

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGES COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-01032
Oak Creek Club, 36 Parcels and 1,148 Lots, including

Block A, Lots 1 - 19	Block M, Lots 1 - 48	Block Z, Lots 1 - 91
Block B, Lots 1 - 11	Block N, Lots 1 - 100	Block AA, Lots 1 - 79
Block C, Lots 1 - 11	Block P, Lots 1 - 18	Block BB, Lots 1 - 14
Block D, Lots 1 - 11	Block R, Lots 1 - 34	
Block E, Lots 1 - 169	Block S, Lots 1 - 36	
Block F, Lots 1 - 48	Block T, Lots 1 - 46	
Block G, Lots 1 - 55	Block U, Lots 1 - 3	
Block H, Lots 1 - 25	Block V, Lots 1 - 64	
Block J, Lots 1 - 16	Block W, Lots 1 - 14	
Block K, Lots 1 - 24	Block X, Lots 1 - 10	
Block L, Lots 1 - 58	Block Y, Lots 1 - 144	

OVERVIEW

The subject property consists of approximately 923 acres, of which 890± acres are in the R-L Zone, and 33± acres are in the L-A-C Zone. It is currently developed sparsely with three old single-family detached homes. Parts of the property remain wooded; some of the land has been farmed. The applicant proposes to create a mixed use planned community on the site, consisting of a total of 1,148 dwelling units, of which 877 single-family detached units and 219 single-family attached units will be in the R-L Zone. Fifty-two single-family detached units are proposed in the L-A-C Zone as well as a 26,000 square-foot retail commercial center and a church. Meandering through the site is a proposed 18-hole championship golf course. A park/school site is shown in the northeastern quadrant of the site.

The applicant has filed a concurrent Comprehensive Design Plan application, CDP 9902, scheduled for Planning Board Hearing on September 6, 2001. The proposed subdivision is in conformance with the CDP as submitted, but changes will be necessary as the CDP gets modified through the review and hearing processes.

Private streets are proposed throughout the development in accordance with CB-72-2000. The proposal includes the use of transportation mitigation. In support of this proposal, the applicant submitted a Transportation Facilities Mitigation Plan (TFMP). The plan includes the provision of a private bus system. Staff does not support the mitigation proposal and makes recommendations in this report for road network improvements that will bring the affected transportation system to within acceptable levels-of-service. A full discussion of the transportation issues is found in Finding 5 of this report.

The property is encumbered by significant environmental features, including the Black Branch. A large portion of the property is included in the Patuxent River Primary Management Area (PMA). As such, the Planning Board must find that the PMA has been preserved in a natural state to the greatest extent possible. The applicant proposes 32 impacts to the PMA. The applicant has filed variation requests with

supporting justification. The question of whether the PMA is preserved to the greatest extent possible revolves around the need for the impacts. While staff supports several of the impacts given that they are necessary, staff does not support all of the impacts as proposed. In many cases, a modest modification to the preliminary plan is all that is necessary to avoid impacts all together. A full discussion of this and other environmental issues is found in Finding 1 of this report.

SETTING

The property is located on both sides of Church Road, north of Oak Grove Road. Kettering is to the west, undeveloped land is to the north and south, and Collington Station subdivision is to the northeast. The Pennsylvania Railroad creates the eastern boundary of the property.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Environmental Issues and Variation Requests - The Environmental Planning Section has reviewed the revised preliminary plan dated July 26, 2001 and offers the following comments:

Background

The property is an active farm which has an agricultural assessment. Generally, the parts of the farm which are not directly involved in agricultural production have been allowed to regenerate into forest land. Numerous streams, wetland areas, 100-year floodplains, and the buffers to these features are found throughout the property. Noise impacts associated with the proposed A-44 (Intercounty Connector) were previously identified for this property. In addition, the Pennsylvania Railroad abuts the eastern property line for a length of nearly 2,500 linear feet and is adjacent to several linear parcels that abut the subject property. The soils found on this property include Adelphia fine sandy loam, Collington fine sandy loam, mixed alluvial land, Monmouth fine sandy loam, Shrewsbury fine sandy loam, and Westphalia fine sandy loam. Although some of the soils have limitations with respect to impeded drainage, slow permeability, and seasonally high water tables, most of the soils have no significant limitations with respect to the development of the property. The sewer and water service categories are S-4 and W-3. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled ■Ecologically Significant Areas in Anne Arundel and Prince George's Counties, December 1997, there are no rare, threatened, or endangered species found to occur on this property, however, the Belt Woods, which is located approximately 0.8 miles north of this property, has an evaluation area which extends to the northern boundary of this property. Church Road is a designated scenic and historic road. The property is further located in the Black Branch subwatershed of the Collington Branch watershed.

Conformance with Zoning

On August 10, 2000, the District Council approved A-8427, A-8578 and A-8579 (Oak Creek Club) pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland. Zoning Ordinance No. 11-2000 included 49 conditions of approval and 10 considerations. The pertinent environmental conditions with the appropriate condition numbers are addressed below:

11. **The applicant shall dedicate the right-of-way for Church Road as a (90-foot maximum) four-lane collector with an open median of varying width as determined by DPW&T. The location of the road shall be finalized at the time of CDP and shall be based on an Inventory of Significant Visual Features prepared according to the ■Design Guidelines for Scenic and Historic Roads. Construction will be in accordance with DPW&T requirements and may utilize the existing roadbed when appropriate.**

Comment: An Inventory of Significant Visual Features for Church Road was submitted and reviewed with the CDP in accordance with the ■Design Guidelines for Scenic and Historic Roads. That inventory was evaluated and found to meet the minimum standard for a visual assessment for historic roads.

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 criteria.**

Comment: The zoning for the property is actually R-L not R-A. It is assumed that an error occurred during the typing of this condition. TCPI/91/92-01 as revised and submitted to the Urban Design Section and Environmental Planning Section on July 24, 2001 was reviewed and found to address the requirements of the Prince George's County Woodland Conservation Ordinance.

The 923-acre property in the R-L and L-A-C zones has a net tract area of 850 acres and a Woodland Conservation Threshold of 209.2 acres or 24.6 percent. The TCPI proposes the clearing of 231.29 acres of woodland on the net tract and 1.43 acres of forested floodplain. This application is subject to the 1:1, 1:1 and 2:1 replacement requirements of 82.29 acres, for a total requirement of 291.49 acres. In addition, an off-site mitigation easement of 25.00 acres was previously established on the northeastern corner of the property. The integrity of that recorded easement is being preserved by TCPI/91/92-01. It should be further noted that 7.24 acres of the 7.34 parcel to be dedicated to St. Barnabas Church is proposed as an afforestation area.

TCPI/91/92-01 was found to address the requirements of the Prince George's County Woodland Conservation Ordinance and was recommended for approval in conjunction with CDP-9902 and CDP-9903 subject to several conditions.

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.**

Comment: This is a condition that applies prior to approval of the SDP. The CDP and Type I Tree Conservation Plans as submitted reflect the 100-year floodplain but no information has been provided that a floodplain study has been approved. This condition will be addressed during the review of the SDPs for this site.

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

Comment: As with the 100-year floodplain this is not required until SDP. However, the applicant did submit with this application a Jurisdictional Determination from the U.S. Army Corps of Engineers as approved on November 5, 1997. Although the letter and other background information was included there were no plans included to verify that the wetlands shown on the TCP and CDP plans are consistent with the approved wetland limits. This is a condition that applies prior to approval of the SDP. The CDP and Type I Tree Conservation Plans as submitted reflect the wetlands but no information has been provided that a delineation has been approved by the Maryland Department of Environment or the United States Corps of Engineers. This condition will be addressed during the review of the SDPs for this site.

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

Comment: This condition shall be addressed during the review of the SDP and TCP II, at which time the applications shall identify all proposed wetland mitigation areas.

17. Prior to the submittal of the Comprehensive Design Plan, the applicant and the Technical Staff shall determine if a noise study, which considers the impact of proposed A-44 and Church Road on the subject property, is necessary. If it is necessary, the study shall be submitted with the CDP.

Comment: A Noise Study was previously conducted that showed the provision of 12-foot berms along the A-44 right-of-way. The berms are not shown on the CDP or the TCP submitted. A Phase I Noise Study, dated July 24, 2001, was prepared to address the potential noise impacts associated with the Pennsylvania Railroad, Church Road, and Oak Grove Road. That study concluded that there will be no adverse noise impacts from the Pennsylvania Railroad, Church Road, or Oak Grove Road. Staff has evaluated the studies and found them to adequately address the projected noise levels for each of the potential noise generators identified. Section 24-121(a)(4) of the Subdivision Ordinance requires minimum lot depths of 150 feet for residential lots adjacent to roadways with an arterial classification. Some of the lots adjacent to proposed A-44 have lot depths of less than 150 feet and should either be revised or eliminated. Required conditions are included in this report.

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

Comment: The plans as submitted provide for a 25-foot-wide nondisturbance buffer around the nondisturbed portions of all wetlands.

19. All streams and drainage courses shall comply with the buffer guidelines for the Patuxent River Primary Management Areas.

Comment: Streams, wetlands, 100-year floodplains, and the associated buffers which comprise the Patuxent River Primary Management Area Preservation Area (PMA) have been found to occur on this property and appear to be accurately reflected on the plans. The condition of approval requires that the PMA be preserved in conformance with the Patuxent River Primary Management Area Preservation Area guidelines.

