

PGCPB No. 15-141(A)

File No. SDP-1501

A M E N D E D R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George’s County Code; and

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

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

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

WHEREAS, in consideration of evidence presented at a public hearing on December 17, 2015, regarding Specific Design Plan SDP-1501 for Oak Creek Club, Phase 5 the Planning Board finds:

1. **Request:** The subject application is for approval of a SDP for Phase 5 of the development, which proposes 213 single-family units.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-L	R-L
Uses	Vacant	Single-Family Detached
Lots	0	213
Parcels	0	16
Area of Phase 5	117.49 acres	117.49 acres

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

Landbay	Block	Lots
O	A	1-20
	B	1-5
	C	1-8
	D	1-13
P	A	1-39
	B	1-47
Q	A	1-56
	B	1-25

The subject application is part of the larger Oak Creek Club development which is zoned Residential Low Development (R-L) / Local Activity Center (L-A-C). A total of 1,148 units were approved for the development (877 single-family detached and 271 single-family attached) on approximately 923 acres. The R-L-zoned portion of the development is proposed to consist of 1,096 units (877 single-family attached and 219 single-family detached) on approximately 890 acres. With the 213 single-family detached dwelling units proposed in the subject application, the number of dwelling units will reach 1,096 in the R-L Zone and total 1,148 units for the entire development. The block designations should be included on the coversheet of the overall plan.

3. **Location:** The general location of the Oak Creek Club development is in the northwestern quadrant of the intersection of Oak Grove Road and Church Road. The specific area of the subject SDP for Phase 5 is located on the north side of Oak Grove Road at the western end of the overall Oak Creek Club development.
4. **Surrounding Uses:** The subject property is bounded to the north by the Sierra Meadows development in the Residential-Estate (R-E) Zone; to the east by other portions of the Oak Creek development in the R-L and Open Space (O-S) Zones; to the west by the First Baptist Church of Glenarden campus (formerly Behnke's Nursery) in the R-E Zone; and to the south by Oak Grove Road.
5. **Previous Approvals:** On November 26, 1991, the Prince George's County District Council approved Zoning Map Amendments, and accompanying basic plans, A-8427, A-8578, and A-8579 (Council Resolution CR-120-1991), which included the subject property, to rezone approximately 923 acres from the Residential-Agricultural (R-A) and Rural Residential (R-R) Zones to the R-L and L-A-C Zones. The basic plan was later amended pursuant to Zoning Ordinance No. 11-2000 to include an 18-hole golf course and generally provided the same number of residential units and types. Basic Plans A-8427 and A-8578 are applicable to the subject application. Comprehensive Design Plans CDP-9902 and CDP-9903 were approved for the larger Oak Creek project on May 13, 2002 by the District Council. Comprehensive Design Plan CDP-9902 relates specifically to the R-L portion of the site, under which the current application falls, and is subject to 55 conditions. Comprehensive Design Plan CDP-9902 had four subsequent revisions, the last approved by the Planning Board on January 10, 2013 (PGCPB Resolution No. 12-110).

Specific Design Plan SDP-0303 for streetscape elements was adopted by the Planning Board on September 4, 2003 (PGCPB Resolution No. 03-155). The most recent revision, SDP-0303-04, was approved August 3, 2015. Specific Design Plan SDP-0304 for architecture only was subsequently adopted by the Planning Board on October 2, 2003 (PGCPB Resolution No. 03-206) and affirmed by the District Council on October 10, 2003. The architecture for the project has been revised numerous times, the most recent being SDP-0304-22 approved October 20, 2015. Specific Design Plan SDP-0306 was also approved by the Planning Board for the golf course on October 2, 2003 (PGCPB Resolution No. 03-207) and affirmed by the District Council on November 10, 2003, and has had several revisions, the latest being SDP-0306-07 approved October 16, 2014. Specific Design Plan SDP-0308 for Phase 1 of the residential development was also adopted by the Planning Board on October 2, 2003 (PGCPB Resolution No. 03-205) and affirmed by the District Council on November 10, 2003. There have been six revisions, the most recent being approved on June 25, 2013. Specific Design Plan SDP-0411 for Phase 2 of the residential development was adopted by the Planning Board on January 3, 2005 (PGCPB Resolution No. 04-294) and has had no subsequent revisions. Specific Design Plan SDP-0417 for Phase 3 of the residential development was adopted by the Planning Board on June 2, 2005 (PGCPB Resolution No. 05-119), affirmed by the District Council on July 26, 2005, and has had three revisions, the most recent being approved on October 8, 2014. Specific Design Plan SDP-0610 for Phase 4 was adopted by the Planning Board on November 1, 2007 (PGCPB Resolution No. 07-194) and had one revision approved by the District Council on April 28, 2015. The current application is subject to SDP-0303 for streetscape elements.

Stormwater Management Concept Plan 6397-2001-02 was approved by the Prince George's County Department of Environmental Resources (DER) for the overall development on May 13, 2013, and is valid until May 13, 2016. General Note 11 should be updated to indicate the correct plan number. Concept approval specifically for Landbay O (Concept Plan 9245-2015) was approved on November 10, 2015; concept plans for Landbays P and Q (52378-2015-00 and 52698-2015-000, respectively) were approved December 8, 2015.

6. **Design Features:** The dwelling units in the Oak Creek Club development have been organized into 11 development pods or "landbays," which are located on the east and west sides of Church Road. An 18-hole championship golf course is integrated into the residential communities on the remaining 33 acres. The current SDP is for the last remaining undeveloped portion of the Oak Creek development. Phase 5 includes Landbays O, P, and Q and will result in the creation of 213 single-family detached units which surround Hole 5 of the golf course.
7. **Zoning Map Amendments (Basic Plans) A-8427 and A-8578:** On July 24, 2000, the District Council approved the amended basic plan application which included A-8427 and A-8578, subject to 49 conditions and 6 considerations, and established the land use types and quantities. The following conditions in **boldface** type are applicable to the subject application:
 1. **In no event shall the maximum number of dwelling units exceed 1,096 in the R-L Zone or 52 in the L-A-C Zone.**

The applicant is proposing 213 dwelling units in the final phase of the development, which will bring the total number of dwelling units in the R-L-zoned portion to 1,096.

