. **Washington Suburban Sanitary Commission (WSSC)**—In an e-mail received October 27, 2014, the WSSC offered information regarding needed coordination with other buried utilities, the need to keep the WSSC right-of-way generally clear of structures, and the need to adhere to WSSC standards and processes. WSSC’s requirements, however, will be enforced through their separate permitting process.
- p. **Verizon**—In an e-mail received October 29, 2014, a representative of Verizon stated that the revisions proposed in the subject SDP are acceptable to Verizon and that the public utility easements are shown to Verizon’s satisfaction.

- q. **Baltimore Gas and Electric (BG&E)**—BG&E did not offer comment on the subject project.
 - r. **City of Bowie**—In an e-mail received October 10, 2014, a representative of the City of Bowie stated that they had no comment on the subject project.
18. The project fulfills the required findings for approval of a specific design plan outlined in Section 27-528 of the Zoning Ordinance as follows. Each required finding is included in **[boldface type]** below, followed by staff comment:

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:**

The Planning Board has reviewed the subject project against the approved Comprehensive Design Plan and the applicable standards of the 2010 *Prince George's County Landscape Manual* and found it to be in conformance with the applicable requirements of 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:**

As discussed in Findings 13(d) Transportation and 13(h) Public Facilities above, the Planning Board hereby finds that 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 (CIP) or provided as part of private development as required by this finding.

(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:**

In a memorandum dated December 19, 2014, the Department of Permitting, Inspections and Enforcement (DPIE) confirmed that the current approved stormwater management concepts for the site are revisions to approved Stormwater Management Concept Plan No. 6397-2001-00 and that the subject revisions to Specific Design Plan SDP-0610 conform to the requirements of the approved stormwater management concept plans for the site. Conformance to 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. Therefore, the Planning Board is able to hereby make this required finding regarding the subject project.

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

The Planning Board reviewed Type II Tree Conservation Plans TCPII/109/03-05 and TCPII/94/04-03, and is approving them herewith, subject to conditions which bring the project into conformance with an approved tree conservation plan. Such revisions would be required by the recommended conditions below. 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 Plans (TCPII-109-03-05 and TCPII-094-04-03), and further APPROVED Specific Design Plan SDP-0610-01 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the plans, the applicant shall make the following revisions and submit the following specified documentation:
 - a. The applicant shall consistently refer to the acreage of the subject project as 69.68 acres, the acreage in the first approval of the project, instead of the 71.82 acres reflected in the original application form for the subject project.
 - b. The applicant shall indicate on the plans that all proposed exterior light fixtures shall be positioned so as to minimize light trespass caused by spill light.
 - c. Applicant shall include a note on the plans stating that, during the grading and construction phases of this project, the applicant shall conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
 - d. Applicant shall include a note on the plans stating that, during the grading and construction phases of the subject project, the applicant shall conform to the construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
 - e. A note shall be added to the plans stating the following:

“Prior to signature approval of the next residential or commercial retail specific design plan to be considered by the Planning Board for Oak Creek, the applicant shall have procured approval of final design and a schedule for construction from the Department of Public Works and Transportation for the roundabout at the intersection of Oak Grove and Church Roads.”

- f. The applicant and the applicant's heirs, successors and/or assignees, shall demonstrate access for Parcel 19, measuring a minimum of 25 feet wide, connecting to Bottsford Avenue and to be conveyed to the property owner of Parcel 19 prior to the approval of a final plat(s) for the project. Construction of the driveway shall be the responsibility of the applicant, his heirs, successors and/or assignees.
- g. Landbay N, Block A, Lots 1 and 12 and Block B, Lots 1, 8 12, 17 and 18 and Block C, Lots 1, 7, 16, and 19 will be designated as "highly visible side lots" and the following note shall be added to the Landbay N site plan:

Highly Visible Site Lot: On these lots the front façade and the visible end wall shall be constructed of the same material and shall have at least four architectural features in a reasonably balanced arrangement.

Highly Visible Rear Lot: On these lots the rear façade oriented toward opposite units facing the internal street, shall be of an enhanced detail approved via the Umbrella architecture as specified above. The applicant shall develop enhanced architectural designs for the sides and rears of the units proposed to front on Oak Grove Road. These enhanced architectural elevations will be approved by the Planning Board or its designee.

- h. The platted areas adjacent to the three Specific Design Plan SDP-0610-01 revision areas shall be reflected on the plans with bearings and distances consistent with the record plats as well as with the plat reference and proposed use.
- i. All easements shown on the SDP shall be clearly described and not overlap one another except to cross at right angles. Stormwater easements shall not be co-located with public utility easements (PUEs). The easements must cross at right angles and not run parallel.
- j. Lots 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 along Oak Grove Road shall be designed with side-entrance garages.
- k. A note shall be added to the plans stating that the HOA in conjunction with the Fire and Police Department shall prohibit parking on private roads except under special circumstances approved by the HOA and/or Police or Fire Department.
- l. The chart required on the coversheet required by Condition 26 of CDP-9902 on the coversheet of the SDP shall be updated to include all revision applications approved to date and the reference therein to a conceptual design plan shall be corrected to refer to a comprehensive design plan.
- m. Provide written evidence of approval by the Department of Permitting Inspections and Enforcement (DPIE) of technical approval of the location and sizes of stormwater management facilities.