The plans propose numerous impacts to the PMA for road construction, stormwater management facilities, sewer outfalls and golf course construction. Although the number and extent of the proposed impacts have been significantly reduced since the initial plan submittal, there are additional impacts that could be further reduced or eliminated as more detailed plans are prepared. Section 24-130 of the Subdivision Ordinance requires that the PMA be preserved unless a variation to Section 24-130 of the Subdivision Ordinance is approved by the Prince George's County Planning Board. The variation request must make the required findings as outlined by Section 24-113 of the Subdivision Ordinance. A detailed analysis of the PMA impacts is discussed below.

Woodland Conservation Issues

A Detailed Forest Stand Delineation (FSD) was submitted and reviewed in conjunction with CDP-9902 and CDP-9903. The FSD was found to address the requirements for an FSD in accordance with the Prince George's County Woodland Conservation and Tree Preservation Technical Manual. No further information is required.

Although the Type II Tree Conservation Plan will be reviewed in conjunction with SDPs, it is appropriate to establish criteria with respect to the timing of the review, approval, and implementation of the TCP II associated with this preliminary plan. It is also an appropriate time to implement the necessary protection measures that will ultimately ensure that the woodlands and other sensitive areas identified for protection are preserved.

A significant proportion of the woodland conservation requirements will be satisfied by: on-site afforestation on lands to be dedicated or ownership transferred, on-site afforestation on HOA lands, on-site afforestation on the golf course, and off-site mitigation at a yet to be determined location. The use of afforestation is a viable alternative for properties with a large predevelopment acreage in agricultural production.

Unfortunately, the necessary work associated with afforestation/reforestation projects has not been implemented in a timely manner and the tree planting has been delayed until the end of projects where the closure of the grading permits has been delayed to accomplish the afforestation/reforestation, sometimes on lots which have been sold and occupied for several years.

To alleviate potential delays, misunderstanding, and problems in general it is essential to establish clarity with respect to the sequence for protecting, bonding, and fulfilling the woodland conservation requirements for a large, diverse property such as Oak Creek Club.

Soils and Marlboro Clay

Marlboro clays have been found to occur on this property. A preliminary geotechnical report was prepared for this property by Professional Service Industries on March 31, 1999, which has been reviewed and was found to require additional information. Although the report identifies the location of the Marlboro clays on the property, it failed to provide the required slope stability analysis for three (3) areas which exhibit a potential for failure. The slope stability analysis is extremely important in determining if land development may proceed on the subject portions of the property. Section 24-131 of the Subdivision Ordinance mandates that development of land found to be unsafe be restricted or prohibited.

During the review of this application, several memorandums from the Environmental Planning Section requested a revised geotechnical report be prepared to address the required slope stability analysis as specified by the ■Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments.● This request for a revised geotechnical report was also stated during several meetings with the applicant and their representatives. As of this date a revised report has not been submitted.

Lots 11-12, Block ■J●; Lots 35-55, Block ■G●; Lots 11-29, Block ■N●; and a portion of Parcel 7 have been identified by staff as potentially ■unsafe lands● due to the presence of Marlboro clays in conjunction with the existing steep and severe slopes. The specific area of concern on Parcel 7 is in the vicinity of the proposed swimming pool and tennis courts. Because Section 24-131 mandates that unsafe lands cannot be developed, and the applicant has failed to provide the requested information with respect to the 1.5 safety factor for the existing and proposed conditions, the Environmental Planning Section has identified the above referenced lots and parcels as areas of potentially unsafe land. Prior to signature approval of the Preliminary Plan of Subdivision, Lots 11-12, Block ■J●; Lots 35-55, Block ■G●; Lots 11-29, Block ■N●; and the portion of Parcel 7 showing the proposed swimming pool and tennis courts should be shown as outparcels.

Primary Management Area Impacts

The Preliminary Plan of Subdivision and the variation request as revised on August 6, 2001, propose 32 impacts to the Patuxent River Primary Management Area (PMA) as compared to more than 40 impacts shown on the original plan submittal. At a number of different times, including but not limited to memorandums dated April 16, May 3, May 23, and August 1, a red-lined copy of the May 3 memorandum, and numerous meetings with the applicant between April 27 and August 15, 2001, revised variations with sufficient justification statements were requested. Each time the subsequent information submitted either did not address each request for a variation individually as required, or the justifications provided were inadequate.

The final submittal dated August 6, 2001, does not contain adequate justification statements for over half of the variations requested. When reasonably possible, staff has expanded upon the justification provided in order to make a recommendation. Some of the variations requested are not supported by staff because the PMAs in question have not been preserved in a natural state to the fullest extent possible.

It should also be noted that throughout the preliminary plan there are lots proposed within the boundaries of the PMA. Variation requests and/or justifications that the disturbance has been minimized to the fullest extent possible have not been provided. No indication has been made that the PMA will be preserved or disturbed. Most of the lots are too small to reasonably expect that the PMA can be preserved during the construction of the house. In addition, staff has concerns regarding the permanent preservation of the PMA on single-family detached lots. A condition has been proposed to remove all lots from the PMA to address this issue.

Variation Request Analysis

The variations and associated staff recommendations are summarized below. Refer to Attachment ■A• for the illustrations that show the proposed impacts. Because these are Primary Management Area impacts, the strict application of the variation findings is not applicable. Rather, the Planning Board must find that the PMA has been preserved to ■the fullest extent possible• [Section 24-130(b)(5)]. Where impacts are unavoidable, they are supported; where adjustments can be made to avoid the impacts, the requested impacts are not supportable.

Summary

Variations not required: P-1 & 2; A-6; B-4 (Part 1) & 6; C-1, 4, 7, 12 to 14; D-1, D-3 & 4. The analysis of the proposed PMA impacts listed above has been completed. Based on that analysis, a determination has been made that the proposed impacts have been minimized to the greatest extent possible as required by the Subdivision Ordinance. Therefore, a variation to Section 24-130 of the Subdivision Ordinance is not required for the specific impacts listed above.

Variations supported with conditions: A-3 & 4; B-1, 2, 3 & 5; C-5, 6, & 8-11; D-2. The analysis of the above impacts has resulted in a determination that the proposed impacts to the PMA have not been minimized to the greatest extent possible. However, these PMA impacts are supported subject to the conditions as indicated by each analysis.

Variations not supported: A-5; B-4 (Parts 2 and 3) & 7; C-2 & 3; D-5. These PMA impacts have been analyzed and determined to be avoidable with some minor redesigning of the layout. The designs currently proposed do not result in the minimization of PMA impacts to the greatest extent possible as required by the Subdivision Ordinance for the specific areas of impact listed above.

Individual Variation Request Analysis

P-1 and P-2: These impacts are associated with the two access points to the proposed park. Keverton Drive currently stubs into the western property line for the proposed park and if extended in any fashion would impact the PMA as reflected by P-1. The other access point from proposed Street A-A is located along an existing access road to the Baston property. Because the proposed PMA impacts have been minimized to the greatest extent possible a variation is not required.

A-1 & A-2: Deleted. These impacts were initially proposed for the construction of the sewer outfall from the northeast corner of the property to the existing sewer located several hundred feet east of the property. These impacts were later eliminated through a design change and are no longer necessary.

A-3 and A-4: These impacts are associated with the construction of the fairway for holes 15 and 16. The variation request failed to provide any reasonable justification as to how the impact could have been avoided or how the impact has been minimized. The variation simply indicates that trees will be removed to provide a clear fairway and that the topography and shrub/scrub layer of the woodland will not be disturbed. There is no indication as to the minimum acceptable fairway width or other alternatives which may have been considered to reduce the impacts.

The removal of the overstory in these types of areas would promote the proliferation of invasive species such as *Lonicera Japonica* (Japanese honeysuckle). Furthermore, a portion of the impact is associated with the construction of the golf cart path, which will require grading and permanent removal of vegetation unless it is constructed as a bridge. It appears that due to the overall layout of the course, the design options in this area are limited. The variation request references a detail for the construction of the proposed cart path, but no detail was found on the Preliminary Plan. These variations are supported subject to recommended conditions 4, 5, and 6.

A-5: This is a variation for two impacts; the first is associated with tree removal along the fairway for hole 4 and the second is for clearing associated with the development of Lots 35-37, Block F.

The impacts associated with the fairway for hole 14 could be minimized or eliminated by redesigning the hole. Therefore, the variation for the impacts associated with hole 14 are not supported.

The proposed impacts associated with Lots 35-37, Block F, have not been justified other than a statement that the impacts will be minimized. It is unlikely that houses could be placed on these lots without disturbing all the PMA on the lots and portions adjacent. Furthermore, the variation has provided no justification as to how the layout could be redesigned to entirely avoid or further minimize the impacts. Design alternatives exist that could result in the preservation of this area with minimal redesign. This variation is not supported.

A-6: This is an isolated wetland that is located along the western portions of Lots 38-40, Block F and Street A. Due to the small size and isolated location of this wetland area, the proposed impacts would have little impact on the larger ecosystem and the redesign that would be required to avoid or further minimize the impacts would require a major redesign for minimal benefits. Because the proposed PMA impacts have been minimized to the greatest extent possible a variation is not required.

B-1, B-2, and B-3: These impacts are associated with the construction of Street N from Church Road. Although the road location could potentially be moved upstream to further

minimize the impacts from the road, that move would ultimately result in additional impacts from the sewer alignment and additional impacts for hole 1. These variations are supported subject to recommended condition 5.

B4: The three proposed impacts to the PMA associated with the sewer outfall construction could be further minimized and/or avoided with a few small shifts in the alignment of the sewer. Alignment changes could potentially eliminate two of the three proposed impacts. Although the variation request for crossing Collington Branch (Part 1) is supported, the other two impacts (Parts 2 and 3) are not supported because a redesign could easily avoid the proposed impacts.

