

Case No.: SDP-0417

Applicant: Oak Creek Club, Corp.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in Resolution PGCPB No. 05-119, approving with conditions a Specific Design Plan, SDP-0417, for construction of 92 single-family homes, on property described as approximately 169.7 acres in the R-L Zone, located in the northwest quadrant of the intersection of Oak Grove and Church Roads, Upper Marlboro, is hereby:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council.

Affirmance of the Planning Board's decision is subject to the following conditions.

1. Prior to signature approval of this Specific Design Plan:
 - (a) The applicant shall evaluate the identified potentially significant archeological resource found to exist in the project area at the Phase II level and submit a report for staff review and approval. Such review and approval shall occur prior to signature approval of the Specific Design Plan.
 - (b) The maximum height of dwellings in the proposed development shall be three stories; 40 feet for the single-family, and 45 feet for the townhome units.
 - (c) Applicant shall add the following notes to the plans regarding trail construction:

- (i) All trails other than those constructed on land to be dedicated to the M-NCPPC shall be field located and approved by the Environmental Planning Section, the Department of Environmental Resources inspector, and M-NCPPC trails coordinator.
 - (ii) All trails shall be constructed to ensure dry passage. If wet areas must be traversed, suitable structures shall be constructed.
- (d) The walkways along Winamac Court and Thebes Lane shall be revised to be four feet wide.
- (e) Applicant shall redesign Lots 1-7, Block B, eliminating three proposed lots to be more consistent with the preliminary plan and lots abutting to the south.
- (f) Applicant shall increase the open space window between Lots 24 and 25 to 35, instead of 20 feet as was indicated at the time of preliminary plan of subdivision approval.
- (g) Applicant shall replace the open space window from Thebes Lane to Parcel D that was reflected on the preliminary plan between Lots 17 and 18. Such open space window may be placed between Lots 16 and 17 if design considerations make it more desirable.
- (h) Applicant shall indicate a park access window 100 feet wide as was indicated at the time of preliminary plan of subdivision approval.
- (i) Applicant shall redesign the lots along the southern side of Mary Bowie Drive (Lots 8-20) and eliminate two lots that were not indicated at the time of preliminary plan approval.
- (j) Applicant shall redesign the plan so as to eliminate Lot 37 on the northern side of Mary Bowie Drive to be more consistent with the approved preliminary plan of subdivision.
- (k) A note shall be added to the plans that extensions and projections into the minimum required yards marginally exceeding the requirements of Section 27-422 [a-f] may be evaluated and approved by the Planning Board or its designee.
- (l) A note shall be added to the site plans that roofing shingles that are energy-sensitive and light-reflective shall be offered to buyers as an option for all models, if feasible.

- (m) In order to determine which model will be allowed on the various lots, a table shall be provided that tracks the lot area, the permitted amount of building coverage, and the lot width at the front building line for each lot in the neighborhood.
 - (n) A note shall be added to the plans that, to the extent possible, driveways shall be set back a minimum of two feet from the side lot line.
 - (o) A note shall be added to the plans that units shall be sited at or close to the front building line in order to provide the greatest functional rear yard possible.
 - (p) A note shall be added to the plans that dwelling units on corners shall generally face the street corner.
 - (q) A note shall be added to the plans that site trees shall be informally grouped near proposed street trees to the extent possible.
 - [r] A note shall be added to the plans stating that clearing shall take place in a south/northeast fashion where possible to promote the migration of wildlife away from existing development towards streams and woodland.
 - (s) A note shall be added to the plans that units across the street from and next to each other shall not have the same front elevation.
2. Prior to certificate of approval, the Type II Tree Conservation Plan, TCPII/51/05, shall be revised as follows:
- (a) Add a note to the plan indicating that all afforestation adjacent to any lot shall be completed prior to the issuance of the use and occupancy permit for the adjacent lot.
 - (b) The applicant shall provide the location of off-site mitigation.
 - (c) Correct the Woodland Conservation Worksheet to reflect the overall requirements for Oak Creek Club, the requirements for each of the prior phases, which may have been approved, the requirements for the current phase of the project, and the cumulative requirements for all approved phases and phases under review to the satisfaction of the Environmental Planning Section.
 - (d) The plans shall be signed and dated by the licensed landscape architect, licensed forester or other qualified professional who prepared the plan.

3. Prior to the issuance of the first building permit for the proposed project, applicant shall provide information on the plans regarding the percentage of lot coverage and building height for each lot.
4. Prior to the issuance of the first grading permit for the proposed project, the applicant shall submit a copy of the approved Technical Stormwater Management Plan to the Environmental Planning Section to ensure that it is consistent with the approved Type II Tree Conservation Plan. Any inconsistencies between the plans will require revisions and approval of those revisions to one or both plans prior to the issuance of any permits.
5. Prior to the approval of the first final plat for the proposed phase of development, the applicant, his heirs, successors and/or assignees shall pay \$263.34 per unit to Prince George's County which shall serve as a fair share contribution towards the construction of the Leeland Road Fire/EMS Station because the area is beyond response time requirements for fire engine and ambulance service.
6. At least 90% of the single-family detached units shall have a full front façade excluding gables, windows, trim, and doors constructed of brick, stone or stucco. Any side elevations where either side is entirely visible from the public street, both sides shall be designed with materials and details in a manner consistent with the front elevation. A side elevation which is highly visible from the public street as a result of being angled on a corner lot or which projects forward from the nearest corner of the neighboring house more than 20 feet, shall display significant architectural features which contribute to the aesthetics of the unit. Significant architectural features include, but are not limited to bay projections, wraparound porches, sunrooms, conservatories, pergolas and other architectural embellishments consistent with the architecture defined in the front elevation of the unit.
7. In lieu of constructing tot lots that are randomly located in the community (not limited to Phase III) the developer will fund a "recreation account" to the benefit of the HOA to be used as the homeowners see fit within the completed development. At the time of HOA turnover to the homeowners, \$25,000 per tot lot (not to be constructed) shall be paid.

Ordered this 26th day of July, 2005, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Dernoga, Exum, Harrington, Hendershot, Knotts and Peters

Opposed:

Abstained:

Absent:

Vote: 9-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council