2. Prior to building permits in each phase, the applicant and the applicant's heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
3. The applicant and the applicant's heirs, successors and assignees, shall contribute 50 percent of the total costs of the roundabout located at Oak Grove Road and Church Road. The contribution shall be paid upon the issuance of the construction permits to the permittee for said roadwork but also provided that Oak Creek shall post, prior to any issuance of a building permit in Phase V, a bond or irrevocable letter of credit to the permittee for their estimated share of the costs based on an estimate proposed by the permittee and approved by Oak Creek until the actual construction takes place. The total costs shall be determined according to AASHTO or other applicable guidelines as determined by DPW&T and reviewed and approved by the applicant and permittee. In no way shall the permits (stormdrain, paving, grading, model permits, or construction/building permits of any type) for Oak Creek Club be conditioned upon any event other than the issuance of the bond or irrevocable letter of credit and/or the contribution by the applicant to the permittee upon issuance of the permit. The roundabout is not an APF requirement for Oak Creek and the applicant's contribution satisfies road frontage requirements at this intersection per the Road Code and Condition 42 of the approved corrected resolution (PGCPB Resolution No. 01-178(C)) of the Oak Creek Preliminary Plan (4-10132) or subsequent plans.
4. Prior to approval of any final plats for the subject SDP area, any associated TCPIIs shall be approved and any approved afforestation areas shown shall be placed in conservation easements on the final plat.
5. Prior to issuance of building permits for the adjacent lots, permanent tree protection fencing shall be installed around all afforestation areas. A certification prepared by a qualified professional shall be used to provide verification that the afforestation has been completed, which must include, at a minimum: Photos of the afforestation areas and the associated fencing for each lot, labels on the photos identifying the locations where the photographs were taken; and a plan showing the locations where the photos were taken.
6. Prior to certificate approval of the specific design plan, TCPII-094-04-03 and TCPII-109-03-05 shall be revised as follows:
 - a. The prior approval of the "-02" revision to TCPII-09-04-03 "KIF August 12, 2014" shall be added to the approval block on all sheets and the TCPII number shall be revised to show a hyphenated format.
 - b. The prior approval of the "-04" revision to TCPII-109-03-04 "KIF July 11, 2013" shall be added to the approval block on all sheets and the TCPII shall be revised to use a hyphenated format.

- c. The overall worksheet shall be revised to indicate the correct revision number for Type II Tree Conservation Plans TCPII-109-03-05 and TCPII-094-04-03, indicate that the status is pending, and remove the approval date until time of certification.
 - d. Revise the Post-Type Tree Protection Signage detail to change the term on the sign from “Forest Conservation” to “Woodland Conservation.”
 - e. Add two notes under the “Tree Protection Fence – Permanent Fence Detail” which state the following:
 - (1) “The smaller post-type woodland conservation signage (5 ½ by 8 ½”) may be substituted for the larger plastic woodland conservation signage shown in the above detail.”
 - (2) “The permanent protection fencing detail is to be used to protect the vulnerable edges of woodland conservation areas during the required maintenance period. After the maintenance period has been satisfactorily fulfilled, the permanent protection fencing may be removed and replaced with Post-type Tree Protection Signage.”
 - f. On the cover sheets, the TCPII numbers for Landbays ‘M’ and ‘N’ shall be added.
 - g. On Sheet 6 of 30 of Type II Tree Conservation Plan TCPII-094-04-03, an extension of an existing private 25-foot-wide drainage easement between Lots 28 and 29, Block A shall be shown extending to elevation 86 msl. The LOD shall include the private drainage easement as cleared and the TCPII and associated worksheet calculations shall be revised accordingly.
 - h. An updated overall TCPII worksheet for Oak Creek Club including all revisions to quantities on Type II Tree Conservation Plans TCPII-109-03-05 and TCPII-094-04-03 shall be placed on the Worksheets and Details Sheet (Sheet 2).
 - i. The revised plan shall be certified by the Qualified Professional who prepared it.
 - j. All Type II tree conservation plans (TCPII) plan sheets shall be submitted for certification.
7. All residential structures shall be fully sprinklered in accordance with the National Fire Protection Standard (NFPA) 13D and all applicable county laws.
8. Prior to issuance of building permits for Landbay N, Lots 8-15, Block C proposed to front on Oak Grove Road and where the rear of the units face the front of units immediately across the street, the applicant shall develop enhanced architectural designs for the sides and rears of these units. These enhanced architectural elevations will be approved by the Planning Board or its designee through a revision to SDP-0304, the umbrella SDP for architecture.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Geraldo, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, January 8, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of February 2015.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:RG:arj