B-5: This impact is associated with the construction of the sewer outfall connecting the entire southern portion of the property to the sewer outfall referenced in B-4. There is a possibility that the extent of the proposed impacts could be reduced nearly 50 percent by moving the outfall approximately 100 feet east of the currently proposed location. The variation request is supported subject to recommended condition 5.

B-6: The proposed impact would result in the disturbance of a portion of an isolated wetland for the widening of Church Road. This impact has generally been minimized since there is a second larger wetland located on the opposite side of Church Road which would also be impacted if the road alignment were adjusted. Because the proposed PMA impacts have been minimized to the greatest extent possible, a variation is not required.

B-7: The impact associated with this proposed Stormwater Management Pond 25 could be significantly reduced or even avoided by redesigning Ponds 7 and 25. The plans as submitted show two ponds less than 300 feet apart. Pond 7 is located on the east side of the parking lot for the Community Center and Pond 25 is located on the south side of the same parking lot. In addition, by elongating Pond 25 the impacts could be greatly reduced. This variation is not supported because the impacts have not been minimized to the greatest extent possible.

C-1 & C-14: These impacts are associated with the realignment of Oak Grove Road and are unavoidable. Because the proposed PMA impacts have been minimized to the greatest extent possible a variation is not required.

C-2: The impacts associated with this variation request are for the removal of the overstory trees, a cart path crossing, and maintenance of the shrub/scrub woodlands remaining. It is questionable if the proposal for maintaining this area as shrub/scrub is realistic due to its proximity to the green and the fact that shrub/scrub growth would have to be maintained at less than four feet in height to allow visibility of the green. Sufficient justification for this impact has not been provided. This impact cannot be supported as there are design alternatives that could eliminate this impact completely.

C-3: This impact is associated with a cart path and is not supported because the path could easily be redesigned to cross within the limits of impact C-2 and follow the eastern edge of the PMA behind redesigned Lots 26 and 27 Block AA.

C-4: This unavoidable impact is for the construction of Street N-N. Sufficient justification has been provided in the variation request. Because the proposed PMA impacts have been minimized to the greatest extent possible a variation is not required.

C-5: These impacts are for the construction of a cart path and the cutting of the overstory trees and leaving the shrub/scrub layer intact except for the placement of the path. The variation request for the fairway for hole 4 and the cart path along that fairway are supported subject to recommended conditions 4, 5, and 6. The variation request for the cart path located along the western property line of Lot 42 is supported subject to recommended conditions 5 and 6 and the redesign of adjacent lots to relocate the cart path out of the PMA to minimize and/or avoid the PMA impacts.

C-6: These impacts are for road construction of Street H-H, Street N-N, and some clearing on Lot 16, Block Z. It is likely that the disturbances associated with these variations could be eliminated by relocating Street H-H 30 feet further east and redesigning Street N-N to be located approximately 50 feet further south. Therefore, the variations are supported subject to recommended condition 5 to redesign at SDP to further avoid the PMA impacts.

C-7: This unavoidable impact is for the construction of Street N-N. Sufficient justification has been provided in the variation request. Because the proposed PMA impacts have been minimized to the greatest extent possible, a variation is not required.

C-8: This impact for the construction of a cart path has been located to minimize adverse impacts. This variation is supported subject to recommended conditions 4, 5, and 6.

C-9: These impacts are for the construction of Street J-J. It is likely that the disturbances associated with this variation could be eliminated by relocating Street J-J approximately 50 feet north of its proposed location. Therefore, the variations are supported subject to recommended condition 5.

C-10: Impact C-10 is for the construction of a cart path through a large PMA area. This impact has been located to minimize the impacts to the greatest extent possible and the variation request indicates that bridges and above-grade walks will be provided as necessary to further minimize the impacts. This variation is supported subject to recommended conditions 4, 5 and 6.

C-11: This impact is for the construction of Street G-G across one of the larger tributaries of Black Branch. The extent of the impact has generally been minimized. Although all lots to the west of this impact would still have access without the crossing, the Transportation Section expressed serious concerns about circulation and overall access if this crossing were not allowed. Therefore, the variation for impact C-11 is supported subject to recommended condition 5.

C-12: This impact is associated with the widening of Church Road as required by the zoning case approval. These disturbances are unavoidable. Because the proposed PMA impacts have been minimized to the greatest extent possible, a variation is not required.

C-13: This impact has combined the sewer outfall for the northwestern portion of the property and the cart path crossing for Church Road. Because the proposed PMA impacts have been minimized to the greatest extent possible, a variation is not required.

D-1: This impact is associated with a sewer outfall which could not be relocated further upstream due to the existing topographic conditions. Because the proposed PMA impacts have been minimized to the greatest extent possible, a variation is not required.

D-2: This impact is for the construction of golf hole 6 and proposes the cutting of the overstory trees, leaving the shrub/scrub layer intact. The variation request for the fairway for hole 6 is supported subject to recommended conditions 4 and 5.

D-3 and D-4: These impacts are for the construction of Street A-A across Black Branch to access approximately 85 lots and the park located at the northwestern corner of the property. Because the proposed PMA impacts have been minimized to the greatest extent possible, a variation is not required.

D-5: This impact is for the construction of hole 8. This hole could easily be redesigned to avoid the proposed impacts associated with this variation. Simply moving the tee 50 feet west of the proposed location would eliminate proposed impacts. This variation is not supported.

Other Environmental Issues

There will be many federal and state permits needed to permit the proposed impacts to the streams and wetlands found on-site. The Environmental Planning Section has been tasked with ensuring that these permits are obtained prior to issuance of permits. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the U.S., the applicant should submit evidence that all federal and state approvals have been obtained.

The proposed golf course is located within stream valleys and sensitive wetland areas. Environmental design guidelines have been used in the review of other similarly situated golf courses to ensure that the design and maintenance proposals are environmentally sensitive. These guidelines should be followed for the design of the proposed course. In addition, golf courses are often designed with under-drain systems that channel run-off from the fairways, tees, and greens into preservation areas, ponds, or nearby streams. This run-off can contain fertilizers, herbicides, and pesticides. Design measures are needed to improve the water quality of this run-off prior to it reaching preservation areas or streams. The proposed golf course should be designed in accordance with Environmental Guidelines for the Design and Maintenance of Golf Courses, (Department of Environmental Protection and Resources Management, Baltimore County, MD: 1990). The Specific Design Plans shall be reviewed by the Environmental Planning Section for compliance with these design guidelines. Prior to the issuance of grading permits for the golf course, a maintenance program in accordance with Environmental Guidelines for the Design and Maintenance of Golf Courses, (Department of Environmental Protection and Resources Management, Baltimore County, MD: 1990) employing Integrated Pest Management (IPM) and methods to minimize

fertilizer, insecticide, and herbicide run-off, should be approved by the M-NCPPC Environmental Planning Section.

Each SDP plan submittal that contains golf holes should provide bioretention details for the treatment of piped run-off from fairway, green, and tee under-drain systems. Piping of run-off from any golf course surfaces directly into preservation areas, streams, or ponds should not be permitted.

Due to the location of the golf course within and around sensitive environmental features and streams with large watersheds, water monitoring is needed to ensure that the work of construction and maintenance of the course does not result in detrimental impacts to the existing streams. Water quality monitoring prior to development is needed to establish baseline information for comparative purposes. Surface and ground water quality testing and monitoring of the golf course, in general accordance with the Environmental Guidelines for the Design and Maintenance of Golf Courses, (Department of Environmental Protection and Resources Management, Baltimore County, MD: 1990) should be required for the golf course. A monitoring program should be submitted as part of the first SDP submittal, for approval by the M-NCPPC Environmental Planning Section.

The water quality program will require preconstruction monitoring for one year prior to the issuance of grading permits for the golf course. A shorter time frame may be approved for preconstruction monitoring if it is determined by the Environmental Planning Section that a sufficient baseline of data for essential parameters has been established. The monitoring program shall include monitoring prior to development, during development, and after development for one year after the opening of the course. If, at any time, the monitoring results reflect conditions that warrant action on the part of the applicant, said actions will be implemented by the applicant in consultation with the Department of Environmental Resources.

Prior to the issuance of grading permits, the applicant, his heirs, successors, and/or assigns shall provide a bond or other financial guarantee equivalent to the estimated cost of water quality monitoring over the timeframe which includes preconstruction, construction, and post-construction monitoring to M-NCPPC Planning Department.

2. Community Planning - The 1991 *Bowie-Collington-Mitchellville and Vicinity Master Plan* recommends residential development at low-suburban density. The 1991 *Bowie-Collington-Mitchellville and Vicinity Master Plan and Sectional Map Amendment* rezoned the property from the R-A and R-R Zones to the R-L Zone via CR-120-91. The Comprehensive Design Plan implements the plan's vision for a permanent large lot and suburban estate development.
3. Parks and Recreation - The referral from the Department of Parks and Recreation, was not received in time to be included in the staff report. A memorandum is forthcoming and will be presented at the Planning Board hearing by the staff of the Park Planning and Development Division.

One issue that will arise is compliance with Condition-38 of A-8427, 8578, 8579, which states

The applicant shall assure the provision of new access to the residents currently served by a driveway traversing M-NCPPC property (the Riley Tract) from the Oak Creek Club.

The preliminary plan has been revised to show a connection from the Riley Tract to Street ■H. The Park Planning and Development Division is working with the property owner of the Riley Tract to transfer access. Staff recommends a condition which would require the alternative access to be conveyed to the Riley Tract owner upon request.