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 R-L not R-A. It is assumed that an error occurred during the typing of this condition. The Type II tree conservation plan (TCPII), as previously approved, has 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.**

There is flood plain associated with Phase 5. The SDP and TCPII plans as submitted reflect the 100-year floodplain (FPS 0002F-2000) approved by the Watershed Protection Branch of DER on February 2, 2002, which was submitted with previous SDP applications.

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.**

There are wetlands associated with Phase 5. Prior applications included letters requesting a jurisdictional determination by the U.S. Army Corps of Engineers and/or the Maryland Department of the Environment (MDE), and a copy of the jurisdictional determination letter was previously submitted.

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

The plans as submitted include a wetland mitigation area within the limits of Phase 5, which was approved by MDE for impacts on another property. A wetlands and tree conservation easement of 3.04 acres for the benefit of an off-site location was recorded at Liber 22417, Folio 487; the area cannot be credited for any on-site mitigation requirements.

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

Stormwater Management Concept Plan and Letter 6397-2001-02, approved May 13, 2013 and valid until May 13, 2016, were submitted with this application. These materials confirm the conceptual location of stormwater management facilities for the overall subdivision. The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) has approved stormwater concept plans for Landbays O, P and Q. DPIE is requiring technical approval, which requires compliance with environmental site design (ESD), and an approved final erosion/sediment control plan prior to issuance of any permits.

- 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 undisturbed wetlands. Impacts to wetland and wetland buffers are subject to permit approval by MDE. No new nontidal wetland impacts are proposed under the current application.

- 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 (PMA) 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. Specific Design Plan SDP-1501 proposes impacts to the PMA for road construction and stormwater management facilities, which were previously reviewed and approved conceptually during the preliminary plan of subdivision process. The approved impacts, specifically C-9, will be further evaluated for minimization with the current SDP for Phase 5, in the Environmental Review section.

- 47. If, after the golf course is completed and in use, and the adjacent residential areas are completed and occupied, it becomes apparent that errant golf balls are creating an unexpected hazard to persons or property off the golf course by repeatedly leaving the golf course property, the developer and/or golf course operator shall be required to retrofit the golf course with landscape screens or nets, as determined by the Planning Board or its designee and in the heights and locations specified by the Planning Board or its designee, sufficient to minimize the travel of golf balls beyond the lot lines of the site on which the golf facility is located. Such screens or nets shall be continuously maintained so as not to fall into disrepair.**

This condition is still in full force and effect.

8. **Comprehensive Design Plan CDP-9902 and its revisions:** Comprehensive Design Plan CDP-9902 for the subject property was approved on May 13, 2002 by the District Council, subject to 55 conditions. The following conditions of the CDP approval are applicable to the subject SDP and warrant discussion as follows:

5. **Show alternative vehicular access to the Beall House, and incorporate the balance of the drive into the open space network.**

The Beall House is no longer occupied, is planned to be razed and, as proposed in this application, the area is to be lotted out for single-family detached dwellings. Access to the Beall House has been retained as a trail and the balance of the drive has been incorporated into the open space network and shown on the Open Space Exhibit.

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

A condition addressing this requirement is included in the approval of this application.

11. **Prior to approval of each Specific Design Plan the [sic] 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.**

An open space plan was submitted for review with SDP-0610, Phase 4. The Environmental Planning Section of The Maryland-National Capital Park and Planning Commission (M-NCPPC) did not identify any issues with respect to the proposed open space plan, and the SDP was approved. An updated open space plan was submitted with the current application showing the revised lot layout for Phase 5. The proposed SDP and revised TCPII are in substantial conformance with the previously approved plans with regard to woodland conservation, nontidal wetlands protection, and PMA protection.

13. **Prior to the approval of each 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 travelling the said thoroughfare.**

The applicant submitted an errant shot plan for the entire Oak Creek Club development dated June 2001 which was previously submitted in earlier SDP applications in conformance with this requirement. In Phase 5, the golf course area containing Hole 5 is completely surrounded by single-family detached lots.

- 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. 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.**

The site plan shows that the lot widths and building setbacks exceed the above requirements on the applicable lots. The garage portion of the condition is still in full force and effect. The architectural elevations were previously approved in SDP-0304.

- 17. Prior to Specific Site 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.**

A tree inventory and video of the existing trees along both Oak Grove Road and Church Road was provided with the first Oak Creek SDP approval. The area covered by this application contains no fence rows or isolated trees within the setback to Oak Grove Road. The fence rows and isolated trees that occur along existing Oak Grove Road lie within public right-of-way and will eventually be removed in conjunction with required road improvements. There are no agricultural structures located within Phase 5 of the Oak Creek development.

- 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, and the Department of Parks and Recreation, prior to construction.**

Field-staking of trails in Phase 5 will be fulfilled prior to construction by the appropriate designated parties.

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

No on-street parking is proposed in this application.

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

The public utilities are proposed to be buried.

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 coversheet is generally in conformance with this condition. The coversheet should delineate the block area, in addition to the lot numbers in each landbay, to facilitate identification.

27. **The private recreational facilities shall have bonding and construction requirements as follows. All of those facilities below except the golf course and associate facilities shall be incorporated in Recreational Facilities Agreements (as specified in the Parks and recreation Facilities Guidelines) prior to Final plat of Subdivision:**

OAK CREEK CLUB PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Golf Course	N/A	Complete by 287th building permit
Swim/Tennis Center	Prior to 250th building permit	Complete by 500th building permit
Swimming Pool	Prior to 250th building permit	Complete by 500th building permit
Two (2) Tennis Courts	Prior to 250th building permit	Complete by 500th building permit
8-foot-wide Asphalt Trail System (not on public park land)	Prior to 250th building permit	Complete by 800th building permit
Golf Clubhouse	Prior to 750th building permit	Commence construction prior to the 850th building permit (permits may be suspended for
*It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessity. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.		

The originally recommended community building and the proposed golf course clubhouse shall be satisfied by providing a golf course clubhouse structure of at least ~~25,000~~ 13,000 square feet on the golf course property.

The condition reflected above was most recently amended in CDP-9902-05, approved per PGCPB Resolution No. 12-110, which was adopted by the Planning Board on January 10, 2013. The applicant has fulfilled all conditions of the recorded recreational facilities agreement (Liber 20202, Folio 084) as amended and re-recorded at Liber 30946, Folio 199, and the bonds have been released back to the applicant.

