

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 October 11, 2007, regarding Specific Design Plan SDP-0610 for Oak Creek Club, Phase 4, the Planning Board finds:

1. **Request:** The subject application requests the construction of 135 single-family detached houses in the R-L Zone.
2. **Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-L	R-L
Use(s)	Vacant	Residential
Acreage	69.68	69.68
Lots	0	135
Parcels	0	6

3. **Location:** The site is in Planning Area 74A, Council District 6. The general location of the Oak Creek Development is in the northwestern quadrant of Oak Grove and Church Roads. Phase 4 has two segments within that development; one in the western portion of the development, approximately 2,000 feet west of the intersection of Oak Grove and Church Roads and one in the eastern portion, approximately 5,000 feet east of the intersection of Church Road and Mary Bowie Parkway.
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 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 three times, by SDP-0304/01, approved June 21, 2004, and by SDP-0304/02, approved November 22, 2004 by SDP-0304/03, approved February 15, 2006 and by SDP-0304/04 approved on November 2, 2006. 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-0306 was revised once as SDP-0306/01 and approved August 7, 2006. 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. That specific design plan has been revised twice: once as SDP-0308/01, approved March 18, 2005 and once as SDP-0308/02 approved on October 10, 2006. Phase II of residential development SDP-0411 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 Management Plan 6397-2002-01 was approved by the Department of Environmental Resources on July 14, 2004. Such approval remains in full force and effect for three years or until July 14, 2007. Phase III of the residential development, SDP-0417 was approved by the Planning Board on May 12, 2005. Resolution 05-119 was subsequently adopted by the Planning Board on June 2, 2005. The applicant must also meet the requirements of Preliminary Plan of Subdivision 4-01032 and the numerous final plats that have been approved for the subject property and the larger Oak Creek development.

6. **Design Features:** The greater Oak Creek development is bifurcated by Church Road, running in a north/south direction. The subject phase consists of three pods; 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.

The architecture of the original approval included the following:

Builder	Units	Range of Total Base Finished Area
Craftmark Homes	Bethesda, Chevy Chase, Clifton III, Edgemoor, Kenwood, Kenwood II, Westchester, Oakton	2,646-5,109
NV Homes	Brandenburg, Carter's Grove, Falconcrest, Georgetown, Hyde Park, Kingsmill, Knightsbridge, Leesburg, Monticello, Potomac, Remington, Wynterhall, Clifton Park	2,061-4,923
Renaissance Housing Corp.	The DaVinci, The Grand Renior, Botticelli, The Rembrandt, The Grand Rosseau	3,593-4,894
Michael-Harris Homes	"A" House, "B" House, "E" House	3,258-4,078
Ryan Homes	Avalon, Balmoral, Belvedere*, Courtland, Highgrove, Ravenwood, Victoria, Waverly, Zachery, Oberlin	1,998-3,893
Mitchell & Best	Henderson, Westport II, Ashton II, Fredricksburg, Ashton, Radcliff III, Preston, Washington	2,551-4,607
K & P Builders	Salisbury, Perrywood, Federal, Kentmoor, Urbana, Lancaster, Villager 4, Villager 5, Villager 6, Belair, Annapolis	2,370-4,130

\*All units measure a minimum of 2,200 square feet, the threshold required by Condition 27 of CDP-9903, except the Belvedere, which was required by a condition of the original approval to exceed 2,200 square feet through adding options to the base model. A two-car garage is standard for all units. Facade treatment in brick is an option and at least 60 percent of the total units must have a brick front façade.

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 southern boundary of Pod N is Oak Grove Road, which offers frontage for ten of the lots. The remaining 29 lots are located 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.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Basic Plans A-8427, 8578, and 8579:** 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. **CDP-9902 and 9903:** 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 the 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. The property is subject to the 43 conditions contained in the resolution of approval. Please see Finding 13d for a detailed discussion of relevant transportation-related conditions and Finding 13h for a detailed discussion of environmentally-related conditions, contained in the Preliminary Plan approval.

In addition, please note that the Department of Public Works and Transportation has confirmed that the subject specific design plan is consistent with approved Stormwater Management Concept Plan 6397-2001-00 or any revisions thereto.

The Subdivision Section has stated that the subject specific design plan conforms to the layout approved for the relevant preliminary plan of subdivision and stated that Condition 47 of the council Zoning Ordinance No. 11-2000 justified a single minor deviation. Please see Finding 13a for further discussion.

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.

12. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because 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. The Environmental Planning Section has reviewed the project and recommended approval subject to conditions. Those recommended conditions have been included in the recommendation section of this report. Therefore, it may be said that the project is in conformance with the requirements of the Prince George's County Woodland Conservation Ordinance.
  