4. Trails - In accordance with the *Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan*, the applicant should provide the following:
- a. A Class I hiker-biker trail along the subject property's entire frontage of Church Road as reflected on the submitted CDP.
 - b. A Class I hiker-biker trail along the subject property's entire frontage of Oak Grove Road as reflected on the submitted CDP.
 - c. Dedicate the land along the Black Branch stream valley to the M-NCPPC Department of Parks and Recreation (DPR), as shown on the submitted preliminary plan, and construct the multiuse, hiker-biker trail the entire length of the stream valley. This trail will ultimately connect to a planned stream valley trail along Collington Branch. This trail should be staked in the field with DPR and the trails coordinator prior to construction. Appropriate trail connections should be included to this trail from the development parcels.
 - d. A comprehensive sidewalk network with sidewalks being constructed along both sides of all primary, secondary, and village roads.

The trails network should be shown on the preliminary plan of subdivision and should assure dry passage. If wet areas must be traversed, suitable structures should be constructed.

5. Transportation - The applicant prepared a traffic impact study dated April 2001, in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Guidelines)*. The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines*.

Summary of Traffic Impact Study

The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

- MD 202 and MD 193 (signalized)
- MD 214 and MD 193 (signalized)
- MD 214 and Church Road (signalized)
- MD 193 and Oak Grove Road (unsignalized with a roundabout)

- Church Road and Oak Grove Road (unsignalized)
- Oak Grove Road and site entrance (planned)
- Church Road and north site entrance (planned)
- Church Road and south site entrance (planned)

With traffic counts taken by the applicant's consultant, the study indicates that all intersections in the study area would operate acceptably during both peak hours. However, with background traffic and total traffic, there arise operational issues at several locations, most notably MD 214/MD 193 and MD 214/Church Road. Consequently, the study recommends a number of improvements at intersections within or adjacent to the site. Also, the study recommends improvements at the MD 214/MD 193 and the MD 214/Church Road intersections in accordance with the requirements for mitigation as specified in Section 24-124.

Staff Analysis of Traffic Impacts

Existing traffic conditions were based on traffic counts done in late March 2000. These counts occurred before the modifications at MD 193/Oak Grove Road were fully open to traffic; as a result, the traffic study analyzes this intersection as a conventional unsignalized intersection. The staff's analysis considers the intersection in its current roundabout configuration. Existing conditions within the study area are summarized as follows:

EXISTING CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202/MD 193	989	832	A	A
MD 214/MD 193	1410	1047	D	B
MD 214 and Church Road	1284	1077	C	B
MD 193 and Oak Grove Road (roundabout)	0.34*	0.39*	--	--
Church Road and Oak Grove Road	16.5*	12.6*	--	--
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i>, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive. At roundabouts, the maximum volume to capacity ratio (V/C) is presented, with a value of 0.80, as an example, indicating that the roundabout is operating at 80 percent of capacity.</p>				

The submitted traffic study provides an analysis for assessing the background traffic situation. The applicant has taken the following steps to develop background traffic, including:

- Using a two percent annual growth factor for through traffic along MD 193, MD 214, and MD 202, which is consistent with past studies in the area. It is also consistent with historical data (and actually may be a little high along MD 202). The growth factor is applied over eight years.
- Adding background development in the area.

Under background traffic, two of the signalized intersections in the study area would show unacceptable operations during at least one peak hour. Background conditions are summarized as follows:

BACKGROUND CONDITIONS					
Intersection	Critical Lane Volume (AM & PM)			Level of Service (LOS, AM & PM)	
MD 202/MD 193	1223	1001		C	B
MD 214/MD 193	1762	1353		F	D
MD 214 and Church Road	1587	1352		E	D
MD 193 and Oak Grove Road (roundabout)	0.55*	0.59*		--	--
Church Road and Oak Grove Road	24.5*	15.6*		--	--
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i>, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive. At the roundabout, the maximum volume to capacity ratio (V/C) is presented, with a value of 0.80, as an example, indicating that the roundabout is operating at 80 percent of capacity.</p>					

Using the trip generation rates listed in the *Guidelines*, the subject property would generate the following peak hour trips:

SITE TRIP GENERATION - OAK CREEK CLUB						
Use	AM Trips (In, Out, Total)			PM Trips (In, Out, Total)		
Residential						
929 detached residences	139	558	697	543	293	836
219 attached residences	31	122	153	114	61	175
26,000 square feet retail less 75% for pass-by and internal trips	11	7	18	39	39	78
18-hole golf course	32	8	40	22	28	50
TOTAL SITE	213	695	908	718	421	1139

For total traffic, the trip distribution and assignment used in the traffic study appear to be reasonable and consistent with the submitted plan. Total traffic conditions are summarized as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202/MD 193	1325	1094	D	B
MD 214/MD 193	1846	1447	F	D
MD 214 and Church Road	1831	1673	F	F
MD 193 and Oak Grove Road (roundabout)	0.82*	0.80*	--	--
Church Road and Oak Grove Road	96.6*	36.7*	--	--
Oak Grove Road and site access	17.4*	22.8*	--	--
Church Road and north site access (roundabout)	0.59*	0.82*	--	--
Church Road and middle site access	17.4*	18.1*	■	--
Church Road and south site access	20.9*	28.1*	--	--
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i>, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive. At the roundabout, the maximum volume to capacity ratio (V/C) is presented, with a value of 0.80, as an example, indicating that the roundabout is operating at 80 percent of capacity.</p>				

Under total traffic, two of the three signalized intersections within the study area operate unacceptably. Also, the analysis indicates a potential operational problem at Church Road and Oak Grove Road as an unsignalized intersection. At the Church Road/Oak Grove Road intersection, the intersection is analyzed with one-lane approaches on all legs. The traffic study indicates that adding additional lanes on the northbound, southbound, and eastbound approaches will resolve the problem; however, staff's analysis still indicated excessive delay in the southbound left-turn movement. However, changing the intersection to a four-way stop controlled intersection brought the maximum delay to 20.7 seconds, which is within the acceptable range.

At the MD 214/MD 193 and the MD 214/Church Road intersections, the applicant has proposed the use of mitigation in accordance with Section 24-124(a)(6). The Subdivision Ordinance indicates that consideration of certain mitigating actions is appropriate... in accordance with the Guidelines for Mitigation Action and the requirements of that portion of Section 24-124. The applicant proposes to employ mitigation by means of criterion (e) in the Guidelines for Mitigation Action, which were approved by the District Council as CR-29-1994. Criterion (e) is very complex, and is restated below:

The development is located in an area in which public water and sewer is currently available, which meets all adequate public facilities findings (except those for transportation) with existing facilities or facilities having 100 percent

construction funding in the County or State Programs, and which is within . mile of a bus stop having 15 minute headways or better and load factors of 100 percent or less.

Conformity with criterion (e) was discussed when the traffic study was submitted, and the study was accepted for review under the general information available at that time that mitigation could be reviewed given the information at hand. At this time, the transportation staff has the following comments concerning the elements of criterion (e):

- a. The development is in an area where public water and sewer is currently available. The applicant need only tap into the system since all approvals prior to subdivision approval are in place. Most surrounding properties have public water and sewer available to them, and so the site is clearly ■in an area• where these services are available.
- b. The Growth Policy and Public Facilities Section has determined that the subject property does not have adequate school facilities at this time. This is different information than was available at the time the traffic study was accepted. Given this finding, despite the condition that the applicant must defer all construction for four years, the applicant cannot use criterion (e) **and would not, therefore, be eligible to use mitigation.**
- c. The entire site must be within one-half mile of bus services having quality and capacity. The quality of service is defined by a 15 minute headway; in other words, a bus must operate every 15 minutes during peak hours. Also, the bus service must operate with a load factor of 100 percent or less, wherein a load factor of exactly 100 percent means that every seat on the bus, on average, is full (which leaves all standing room available for additional patrons). In this case, the applicant is attempting to meet the criteria by proffering the operation of a private bus service throughout the planned development. Since the original proffer was made, staff has considered it at length as a criterion for the use of mitigation, and has the following findings:
 1. The bus service does not exist; however, criterion (e) clearly was written with the intent that services exist at the time of application by stating ■is within . mile.• There is no existing bus service along Church Road, and the subject property is not within . mile of existing services along MD 214.
 2. By referring to operational characteristics such as headways and load factors, criterion (e) once again suggests an intent to focus upon services existing at the time of application.
 3. While staff believes a proffer of a bus service is very generous, the private bus service in this case would constitute a basis for analyzing a traffic situation and recommending conditions for the approval of the development. The Planning Board clearly has a right to require that a private bus service be a condition of approval for the development. What is less clear is whether the Planning Board can legally compel continued

funding of a private bus service by the developer (or the future homeowners) if the service is not cost-effective or if the homeowners simply do not want to keep paying for the service. Homeowner Association documents may be modified by vote of the association, and a court could modify covenants.

4. As a final minor point in a development of 1,120 residences, it appears that Lots 1 through 35 of Block T and Lots 39 through 54 of Block Y are outside of the half-mile walking distance of the proposed bus service. The entire site must meet the criterion or else mitigation cannot be considered for any of the site.

For these reasons, the transportation staff does not believe that provision of a private bus service by the developer is an appropriate means for determining whether a development is eligible to use mitigation. The inability of government interests to institutionalize the service poses a difficulty with making formal findings. Even if maintenance of the service were a covenant within the homeowner's association documents, there are provisions for homeowners to petition the court to remove the covenant. Given this finding, the applicant cannot use criterion (e) **and would not, therefore, be eligible to use mitigation.**

Procedurally, staff will review the mitigation actions proposed by the applicant but will make further recommendations in order to achieve transportation adequacy.

The traffic study has identified geometric improvements in the traffic study which would attempt to address transportation problems within the study area. These improvements include:

- Construction of a second northbound left-turn lane along the Church Road approach to MD 214.
- Construction of a second east left-turn lane along the MD 214 approach to MD 193.