- 28. All play areas shall comply with the requirements of the Americans with Disabilities Act and with Parks and Recreation Facilities Guidelines.**

Within Phase 5, the applicant is providing one tot-lot located in Landbay Q, between Lots 28 and 29, Block A, which is subject to the requirement above. The applicant should provide details and specifications of the equipment and play surface materials.

- 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 SDP review.**

This condition requires that all interior streets show a cross-section with a sidewalk, walkway, or trail on at least one side. This was done during the approval of SDP-0303 for the streetscape elements, and all interior streets within this phase meet this condition.

- 36. The applicant shall file a bond or other suitable financial guarantee with the County department of Public Works and Transportation (DPW&T) to operate a private bus service which will connect the subject property to the nearest Metrorail station...It shall include an easement granting the public bus operating agency permanent access to all internal private street for the provision of public transportation.**

This condition requires that a financial guarantee and accompanying agreement for operation of a private bus service is filed with the Prince George's County Department of Public Works and Transportation (DPW&T). The condition further requires that details of an agreement between the applicant and DPW&T, including a timetable for bonding and initiating the service, be approved by the Planning Board with approval of the initial SDP. This agreement has been executed and recorded.

- 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* and from the SDP, which eliminates the necessity for a Phase II noise study.

Density Increment Analysis

The CDP approved density increments which allowed the applicant to provide public benefit features in order to increase the number of dwelling units allowed. The base density allowed by the basic plan is 1.0 dwelling unit per acre, which results in 843 dwelling units. In order to achieve the proposed 1,096 dwelling units, the applicant earned a 30 percent density bonus based on public benefit features provided. The following summarizes the approved density increments.

- a. For open space land at a ratio of at least 3.5 acres per 100 dwelling units. **10 percent (84 units)**

Oak Creek Club includes 158 acres to be dedicated to the homeowners association (HOA), approximately 127 acres of which is usable land outside the floodplain and wetland areas. This land will consist of HOA areas for active and passive recreation. The 127 acres do not include any land to be dedicated to M-NCPPC in fulfillment of the requirement for mandatory dedication of parkland, nor does it include any of the 225 acres occupied by the golf course, or the land dedicated as a school site.

- b. For a pedestrian system separated from vehicular rights-of-way. **5 percent (42 units)**

The applicant is providing an extensive system of pedestrian trails. Several miles of pedestrian trail will be constructed along both Oak Grove Road and Church Road, within the Black Branch Stream Valley, for the entire length of the property, providing access to and around the existing two-acre pond on the site, for the residents of Oak Creek Club and the general public.

- c. For recreational development of open space. **2.5 percent (21 units)**

The applicant is providing a range of recreational facilities distributed throughout the site, including a swimming pool/bathhouse, two tennis courts, and seven tot lots. In addition, a multipurpose room, game room, meeting rooms, offices, kitchen, storage rooms, health club/fitness center, and restrooms were required in the recreation center, occupying a minimum of 5,000 square feet in addition to the golf course clubhouse and swimming pool bathhouse for the enjoyment of residents.

- d. For public facilities (except streets and open space areas). **17.5 percent (148 dwelling units)**

The CDP provided for the dedication of a 35-acre parcel to the Prince George's County Department of Parks and Recreation (DPR) for the construction of a public park and a 26-acre parcel to M-NCPPC for designation as a future park/school site. Furthermore, the applicant proffered to construct some facilities in the public park per DPR standards.

The applicant provided enough public benefit features to earn a total of 35 percent in density increments, which is equivalent to 295 dwelling units. However, the applicant requested density increments of only approximately 30 percent, which translated into 253 dwelling units. Therefore, approval of CDP-9902 was for no more than 1,096 dwelling units.

Development Standards

22. The Comprehensive Design Plan includes the following development standards, which govern development for all Specific Design Plans within the subject Comprehensive Design Plan:

LOT STANDARDS

Lot Size In Square Feet (Min.)	8,000-13,499 sq. ft. SFD	13,500-19,999 sq. ft. SFD	20,000-sq. ft. SFD	1,800 sq. ft. SFA (Towns only)	6,000 sq. ft. SFD (L-A-C only)
MAX LOT COVERAGE	40%	35%	25%	N/A	50%
YARD REQUIREMENTS					
a. Minimum Front Yard	25'	25'	25'	10' from parking (non-garage)	5'
b. Minimum Side Yard	5' one side 12' both sides	7' one side 15' both sides	10' one side 20' both sides	4' end unit	1' one side 6' both sides
c. Minimum Rear Yard	20'	20'	25'	10'	15'
d. Decks	5' from any side or rear property line	7' from any side or rear property line	7' from any side or rear property line	1' sides 5' rear	5' from any side or rear property line
MINIMUM BUILDING SEPARATION	10'	14'	20'	18'	7'
MAXIMUM HEIGHT (stories)	3	3	3	4	3
MIN. LOT WIDTH AT THE STREET LINE (feet)	*25'	*25'	*25'	*25'	*25'
MIN. LOT WIDTH AT THE FRONT B.R.L. (feet)	55'	60'	80'	N/A	50'
NOTES: 1. Variations to the above Standards may be permitted on a case-by-case basis by the Planning Board at the time of Specific Design Plan if circumstances warrant. 2. Minimum lot width at streetline of flag lots will be * 25 feet. 3. Minimum lot widths at street on cul-de-sacs shall be * 25 feet. 4. Minimum separation for Towns applies to buildings and not individual lots.					

These development standards apply to the subject application, and the plan should be revised to reflect the same.

PLANTING STANDARDS

The trees required to be planted on the lot of each detached unit shall be 2 shade trees and 2 ornamental or evergreen trees (3 shade trees for lots over 20,000 square feet). The trees to be planted on attached lots shall be in accordance with the *Landscape Manual*. Landscape strips for all nonresidential uses shall be a minimum of 15 feet wide. Where parking is located adjacent to the strip, landscaping in excess of *Landscape Manual* requirements shall be provided.

Subsequent to the approval of the CDP, the 2010 *Prince George's County Landscape Manual* (Landscape Manual) was approved, which has more stringent requirements (Section 4.1, Residential Requirements) than the CDP standard above for single-family detached lots. The SDP is required to be in conformance with the current Landscape Manual. As noted in Finding 12, the SDP is in general conformance with the Landscape Manual requirements and, more specifically, is in conformance with Section 4.1 for residential landscaping.