13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. **Historic Preservation**—In comments dated January 5, 2007, the Historic Preservation Section stated that the proposed project would have no effect on historic resources.
  
  - b. **Archeological Review**—In a memorandum dated January 8, 2007, the staff archeologist made the following findings:
    - (1) Phase I and Phase II archeological survey and evaluation were conducted in 1999, February 2004, and November 2004 over 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 carried out 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 on the 69.98 acres of Oak Creek Club—Phase 4. Staff concurs that sites 18PR687 (a 20<sup>th</sup> century residence) and 18PR688 (a multi-component prehistoric and historic site) are not eligible for listing on the NRHP. Phase II investigations were conducted on site 18PR665. During the Phase I and Phase II investigations, over 125 Shovel Test Pits (STPs) were excavated, about half of which contained artifacts. In addition, during Phase II investigations, nine 3-x-3 foot test units were excavated in areas containing high concentrations of artifacts. A total of 2,357 artifacts were recovered, but no cultural features were identified. Artifacts recovered indicate that the site was occupied during the early to mid-18<sup>th</sup> century, predating the Bowie ownership of the property. The occupants were likely middle-income planters. Stratigraphic integrity at the site was thought to be fair to poor and the

area had been plowed for a long period, further impacting the site. However, in other cases, including Garrett's Chance and Vallario in southern Prince George's County and the Robert's Site in Calvert County, excavated by James Gibb and Jeanne Ward, subsurface features were discovered when the plow zone was stripped off of the site. Many of these early structures were post-in-the-ground construction and were fairly small.

In closing, she made the following recommendations:

- (1) Therefore staff believes that although Phase II investigations were completed under the Section 106 process and no further work was recommended on site 18PR665 as a result of those studies, further investigations of this site should be conducted to determine if subsurface features may be present by stripping some of the plow zone off of the top. Site 18PR665 represents an early occupation in the area and covers a time period that is not well represented in the County archeologically. Therefore, staff believes that prior to approval of this Specific Design Plan, additional Phase II (Evaluation) archeological investigations are recommended on the above-referenced property 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. Evidence of M-NCPPC concurrence with the final additional Phase II report and recommendations is required prior to approval of this site plan.
- (2) Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of this detailed site plan, the applicant shall provide a plan for:
  - (a) Evaluating the resource at the Phase III level, or
  - (b) Avoiding and preserving the resource in place.
- (3) The Phase III work plan shall be approved by the staff archeologist prior to work commencing. If a 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, prior to approval of any grading permits.

The staff archeologist's recommendations have been included in the recommended conditions below.

- c. **Community Planning**—In a memorandum dated January 19, 2007, 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 conforms to the *2006 Approved Bowie & Vicinity Master Plan and Sectional Map Amendment* recommendation for Residential Low-Density land use.

- d. **Transportation Planning**—In a revised memorandum dated February 27, 2007, the Transportation Planning Section reviewed the approval history of transportation-related conditions for the subject site. Noting that all Basic Plan conditions have either been met or incorporated into later approval resolutions, the Transportation Planning Section reviewed Conditions 30, 31, 32, 33, 34, 35 and 36 of applicable Comprehensive Design Plans 9902 and 9903. In this review, they concluded that the conditions had been met and/or had later triggers, with the exception of Condition 34, which referred to a right-of-way for A-44, a roadway that has been removed from the current master plan. With respect to this condition, the Transportation Planning Section stated that the condition is no longer valid, should no longer be enforced, and that the general notes on the plan should be checked for accuracy.

With respect to relevant Preliminary Plan of Subdivision 4-01032, they noted that Conditions 10, 11, 12, 13, 14, and 43 are identical to Conditions 30, 31, 32, 33, 34 and 36 of the comprehensive design plan. With respect to Condition 42, which requires traffic calming along Oak Grove Road through installation of a roundabout at the Church Road/future Oak Grove Road intersection, they requested a condition be included in the approval requiring the applicant to furnish proof that there is an approved design for the roundabout at Church Road and future Oak Grove Road. Such proof, they suggested, should be furnished prior to signature approval of the next specific design plan. This suggestion was later interpreted to except the specific design plan recently approved by the Planning Board for a golf clubhouse and swim tennis center and to apply to the next specific design plan that would result in the creation of additional residential units or commercial square footage which is excepted to be a residential Phase V.

Conditions below provide the needed correction to the general notes regarding the previously proposed A-44 roadway and a requirement of final design approval of the roundabout at Church and future Oak Grove Road prior to signature approval of the subject and next specific design plan for the project, respectively.