These improvements at the MD 214/MD 193 and the MD 214/Church Road intersections are suggested to mitigate the impact of the applicant's development in accordance with the provisions of Sec. 24-124(a)(6). The traffic study includes a transportation facilities mitigation plan (TFMP), and it has been circulated to SHA and DPW&T for comment. With these improvements, total traffic under future conditions is summarized below:

TOTAL TRAFFIC CONDITIONS WITH IMPROVEMENTS AS RECOMMENDED IN THE TRAFFIC IMPACT STUDY				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202/MD 193	1325	1094	D	B
MD 214/MD 193	1679	1447	F	D
MD 214 and Church Road	1623	1572	F	E
MD 193 and Oak Grove Road (roundabout)	0.82*	0.80*	--	--
Church Road and Oak Grove Road	20.7*	20.0*	--	--
Oak Grove Road and site access	17.4*	22.8*	--	--
Church Road and north site access (roundabout)	0.59*	0.82*	--	--
Church Road and middle site access	17.4*	18.1*	■	--
Church Road and south site access	20.9*	28.1*	--	--
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i>, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive. At the roundabout, the maximum volume to capacity ratio (V/C) is presented, with a value of 0.80, as an example, indicating that the roundabout is operating at 80 percent of capacity.</p>				

The impact of the mitigation actions at the intersections of MD 214/MD 193 and MD 214/Church Road is summarized as follows:

IMPACT OF MITIGATION					
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)		
MD 214/MD 193:					
Background Conditions	F/1762	D/1353			
Total Traffic Conditions	E/1846	D/1447	+84		---
Total Traffic Conditions w/Mitigation	F/1679	D/1447	-167		---
MD 214/Church Road:					
Background Conditions	E/1587	D/1352			
Total Traffic Conditions	F/1831	F/1673	+244		+321
Total Traffic Conditions w/Mitigation	F/1623	E/1572	-208		-101

As the CLV at MD 214 and MD 193 is greater than 1,813 in the AM peak hour, the proposed mitigation action must mitigate at least 100 percent of the trips generated by the

subject property and return the intersection to a CLV of no greater than 1,813, according to the *Guidelines*. As the CLV at this intersection is less than 1,450 during the AM peak hour with the mitigating improvement, it meets LOS D according to the *Guidelines*. The above table indicates that the proposed mitigation action would mitigate at least 100 percent of site-generated trips, bringing the intersection to a CLV below 1,813 during the PM peak hour. **Therefore, the proposed mitigation at MD 214 and MD 193 meets the requirements of Section 24-124(a)(6)(B)(i) in considering traffic impacts.**

As the CLV at MD 214/Church Road is between 1,450 and 1,813 during the PM peak hour, the proposed mitigation action must mitigate at least 150 percent of the trips generated by the subject property during this peak hour, according to the *Guidelines*. As the CLV at this intersection is greater than 1,813 during the AM peak hour, at least 100 percent of the trips must be mitigated to a level no greater than 1,813, according to the *Guidelines*. The above table indicates that the proposed mitigation action would not mitigate at least 100 percent of site-generated trips during either peak hour. **Therefore, the proposed mitigation at MD 214 and Church Road does not meet the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.**

In response to agency comments which observed that the proffered mitigation actions did not mitigate sufficiently, by means of the attached fax dated June 7, 2001, the traffic consultant indicated that the traffic study should have considered the impact of the proffered bus service to mitigate trips. The memorandum also suggested an additional physical improvement at MD 214/Church Road. Staff has three issues with this fax:

- a. The applicant is suggesting that the private bus service exists so that mitigation can be used, but then also desires to make the private bus service part of the mitigation proposal. This is wrong; either the private bus service is the basis for using mitigation, or it is an element of mitigation, but it cannot be both.
- b. The applicant states that the bus service will mitigate the numbers at the MD 214/Church Road intersection. This is unbelievable. The critical lanes during the PM peak hour at the MD 214/Church Road intersection are the eastbound through, the westbound left-turn, the southbound through, and the northbound left-turn movements. The bus service will only serve traffic using the northbound left-turn movement; traffic using the other critical movements will not be assisted by the bus service. In order to mitigate a CLV quantity of 30 trips, as noted in the fax, the bus must remove $(30/0.52)$ or 58 trips from the northbound left-turn lane during the PM peak hour over one-third of the outbound trips generated by the site and headed in the westerly direction. It is not believable that the private bus will capture a 40 percent mode share, particularly given the type of housing planned for this development.
- c. Procedurally, it is not clear whether this was intended to become part of the Transportation Facilities Mitigation Plan since formal computations were not provided for referral to the operating agencies.

Even with this additional information, staff does not believe that the applicant or the traffic consultant has shown that the mitigation proposal is credible and that it meets the required numerical criteria for its application.

The transportation staff has identified the following improvements at the MD 214/MD 193 and MD 214/Church Road intersections that would be required in order to achieve LOS D operations during both peak hours at both intersections:

At MD 214/MD 193:

- Provision of a second left-turn lane on the eastbound MD 214 approach (**recommended as a mitigation improvement**).
- Provision of a second through lane and conversion of the shared through/left-turn lane to a second left-turn lane on the northbound MD 193 approach.
- Provision of a fourth through lane on the westbound MD 214 approach.
- Provision of a second through lane and conversion of the shared through/left-turn lane to a second left-turn lane on the southbound MD 193 approach.

At MD 214/Church Road:

- Conversion of the existing eastbound and westbound right-turn lanes along MD 214 into shared through/right-turn lanes through the intersection. With this change, the existing free-flow, right-turn lanes along northbound and southbound Church Road would effectively become nonfree-flowing.
- Provision of a second left-turn along the northbound Church Road approach (**recommended as a mitigation improvement**).
- Optionally, provision of a second left-turn along the westbound MD 214 approach (**recommended as a mitigation improvement**).

With the provision of these improvements, the MD 214/MD 193 intersection would operate at LOS D with a CLV of 1,404 during the AM peak hour, and at LOS D with a CLV of 1,389 during the PM peak hour. The MD 214/Church Road intersection would operate at LOS D with a CLV of 1,319 during the AM peak hour, and at LOS D with a CLV of 1,396 during the PM peak hour. While the MD 214/Church Road improvements may be practical to implement, improvements which would provide LOS D operations at MD 214/MD 193 appear to be cumbersome, possibly involving additional right-of-way at an intersection having retail shopping centers on two corners. Staff notes that the master plan recommends a future interchange at this location in recognition that constructing additional turning may soon become impractical if not impossible.

The DPW&T and the SHA have both reviewed this traffic analysis, and the comments of both agencies are attached. The comments are summarized below:

DPW&T offered 11 separate comments:

- a. Traffic counts more than one year old were accepted because it was desirable that both the CDP and the preliminary plan were reviewed using the same study. This study had been discussed in some form with staff for several months. Furthermore, the counts were barely 13 months old when the subdivision application was made. As staff had already agreed to accept the study for the purpose of making the CDP finding, it was accepted as well for the preliminary plan. This addresses the first comment; the second comment does not require a response.
- b. The third, fourth, fifth, and seventh comments address lane configurations and traffic controls along Church Road and Oak Grove Road. While staff will prepare conditions regarding these comments, they partly involve Subtitle 23 issues.
- c. The sixth comment concerns the roundabout at MD 193/Oak Grove; this has been addressed by staff in its analysis.
- d. The eighth comment concerns specifics about the proposed bus service, which is discussed in greater detail elsewhere in this memorandum.
- e. The ninth, tenth, and eleventh comments address the proposed mitigation at MD 214/MD 193 and at MD 214/Church Road by noting that the mitigation is not numerically adequate in either case. In any case, DPW&T notes that SHA must approve any modifications.

SHA offered three major comments:

- a. SHA noted that the MD 214/MD 193 improvements recommended in the traffic study only mitigate the AM peak hour, while the PM remains unacceptable and unmitigated. Staff's calculations of shared lane capacities indicate that the intersection would operate acceptably in the PM, and so this comment does not apply.
- b. SHA noted that the MD 214/Church Road improvements recommended in the traffic study do not mitigate the intersection in either peak hour.
- c. SHA seemed to desire more clarification on the proposed bus service. **It is important to note here that the bus service was originally proffered only as a means of being able to utilize mitigation.** There is no representation in the traffic study that this bus service will have any impact on traffic in the area; that contention arose only after the SHA completed its review of the traffic study.

The attached referrals from DPW&T and SHA certainly are not ringing endorsements for the use of mitigation at the critical intersections. To be fair, neither agency indicated operational concerns with the actions recommended, but the study reviewed was incomplete.

The following findings summarize the transportation planning staff's findings regarding the mitigation proposal for this development:

- a. The applicant utilizes criterion (e) in the *Guidelines*, which requires among other things that all nontransportation public facilities be adequate and that the site be served by frequent bus service that can accommodate additional riders in order for mitigation to be considered.
- b. The Growth Policy and Public Facilities Section has determined that the subject property does not have adequate school facilities at this time. If the Planning Board concurs with this finding, the use of mitigation is not available under any criterion.
- c. The applicant proposes his own private bus service to serve the development. Staff believes that the criterion refers to bus services which exist at the time of application. Beyond that, it is less clear how the Planning Board should make the private bus service a condition of approval for the development, and whether that condition can legally compel continued funding of a private bus service by the developer (or the future homeowners) if the service is not cost-effective or if the homeowners simply do not want to keep paying for the service. If the Planning Board agrees that continued provision of a private bus service is questionable once the applicant is no longer involved with the project, then it follows that staff cannot positively state that frequent bus service exists for the purpose of analyzing this application, and the use of mitigation is not available under any criterion.
- d. The applicant's proposed mitigation action at MD 214 and MD 193 meets the numerical requirements for its application.
- e. The applicant's proposed mitigation action at MD 214 and Church Road does not meet the numerical requirements for its application. Any mitigation action must mitigate at least 100 percent of the applicant's trips during the peak hour. The proposed mitigation action does not mitigate 100 percent of the applicant's trips in either peak hour.
- f. In a late faxed submittal, the traffic consultant indicated that the traffic study should have considered the impact of the proffered bus service to mitigate trips, and it suggested an additional physical improvement at MD 214/Church Road. Aside from the question of whether the bus service can be used as a basis for using mitigation and as an element of mitigation, in order to computationally mitigate the service must attract a high percentage of nonpeak directional trips from the site.
- g. Neither SHA (the responsible operating agency for intersections along MD 214) nor DPW&T endorsed the mitigation actions proposed in the traffic study. The *Guidelines* are clear that the responsible operating agency must agree to the improvements being proposed.

Based on these seven findings, the Transportation Planning Section does not endorse the use of mitigation in reviewing the subject application. On two points, staff does not believe that the site is eligible to use mitigation. In one of the two intersections proposed for mitigation, the traffic study did not proffer a strategy that would adequately mitigate the traffic impact of the proposal. Neither SHA nor DPW&T endorsed the proposed mitigation actions at

either critical intersection. **Therefore, the Transportation Planning Section will not recommend approval of this plan with mitigation.**

Plan Comments

The Transportation Planning Section has provided comments on the concurrent Comprehensive Design Plans (CDP). Provided the comments are incorporated into the approved CDPs, there is no need to repeat them herein.

There are four master plan facilities which cross the subject property:

- Church Road, C-48 on the *Bowie-Collington Master Plan*, is a planned rural collector within a 100-foot right-of-way. Its alignment on the CDP and the preliminary plan is substantially in conformance to the alignment shown on the plan.
- The A-44 facility, as shown on the *Bowie-Collington Master Plan*, is a planned controlled-access arterial facility within a 200- to 300-foot right-of-way. Its alignment on the submitted plan is acceptable.
- Oak Grove Road, C-56 on the *Bowie-Collington Master Plan*, is a planned major collector within a 90-foot right-of-way. Its alignment on the plan is not consistent with the Master Plan map, as the Master Plan shows the alignment curving north of the St. Barnabas Church cemetery and continuing directly westward through the subject property and a portion of the Perrywood property before joining with the existing alignment of Oak Grove Road. However, the Perrywood, Section 8 subdivision (preliminary plan of subdivision 4-96105) was approved with realigned Oak Grove Road substantially following the existing roadway. Therefore, the transportation staff supports the alignment of Oak Grove Road as shown on the submitted plan; there is no need for revision of this right-of-way.

There is a conflict between the *Subregion VI Master Plan* and the *Bowie-Collington Master Plan* concerning the width of this right-of-way. Considering that the majority of the roadway is within the area of the *Bowie-Collington Master Plan* and that 90 feet is generally considered sufficient for a major collector, staff will hold to the 90-foot right-of-way recommendation.

- There is a P-2 facility on the *Bowie-Collington Master Plan*. This facility is a planned primary residential street intended to connect MD 193 south of Watkins Park to MD 214 east of the Kettering community. The following has occurred:
 - This facility was reflected on the original Basic Plans for Cameron Grove and The Greens (The Greens is the previous name for the subject property).
 - The Sierra Meadows subdivision (preliminary plan of subdivision 4-90121 showed a primary roadway following the P-2 alignment crossing its property and stubbing to the northeast and southwest. Furthermore, this subdivision (resolution attached) received a condition which reads ■No building permits beyond Phase One (all 42 units north of the ■P• road) shall

be issued until a roadway is approved by the Bowie-Collington Master Plan which provides alternative access to the subject property; or until any adjacent property has obtained Preliminary Plan approval which provides alternate access to Watkins Park Drive or Central Avenue for the subject property, whichever occurs first. •

- A Basic Plan Amendment was approved for the portion of Cameron Grove north of the subject property and west of the Evangel Temple church building. During the staff's review of the Basic Plan Amendment for Cameron Grove during 1997, those findings were made and the plan was approved without P-2 being reflected on the plan. Cameron Grove is currently being developed. Therefore, there is not a need for the subject plan to recognize P-2 stubbing north into the Cameron Grove property.

The P-2 facility remains on the Master Plan, and the adjacent Sierra Meadows property has a street stubbing into the subject property. Given that the street is on the Master Plan as a primary facility, staff recommends that the portion of proposed Street A-A between Hillrod Lane and Church Road, as the natural completion of P-2, be revised to become a public street within a 60-foot right-of-way.

Based on the preceding findings, the Transportation Planning Section concludes that mitigation is not appropriate in this case. However, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with the several transportation related conditions included in this report.

6. Schools - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2001) (CR-4-1998).

Projected Impact on Affected Public Schools

Affected School Name	D.U. by Type	Pupil Yield Factor	Development Pupil Yield	5-Year Projection	Adjusted Enrollment	Total Projected Enrollment	State Rated Capacity	Projected % Capacity
Woodmore Elementary School	1148 SFD	0.24	275.52	1139	1267.16	1542.62	589	261.92%
Kettering Middle School	1148 SFD	0.06	68.88	854	858.02	926.90	977	94.87%
Largo High School	1148 SFD	0.12	137.76	1930	1938.04	2075.80	1958	106.01%

Source: Prince George's County Planning Department, M-NCPPC, January 2001

Because the affected Woodmore Elementary and Largo High Schools projected percentage of capacities are greater than 105 percent, the Adequate Public Facilities fee is \$3,360.00 per dwelling unit. The amount of the Adequate Public Facilities fee for schools shall be offset by the School Facilities Surcharge. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines.

Section 24-122.02(a)(4) states that if any affected school's projected percentage of capacity exceeds 130 percent, no permits may be issued until (a) capacity exists at or below 130 percent in all affected schools; or (b) four (4) years have elapsed since the time of the approval of the preliminary plan of subdivision.

7. Fire and Rescue - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.

Residential Lots

- a. The existing fire engine service at Bowie Station, Company 43 located at 16400 Pointer Ridge Drive has a service response time of 5.34 minutes, which is beyond the 5.25-minute response time guideline.
- b. The existing ambulance service at Bowie Station, Company 43 located at 16400 Pointer Ridge Drive has a service response time of 6.25 minutes, which is within the 6.25-minute response time guideline for Block A, Lots 1 - 19; Block B, Lots 1 - 11; Block C, Lots 1 - 11; Block D, Lots 1 - 11; Block E, Lots 1 - 14; Block N, Lots 1 - 37, 45 - 100; Block K, Lots 17 - 24; Block L, Lots 1 - 6; Block M, Lots 2 and 3, 38 - 40; Block R, Lots 1 - 34; Block V, Lots 1 - 64; Block W, Lots 1 - 14; Block X, Lots 1 - 10; Block Z, Lot 4. All other lots are beyond.
- c. The existing paramedic service at Bowie Station, Company 43 located at 16400 Pointer Ridge Drive has a service response time of 7.25 minutes, which is within the 7.25-minute response time guideline for Block A ; Block B; Block C; Block D; Block E; Block F; Block G; Block H; Block J; Block L; Block M; Block N; Block P; Block R; Block S; Block T, Lots 1-5, 26 - 35; Block U; Block W; Block V; Block X; Block Y, Lots 1-32, 63-112; Block Z, Lots 1-45, 63-91; Block AA, Lots 1-45; Block BB, Lots 8 and 9. All other lots are beyond.

Parcel 2 and 4; School/Park Site

- a. The existing fire engine service at Bowie Station, Company 43 located at 16400 Pointer Ridge Drive has a service response time of 5.34 minutes, which is beyond the 3.25-minute response time guideline.
- b. The existing ambulance service at Bowie Station, Company 43 located at 16400 Pointer Ridge Drive has a service response time of 5.34 minutes which is beyond the 4.25-minute response time guideline.
- c. The existing paramedic service at Bowie Station, Company 43 located at 16400 Pointer Ridge Drive has a service response time of 7.25 minutes, which is within the 7.25-minute response time guideline.
- d. The existing paramedic service at Kentland Fire Station, Company 33 located at 7701 Landover Road has a service response time of 13.11 minutes, which is beyond the 4.25-minute response time guideline.

These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire Department recommends that all residential and commercial structures be fully sprinklered in accordance with National Fire Protection Association Standard 13D/13 and all applicable Prince George's County laws.

8. Police Facilities - The proposed development is within the service area for Police District II-Bowie. In accordance with Section 24-122.01(c) of the Subdivision Regulations the existing county police facilities will be adequate to serve the proposed Oak Creek Club development. This police facility will adequately serve the population generated by the proposed subdivision.
9. Health Department - The Health Department has reviewed the application and offers the following comments.
 - a. There are numerous wells and septic systems located on the property. Many of the wells and septic systems are no longer in service and should be backfilled and the wells sealed. Please provide a revised preliminary plan locating all structures and the well and septic system associated with that structure. Prior to signature of the preliminary plan, all abandoned wells must be backfilled and sealed in accordance with Code of Maryland Regulations (COMAR) 26.04.04. Wells that become abandoned during the development of the subdivision must be backfilled and sealed within 30 days of their abandonment. Septic tanks that are not deemed an imminent safety or health issue must be backfilled after being pumped out by a licensed scavenger as part of the grading operation. Septic systems considered to be a health or safety problem must be scavenged and backfilled prior to preliminary plan approval.

- b. The applicant must provide to this office before record plat approval a schedule for the abandonment of the other residences on-site in relation to the grading of the property. This is imperative if a well is shared by more than one residence. If that should be the case, a site plan must be provided to this office delineating each well, the residences supported by those wells and the water line that they share.
- c. The well and septic system for the Young Hope Cottage must be plotted on the preliminary plan. Public sewer and water should be made accessible to the residents of this property as well as other neighboring properties utilizing on-site individual systems. Every effort should be made to ensure that the residents of Young Hope Cottage are not impacted for their current quality of life.
- d. There are a significant number of 55-gallon drums on site. The majority of the drums appear to be used for watering horses. However, there are several drums that appear to contain petroleum substances. Although the containers do not appear to be leaking, it is requested that they be removed from the property and properly discarded by a licensed waste hauler prior to preliminary plan approval. Products that are to be used must be stored in an appropriate manner and properly labeled. In addition to the drums, there are other discarded materials on-site that may contain hazardous materials. These materials must be removed from the property prior to preliminary plan approval.
- e. Even though the proposed residences are 300 feet or more from the Pennsylvania Railroad, noise could still be an issue. A noise study is requested prior to preliminary plan approval to delineate the 65db contour line.
- f. Please indicate on the preliminary plan all structures and the expectation as to whether they are to be razed. All structures to be razed must obtain a Raze Permit through the Department of Environmental Resources. All hazardous materials must be removed from the structures prior to the razing of the structures. Once removed, the materials must be properly discarded or labeled and stored in an appropriate manner.

Although the memorandum is dated May 11, 2001, none of the requested information has been supplied as of August 28. Paul Meyer of the Health Department, in a phone conversation on August 28, 2001, informed staff that the issues which require attention prior to preliminary plan approval could be resolved prior to signature approval of the preliminary plan. However, he suggested, and staff agrees, that the application should be denied if the applicant does not present a schedule to the Planning Board as to when the items will be addressed. Some of the issues raised present serious health and safety concerns. The applicant should prepare a timetable identifying when each item will be completed prior to

the Planning Board hearing of September 6, 2001. The timetable should be presented to the Health Department for concurrence prior to the hearing.

10. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, #6397-2001-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development should be in accordance with this approved plan.
11. Flag Lots - The application includes several flag lots. Staff asked the applicant to provide a Flag Lot Justification Statement in support of the proposal. This justification was *finally* submitted on August 28, one day before the required release date of the staff report. Flag lots are permitted pursuant to Section 24-138.01 of the Subdivision Regulations. In the justification statement, the applicant addresses Lots 48 and 47, Block ■A-A●, Lots 72 and 73, Block ■Y●, and Lots 4, 6 and 7, Block ■A●. Lots 4, 6 and 7, Block ■A● have been redesigned and are no longer flag lots. Staff supports the use of a flag lot design for Lots 48 and 47, Block ■A-A● and Lots 72 and 73, Block ■Y● given the following findings.
 - a. A maximum of two tiers is permitted. The proposed flag lots represent the second tier.
 - b. Each flag stem is a minimum width of 25 feet for the entire length of the stem.
 - c. Flag lots must exceed the minimum lot size in the zone, exclusive of the flag stem. These lots are larger than typical in the development, ranging in size from 17,000+ to more than 23,000 square feet.
 - d. A building envelope must be established at the time of preliminary plan. The applicant has included a building envelope on the justification statement.
 - e. Shared driveways are only permitted under certain circumstances. The proposal includes no shared driveways.
 - f. Where rear yards are oriented toward driveways, an ■A● bufferyard is required. This does not occur on the plan.
 - g. Where front yards are oriented toward rear yards, a ■C● bufferyard is required. In the case of these lots, front yards are not oriented toward rear yards.

Prior to approval of a flag lot, the Planning Board must make the following findings of Section 24-138.01(f):

- a. **The design is clearly superior to what would have been achieved under conventional subdivision techniques.** The proposed flag lots will yield a superior design to that which would be allowed conventionally. They are designed to create a court-like setting envisioned by the Subdivision Regulations

- b. **The transportation system will function safely and efficiently.** These flag lots occur along short stretches of roadway, minimizing the effects of additional driveways.
- c. **The use of flag lots will result in the creative design of a development that blends harmoniously with the site and the adjacent development.** As staff has noted, these flag lots are designed to create the court-like setting suggested by the Subdivision Regulations. This design can result in a very nice setting for four homes. They are located in the interior of the subdivision and fit easily into the design. They will not appear out of place.
- d. **The privacy of property owners has been assured in accordance with the evaluation criteria.** Given the size of the flag lots, adequate buffering can be provided and the homes can be arranged on the lots to maximize privacy.

Given these findings, staff recommends that flag lots 72 and 73, Block ■Y• and Lots 47 and 48 be allowed.

The preliminary plan includes one other flag lot, Lot 79, Block ■A-A•. This lot does not meet any of the evaluation criteria listed above. First, no justification was provided. Second, it is located on Oak Grove Road, adding an extra driveway on a curve; this could create a dangerous situation. Third, while it is only the second tier, it does not help establish a court-like setting. It appears to be an ■extra• or an afterthought. Lot 79, Block ■A-A• should be removed.

12. Historic Preservation - The proposed Oak Creek Club development (formerly The Greens and previously The Greens of Dumbarton) encompasses 923½ acres and surrounds Bowieville Historic Site (#74A-18).

Bowieville is listed in the National Register of Historic Places and is acknowledged as one of the most architecturally significant structures in Prince George's County. Built in 1819, Bowieville is an elegant two-and-one-half story stuccoed brick plantation house with a hip roof. Its outstanding decorative elements include a classical entrance with semi-elliptical fanlight and particularly fine interior trim. Bowieville was built by Mary Bowie on land she inherited from her father, Governor Robert Bowie.

According to James Wollon, AIA, the restoration architect who prepared a structural report on Bowieville in 1990 (as part of The Greens of Dumbarton application), ■Bowieville is the most sophisticated house of the Federal period in Prince George's County and it is among the most sophisticated houses erected in Maryland in the first quarter of the nineteenth century. It is a country house of great architectural importance and the existence of almost every original detail in unaltered condition makes Bowieville an unrivaled example of its class and period.■

Within the Historic Site's 14.7 acre Environmental Setting there are a number of additional buildings and structures, including a large tobacco barn dating from the early-nineteenth

century and probably contemporary to the mansion, a livestock barn (parts of which may date from the early nineteenth century), a late-nineteenth- or early-twentieth-century corn crib, a mid-twentieth century concrete-block dwelling (now partially fire-damaged) and the remains of an old wind-driven water pump and well. After the tobacco barn, the most significant of these structures is the livestock barn. As described in the Wollon report, the barn appears to be of hewn timber braced-frame construction, dating from the nineteenth century and possibly as old as the mansion itself.

The previous Basic Plan and the Comprehensive Design Plan for The Greens of Dumbarton proposed a village green to the north of the mansion, and it proposed to relocate the early-nineteenth century tobacco barn. The applicant at that time offered to donate the mansion and a sum of money (\$350,000) to a nonprofit organization. The University of Maryland and Prince George's Heritage, Inc., discussed a possible partnership to create an off-campus preservation study center at Bowieville. Prince George's Heritage supported the rezoning of the property on the basis of the then-applicant's commitments. The current CDP shows the tobacco barn in its original location.

In accordance with the recommendations in the proposed CDP, further decisions regarding Bowieville will be made at the time of Specific Design Plan review.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to the issuance of a building permits, the applicant, his heirs, successors and/or assigns shall pay an Adequate Public Facilities fee of \$3,360.00 per dwelling unit for schools, unless fully offset by a school facility surcharge payment. Any amount not offset shall be paid and divided among the schools at a rate determined by the guidelines. This adequate public facilities fee would be placed in an account to relieve overcrowding at Woodmore Elementary and Largo High Schools.
2. No residential building permits shall be issued for this subdivision until the projected percentage of capacities at all the affected schools are less than or equal to 130 percent or four years have elapsed since date of the adoption of the resolution of the approval of this preliminary plat of subdivision.
3. Prior to signature approval of the preliminary plan, the applicant shall provide evidence that the following have occurred:
 - a. All septic systems deemed to be an imminent health and safety problem by the Health Department shall be pumped and backfilled by a licensed scavenger.
 - b. A schedule for the abandonment of the existing residences on the property shall be submitted to the Health Department.
 - c. The well and septic system for the Young Hope Cottage shall be shown on the preliminary plan.

- d. All discarded material, hazardous material, and drums not used for watering horses shall be removed from the property and properly discarded by a licensed waste hauler.
 - e. The proposed disposition of all existing structures shall be included on the preliminary plan.
 - f. All lots along A-44 shall have a minimum lot depth of 150 feet.
 - g. All lots shall be removed from the PMA.
 - h. Lots 11-12, Block ■J•; Lots 35-55, Block ■G•; Lots 11-29, Block ■N•; and the portion of Parcel 7 showing the proposed swimming pool and tennis courts shall be shown as outparcels.
4. Prior to signature approval of the Preliminary Plan of Subdivision, the plan shall be revised to include the cart path detail referenced in the variation request. All cart paths that are proposed to cross PMAs shall be constructed as bridges or boardwalks for the entire length of the crossing. All cart paths shall be field located in consultation with the Environmental Planning Section staff prior to grading plan approval.
5. All septic systems that are not deemed to be an imminent health and safety problem by the Health Department shall be pumped and backfilled by a licensed scavenger as part of the grading operation.
6. The following note shall be placed on the final plat:
- An automatic fire suppression system shall be provided in all proposed buildings in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.●
7. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #6397-2001-00.
8. Prior to signature approval the preliminary plan shall be revised:
- a. To re-label all parcels alphabetically, not numerically.
 - b. To provide a parcel designation for the park/school site property.
 - c. To show the portion of proposed Street A-A between Hillrod Lane and Church Road to become a public street within a 60-foot right-of-way.
9. Prior to approval of the final plat of subdivision the applicant, his heirs, successors and/or assigns shall demonstrate alternative access for Parcel 19, located to the north. The land for this access shall be a minimum 25 feet wide, connect to Street H, and be conveyed to the property owner of Parcel 19 upon request. Construction of the driveway shall be the

responsibility of the applicant, his heirs, successors and/or assigns with concurrence from the property owner of Parcel 19.

10. Prior to the issuance of any building permits within the subject property during the given phase, the following road improvements shall (a) have full financial assurances, or (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. At MD 214/MD 193, provision of a second left-turn lane on the eastbound MD 214 approach.
 - b. At MD 214/MD 193, provision of a second through lane and conversion of the shared through/left-turn lane to a second left-turn lane on the northbound MD 193 approach.
 - c. At MD 214/MD 193, provision of a fourth through lane on the westbound MD 214 approach.
 - d. At MD 214/MD 193, provision of a second through lane and conversion of the shared through/left-turn lane to a second left-turn lane on the southbound MD 193 approach.
 - e. At MD 214/Church Road, conversion of the existing eastbound and westbound right-turn lanes along MD 214 into shared through/right-turn lanes through the intersection. With this change, the existing free-flow right-turn lanes along northbound and southbound Church Road would effectively become nonfree-flowing.
 - f. At MD 214/Church Road, provision of a second left-turn along the northbound Church Road approach.
 - g. At Church Road/Oak Grove Road, provision of an exclusive right-turn lane on the southbound approach and provision of an exclusive left-turn lane on the eastbound approach, with four-way stop control if warranted and approved by DPW&T.
11. At the time of final plat approval, the applicant shall dedicate right-of-way along Church Road as shown on the submitted plan. Improvements within the dedicated right-of-way shall be determined by DPW&T, and will include acceleration, deceleration, and left-turn lanes at each access point at a minimum.
12. Prior to the approval of the first Specific Design Plan for the subject property, the applicant shall submit and have reviewed an acceptable traffic signal warrant study to the Department of Public Works and Transportation (DPW&T) for the intersection of Church Road and the northernmost site access. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic. If deemed warranted by DPW&T, the applicant shall provide the signal and/or other warranted physical improvements at that location within a schedule to be determined by DPW&T. Alternatively, the applicant may consider the placement of roundabouts at this location and at the proposed intersection of Church Road and the southernmost access point. The design

of such roundabouts must be approved by DPW&T prior to Planning Board approval of the Specific Design Plan.

13. At the time of final plat approval, the applicant shall dedicate right-of-way along Oak Grove Road as shown on the submitted plan. Improvements within the dedicated right-of-way shall be determined by DPW&T, and will include acceleration, deceleration, and left-turn lanes at the proposed access point at a minimum.
14. All final plats shall indicate the A-44 facility as shown on the submitted plan with the notation ■Future Access-Controlled Highway Facility A-44.●
15. The applicant, his heirs, successors and/or assigns shall construct, at a time to be determined in a Recreational Facilities Agreement at the time of the first Specific Design Plan:
 - a. A Class I hiker-biker trail along the subject property's entire frontage of Church Road as reflected on the submitted CDP.
 - b. A Class I hiker-biker trail along the subject property's entire frontage of Oak Grove Road as reflected on the submitted CDP.
 - c. The multiuse, hiker-biker trail the entire length of the Black Branch Stream Valley Park. This trail will ultimately connect to a planned stream valley trail along Collington Branch. This trail shall be staked in the field with DPR and the trails coordinator prior to construction. Appropriate trail connections shall be included to this trail from the development parcels.
 - d. A comprehensive sidewalk network with sidewalks being constructed along both sides of all primary, secondary, and village roads.
16. All trails network shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed.
17. 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.
18. Prior to the approval of the Specific Design Plan (SDP) for any portion of the golf course, a detailed management plan shall be prepared to address integrated pest management, management and maintenance of the shrub/scrub areas, an analysis of the proposed tree cutting practices in the shrub/scrub areas, and a maintenance plan for the cart paths and bridges.
19. Prior to the approval of any Specific Design Plan proposing PMA impacts listed as A-3 & 4; B-1,2,3, & 5; C-5, 6 & 8-11; and D-2 on Attachment ■A● of the Environmental Planning Section's referral memo dated August 28, 2001, the SDP shall provide additional justification for the proposed impacts and show how the site has been redesigned to avoid or

further minimize the PMA impacts including, but not limited to, relocation of proposed site features, use of bridges, and any other technique.

20. Prior to the approval of each Final Plat of Subdivision containing preserved areas within the PMA, a Conservation Easement shall be established. The easement shall be described by bearings and distances and shall contain all portions of the PMA not approved for disturbance. The following note shall be placed on the plat.

■Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without the prior written consent of the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted.●
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.
22. Prior to the issuance of any grading permits which would initiate the requirement for off-site woodland conservation, a Woodland Conservation easement for the off-site properties being used to meet the requirements shall be recorded in the Land Records of Prince George's County, Maryland.
23. Prior to the issuance of any grading permits which include reforestation or afforestation areas the appropriate reforestation bonds shall be posted with the Department of Environmental Resources.
24. Prior to the approval of the applicable final plat of subdivision, transfer of lands to the M-NCPPC, the HOA, Saint Barnabas Church, or any other entity, the appropriate reforestation bonds for any reforestation or afforestation on the subject property shall be posted with the Department of Environmental Resources. Documentation shall also be provided to the Environmental Planning Section indicating when reforestation and afforestation will be completed on the subject properties along with a signed agreement from the property owner permitting access to the property to accomplish the required reforestation and afforestation. This work shall be completed prior to issuance of the first occupancy permit for any lots shown on an SDP that contains reforestation or afforestation areas,
25. Prior to the approval of the final plat of subdivision, the applicant, his heirs, successors and/or assigns shall demonstrate conformance to CB-72-2000, allowing the use of private roads to serve an integrated development which contains lands in the R-A, L-A-C, and R-L Zones. Specifically, if the applicant is unable to identify R-A-zoned land within the limits of the proposed preliminary plan all roads shall be dedicated to public use. However, the applicant may provide documentation that the proposal satisfies the intent of CB-72-2000. A letter from the Counsel to the District Council will be sufficient. In this case, private roads may be used.
26. As part of the SDP 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.

27. 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.
28. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the U.S., the applicant shall submit evidence that all federal and state approvals have been obtained.
29. The proposed golf course shall be designed in accordance with *Environmental Guidelines for the Design and Maintenance of Golf Courses*, (Department of Environmental Protection and Resources Management, Baltimore County, MD: 1990). The Specific Design Plans shall be reviewed by the Environmental Planning Section for compliance with these design guidelines.
30. Prior to the issuance of grading permits for the golf course, a maintenance program in accordance with *Environmental Guidelines for the Design and Maintenance of Golf Courses*, (Department of Environmental Protection and Resources Management, Baltimore County, MD: 1990) employing Integrated Pest Management (IPM) and methods to minimize fertilizer, insecticide, and herbicide run-off, shall be approved by the M-NCPPC Environmental Planning Section.
31. Each Specific Design Plan submittal that contains golf holes shall provide bioretention details for the treatment of piped run-off from fairway, green, and tee underdrain systems. Piping of run-off from any golf course surfaces directly into preservation areas, streams or ponds shall not be permitted.
32. Surface and ground water quality testing and monitoring of the golf course, in general accordance with the *Environmental Guidelines for the Design and Maintenance of Golf Courses*, (Department of Environmental Protection and Resources Management, Baltimore County, MD: 1990) shall be required for the golf course. A monitoring program shall be submitted as part of the first SDP submittal for approval by the M-NCPPC Environmental Planning Section.

The water quality program will require preconstruction monitoring for one year prior to the issuance of grading permits for the golf course. A shorter time frame may be approved for preconstruction monitoring if it is determined by the Environmental Planning Section that a sufficient baseline of data for essential parameters has been established. The monitoring program shall include monitoring prior to development, during development, and after development. If, at any time, the monitoring results reflect conditions that warrant action on the part of the applicant, said actions will be implemented by the applicant in consultation with the Department of Environmental Resources.

33. Prior to the issuance of grading permits, the applicant, his heirs, successors, and/or assigns shall provide a bond or other financial guarantee equivalent to the estimated cost of water quality monitoring over the timeframe which includes preconstruction, construction, and post-construction monitoring to M-NCPPC Planning Department.
34. Prior to building permits the applicant, his heirs, successors and/or assigns shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
35. The applicant, his heirs, successors and/or assigns shall submit three (3) original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
36. The applicant, his heirs, successors and/or assigns shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.
37. The applicant, his heirs, successors and/or assigns shall submit three (3) original Recreational Facilities Agreements (RFA) to the Park Planning and Development Division (PP&D) for approval prior to the submission of final plats, for construction of recreational trail facilities on park property. Upon approval by the PP&D, the RFA shall be recorded among the County Land Records.
38. The applicant, his heirs, successors and/or assigns shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on park property.
39. All land to be dedicated to a Homeowners Association shall be subject to the following conditions:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. All manmade debris shall be removed from the land to be conveyed.
 - c. The conveyed open space shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
 - d. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved Specific Design Plan or shall require the written consent of the Development Review Division. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements required by the approval process.

STAFF RECOMMENDS APPROVAL OF THE VARIATION REQUESTS IN PART AND DISAPPROVAL IN PART, IN ACCORDANCE WITH THE DISCUSSION OUTLINED IN FINDING 1 OF THIS REPORT.