9. **Preliminary Plan of Subdivision 4-01032:** The relevant Preliminary Plan of Subdivision, 4-01032, was adopted by the Planning Board on December 20, 2001 subject to 43 conditions. All of the conditions of the preliminary plan approval are still applicable, and the following warrant discussion in relation to the subject SDP:
 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:**
 - b. **A Class I hiker-biker trail along the subject property's entire frontage of Oak Grove Road as reflected on the submitted CDP.**

DPIE has worked with the applicant to implement this recommendation. Originally envisioned as an eight-foot-wide asphalt side path, DPIE has determined that a standard sidewalk (or walkway) with designated bike lanes is more appropriate at this location. The plans reflect this treatment, per the requirements of DPIE.
 - 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.**

This trail has been constructed on land dedicated to M-NCPPC, consistent with prior approvals. Staff evaluated the feasibility of a HOA trail connection from Phase 5 to the stream valley trail, but did not recommend it due to the environmental impacts associated with the additional stream crossing that would

be required. However, it should be noted that there is access to the master plan trail from Phase 5 via the existing golf cart path.

- 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.**

At the time of approval of the preliminary plan, open section roads were required on the subject site in order to minimize the environmental impact and address stormwater management. The Urban Design Section worked with the applicant to develop a cross section that remained open section, while incorporating a walkway along one side.

The submitted plans are consistent with this previously approved cross section and condition of approval. It was a creative treatment for accommodating pedestrians along an open section road.

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

The stream valley trail has already been constructed and appropriate structures have been included where trails cross wetlands or streams. Walkways within Phase 5 will be completed as part of the road construction.

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.**

A-44 has been deleted from the Master Plan of Transportation and the need for noise attenuation has been eliminated.

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.**

For Phase 5 of this development, there is a requirement for 23.96 acres of off-site woodland conservation to satisfy the requirements of TCPII-103-09-05 and TCPII-094-04-02. Off-site mitigation is required to be secured prior to issuance of grading permits, but the applicant has already acquired 23.96 acres of off-site woodland conservation

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 TCPII, as revised, addresses this condition.

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

†[Specific Design Plan SDP-0610-01, approved by the District Council on April 28, 2015, included the following condition addressing the provision of the roundabout, which is only partially located on the applicant's property and within the Oak Creek development; therefore, the timing for the construction of the roundabout is undetermined at this time.]

- †[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~~

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

~~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.]~~

†[This condition is in full force and effect. The applicant will be required to post a bond with DPW&T prior to issuance of permits.]

†On November 9, 2017, the Planning Board approved a reconsideration of findings and conditions relating to the applicant's responsibility to construct a roundabout at the intersection of Oak Grove Road and Church Road. The reconsideration allowed for the conversion of the roundabout to a four-way signal-controlled intersection, with the concurrence of DPW&T, while maintaining adequate transportation facilities. A revised Condition 42 has been recommended in reconsidering the preliminary plan. All related conditions were deleted from SDP-0610 and succeeding specific design plans.

10. **Specific Design Plan SDP-0303 and its revisions:** Specific Design Plan SDP-0303 for streetscape elements was approved by the Planning Board on July 12, 2003 and adopted on September 4, 2003 (PGCPB Resolution No. 03-155), subject to three conditions. The following conditions warrant discussion in relation to the subject SDP:

1. **Street lighting shall be provided, consistent with the spacing shown on SDP-0303, on both sides of streets within the development. Exact location of all street lights shall be shown on all subsequent specific design plans.**

The location of the streetlights are shown on the plans in accordance with this requirement. A photometric plan should be provided prior to certificate of approval.

2. **Prior to certificate approval, the following additional information shall be provided or revisions made:**
 - a. **Paving, marking, and signage details for golf cart crossings and other major trail crossings and details for typical marking and signage at intersections.**
 - b. **The streetscape for the typical rural section street shall be modified to include on at least one side a separate four-foot-wide, light gray textured walkway for pedestrians to be located on the street side of the swale immediately adjacent to the asphalt street pavement. A concrete dividing element which extends to the sub-base shall be provided. This divider shall contrast in color and texture with the road and walkway, may be continuous or intermittent, shall not pose a hazard to pedestrians or vehicles, and shall be permanent, attractive and in keeping with the high quality of the**

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

development. In addition, one street tree shall be shown in front of each dwelling unit on the street side of the swale. Such requirement shall be in addition to the one tree required in the front yard of each dwelling unit. At the time of the next Specific Design Plan, a determination will be made as to the exact material of the walkway.

3. **Modifications to the details of the various streetscape design elements may be approved by the Planning Board or designee in subsequent Specific Design Plan submissions provided such changes equal or improve the design quality of the plans originally approved.**

The walkway detail was revised in SDP-0303-03. The current plans include a cross-section streetscape detail in accordance with the previous approval.

11. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the Residential Low Development (R-L) Zone and the site plan design guidelines of the Prince George's County Zoning Ordinance.
 - a. The subject application is in conformance with the applicable requirements of Section 27-514.08, Purposes; Section 27-514.09, Uses; Section 27-514.10, Regulations; and Section 27-514.11, Minimum Size Exceptions, of the Zoning Ordinance governing development in the R-L Zone.
 - b. Section 27-528 of the Zoning Ordinance sets forth the following criteria for approval of a SDP:
 - (a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**
 - (1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

The plan conforms to the requirements of CDP-9902 as detailed in Finding 8 above, and the 2010 *Prince George's County Landscape Manual* as detailed in Finding 12 below.

- (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;**

The Special Projects Section (M-NCPPC) reviewed the SDP for compliance with Section 27-528(a)(2) of the Zoning Ordinance, indicating the development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Prince George's County Capital Improvement Program (CIP) or provided as part of the private development.

Fire and Rescue

The proposed project is served by Kentland Fire/EMS Company 846, a first due response station (a maximum of seven minutes travel time), is located at 10400 Campus Way South.

Capital Improvement Program (CIP)

The CIP for Fiscal Years 2015–2020 provides funding to complete a major renovation of the existing facility constructed in 1970. The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

Police Facilities

The Special Projects Section has determined that this SDP is located in District II, Bowie. Police facilities have been determined to be adequate.

Schools

Single-Family Detached

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Dwelling Units	213 DU	213 DU	213 DU
Pupil Yield Factor	.177	.095	.137
Subdivision Enrollment	38	20	29
Actual Enrollment	11,626	4,454	8,008
Total Enrollment	11,664	4,474	8,037
State Rated Capacity	14,216	5,518	9,389
Percent Capacity	82%	81%	86%

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation, and the current amounts are \$9,017 and \$ 15,458, to be paid at the time of issuance of each building permit.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Water and Sewerage Findings

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System, which is deemed sufficient evidence of the immediate or planned availability of public water and sewerage. In addition, the Transportation Planning Section has determined that the subject property will be served by adequate transportation facilities within a reasonable period of time, subject to meeting the requirements Condition 42 of the preliminary plan (PGCPB Resolution No. 01-178(C)).

- (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;**

There is an approved Stormwater Management Concept Plan (SWM), 9245-2015, dated November 10, 2015 for Landbay O. On December 8, 2015, SWM Concept Plans 52378-2015-00 and 52689-2015-00 for Landbays P and Q respectively were also approved.

General Note 11 should be corrected to provide the current stormwater management concept numbers and dates. A condition requiring this provision has been included in this resolution.

- (4) **The plan is in conformance with an approved Type 2 Tree Conservation Plan;**

Type II Tree Conservation Plan, TCP11-094-04-05 is subject to conditions included in the approval of this application.

- (5) **The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCPII submitted with the current application. The PMA impacts shown on the SDP and TCPII plan are consistent with those approved with 4-01032 and SDP-0610.

12. **2010 Prince George's County Landscape Manual:** Per Section 27-528(a)(1) of the Zoning Ordinance, a SDP must conform to the applicable standards of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The proposed development of residential lots is subject to conformance to Section 4.1, Residential Requirements; Section 4.6 (2), Buffering Development from Special Roadways; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.

The applicant has provided the required landscape schedules for Sections 4.1 and 4.9, which are in conformance with Landscape Manual requirements. A schedule and plantings should be provided on the plan in conformance with Section 4.6(2), Buffering Development from Special Roadways requirements. In addition, the table on Sheet 2 of the landscape plan should be revised to include Lot 20, Block A, in Landbay Q.

13. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because there are previously approved TCPs.

The revised TCPII submitted with Phase 5 is for a total tract area much larger than the acreage of the current application and is comprised of more landbays than the three associated with this application. 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, and with replacement for clearing on the net tract, in the 100-year floodplain and off-site, the cumulative woodland conservation requirement for development of the overall site is 289.77 acres, plus 20.96 acres of woodland conservation being provided for benefitting projects, for a total of 310.73.

The overall TCPII worksheet indicates that, cumulatively, the associated TCPIIs provide 180.82 acres of on-site preservation, 74.08 acres of on-site afforestation/reforestation, 20.96 acres of on-site woodland conservation provided for off-site benefitting projects, 0.12 acre of fee-in-lieu, and 35.98 acres of woodland conservation located off-site in woodland conservation bank, providing a total of 311.96 acres. This satisfies the overall woodland conservation requirement for the Oak Creek Club development, the requirements for the current phase of development, and is in general conformance with the approved TCPI.

The TCPII indicates that afforestation is proposed in order to fulfill the woodland conservation requirements on this site. In order to protect the afforestation areas after planting, the protection of afforestation areas by permanent tree protection devices, such as two-rail split fences or equivalent, is required. Afforestation areas also must be planted prior to building permit issuance to ensure the longevity of the planted areas, and all afforestation must be placed in conservation easements at the time of final plat, consistent with conditions approved with SDP-0610 and SDP-0610-01 for other portions of TCPII-094-04.

The applicant indicates that the many areas of proposed afforestation have already regenerated naturally, and may in fact be ready for certification at this time. If documentation is provided which supports certification of the existing natural regeneration as woodlands, staff is amenable to revising the TCPII prior to certification to reduce the amount of permanent tree protection required and afforestation bonding requirements associated with Landbays O, P, and Q.

The TCPII submitted with this application requires technical revisions that have been included in the approval of this application. Subject to the required revisions, TCPII-094-04-05 can be found to be in conformance with the requirements of Subtitle 25, Division 2, the Woodland and Tree Preservation Ordinance, and The Prince George's County Woodland Conservation and Tree Preservation Technical Manual.

14. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions and are summarizes as follows:

a. **Community Planning Division—**

The *Plan Prince George's 2035 Approved General Plan* makes no relevant recommendations regarding development on this property.
The property is within the Established Community areas.

The 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B* (Bowie and Vicinity Master Plan and SMA) makes no relevant recommendations for this property other than to maintain the continuity of development and viable residential communities that provide low- to moderate-density suburban development in this area.

The property is included within the Joint Base Andrews Imaginary Runway Surface Height Zone F, which has a 500-foot height limit.

The Community Planning Division recommended that the applicant add a comprehensive sidewalk network to both sides of proposed roads. The Planning Board notes that the site plan is required to show sidewalks on one side of the open section roadway in conformance with Condition 35 of the CDP.

- b. **Subdivision Review Section**—An analysis of the site plan's conformance with Preliminary Plan of Subdivision 4-01032 was provided. Technical conditions are included in the approval of this application. If the street names shown on the site plan have not been approved by the Property Address Section (M-NCPPC), they may be subject to change at the time of final plat. 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. There are no other subdivision issues.
- c. **Environmental Planning Section**—A summary of the environmental site description and an analysis of the SDP and TCPII for conformance with various environmental requirements is provided in the following summarized comments.

The subject application is grandfathered from the requirements in Subtitles 24 and 27 of the Prince George's County Code that came into effect on September 1, 2010 because the CDP and preliminary plan were approved prior to the effective date. The project is also grandfathered from the most recent requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance, because the TCPI and TCPIIs for the site were approved prior to the effective date.

A review of the available information indicates that streams, wetlands, 100-year floodplain, and the associated buffers for these features are found to occur within the limits of Phase 5.

Marlboro clay has been found to occur within the limits of the Oak Creek Club development application. During the review of the preliminary plan, a detailed geotechnical report was submitted that identified several areas where the 1.5 safety factor line extended into the proposed residential development area. The landbays included in this application are generally too low in elevation for Marlboro clay to be present. No further information is required with regard to Marlboro clay for the subject application, but DPIE may require additional information at the time of permit application.

A detailed forest stand delineation was previously reviewed and found to address the required criteria in accordance with the Woodland Conservation and Tree Preservation Technical Manual. The current application was grandfathered from the requirement to submit a natural resources inventory plan because of prior approvals and partial implementation of a TCPII. An NRI-Equivalency Letter, NRI-150-13, was issued for the site. No additional information is required with respect to the forest stand delineation or the NRI.

With respect to the conditions of previous approvals on the site, the following findings can be made:

- (1) The revised SDP and TCPII can be found to be in general conformance with Zoning Map Amendments A-8427 and A-8578.

- (2) The revised SDP and TCPII can be found to be in general conformance with CDP-9902 and TCPI-091-92.
- (3) The revised SDP and TCPII can be found to be in general conformance with Preliminary Plan 4-01032 and TCPI-091-92-01.
- (4) The regulated environmental features on the subject property has been found to have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCPII submitted with the current application. 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 approvals.
- (5) Subject to required revisions, TCPII-094-03-05 can be found to be in conformance with the requirements of Subtitle 25, Division 2, the Woodland Conservation Ordinance and The Woodland Conservation and Tree Preservation Technical Manual.

The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCPII submitted with the current application. The PMA impacts shown on the SDP and TCPII plan are consistent with those approved with 4-01032 and SDP-0610.

- d. **Transportation Planning Section**—The subject application was reviewed with regard to the CDP-9902 and 4-01032 transportation-related conditions, which are discussed in Findings 8 and 9 above. Additional comments are summarized below.

The overall site is adjacent to two master plan roadways; Oak Grove Road and Church Road. They are listed in the 2006 Bowie and Vicinity Master Plan and SMA. Oak Grove Road is listed as a major collector with a right-of-way width of 100. Church Road is listed as 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 applicant has dedicated land for a future roundabout at the intersection of Oak Grove Road and Church Road.

Access and circulation within the area of the plan is acceptable.

The Planning Board determines that the site plan is acceptable, subject to the condition regarding the proposed †~~roundabout~~ traffic controls at the intersection of Oak Grove and Church Roads.

- e. **Historic Preservation Section**—The Historic Preservation staff offered the following information:

Findings

A Phase I archeological survey and Phase II evaluation was conducted from December 2002 to December 2003, February 2004, and November 2004 for the entire 923 acres within the Oak Creek Club subdivision, except for Parcel 132, which contains the Beall house. The subject application proposes to demolish the Beall house and place ten lots on the site.

The archeological survey was conducted 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 MDE. The Phase I survey identified two previously recorded sites, 18PR79 (a prehistoric site) and 18PR580 (Bowieville Mansion). Thirty-three new prehistoric and historic archeological sites were recorded. In consultation with the Maryland Historical Trust (MHT), 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 in the National Register of Historic Places. No intact cultural deposits or features were identified on any of these sites and, therefore, no further work was recommended. The MHT concurred that no further archeological investigations were necessary on the above described sites. Historic Preservation staff concurs that no further archeological investigations are necessary on the above mentioned archeological sites.

The archeological report states that, at the time of the Phase I survey, a ten-acre section surrounding the Beall house was to be maintained as private property and would not be incorporated into the Oak Creek Club development plans (pp. 2-2 and 2-3). Preliminary Plan 4-01032 shows the Beall house on Parcel 132 and notes that the extant building is to be retained. Archeological investigations were not conducted on the ten-acre Beall property and the house was not recorded on a Maryland Inventory of Historic Properties (MIHP) form because the house was to be retained as a residence.

A house is shown at this location on the 1861 Martenet map belonging to Washington Beall. The 1878 Hopkins map shows the house as the residence of Otho R. Beall, the son of Washington Beall. The original house on this site was likely built by Richard C. Bowie or Robert C. Brooke in the 1830s. Robert C. Brooke married Barbara A. Berry on

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December 13, 1832. He purchased 242 acres of two tracts of land known as "War Park Enlarged" and "Beall's Hunting Quarter" from Richard C. and Martha Magdalen Bowie on January 4, 1833. Robert C. Brooke purchased 106.25 acres from the Bowieville Estate in November 1837. In 1840, Robert C. Brooke held 16 enslaved laborers on his plantation. By 1850, the number of enslaved laborers rose to 28. Brooke was appointed a Justice of the Peace in Prince George's County in 1848, 1849, and 1852. In 1849, *The American Farmer* listed Robert C. Brooke's farm as one of the best regulated farms in Prince George's County. In December 1852, Robert C. Brooke received an award from the Prince George's County Agricultural Society for the best white Mercer potatoes, which yielded 180 bushels per acre.

The next owner-occupant of the subject property was Otho R. Beall, who inherited the farm from his uncle, William Z. Beall. An article from the March 20, 1890 issue of *The Herald and Torch Light* published in Hagerstown, Maryland, noted that the residence of Mr. Otho Beall, near Leeland in Prince George's County, was destroyed by fire. The existing Beall House was likely rebuilt in the late nineteenth or early twentieth century. The new house was built on the stone foundation of the 1830s house. Members of the Beall family continued to reside in the house until recently.

Conclusions

The Beall House will be demolished to accommodate the addition of ten building lots. Because the applicant may be required to apply for or revise a wetland permit, the Army Corps of Engineers, the State of Maryland, or the MHT, will likely require the documentation of the Beall House and archeological investigations of its associated property. Therefore, the Beall House property should be recorded by a 36 CFR qualified architectural historian on a Maryland Inventory of Historic Properties form. The documentation should include a chain of title, floor plans, and representative interior and exterior photographs. A chain of title can be provided by the Historic Preservation Section.

A condition regarding the submission of a Maryland Inventory of Historic Properties (MIHP) form for the Beall House, to be reviewed and approved by the Historic Preservation staff, is included in the approval of this application.

- f. **Trails**—The SDP application was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2006 Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity in order to implement planned trails, bikeways, and pedestrian improvements. The following summarized comments are provided:

The Complete Streets element of the MPOT includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

While sidewalks are not provided along both sides of all internal roads, they are provided along at least one side, consistent with prior approvals. As noted in Finding 8, the original road cross-sections were approved with the intent of “low impact development,” and the walkways along one side of these open section roads was seen as a way to adequately accommodate pedestrians within these constraints. With the internal walkways, several internal HOA trails, and the implementation of the master plan trails, the site will be sufficiently served for bicyclists and pedestrians. Prior conditions of approval for master plan trails have either been met or are being implemented per the direction of DPIE. Internal pedestrian movement is adequately accommodated via the master plan trails, internal HOA trails, and pedestrian walkways. No additional recommendations are necessary at this time, although prior conditions of approval remain in effect.

- g. **Public Facilities**—Documentation is provided on fire response times, rescue facilities, police facilities, schools, and water and sewerage that indicates the development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate CIP or provided as part of the private development.
- h. **Permit Review Section**—A single comment was addressed in a plan revision.
- i. **Prince George’s County Department of Parks and Recreation (DPR)**—In a memorandum dated November 23, 2015, DPR reviewed the above referenced SDP and provided the following comments:

In general, DPR has no comments regarding the overall development proposal. However, DPR is concerned about the previously built golf cart path and bridge crossing on Parcel E, owned by M-NCPPC.

Parcel E was conveyed to M-NCCPC by Record Plat REP 207, Plat No. 89, in 2014 and is listed in the parks inventory as part of Black Branch Stream Valley Park. The approximate location of the golf cart path was shown on the record plat. Note 16 of the record plat requires that, prior to construction of the golf cart path, the developer record an easement for the golf cart path and enter into a maintenance agreement with M-NCPPC. While the cart path has been constructed, to date, an easement has not been recorded and a maintenance agreement has not been submitted.

Conditions have been included in the approval of this application to address this issue.

j. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated December 1, 2015, the Site/Road Plan Review Division, DPIE, offered the following summarized comments:

- (1) The following conditions below are to be undertaken in accordance with DPW&T's specifications and standards:
 - Provide right-of-way dedication and frontage improvements for the existing Oak Grove Road (urban major collector roadways).
 - Provide platted private road rights-of-way and construct private internal subdivision streets in accordance with a modified rural residential street standard.
 - All roadways must be consistent with the approved master plan for this area.
- (2) Trail connection at Oak Grove Road to be constructed in accordance with the DPW&T's specifications and standards.
- (3) Maintenance of private streets and stormwater systems is not the responsibility of Prince George's County, and shall be maintained by the HOA. A private roadway maintenance agreement shall be executed and recorded prior to permit.
- (4) Additional information requested pertaining to this stormwater management approval phase will be required at the time of permit review.
- (5) The proposed site development is consistent with the approved Stormwater Management Concept Plan, 6397-2001-02, originally approved on March 10, 2001, and updated on May 13, 2013. This is the overall stormwater management concept plan that covers all of the Oak Creek subdivision. There is an approved Stormwater Management Concept Plan, 9245-2015, dated November 16, 2015, for Landbay O. A separate stormwater management concept plan is required for each landbay (P and Q). Environmental site design to the maximum extent possible stormwater management practices are required. DPIE recommends that the site development concept for Landbays P and Q be approved before SDPs are approved.

The Planning Board notes that the applicant has since obtained the stormwater management concept approval for all three landbays comprising Phase 5.

- (6) The proposed site development will require an approved DPIE site development technical plan to comply with environmental site design to the maximum extent practicable requirements and an approved/final erosion/sediment control plan, prior to issuance of any permit.
 - (7) This site is within the vicinity of Marlboro clay. A soils investigation report which includes subsurface exploration and a geotechnical engineering evaluation is required. The site plan must be revised to clearly delineate the existing Marlboro Clay limits in the permit, and conformance to grading and other technical specifications are also required.
 - (8) All drainage easements are to be approved by DPIE and recorded prior to the technical approval. Site plan to be revised to reflect 15 foot public utility easements (PUE) on one side of the road, where the PUE overlaps with a 5 foot wide surface drainage easement. Roadside bio-swales are proposed inside the private road right-of-way and do not conflict with the PUE.
 - (9) The applicant needs to provide adequate sight distance in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards for all intersections within the site onto existing roadway. All pedestrian crosswalks shall have proper sight distance and be constructed in accordance with American with Disabilities Act (ADA) accessibility guidelines.
 - (10) Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance. Any new sidewalk installation is to match existing sidewalks in the area. Additionally, sidewalks must be kept open for pedestrians at all times. Construction of sidewalk along the property's frontage on the existing Oak Grove Road is required.
 - (11) Conformance with DPIE and/or DPW&T street tree and street lighting specifications and standards is required, with lighting fixtures to match those in existence in the area.
 - (12) Compliance with DPW&T's Utility Policy is required. Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- k. **Prince George's County Health Department**—In a memorandum dated December 15, 2015, the Environmental Engineering and Policy Program offered the following comments:

1. During the demolition/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.
2. No construction noise should 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.

A condition is included in the approval addressing the above requirements.

3. The applicant must obtain appropriate raze inspections from Prince George's County's Department of Permitting, Inspections & Enforcement (DPIE) office to address potential asbestos issues.

This comment is provided for the applicant's information.

4. A quality transit system is an essential element to creating a healthier community. It encourages riders to walk as a part of their daily routine and is critical to reducing an individual's risk for heart disease, obesity, stroke and diabetes. It also minimizes the number of automobile accidents that occur and facilitates cleaner air by reducing air pollution. In addition, transit reduces isolation by creating access to grocery stores, medical services, employment and education. The property lies outside of the regional transit network and would benefit by the extension of public transportation.

The Planning Board is in agreement with the above comments but notes it is beyond the scope of their authority. The applicant has been made aware of the comments.

- l. **Prince George's County Police Department**—In a memorandum dated October 28, 2015, the Community Services Division of the Police Department requested that adequate spacing between street trees and light fixtures be provided to prevent shadowed and dark areas resulting from future tree canopy encroachment upon the streetlights.
- m. **Prince George's County Fire/EMS Department**—At the time this report was written, no response was received from the Office of the Fire Marshal. Any issues will be enforced by the Fire/EMS Department at the time of issuance of permits.

- n. **Washington Suburban Sanitary Commission (WSSC)**—In an e-mail dated October 20, 2015, WSSC provided comments relating to water and sewer service that were provided to the applicant at the Subdivision and Development Review Committee (SDRC) meeting and which will be addressed at the time of permit review.
- o. **Verizon**—At the time of the writing of this staff report, comments had not been received from Verizon.
- p. **Potomac Electric Power Company (PEPCO)**—In an e-mail dated November 25, 2015, PEPCO indicated their concurrence with the ten-foot-wide PUE provided, but noted other PUEs may be required. It was further noted that, while no major vegetation growth was shown on the plan over the easement, it is not allowed.
- q. **City of Bowie**—The City of Bowie indicated they had no comment on the subject application.

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 (TCPH-094-04-05), and further APPROVED Specific Design Plan SDP-1501 for the above-described land, subject to the following conditions:

- 1. Prior to certification of the specific design plan (SDP), the applicant shall provide the following:
 - a. Add a chart to the plan coversheet indicating the lots and blocks in each landbay with a column for lot coverage.
 - b. Add a general note indicating that all residential structures shall be fully sprinklered in accordance with National Fire Protection Association (NFPA) Standard 13 and all applicable County laws.
 - c. Add Landbay O, Lot 20, Block A, to the brick tracking chart.
 - d. Clearly delineate the block designations on the coversheet and plan sheets.
 - e. Label the adjacent parcels with parcel designation, acreage, and ownership.
 - f. Clearly show all bearings and distances for the proposed lot and parcel property lines, and for the boundaries of Specific Design Plan SDP-1501.
Add parcel areas to the plans and clarify the number of parcels in the general notes.
 - g. Label rights-of-way as public or private, and dimension the right-of-way width.

- h. Label the ultimate right-of-way line for Oak Grove Road, and label the bearings, distances, and area to be dedicated.
 - i. The public utility easement shall be widened to 10 feet wider than any adjacent surface drainage easement required by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) to ensure 10 feet of PUE remains clear for utility installations.
 - j. Provide a photometric plan.
 - k. The applicant shall submit a draft easement and maintenance agreement for the existing golf cart path and crossing to the Prince George's County Department of Parks and Recreation (DPR) for approval.
 - l. The development standards, as established in the comprehensive design plan, shall be provided on the coversheet of the SDP and shall not be modified.
 - m. Provide notes on the plans in accordance with the Prince George's County Health Department's recommendations by adding notes to the plans as follows:
 - (1) Indicate intent to conform to the construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
 - (2) Indicate intent to conform to the construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
2. Prior to certificate of approval, the following revisions shall be made to the landscape plan:
- a. Show conformance to Section 4.6, Buffering Development from Special Roadways, of the 2010 *Prince George's County Landscape Manual*.
 - b. The table on Sheet 2 of the landscape plan shall be revised to include Lot 20, Block A, in Landbay Q.
 - c. Relabel the open space area between Lots 28A and 29A, Landbay Q as "Area reserved for possible HOA tot-lot." Details for this area shall be provided in accordance with the *Park and Recreation Facilities Guidelines* for tot-lots.
 - d. Adequate spacing shall be provided between street trees and light fixtures to prevent shadowed and dark areas resulting from future tree canopy encroachment into the streetlights.

3. The site plan shall identify the following lots as highly-visible lots:

Landbay O

Lots 8, 12, 13, and 19, Block A
Lot 5, Block B
Lots 1, 2, 5, 6, and 7, Block C
Lot 1, Block D

Landbay P

Lots 19, 29, and 31, Block A
Lots 1, 7, 22, 23, and 31, Block B

Landbay Q

Lots 8, 20, 21, 39, and 40, Block A
Lot 18, Block B

4. Prior to certificate of approval of the specific design plan, the Type II tree conservation plan (TCPII) shall be revised as follows:
- a. The prior approval of the -03 revision KIF 8/24/2015 and the -04 revision KIF1/24/2015 shall be added to the approval block on all sheets of the plan set.
 - b. The TCPII number shall be revised to show a hyphenated format.
 - c. The overall worksheet shall be revised to indicate the correct revision number for TCPII-094-04-05, and indicate that the status is pending.
 - d. Notes under the Overall Worksheet shall be revised as follows:
 - (1) 18 acres of Off-site WCA (preservation) is being provided within the limits of TCPII-097-95 for Largo Plaza–Target Store (TCPII-071-95).
 - (2) 2.96 acres of Off-site Wetland Mitigation is being provided within the limits of TCPII-094-04 for Karington (TCPII-126-05) in accordance with the requirements of (provide the Wetland Permit Number).
 - (3) 0.12 acre of fee-in-lieu is to be provided by the owner of the telecommunication monopole located on Golf Course Parcel 27 (TCPII-097-95).
 - e. Revise the Post-Type Tree Protection Signage detail to change the term on the sign from “Forest Conservation” to “Woodland Conservation.”

- f. Add a planting schedule to the detail sheet which indicates all necessary information for implementation of afforestation/reforestation requirements, including species, quantities, and size.
 - g. The revised plan shall be certified by the qualified professional who prepared it.
 - h. All sheets of the TCPII shall be revised as needed and submitted for signature.
- 5. Prior to issuance of building permits for adjacent lots, afforestation and associated tree protection fencing and signage shall be installed. A certification prepared by a qualified professional shall be used to provide verification that the afforestation has been completed. The certification shall include, at a minimum, the following: 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 certification of the specific design plan, the Type II tree conservation plan may be revised to show successful regenerated woodlands on the site in areas proposed for afforestation based on an evaluation by staff that sufficient documentation has been submitted to support this finding.
 - 7. Prior to the issuance of any permit, the applicant shall obtain stormwater management technical approval for Landbays O, P, and Q.
 - 8. Prior to issuance of any grading, building, or demolition permit, the applicant and the applicant's heirs, successors, and/or assignees shall submit a Maryland Inventory of Historic Properties (MIHP) form for the Beall House, to be reviewed and approved by the Historic Preservation Section. The MIHP form shall be completed by a 36 CFR qualified architectural historian and the submitted documentation shall meet Maryland Historical Trust submittal standards and include a chain of title, floor plans, and representative interior and exterior photos of the building.
 - 9. Trails in Phase 5 shall be field-staked, in consultation with the Maryland-National Capital Park and Planning Commission, Environmental Planning Section prior to construction.
 - 10. Prior to approval of any record plats for Oak Creek Club, Phase 5, the applicant shall record the Easement and Maintenance Agreement in the Land Records of Prince George's County.

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 Geraldo, with Commissioners Washington, Geraldo, Bailey and Hewlett voting in favor of the motion, and with Commissioner Shoaff temporarily absent at its regular meeting held on Thursday, December 17, 2015 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of January 2016.

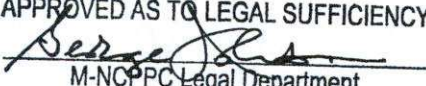
†This is to certify that the foregoing, indicated in underline and deletion, is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission relating to the conversion of a roundabout to a four-way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

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

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:SC:rpg

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 3/6/18

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language