- e. **Subdivision**—In a memorandum dated February 16, 2007, the Subdivision Section offered the following:

This application totals 69.68 acres in the R-L zone on both sides of Church Road and north of Oak Grove Road. The property is the subject of Preliminary Plan 4-01032, which was approved by the Planning Board on September 6, 2001. This preliminary plan remains valid until December 13, 2007, or until a final plat for these sections are recorded.

The submitted SDP differs in some regards from the approved preliminary plan:

**Neighborhood D**—The approved plan shows 50 lots in this area, while this SDP proposes 43. This is not a problem. The overall layout is consistent, just with fewer lots.

**Neighborhood E**—The approved plan shows 48 lots in this area, this SDP shows 43. Again, this is not a problem.

**Neighborhood N**—This section is divided into three blocks, A-C.

**Block A** is consistent, although it shows 12 lots where 14 were approved on the preliminary plan.

**Block B** shows “Parcel D” in the middle of the block. This parcel was not part of the approved preliminary plan but was created as a parcel to meet woodland conservation requirements without placing tree save areas or lots. This is an acceptable deviation.

**Block C** shows “Parcel C” in the middle of the block. This parcel was not part of the approved preliminary plan but was created as a parcel to meet woodland conservation requirements without placing tree save areas on lots. This is an acceptable deviation.

In addition, the approved preliminary plan shows a 20-foot private driveway running parallel to Oak Grove Road acting as a service road with three access points for the 14 houses fronting on Oak Grove Road. The SDP shows 6 shared access aprons and dualized driveways for 12 lots. This is a substantial deviation, but is consistent with Condition 47 of Council Zoning Ordinance No. 11-2000, which approved the Basic Plan for this property, specifically Condition 47 states:

**“47. 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.”**

Thus, this is an acceptable deviation.

The resolution for that approval contains numerous conditions that are applicable to the review of this application, however, they are either environmental or transportation related. The referrals from these sections should address these conditions and the extent to which they are being met.

Such referrals have been received by staff and are incorporated herein.

- f. **Trails**—In a memorandum dated February 5, 2007, the senior trails planner stated that the Adopted and Approved Bowie and Vicinity Master Plan recommends three master



plan trails in the vicinity of the subject site, along Church Road, Oak Grove Road and Back Branch. Further, the senior trails planner stated that the subject application is consistent with the trails requirements of prior approvals including comprehensive design plan CDP-9902 and Preliminary Plan 4-01032. The senior trails planner, with respect to sidewalk connectivity, that walkways, reflected along one side of all internal roads in the subject application and both sides, in the denser sections of the development, in conjunction with the master planned trails will provide safe and convenient pedestrian access through and around the subject site. Lastly, the senior trails planner stated that he supports the use of concrete headers and textured colored pavement to designate walkways along open section roadway as indicated on the subject plans.

- g. **Permits**—In a memorandum dated January 11, 2007, the Permit Review Section mentioned additional information that must be added to the site plans prior to building permits being issued for the project and noted that no additional signs have been proposed for the subject phase of Oak Creek.
- h. **Public Facilities**— In a memorandum dated February 27, 2007, the Historic and Public Facilities Planning Section stated that because fire engine and ambulance service are beyond travel time guidelines, a condition be attached to the approval that would require a fair share contribution of \$35,550.90 for the 135 units included in the subject property. In closing they noted that police facilities to serve the facility are adequate.

The above suggested condition has been included in the recommendation section of this report.

- i. **Environmental Planning**—In a memorandum dated January 29, 2007, the Environmental Planning Section offered the following:

#### **BACKGROUND**

This site was previously reviewed by the Environmental Planning Section in conjunction with the Basic Plans, A-8427, A-8578, and A-8579; the Comprehensive Design Plans, CDP-9902 and CDP-9903; the Preliminary Plan of Subdivision, 4-01032; the Type I Tree Conservation Plan, TCPI/91/92; and a Type II Tree Conservation Plan, TCPII/97/95 for construction of the golf course (Phase 1A) all of which were approved. TCPII/109/01 was approved for the development of Phase 1, which included neighborhoods A-C, and F-J; the proposed revision would expand TCPII/109/01 to include Neighborhoods A-J. TCPII/94/04 was approved for the development of Phase 2, which included Neighborhood M. The current plan proposes to expand the limits of that TCPII to include Neighborhood N, and eventually Phases O, P, Q and R. The current application proposed the construction of 135 single-family dwellings in the R-L zone.

