

Case No.: SDP-0306

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 entire record, that the Planning Board's decision in Resolution PGCPB No. 03-207, approving with conditions a Specific Design Plan for property described as an eighteen-hole golf course on approximately 242.65 acres of land in the R-L Zone, located on both sides of Church Road, north of Oak Grove Road, 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. The area surrounding the golf course clubhouse shall be identified graphically on the SDP, landscape plan and TCPII as specifically excluded from the subject SDP. A separate SDP shall be completed for the proposed golf course clubhouse and any other nonresidential architecture proximate to the Bowieville Mansion. This SDP shall include detailed architectural elevations for the clubhouse and all other required site information. A Phase II and/or Phase III archeological study shall be completed to the satisfaction of the Historic Preservation Planning Section as designee of the Planning Board.

2. Prior to signature approval of the plans for the project the applicant shall:
 - a. The applicant shall revise the plans to include the areas of the parkland utilized for the golf cart path. The revised plans shall include grading plans, limits of disturbance, details for the golf cart path and bridge construction, and the master plan trail at cart path intersections. The plans shall indicate that golf cart paths at these intersections shall be striped and stop signs shall be installed.
 - b. Prior to certification of the Specific Design Plan, SDP-0306, the Type II Tree Conservation Plan, TCPII/97/95-01, shall be revised as follows:
 - (1) Have each sheet of the plan signed and dated by the licensed landscaped architect, licensed forester or other qualified professional who prepared the plan.
 - (2) Address the establishment of a bufferyard or screen on the north side of the golf course maintenance building where it abuts the Palisades at Oak Creek subdivision.
 - (3) Provide additional details regarding the management of the shrub/scrub areas on the TCP and avoid generalizations such as “at the discretion of the course manager.”
 - (4) Add specific notes indicating the sequence of the planting within the scope of this phase of the project and within the overall project. It shall be noted on the TCPII that all afforestation for the golf course shall be completed prior to the issuance of the use permit for the golf course.
 - (5) Revise the note regarding A-44 on sheet 1 of 17 as follows:

“The A-44 right-of-way is to be placed in reservation. Should the A-44 right-of-way become available following completion of reservation, afforestation/reforestation may be relocated from the golf course to the area within the A-44 right-of-way upon the approval of a revised TCPII.”

- (6) All Woodland Conservation Areas shall be no less than 35-feet wide unless they abut other Woodland Conservation Areas that are 35-feet wide.
 - (7) There are several outfalls and an assortment of piping and cleanouts shown in the Woodland Conservation Areas. Details shall be provided for all these features and these areas cannot be used as Woodland Conservation Areas (WCA).
 - (8) Identify what methods will be used to clear the shrub/scrub areas and how they will be maintained over time.
 - (9) Revise the worksheet and the plans to show the areas of shrub/scrub as being cleared. These areas must be considered as being cleared because they will not be maintained as permanent woodlands.
 - (10) The planting schedule for the "Large Stock Reforestation Area" shall be revised to reflect two-inch caliper trees, not one-inch caliper as currently shown.
- 3. Prior to the issuance of any building or grading permits for construction of the Golf Club House, a Phase II/III investigation shall be completed in accordance with its guidance and found acceptable by the Historic Preservation and Public Facilities Planning Section.
 - 4. Prior to the proposed relocation of the windmill and the grading for and creation of the two lakes, the applicant shall apply for and receive a Historic Area Work Permit for same.
 - 5. When building permits are applied for, the applicant shall pay a per-dwelling unit fee (in the amount in effect when building permits are applied for) to relieve overcrowding in the local elementary schools.
 - 6. Provide WSSC with an amended revision and show right-of-way easements in the golf areas.
 - 7. Note on the plans that all handicapped parking spaces will provide pedestrian access by depressed curbing.
 - 8. 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, (an unexpected hazard being defined as property damage to any occupied dwelling or other structure or personal property on the lot in excess of one thousand dollars (\$1,000.00) in a twelve month period, or any verified damage to a vehicle on Church Road), 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.

9. Prior to the approval of the separate SDP required for the clubhouse, applicant shall submit a geotechnical report prepared by a geotechnical engineer to the Environmental Planning Section addressing the proposed grading and construction on proposed Parcel 11 (Clubhouse Parcel) with respect to the required 1.5 safety factor as required by DER. If the geotechnical report does not adequately address the 1.5 safety factor for the above-referenced parcel, the Specific Design Plan's certification will exclude this parcel from the final approval and the subject parcel may not be platted.
10. Easements for the use, operation and maintenance of the golf course facilities to be located on the public parkland shall be added to the final plat of subdivision.
11. Prior to grading for construction of golf course paths or facilities on property to be dedicated to the Department of Parks and Recreation, construction drawings for such golf course paths or facilities on property to be dedicated to the Department of Parks and Recreation shall be reviewed and approved by the Department of Parks and Recreation.

Ordered this 10th day of November, 2003, by the following vote:

In Favor: Council Members Shapiro, Bland, Dean, 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: _____
Peter A. Shapiro, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council