## SITE DESCRIPTION

This application totals 69.68 acres in the R-L zone on the both sides of Church Road and north of Oak Grove Road. A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, areas of steep slopes with highly erodible soils, and the associated buffers for these features are found to occur within the limits of this application. No transportation-related noise impacts have been identified. The soils found on this property include Adelphia fine sandy loam, Collington fine sandy loam, mixed alluvial land, Monmouth fine sandy loam, Shrewsbury fine sandy loam, and Westphalia fine sandy loam. Although some of the soils have limitations with respect to impeded drainage, slow permeability, and seasonally high water tables, most of the soils have no significant limitations with respect to the development of the property. According to available information, Marlboro clays are found to occur on 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 application, is a designated scenic and historic road, but none of the parcels has frontage on Church Road. This property is located in the Black Branch and Collington Branch watersheds of the Patuxent River basin and in the Developing Tier as reflected in the adopted General Plan. According to the approved Countywide Green Infrastructure Plan, Neighborhoods D and E contain regulated areas and evaluation areas.

The approval of the basic plans, the comprehensive design plans and the preliminary plan of subdivision included numerous conditions, several of which dealt with environmental issues that were to be addressed during subsequent reviews. The environmental conditions to be addressed during the review of the specific design plan are addressed below. The respective conditions are in **bold** type face, the associated comments are in standard type face and additional information or plan revisions are italics.

### **Conformance with Conditions of Basic Plan Approval (A-8427, A-8578 and A-8579)**

- 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 TCPII 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 (FPS 0002F-2000) as approved by the Watershed Protection Branch of the Department of Environmental Resources. A copy of the February 2, 2002 approved 100-year floodplain delineation was submitted with previous SDP applications for the overall site.

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

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

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

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

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

No information has been provided with respect to the approval of the technical stormwater management plan. It is critical that the limits of disturbance shown on the stormwater management plan match the limits on the TCPII.

Recommended Condition: Prior to certificate approval of the SDP, approved technical plans for the location and sizes of stormwater management facilities shall be submitted.

**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. One impact to a wetland buffer is proposed on the site to accommodate a stormwater management outfall.

**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. 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 and stormwater management facilities, which were previously reviewed during the preliminary plan process, and are discussed in comment 3 of the Environmental Review section of this memorandum.

**Conformance with Comprehensive Design Plan Conditions (CDP-9902 and CDP-9903)**

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

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

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

Recommended Condition: Prior to certification of the specific design plan a copy of the approved technical stormwater management plan 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.

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

A copy of the proposed open space plan was submitted for review. The Environmental Planning Section has not identified any issues with respect to the proposed open space plan.

**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 with the neighborhoods under review.

- 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 master plan of transportation, and from the SDP. Noise mitigation is no longer required.

**Conformance with Preliminary Plan Conditions (4-01032)**

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

There are no portions of the trail system under review with this application.

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

See CDP Condition 42 above.

- 19. Prior to the approval of any Specific Design Plan proposing PMA impacts listed as A-3 & 4; B-1, 2,3, & 5; C-5, 6 & 8-11; and D-2 on Attachment 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.**

See Environmental Review Comment 3.

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

With Phase 4 development, there is a requirement for 28.20 acres of off-site woodland conservation mitigation. Off-site mitigation is normally required to be secured prior to the issuance of grading permits. To provide for the reasonable timing of off-site mitigation, this condition is recommended to be revised as shown below.

Recommended Condition: 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.

- 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 TCPII as revised addresses 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 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. TCPII/97/95 was approved for the purpose of establishing 25 acres of off-site mitigation on existing woodlands in the northeast corner of this property and for construction of the golf course.

The Type II tree conservation plan submitted with Phase 4 is for parcels with a total net tract area of 69.25 acres. The woodland conservation threshold for this phase is 15.20 acres, based on a 24.61 percent afforestation threshold, plus replacement for 19.80 acres of woodland clearing, for a Phase 4 woodland conservation requirement of 41.46 acres based on the phased worksheet.

The TCPII proposes to meet the requirement with 8.13 acres of on-site preservation, 5.13 acres of afforestation/reforestation, and 28.20 acres of off-site mitigation, which satisfies the woodland conservation requirement of the current phase, and is in conformance with the approved TCPI.

The TCPII submitted with the SDP includes three disconnected neighborhoods (Landbays). In order to simplify and provide a logical order to the mapping of TCPs, the Environmental Planning Section has asked that the submitted TCPII be broken into two parts, and submitted as a revision to two existing TCPs. Neighborhoods D and E are a logical extension of TCPII/109/03 on the east side of Church Road. Neighborhood N is a logical extension of TCPII/94/04 on the west side of Church Road. The applicants engineer has agreed to this request.

Recommended Condition: Prior to certificate approval of the specific design plan, the submitted TCPII shall be separated into two parts, and TCPII/109/03-01 and TCPII/94/04 shall be revised to incorporate the associated portions of the TCPII.

3. **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 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.**

Recommended Condition: All TCPIIs shall be revised to show permanent protection fencing along all vulnerable edges.

Recommended Condition: The TCPII shall be approved prior to final plat. All approved afforestation areas shown shall be placed in conservation easements at time of final plat.

Recommended Condition: 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.

- (3) During the review of the Preliminary Plan of Subdivision, PMA impacts were proposed, some of which were supported, some that were supported with a

condition that the proposed impacts be further evaluated and minimized during the review of the SDP, and some impacts that were not supported or approved. A total of six PMA impacts are proposed by this application, five of which are associated with stormwater management outfalls that are required to transport stormwater into the on-site stream system. One impact is for the construction of Shannock Lane, which was approved at time of preliminary plan, with the condition that the impact be further evaluated during the review of subsequent plan submittals to determine if the proposed impacts could be further minimized.

**Discussion:** The PMA impacts proposed with this plan are in conformance with the impacts reviewed at time of preliminary plan. The SDP indicates that these impacts have been minimized to the fullest extent possible.

- (4) Marlboro clay has been found to occur within the limits of the Oak Creek Club development application. 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.

Comment: No further information is required with regard to Marlboro clay with these three Landbays.

The conditions recommended by the Environmental Planning Section have been incorporated in the recommendation section of this report.

- j. **Fire Department**—In a memorandum dated January 22, 2007, the Prince George's County Fire Department offered information regarding access for Fire Apparatuses, private road design, fire lanes and the location and performance of fire hydrants.
- k. **Department of Public Works and Transportation (DPW&T)**—In a revised memorandum dated August 10, 2007, DPW&T offered comment that included, but was not limited to, require right-of-way dedication, design criteria, the need for access, signalization and soil studies, utility coordination, and stormwater management. More particularly, with respect to stormwater management, DPW&T noted a storm drain retrofit plan for the subject project was submitted and approved for construction. Further, they stated that the retrofit work is appropriately reflected as a revision to the approved storm drain plan and does not need to be shown on the specific design plan. Please note that the requirements will be separately implemented through DPW&T's permitting process.
- l. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated January 8, 2007, WSSC stated that water and sewer extensions would be required; that Project #DA3113Z01 is an approved project within the limits of the proposed site, that



the applicant should contact WSSC for additional information concerning that project and that sewer outfall alignment for properties in Bottsford Avenue appears to have changed from the original sketch and that the applicant should contact WSSC to determine if an amendment revision will be required.

- m. **Bowie**—In comments received January 5, 2007, a representative of the City of Bowie stated that they would not be offering comment on the subject project.

14. The project fulfills the required findings for approving a specific design plan outlined in Section 27-528 of the Zoning Ordinance. Specifically: (Staff has bolded each required finding below and followed it with 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:**

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 13 above, memorandums from the Historic Preservation and Public Facilities Planning Section indicate that the development will be adequately served with existing or programmed public facilities either shown in the appropriate Capitol 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: In an memorandum dated January 12, 2007, the Department of Public Works and Transportation stated that the plan for Landbay D and E is consistent with approved stormwater concept plans No. 7095-2006 and No. 7097-2006 and the plan for Landbay N is consistent with approved stormwater concept plan No. 6397-2201. The approved stormwater concept plan for the property ensures that

stormwater will be managed so that there are no adverse effects on either the subject property or adjacent properties.

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

Comment: In a memorandum dated January 29, 2007, the Environmental Planning Section stated that Type II Tree Conservation Plans, TCPII/109/03-02 and TCPII/94/04-01, could be recommended for approval provided certain revisions are made. 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 Plan (TCPII/94/04-01), and further APPROVED Specific Design Plan SDP-0610 for the above-described land, subject to the following conditions:

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.

2. Final to signature approval of the plans the following revisions shall be made to the specific design plan or additional documentation provided:

- a. The final item under the general notes listed on the first page of the plan regarding Condition 34 of the approval of CDP-9902 and CDP 9903 shall be corrected for accuracy with respect to the current status of the previously proposed A-44 roadway.
  - 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.
  - c. 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.”
  - d. 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.
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.
  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.
  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.
  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.

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.
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.

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 Cavitt, with Commissioners Squire, Cavitt and Parker voting in favor of the motion, and with Commissioners Vaughns and Clark absent at its regular meeting held on Thursday, October 11, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of November 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator