

August 29, 2001

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Steven Adams, Urban Design Supervisor

FROM: James Jordan, Senior Planner

SUBJECT: Oak Creek Club
Comprehensive Design Plans, CDP-9902 and CDP-9903
Tree Conservation Plans, TCP I/91/01 and TCP I/92/01

PUBLIC HEARING

In accordance with the Comprehensive Design Plan provisions of Section 27-520, Subtitle 27-Zoning, of the Prince George's County Code, a Public Hearing is scheduled before the Prince George's County Planning Board at 10:00 a.m., September 6, 2001. The purpose of this hearing is to consider the Comprehensive Design Plans for Oak Creek Club, CDP-9902 and CDP-9903. Notice of this Public Hearing has been published in the *Enquirer-Gazette*, the *Journal Newspaper* and the *Prince George's Post*, on or before August 7, 2001.

INTRODUCTION

The Development Review Division of the Prince George's County Planning Department has coordinated a review of the subject application with all offices having any planning activities that might be affected by the proposed development. This staff report documents that process and presents findings and a recommendation to be acted upon by the Prince George's County Planning Board.

RECOMMENDATION SUMMARY

The staff recommends APPROVAL of the Comprehensive Design Plan, with the conditions listed in the Recommendation section of this report.

COMPREHENSIVE DESIGN ZONES

The Comprehensive Design Plan (CDP) phase of the three-phase Comprehensive Design Zone (CDZ) process requires the submittal of a plan which establishes the general location, distribution and sizes of buildings and roads. The plan includes several drawings and a text which includes the schedule for development of all or portions of the proposal and standards for height, open space, public improvements and other design features. The regulations for any of the Comprehensive Design Zones are at the same time more flexible and more rigid than are those of other zones in Prince George's County. The zones are more flexible

in terms of permitted uses, residential densities and building intensities. They are more rigid because some of the commitments made by a developer carry the force and effect of law upon approval by the Planning Board.

The principal difference between Comprehensive Design Zones and conventional zones is that the Comprehensive Design Zone includes a list of public benefit features and density or intensity increment factors. If a development proposes to include a public benefit feature in a development, the Planning Board, at this stage of the process, may grant an increment factor which increases the dwelling unit density or building intensity. The value of the public benefit feature or density-intensity increment proposal determines the size of the increase. A public benefit feature is an item which will improve the environment or lessen the public cost of a development. The intent is to create a development, through the granting of incremental density increases, which will result in a better quality residential, commercial and industrial environment.

EVALUATION CRITERIA

This Comprehensive Design Plan was reviewed and evaluated for compliance with the following criteria:

- a. Conformance with the Basic Plan, A-8437, A-8578, and A-8579.
- b. The requirements of Section 27-521 of the Zoning Ordinance, and the requirements of the Zoning Ordinance in the R-L Zone.
- c. The requirements of the Woodland Conservation Ordinance.
- d. Referrals.

FINDINGS

Based on analysis of the subject application, the Urban Design Review Section recommends the following findings.

1. Location ● The subject property is located at the intersection of Oak Grove Road and Church Road, directly north of Oak Grove Road, and directly east and west of Church Road, approximately 2,800 linear feet south of the intersection of Church Road and Central Avenue (MD 214). The site is bounded to the north by open space (zoned R-A and R-E) and the Cameron Grove development (zoned R-E); to the west by two occupied subdivisions of detached single-family residential properties, Kettering and Sierra Meadows (zoned R-80 and R-E) and a commercial plant nursery, Behnke's (zoned R-E); to the east by occupied and vacant residential property (zoned R-R and R-A) and Pennsylvania Railroad property; and to the south is open space (zoned R-E) and the Oak Grove Road right-of-way.
2. The Proposed Development ● The Comprehensive Design Plan as proposed by the applicant includes a maximum of 1,148 dwelling units, 877 single-family detached and 271 single-family attached, on approximately 923 acres. The housing is to be organized into 11 development pods, which will be located on both the east and west sides of Church Road. The R-L portion of development is proposed to consist of 1,096 dwelling units, 877 single-

family detached and 219 single-family attached, on approximately 890 acres. The L-A-C portion is proposed to provide for the remaining 52 single-family detached units. An 18-hole championship golf course will be integrated into the residential communities. A 2.02-acre pond exists in the northwestern portion of the site, and is proposed as a scenic focal point of the development. The Comprehensive Design Plan for Oak Creek Club is also proposed to include the following: a club house for the golf course, a recreation center with pool and tennis courts for the homeowners, 7 tot lots, 71.58 acres dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC) for the Black Branch Stream Valley Park, 35 acres dedicated to M-NCPPC for a community park, 260 acres dedicated as homeowners open space, and a 26-acre site to be conveyed to the Board of Education for a school-park site.

3. Background ● On November 26, 1991, the District Council approved the Zoning Map Amendment and accompanying Basic Plan Application No. A-8427, A-8578, and A-8579 (CR-120-1991) for the subject property. This Zoning Map Amendment rezoned the property from the R-A and R-R Zones to the R-L and L-A-C Zones.
4. The Approved Comprehensive Design Plan ● On January 28, 1993, the Planning Board approved Comprehensive Design Plan CDP-9203 (PGCPB No. 93-30(A)). The District Council affirmed the Planning Board decision on March 11, 1996.
5. The Approved Basic Plan ● On July 24, 2000, the District Council approved the amended Basic Plan application, A-8427, A-8578, and A-8579 (Zoning Ordinance No. 11-2000) for Oak Creek Club. The amended Basic Plan provided for generally the same number of residential units and types of recreational/public amenities, but included an 18-hole golf course. The Basic Plan is subject to 49 conditions, 10 considerations, and the following land use types and quantities:

Land Use Types (R-L Zone): A-8427 and A-8578

Single-family detached and attached dwellings
Recreation center or other recreational facilities
School
Church/Day care or similar quasi-public use
Accessory uses
Golf course and associated uses

Land Use Types (L-A-C Zone): A-8579

Retail uses
Professional offices
Church/Day care or similar quasi-public use
Recreation center
Single-family detached and attached dwellings
Historic site
Accessory uses
Golf course and associated uses

Land Use Quantities (R-L Zone): A-8427 and A-8578

Gross Acreage 889.5 ∇ acres

Less one-half floodplain acreage -46 .0 ∇ acres
Adjusted Gross Acreage 843.5 ∇ acres
Base Density (1.0 d.u. x 843 ac.) 843 dwelling units
Approved Basic Plan density
(1.3 d.u. x 843 ac.) 1,096 dwelling units

Land Use Quantities (L-A-C Zone): A-8479

Gross Acreage 33 ∇ acres
Community service center 40,000 square feet
Approved Basic Plan density 52 dwelling units

6. Findings Required by Section 27-521 of the Zoning Ordinance (Findings 6-16 below) ●
Findings 6-16 below are required by Section 27-521 before the Planning Board may approve a Comprehensive Design Plan.

The Comprehensive Design Plan for Oak Creek Club, when modified by the proposed conditions described below, will be in conformance with the conditions and considerations of Zoning Application No. A-8427, A-8578, and A-8579. Specific conditions and considerations which warrant discussion regarding conformance of the Comprehensive Design Plan with the Basic Plan are considered below:

1. **In no event shall the maximum number of dwelling units exceed 1,096 in the R-L Zone or 52 in the L-A-C Zone.**

Comment: The proposed plan provides for 1,096 dwelling units in the R-L Zone, and 52 in the L-A-C. The condition has been satisfied.

2. **Approval of the L-A-C Zone for 33 acres with the provision that the maximum square footage of the proposed commercial component shall be determined at Comprehensive Design Plan (CDP) review. Should it be determined at that time that adequate market support does not exist for the proposed 40,000 square feet of commercial development, a staging plan shall be approved providing for the development of a Neighborhood Activity Center in accordance with the Master Plan and Zoning Ordinance requirements for such centers and the subsequent expansion of the center at such time as the necessary market support can be determined.**

Comment: : The applicant chose to submit the market study, dated 1990, provided with the previously approved Comprehensive Design Plan, CDP-9203, based on their conclusion that there has been no decrease or substantial negative changes in the market area since 1990. The Information Management Section reviewed the proposal and accompanying market study for the commercial component within the development. In a memorandum (Valenza to Lareuse) dated June 20, 2001, the following comments were provided:

■ have reviewed the market study included in the Oak Creek Club comprehensive design plan amendment and the memos I wrote in response to that market study.

Given the information in the market study, which was written in 1990, there is no reason to alter my conclusion, which was written in 1993. At that time I wrote that 26,000 square feet of commercial space will be supportable at the end of Stage III in 2006 and that 29,500 will be supportable by 2010.

■According to the original application, 1,148 dwelling units will exist after Stage III in 2006. According to the staging plan of this amendment, that number will exist after Phase 4 in 2007 as identified in the staging schedule on page 22 of the amendment. While the timing in the original plan and the amended plan are similar, they are not the same. The difference, even though minor, is crucial because most of the support for the commercial space comes from the residential component of this proposal. Additionally, the amended plan calls for the retail component in Phase 2 between 2002 and 2004, which is several years before it is supportable.

■This leads me to conclude that an update of the original market study is needed to provide the Planning Board with current information. I don't think a full-scale market study is required for this. An update to the 1990 study may be adequate. This could take the form of something fairly straightforward. Applying the ratios between the amount of supportable space and dwelling units in the original plan to the dwelling unit phasing for the market area in the amended plan is one example of a simple straightforward approach.●

Therefore, it is recommended that the market study provided as part of the subject application be updated to reflect the currently proposed phasing plan with regard to dwelling units and the amount of supportable commercial space. Furthermore, the commercial component shall be capped at 26,000 square feet. If market conditions change an increase in square footage may be approved by the Planning Board up to, but not exceeding, 40,000 square feet. Any future application to increase the commercial component area shall be accompanied by a current market study and any necessary supporting documentation.

3. **At each access point off of Church Road and Oak Grove Road, the amended Basic Plan will provide entrance buffers 100 feet wide on each side of the access road and 100 feet deep along the access road.**

Comment: It is recommended that this condition be carried forward to the subject CDP, to ensure compliance at the time of SDP.

4. **Prior to approval of a preliminary plan of subdivision, construction funding for the intersection of MD 193/MD 202, including the roadway link of Largo Road (MD 202) from the intersection with White House Road to the Watkins Park Road intersection and the realignment and widening of MD 193 to four lanes along the Master Plan alignment between MD 202 and Oak Grove Road shall be identified in the Maryland Department of Transportation's Consolidated Transportation Program or the Prince George's County Capital Improvement Program. The applicant shall make a cash contribution to the Prince George's County Department of Public Works and Transportation and**

notification shall be provided by the applicant to The Maryland-National Capital Park and Planning Commission. The cash contribution shall be identified for improvements to Largo Road (MD 202) between Watkins Park Road (MD 193) and White House Road including the Watkins Park Road intersection. The amount of the cash contribution shall be determined by the Prince George's County Planning Board.

Comment: The Transportation Planning Section provided the following comments:

■The widening of MD 202 described is complete.●

5. **Prior to approval of a preliminary plan of subdivision, there shall be an assurance of public and/or private funding commitments in sufficient amount to finance the installation of traffic signalization equipment, if signalization is deemed to be warranted, at the Watkins Park Road (MD 193)/Oak Grove Road intersection, in accordance with Maryland State Highway Administration standards.**

Comment: The Transportation Planning Section provided the following comments:

■The State Highway Administration and the County Department of Public Works have determined, based on studies, that a roundabout rather than a signal is the most appropriate means of traffic control at the MD 193/Oak Grove Road intersection. The roundabout has been funded and installed, and is operational.●

6. **Prior to the approval of Preliminary Plan of Subdivision, the Maryland State Highway Administration shall modify the Central Avenue (MD 214)/Church Road intersection to provide for Level-of- Service (LOS) "D" during both peak hours. Full construction funding shall be identified in the Maryland Department of Transportation's Consolidated Transportation Program, the Prince George's County Capital Improvement Program or from private sources. If the warrants are met and signalization is deemed necessary by the Maryland State Highway Administration (SHA) and/or the Prince George's County Department of Public Works and Transportation (DPW&T), the applicant shall be responsible for assuring that traffic signalization equipment and necessary geometric improvements have been provided.**

Comment: The Transportation Planning Section provided the following comments:

■At the time that this condition was written, MD 214 was a two-lane highway with widening under construction. At this time, existing conditions indicate that the MD 214/Church Road intersection operates at LOS D or better in both peak hours.●

7. **Prior to approval of a preliminary plan of subdivision for Stage I, a line, grade and staging concept for Leeland-Oak Grove Road as a major collector facility (in accordance with the C-58 alignment in the Approved Bowie-Collington-Mitchellville Master Plan), must be finalized and approved by the Department**

of Public Works and Transportation and The Maryland-National Capital Park and Planning Commission.

Comment: The Transportation Planning Section provided the following comments:

■This is actually an issue that is better handled at the time of Final Plat, but will be resolved prior to signature approval for the Preliminary Plat.●

- 8. Prior to the issuance of any building permits for more than 200 dwelling units, the applicant shall bond to construct, at a minimum, a half section of a major collector facility along the realignment of Oak Grove-Leeland Road from the Watkins Park Road/Oak Grove Road intersection through the Church Road/Oak Grove-Leeland Road intersection. The roadway shall be constructed in accordance with Prince George's County Department of Public Works and Transportation requirements.**

Comment: The Transportation Planning Section provided the following comments:

■This condition must be verified at the time of Specific Design Plan for 200 dwelling units.●

It is recommended that this condition be carried forward to Preliminary Plan of Subdivision and Specific Design Plan approvals.

- 9. Prior to the issuance of any building permits, the applicant shall bond to construct access improvements at the Site Access "1" on Church Road and the Site Access "2" on Oak Grove Road to provide for a separate right and left turn lane on the approaches of the access points.**

Comment: The Transportation Planning Section provided the following comments:

■This condition was made a condition of Preliminary Plat of Subdivision. The bonding will be completed by the County Department of Public Works and Transportation at the time that the necessary roadways are dedicated.●

It is recommended that this condition be carried forward to Preliminary Plan of Subdivision and Specific Design Plan approvals.

- 10. On all preliminary plats, final plats, site plans and other plan documents used to represent the proposed development, on which the A-44 right-of- way appears, the applicant, his heirs, successors and/or assigns shall identify the right-of-way as a future access-controlled arterial highway facility, in accordance with the approved *Bowie-Collington Master Plan*.**

Comment: The Transportation Planning Section provided the following comments:

■This condition was made a condition of Preliminary Plat of Subdivision.●

It is recommended that this condition be carried forward to Preliminary Plan and Final Plat of Subdivision, and Specific Design Plan approvals.

11. **The applicant shall dedicate the right-of-way for Church Road as a variable-width (90-foot minimum) four-lane collector with an open median of varying width as determined by DPW&T. The location and width 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: The subject application proposes to dedicate the right-of-way for Church Road as a variable-width four lane collector with an open median. The right-of-way width adjacent to the L-A-C-zoned land will be 120 feet wide, and south of the L-A-C area will be 100 feet. The applicant has submitted an Inventory of Significant Visual Features, see Finding No. 17 below, which was found to be acceptable by the Environmental Planning Section. The plan provides for the variable-width four-lane collector to run from the north perimeter of the park/school parcel, adjacent to the L-A-C-zoned land, south approximately 1,500 linear feet. The existing roadbed is proposed to be used as part of this upgrade. Staff believes the location, width, and length of the four-lane collector are appropriate given the size, layout, and existing conditions on Church Road with regard to the proposed plan.

12. **A woodland conservation requirement of 25 percent shall be established for the portion of the site zoned R-L, 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-L zoned land. A Woodland Conservation requirement of 15 percent 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 Environmental Planning Section provided the following comments:

■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, has been reviewed and found to address the requirements of the Prince George's County Woodland Conservation Ordinance.

■This 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 and 2:1 replacement requirements of 82.29 acres and for a total requirement of 291.49

acres. In addition, an off-site mitigation easement of 25.00 acres was previously established at 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-acre parcel to be dedicated to St. Barnabas Church is proposed as an afforestation area.

■TCPI/91/92-01 has been found to address the requirements of the Prince Georges County Woodland Conservation Ordinance and is recommended for approval subject to 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: The Environmental Planning Section provided the following comments:

■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.●

It is recommended that this condition be carried forward to the subject CDP.

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: The Environmental Planning Section provided the following comments:

■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.●

It is recommended that this condition be carried forward to the subject CDP.

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

Comment: The Environmental Planning Section provided the following comments:

■This condition shall be addressed during the review of the SDP and TCPII, at which time the applicants shall identify all proposed wetland mitigation areas.●

It is recommended that this condition be carried forward to the subject CDP.

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

Comment: This condition will be carried forward to the subject CDP.

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: The required noise study was submitted with the Comprehensive Design Plan. The Environmental Planning Section provided the following comments:

■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 the each of the potential noise generators identified.

■Several of the lots adjacent to proposed A-44 have lot depths of less than 300 feet. Since proposed A-44 is a controlled access road it would typically be treated as a freeway or expressway and the adjacent residential lots must have a lot depth of 300 feet in accordance with Section 24-121(a)(4).●

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. It is recommended that this condition be carried forward to the subject CDP.

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

Comment: The Environmental Planning Section provided the following comments:

■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, storm-water 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.

■The CDP and TCP were revised according to comments provided by the Environmental Review Section in order to reduce the extent and the number of PMA impacts. The proposed impacts which remain will be addressed in detail during the review of the Preliminary Plan of Subdivision and the variation request to Section 24-130 of the Subdivision Ordinance.●

It is recommended that this condition be carried forward to the subject CDP.

- 20. As part of the submittal of the CDP, the applicant shall include a conceptual layout of water and sewerage service to the site and an analysis of the impact of the construction of these facilities. Applicant, technical staff, and the WSSC shall work together using their best practical efforts to minimize the impact of water and sewer line construction on the subject property.**

Comment: The Environmental Planning Section provided the following comments:

■Except for five (5) areas, the Conceptual Water and Sewer Plan and the TCPI show the sewer and water alignments to be in the road right-of-ways. Two of the instances in which the alignment does not follow the road right-of-ways provides for outfall connections between the western and eastern portion of the site. Two other instances provide for the outfall connections to the existing sewer lines east of this property. The final instance provides a connection between the southern and northern part of the property.

■The impacts to the PMA, woodlands, and other environmental features have generally been minimized. The proposed sewer and water alignments will be further evaluated during the review of the Specific Design Plans.●

- 21. As part of the submittal of the Preliminary Plat, the applicant shall include a soil study which identifies the location and extent of Marlboro Clay.**

Comment: This condition will be enforced in the context of the Preliminary Plat of Subdivision.

22. **The Environmental Setting of the Bowieville Historic Site (#74A-18) is approximately 14.7✓ acres. Its boundaries are defined on the staff ■Approved Environmental Setting• sketch found in the Technical Staff Report. Prior to CDP approval, the applicant shall complete a survey and map of historic landscape features around Bowieville (including the terraced gardens northeast of the mansion) to include a metes and bounds survey of the 14.7✓ acres as a basis for any potential revisions to the Historic Site•s Environmental Setting. Further, the Comprehensive Design Plan approval shall take into consideration the following:**

- a. **Potential revision to the Environmental Setting shall be based on the identification of an ultimate user for the Mansion and tobacco barn and appropriately detailed reuse and restoration plans.**

Comment: The Planning and Preservation Section provided the following comments:

■By action of the Historic Preservation Commission on June 19, 2001, the Environmental Setting for Bowieville has been amended to include the approximately 14.7-acre Environmental Setting requested by the applicant. It includes the historic entry lane and removes the area of the proposed pool and clubhouse and the remaining outbuildings to the south as shown on the attached map. As required by Condition 22, a metes and bound survey of the adjusted lines of the 14.7 acres should be submitted prior to SDP approval.

■In regard to Condition 30, CDP consideration of adaptive uses, it was brought to staff•s attention at an internal multi-division meeting that the Historic Site is proposed to be located within HOA property on the Preliminary Plan. The HOA issue was not presented at Basic Plan. It is not acceptable for the Historic Site to be included within HOA land because it is unreasonable to expect the HOA to be responsible for the maintenance, repairs, and restoration on a facility such as Bowieville. Furthermore, in order for the property to be considered for any of the recommended adaptive uses it must either be on a lot that can be conveyed either as a private residence or as a commercial use, or it must become part of the golf course complex. The applicant stated in a meeting on June 12, 2001, that they plan to use the Historic Site as part of the golf course complex. The tobacco barn will be used as part of the golf course complex also.●

- b. **Prior to Specific Design Plan approval for the Environmental Setting, parking for the adaptive reuse of Bowieville shall be provided primarily in the following locations: the adjoining streets, proposed clubhouse parking area, and parking area of the nearby commercial center.**

Comment: This condition will be carried forward to this CDP for review at the time of Specific Design Plan.

- c. **The Environmental Setting shall be augmented with additional land to the west of the Historic Site to include the entirety of the historic entry lane so that the lane may be included within the L-A-C as a means of access to the Historic Site.**

Comment: The Historic Site Environmental Setting will be augmented with additional land to the west, per action of the Historic Preservation Commission on June 19, 2001 (see attached sketch map). The historic entry lane is proposed to be included with the L-A-C so as to provide access to the historic site.

- 23. **Prior to approval of the Comprehensive Design Plan, the applicant shall install appropriate security measures at Bowieville to include fire and burglar alarms, security fencing and lighting and shall undertake appropriate weatherization repairs to preclude further deterioration of the Historic Site. These measures include but are not limited to:**

- a. **Retaining and maintaining the existing chain-link fence in secure condition with a locked gate around the Historic Site.**
- b. **Retaining and maintaining the plywood coverings over the window and door openings of the Historic Site.**
- c. **Conducting roof repair and repairs to drainage systems, flashing and caulking as they occur.**
- d. **Installing a security and fire alarm system within the Historic Site, with an on-site burglar and fire alarms connected to central station monitoring.**
- e. **Maintaining all historic outbuildings within the Environmental Setting in structurally stable and secure condition.**
- f. **Posting ■No Trespassing■ signs on the Historic Site and the surrounding property.**

Comment: The applicant has verbally agreed to the said security requirements, and has demonstrated compliance to them with the exception of the provision of a security/fire alarm system connected to central station monitoring and maintaining/stabilization of all historic outbuildings within the Environmental Setting. Furthermore, prior to certification of the Comprehensive Design Plan the applicant should provide evidence of a written agreement with the Historic Preservation Commission that defines/outlines responsibilities and timing with regard to the outstanding requirements of the subject condition.

- 24. **The property shall be inspected on behalf of the applicant by a qualified preservation architect, preservation contractor or structural engineer 60 days**

after the approval of the Amended Basic Plan with inspection reports filed with the Planning Board or its designee at quarterly intervals until the Historic Site is completely restored or adaptively reused. The inspections shall ensure the maintenance of the security fence, window coverings, alarm systems, ~~no~~ trespassing signs, as well as any interim repairs made to preclude further deterioration as determined by the Conditions Assessment. Evidence of quarterly inspection reports shall be provided by the applicant prior to approval of the Comprehensive Design Plan and all future Specific Design Plans.

Comment: The applicant has submitted an initial quarterly report prepared by a qualified consultant. It is recommended that this condition be carried forward in the subject CDP and into the subsequent Specific Design Plan approvals.

25. **Prior to the approval of a Comprehensive Design Plan and as part of a Comprehensive Preservation/Reuse Plan (CPRP) for the Historic Site, the applicant shall complete a Conditions Assessment of the Historic Site. The Conditions Assessment shall be prepared by a qualified preservation architect, preservation contractor or structural engineer for review by the Historic Preservation Commission. The Conditions Assessment shall prioritize the following:**
- a. **~~Immediate~~ repairs deemed necessary to preclude further deterioration;**
 - b. **Those ~~interim~~ and cyclical repairs required to maintain the property in reasonable condition prior to its rehabilitation;**
 - c. **Those ~~ultimate~~ repairs associated with a use-specific rehabilitation of the property. Immediate repairs shall include but not be limited to the stabilization and securing of the historic tobacco barn northeast of the mansion.**

Comment: A Conditions Assessment of the Historic Site on May 28, 2001, was found to be acceptable by the Historic Preservation Commission. The condition has been satisfied.

26. **Prior to the approval of the first Preliminary Plat, immediate repairs identified in the Conditions Assessment shall be completed by the applicant. Evidence of the completed work shall be provided to the Planning Board or its designee and certified by a qualified preservation architect, preservation contractor or structural engineer.**

Comment: Fulfillment of this condition will be evaluated in the context of the Preliminary Plat review.

27. **The applicant, his heirs, successors or assigns shall submit an Historic Area Work Permit (HAWP) for the restoration and adaptive reuse of the Bowieville Historic Site prior to the issuance of the 281st building permit for the development. The HAWP shall be consistent with the Secretary of the Interior's Standards for Rehabilitation and the Historic Preservation Commission's Policies and Guidelines and shall specifically address preservation of original fabric. The restoration of the Historic Site shall be completed prior to the issuance of the 400th building permit for the development.**

Comment: This condition will be carried forward in this CDP.

28. **Prior to the issuance of the 281st building permit for the development, a performance bond or letter of credit or other suitable financial guarantee shall be issued by the applicant to be held by the M-NCPPC to guarantee the timely and satisfactory completion of the restoration of the Historic Site. Bonding procedures shall follow those in place for private recreational facilities agreements.**

Comment: This condition will be carried forward in this CDP.

29. **A Phase I archeological survey in the garden areas south and northeast of the house and summary report shall be undertaken by the applicant prior to CDP submission to determine the location and extent of historic landscape features, so that any important features can be protected and/or restored by the applicant. Additional archeological investigation (Phase II and Phase III) shall be conducted by the applicant if warranted by the Historic Preservation Commission within a reasonable amount of time after the completion and submittal of the Phase I report, and prior to the approval of the Comprehensive Design Plan.**

Comment: A Phase I archeological survey was completed by the applicant in 1999, and found to be acceptable by the Historic Preservation Commission. Phase II and Phase III studies may be warranted by the Historic Preservation Commission at the time of Specific Design Plan submissions when areas of disturbance are clearly defined. A condition is recommended below stating that prior to submission of a Specific Design Plan for the areas in question around the historic house, the applicant shall receive a written determination from the Historic Preservation Commission regarding the need for Phase II and/or Phase III archeological studies. If either or both are required, they shall be completed and approved by the HPC prior to the approval of the relevant SDP.

30. **The Comprehensive Design Plan shall consider appropriate uses for the Bowieville Mansion and tobacco barn which may include but not be limited to the following:**

- a. **Reception hall/rental facility**
- b. **Art gallery**

- c. Restaurant
- d. Country Inn
- e. Antique shop or other such low intensity retail use
- f. Eleemosynary or philanthropic use
- g. Low intensity office use
- h. Library or similar cultural use
- i. Private residence
- j. Private school
- k. A combination of the above uses

Additional uses may be approved at the time of Specific Design Plan for the Historic Site's Environmental Setting subject to approval by the Historic Preservation Commission.

Comment: The applicant has stated that both the mansion and tobacco barn will initially be used as part of the golf course complex. More detailed information will be required at the time of the Specific Design Plan.

- 31. The applicant shall donate a protective easement on the exterior of Bowieville and the significant features within its Environmental Setting to an appropriate body capable of holding easements, within 180 days after settlement on Phase I of the development or prior to final plat approval, whichever is sooner. The area potentially protected by an easement shall be identified on all future submittals as the area of historic concern.**

Comment: It is recommended that this condition be carried forward as a condition of the subject CDP.

- 32. Comprehensive and Specific Design Plan review by the Historic Preservation Commission shall be required on structures adjacent to the Historic Site's Environmental Setting. This review will include but not be limited to architectural design, building placement, materials, roof features, fencing, landscaping and parking, in relationship to views from the Historic Site.**

Comment: The appropriate time for review of architectural design, building placement, materials, roof features, etc. with regard to the Historic Site's Environmental Setting is at the submission of Specific Design Plans. Therefore, this condition will be carried forward in the subject CDP.

- 33. Timing mechanisms may be reviewed and amended by the Planning Board or its designee upon recommendation of staff during Comprehensive Design Plan Review. Specifically, these mechanisms involve the following conditions: Condition 24 (Security Measures); Condition 25 (Security Inspections); Condition 26 (Conditions Assessment); Condition 27 (Repair/Restoration Timetable); Condition 30 (Archeological Investigation). The review and potential revision of the Historic Preservation Commission's recommended timing mechanisms shall take into account the following considerations:**

- a. **The need to provide for interim security for the Bowieville Historic Site and to preclude further deterioration by neglect and to guarantee stabilization and restoration as part of the development project;**
- b. **The applicant's statement that he will not own the property until 90 days after Preliminary Plat approval.**

Comment: The Historic Preservation Commission reviewed the subject application on June 19, 2001. Per the memorandum (Historic Preservation Commission to Lareuse) dated July 17, 2001, no recommendations are proposed to alter the timing mechanisms as approved per Zoning Ordinance No. 11-2000. Therefore, the above-mentioned timing mechanisms with regard to the cited conditions will remain as approved.

34. **All commercial and public assembly structures shall be fully sprinklered in accordance with National Fire Protection Standard (NFPA) 13 and all applicable County laws.**

Comment: It is recommended that this condition be carried forward as a condition of this CDP.

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

Comment: It is recommended that this condition be carried forward as a condition of this CDP.

36. **The Basic Plan shall be amended to show the relocation of the 27-acre park/school site to the east side of Church Road at the northern boundary of the subject parcel as shown on the Department of Parks and Recreation (DPR) exhibit "A." The applicant shall dedicate this land at such time as requested by the Prince George's County Planning Board.**

Comment: The proposed plan provides for the 27-acre park/school site to be located on the east side of Church Road immediately north of, and adjacent to, the L-A-C-zoned land, in conformance with the requirements of the subject condition.

37. **The CDP shall investigate and evaluate an extension of the planned hiker/biker trail east of Church Road as shown on DPR exhibit A.**

Comment: The subject plan proposes to dedicate the entirety of the Black Branch Stream Valley. The Comprehensive Design Plan text for the R-L Zone acknowledges the proposed preservation of the Black Branch Stream Valley (see ENHANCING PHYSICAL FEATURES p. 27). Although verbally agreed to by the applicant, neither the CDP plan nor text provides a definitive statement with regard

to the provision of the extended planned hiker/biker trail east of Church Road. The subject application was referred to the Transportation Planning Section and in a memorandum (Shaffer to Adams/Lareuse) dated June 1, 2001, it was recommended that the applicant construct a ■multiuse hiker/biker trail the entire length of the stream valley• within the property to be dedicated to DPR. Therefore, prior to certificate approval the CDP plans and text should be revised to indicate the provision of a hiker/biker trail along the entirety of the property to be dedicated to the DPR in the Black Branch Stream Valley on the subject property.

- 38. 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 Community.**

Comment: It is recommended that this condition be carried forward in the subject CDP and that prior to certificate approval, a conceptual alignment for this new access be shown on the CDP plan.

- 39. The floodplain (with the exception of road crossings) and adjoining buffer area along Black Branch shall be dedicated to M-NCPPC.**

Comment: The CDP plans and text submitted for the proposed development provide for the dedication of the floodplain and adjoining buffer area along Black Branch to M-NCPPC. The condition has been satisfied.

- 40. The amended Basic Plan shall show the Class I trail along Church Road, the entire frontage of the subject property, and also a Class I trail along the entire Oak Grove Road frontage.**

Comment: The CDP plans and text submitted for the proposed development provide for the construction of a Class I trail along the entire frontage of both Church and Oak Grove Roads in conformance with the subject condition. The condition has been satisfied.

Comment: The proposed plan provides for the 27-acre park/school site to be located on the east side of Church Road immediately north of, and adjacent to, the L-A-C-zoned land, in conformance with the requirements of the subject condition.

- 41. At the time of Comprehensive Design Plan review, the locations of the trails, paths and sidewalks proposed will be evaluated on their interrelationship within the entire development site with respect to pedestrian movements.**

Comment: The proposed plan provides for a pedestrian network that will consist of the following components:

- 4-foot-wide sidewalk
- 5-foot-wide sidewalk
- 8-foot-wide hiker/biker trail

■ Stream Valley trail

In evaluation of the circulation plan and typical road sections, it was found that the proposed pedestrian network will be discontinuous, and in some locations nonexistent. Notwithstanding the variety of pedestrian facilities which are acceptable, the overall layout and composition of the pedestrian network is unacceptable and insufficient to provide a reasonably comprehensive network that will readily serve all prospective residents of the development equally. The proposed plan is inconsistent in the designation of which streets will receive sidewalks. In several locations, proposed Development Parcels A, B, C, D, E, H, I, J, and L, sidewalks are proposed for a portion of the development parcel, but end at arbitrary points. In development Parcel H no sidewalks are provided, and in Parcel I the proposed sidewalk abuts the first two lots then abruptly ends. Furthermore, in no section of proposed development on R-L-zoned property are sidewalks proposed on both sides of a prospective right-of-way. The treatment of providing sidewalks in some areas but not others within the same development parcel, in some instances no sidewalks at all, and sidewalks on only one side of the roadway, is not consistent with ■ upscale development. • The stream valley trail will be accessible from the pedestrian network provided on development Parcels A, B, C, D, E, J, K, and L. The hiker/biker trail along Church Road and Oak Grove Road is generally accessible from points along both rights-of-way at the intersections from the proposed development, and from lots that front onto the said rights-of-way. Given the proposed pedestrian network, many residents will not be able to access either the stream valley trail or the hiker/biker trail without walking significant distances within a paved vehicular road section.

One of the basic tenets of planned community developments is to provide extensive pedestrian networks that are safe, accessible, and convenient in an effort to foster pedestrian movement, while discouraging unnecessary vehicular travel. The proposed pedestrian network does not conform to this noted design principle in any fashion. The safety of the proposed network is in question since a significant number of residents will be forced to either cross, or walk a distance within, a paved vehicular road section to access a sidewalk. Accessibility and convenience are both concerns given the fact that residents will have to share paved road sections with moving vehicles in attempts to use sidewalks, trails, etc. Convenient accessibility means no resident should have to share a paved road section with moving vehicles to use the pedestrian network. Staff's analysis of the proposed CDP pedestrian network finds that what the plan provides for are several pedestrian systems which function somewhat independently with regard to allowing equal, safe, convenient access to all prospective residents. Staff believes that the required interrelationships in the subject condition not only reference the relationships of all paths, trails, and sidewalks to each other, but as importantly the relationship of the proposed pedestrian network to the residential lots and how pedestrians will access the network.

Thus, for the above-stated reasons with respect to the development of an ■ upscale community • that provides a safe, accessible, convenient pedestrian network that

fosters pedestrian movement, it is recommended that sidewalks (minimum five-foot-wide) be provided on both sides of all primary roads, and (minimum four-foot-wide) on both sides of all secondary roads. Given the current characteristics of active recreational communities, and the proposed on-site recreational amenities that will promote pedestrian movement within the development, staff believes the recommended condition is appropriate.

- 42. In the interest of preserving the tree-lined driveway of the Beall House property, once alternative vehicular access to the Beall House is provided, the balance of the drive shall be incorporated into the open space network.**

Comment: The alternative vehicular access to the Beall House should be determined at the time of Preliminary Plat approval, thus the balance of the drive should be incorporated into the open space network at that time. Therefore, a condition is recommended requiring that prior to approval of the Preliminary Plat, the alternative vehicular access to the Beall House shall be provided, and the balance of the drive shall be incorporated into the open space network.

- 43. If there is a deficit contribution necessary to fund the extension of sewer and water lines for the project, applicants shall pay such deficit as determined by the WSSC.**

Comment: The subject condition does not identify the specific timing of payment, nor the mechanism by which said payment will be triggered. Therefore, it is recommended that this condition be carried forward to this CDP in principle but modified as follows: Prior to certification of the first Specific Design Plan the applicant shall pay any deficit contribution necessary to fund the extension of sewer and water lines for the project as determined by the WSSC.

- 44. All of the private recreational amenities identified in the amended Basic Plan text shall be listed on the face of the amended Basic Plan.**

Comment: The proposed private recreational facilities identified on the proposed CDP plan and in the text are as follows:

18 Hole Golf Course and Club House
Two (2) Tennis Courts
One (1) Swimming Pool and Bathhouse
Seven (7) Tot Lots

These facilities are consistent with those shown on the Basic Plan.

- 45. The open space element of the amended Basic Plan or its equivalent shall be clearly identified on the face of the plan.**

Comment: The proposed Comprehensive Design Plan text states that approximately 260 acres of open space will be provided on the subject property. The applicant has provided an open space plan which shows all proposed open

space, approximately 215 acres, and corresponding calculations for areas of tree preservation, wetlands, and floodplain, on the property. The condition has been satisfied, but the CDP text and open space plan need to be coordinated to provide consistent acreages. The said open space plan and calculations shall be included as part of the approved CDP set, and furthermore it is recommended that prior to approval of each Specific Design Plan the applicant shall submit an overall open space plan with calculations for areas of tree preservation, wetlands, and floodplain, to ensure preservation of areas approved as open space per CDP-9902 and CDP-9903.

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

Comment: The applicant has provided a preliminary errant ball study which indicates, at least at the conceptual CDP stage, that the abutting lots will be safe. Furthermore, the applicant will be required to provide detailed errant ball studies with the submission of each residential Specific Design Plan to demonstrate that the subject lots will not be encumbered by errant golf shots. As previously stated, if the golf course is developed first, then the review and approval of residential lots adjacent to the course will be simplified based on existing golf course conditions. Furthermore, although approved as part of a Basic Plan condition, staff does not believe that nets are an appropriate measure to mitigate errant shots in an upscale community such as the subject proposal. Thus, it is recommended that this condition be carried forward to the subject CDP and all residential Specific Design Plan approvals and be modified as follows. ■If, after the golf course is completed and in use, and the adjacent residential areas are completed and occupied, it becomes apparent that errant golf balls are creating an unexpected hazard to persons or property off the golf course by repeatedly leaving the golf course property, the developer and/or golf course operator shall be required to retrofit the golf course with landscape screens, berms, additional course hazards, or an equally appropriate mitigating element, as determined by the Planning Board or its designee, and in the heights and locations specified by the Planning Board or its designee, sufficient to minimize the travel of golf balls beyond the lot lines of the site on which the golf facility is located. Such mitigation elements shall be continuously maintained so as not to fall into disrepair.●

- 47. For those lots with frontages along Church Road or Oak Grove Road, or with an intervening open space parcel between the road and the lot, the minimum lot width shall be 100 feet. Units on these lots shall have side- entrance garages**

and may have dualized driveways. A 50-foot building setback is required from the street line and the property line. Units built on these lots shall have side-entrance garages and may have dualized driveways.

Comment: It is recommended that this condition be carried forward in the subject CDP for fulfillment in the to Preliminary Plan of Subdivision and Specific Design Plan approvals.

- 48. Lots in Parcel A, backing up to the adjacent R-E Zone (Sierra Meadows) shall have a minimum landscape strip outside of the rear yards of at least 50 feet. Lots in Parcel C, backing up to the R-E Zone (Behnke's Nursery), shall have a minimum landscape strip of at least 50 feet wide outside of the rear yards. Lots in Parcel L, backing up to the R-E Zone (Seton Belt property), shall have a minimum landscape strip of at least 50 feet outside of the rear yards. At the time of CDP review, the applicant may propose alternative design techniques including smaller lots, landscaped strips, etc., in order to address the issues of compatibility and the large lot component.**

Component: The subject application has proposed no modifications to the requirements of this condition. Therefore, it is recommended that this condition be carried forward in the subject CDP for fulfillment in the Preliminary Plan of Subdivision and Specific Design Plan approvals.

- 49. The applicant shall convey the open space parcel created by the relocation of Oak Grove Road to the St. Barnabas Church or the appropriate entity capable of holding real estate.**

Comment: The proposed plan indicates the relocation of Oak Grove Road across from St. Barnabas Church. The open space parcel created as a result of the realignment of Oak Grove Road will come into being at the time of Preliminary Plat approval, and the parcel should be conveyed prior to Final Plat approval. Therefore, it is recommended that this condition be carried forward in the subject CDP for fulfillment in the Preliminary Plan of Subdivision approval and modified as follows:
■Prior to Final Plat approval the open space parcel created by the relocation of Oak Grove Road shall be conveyed to the St. Barnabas Church or the appropriate entity capable of holding real estate.●

Comprehensive Design Plan Considerations

- 1. In addition to the requirements of Section 27-518 (a) of the Zoning Ordinance, the Comprehensive Design Plan shall include a golf course that is designed by an architect who is a member of the American Society of Golf Course Architects, and his signature shall be included on the supporting documentation, as a member of the design team.**

Comment: The subject consideration has been addressed. The proposed golf course is designed by Ault, Clark & Associates, Inc. The president of that firm, and chief

consultant on this project, Mr. Thomas Clark, is a member of the American Society of Golf Course Architects and his signature is included on supporting documentation as a member of the design team.

2. **The Comprehensive Design Plan for the golf course shall show the location of proposed streets and of all residential lots in close proximity to the golf course. The Comprehensive Design Plan shall establish minimum guidelines for setbacks within the golf course safety corridor consistent with industry standards. Any request for deviation of these guidelines shall be provided with sufficient justification to the satisfaction of the Planning Board and/or District Council to assure safety of the adjacent residential development. The Comprehensive Design Plan shall include an overlay graphic study of the golf course, adjacent streets and lots, prepared by the golf course architect, of the most likely direction and distance of the errant golf shots expected from all tee locations of all holes, and from all other locations on these holes from which errant shots may be expected. If, in the judgment of the Planning Board and/or District Council, the deviation presents too great a hazard to residents or their property, the golf course layout shall be revised or the affected areas of residential lots shall be prohibited for residential use and shall become homeowners' open space or part of the golf course.**

Comment: The proposed Comprehensive Design Plan shows the conceptual location of proposed streets, and residential development pods and the location of golf course corridors. The industry standard minimum guidelines for setbacks within the golf course safety corridors are established by the Urban Land Institute publication Golf Course Development and Real Estate (1994), and are as follows:

- Centerline of golf hole to road right-of-way: 150 feet.
- Centerline of golf hole to boundary of adjacent development (or lot lines): 175 feet; plus a 35-foot setback for a house on a lot.
- Minimum distance between one green and the next tee: 150 feet.
- Minimum distance between adjacent tees and greens: 150 feet.
- Minimum distance between adjacent landing areas: 200 to 250 feet.

As previously stated, the applicant has provided a preliminary errant ball study that generally appears to indicate that abutting residential development and streets will be safe from errant shots. The Planning Department considers it vital that the golf course and adjacent residential areas be designed to minimize the risk of errant golf balls landing in homeowners' yards or hitting their houses, endangering lives and property. There is no way to completely eliminate the risk of such conflicts in a golf course community. However, by employing appropriate setbacks of lot lines from fairways and careful placement of tees, hazards and greens, the risks can be minimized. The applicant has not requested any deviation from said industry guidelines, and has stated that the proposed golf course generally exceeds the minimum requirements; therefore it is recommended that the design of the golf course be in accordance with the safety corridor guidelines of the Urban Land Institute publication Golf Course Development and Real Estate (1994), as stated

above. The Planning Board may approve modifications of these guidelines upon submission at the time of Specific Design Plan of written justification from a qualified professional golf course architect that the adjustment will not reduce the safety of the course operation. Furthermore, prior to approval of all Specific Design Plans the applicant shall provide a detailed analysis of the individual holes which abut, or may impact, the residential lots contained within the submitted SDP to demonstrate that the residential development will not be at risk with regard to errant golf shots. The detailed analysis should include grading, topography, existing/proposed vegetation, course hazards, etc.

3. **The Comprehensive Design Plan shall minimize the crossing of subdivision streets with golf course paths. The crossing of Church Road shall be via a bridge.**

Comment: The subject plan proposes what staff believes to be a minimal number, eight (8), crossings of subdivision streets with golf cart paths. Church Road is proposed to be crossed by a bridge. The consideration has been addressed.

4. **To the extent practicable, existing fence rows, isolated trees, or existing agricultural structures occurring in the setback shall be preserved and maintained unless removing such elements can be justified on the grounds of safety. The quality of these features shall be determined by the Planning Board and/or District Council at the time of Comprehensive Design Plan approval. In addition, groves, clusters, or rows of native trees, and shrubs typical of those indigenous to the vicinity of the proposed development shall be encouraged to be planted in the setback in order to enhance the rural character.**

Comment: The CDP text states (see Landscape Concepts p. 17), that the preservation and enhancement of the existing character of the site is the overall theme for planting on the subject property. With regard to tree preservation, the subject plan proposes for approximately 209 acres of trees to be preserved. The proposed plan does not indicate which structures are proposed to be removed or preserved, with the exception of Bowieville. In addition, the CDP text (see p.19) provides a plant list comprised of shade, evergreen, and understory trees, many of which are indigenous to the subject property and its historical context. Staff believes said consideration has been addressed, but more site-specific information is necessary to make a final determination with regard to this issue. Therefore, it is recommended that the condition be carried forward to this CDP for additional review prior to Specific Design Plan approval, and modified as follows: ■Prior to Specific Design Plan approval and to the extent practicable, existing fence rows, isolated trees, or existing agricultural structures occurring in the setback shall be preserved and maintained unless removing such elements can be justified on the grounds of safety. The quality of these features shall be determined by the Planning Board and/or District Council at the time of Specific Design Plan review. In addition, groves, clusters, or rows of native trees, and shrubs typical of those indigenous to the vicinity of the proposed development shall be encouraged to be

planted in the setback in order to enhance the rural character. Furthermore, the applicant shall provide a photographic and plan inventory of all agricultural structures within a proposed plan area for submission and review at the time of Specific Design Plan submittal.

5. **The Comprehensive Design Plan should recognize the A-44 facility. The location of the alignment must be coordinated further with staff in order to match approved rights-of-way on adjacent developments such as the Willowbrook Basic Plan, Collington Manor and Collington Station prior to Comprehensive Design Plan approval.**

Comment: The proposed plan recognizes the A-44 facility, indicating its location and relationship with the subject and surrounding properties. The consideration has been addressed.

6. **Primary residential streets will be constructed to provide access to the planned community park and the park/school. In the event private roadways are permitted in the planned community, equivalent private will be provided (roadways with two travel lanes and two parking lanes).**

Comment: All roadways proposed within the development will be private, per CB-72-2000. The proposed plan indicates the main access road to both facilities, the planned community park and park school, to be a primary residential street with a stub secondary street off the primary providing direct access to each. The consideration has been addressed.

7. **An internal loop master plan trail shall be provided within the proposed development for the purpose of providing a neighborhood circuit for running, jogging and biking.**

Comment: The subject plan provides for an 8-foot-wide hiker biker trail, approximately 10,988 linear feet or over 2 miles in length, along the Black Branch Stream Valley. The stream valley trail is either directly or indirectly accessible from all development pods. Ultimately the proposed trail will be a segment of the approved countywide trail system and be accessible from surrounding communities also. The consideration has been satisfied.

8. **All development pods and parks, recreational and historical features shall be connected into the main trail network by feeder trails and sidewalks.**

Comment: The consideration has been addressed, in that all of the said development components are connected into the main trail network by feeder trails and sidewalks. See Basic Plan Condition No. 41 above for further discussion of the proposed pedestrian circulation network.

9. **The handicapped accessibility of all trails shall be determined during CDP review.**

Comment: Determination of handicapped accessibility is difficult at CDP review because the plan is conceptual in nature. Specific relevant information to review for accessibility, slopes, grades, topography, alignment, etc., is not available at the CDP stage for staff to make any final assessment with regard to conformance to the subject condition. Staff believes that issues of handicapped accessibility review are most appropriate at the Specific Design Plan when detailed information is available. Therefore, it is recommended that this condition be carried forward to this CDP and be modified as follows: ■Prior to approval of Specific Design Plans the handicapped accessibility of all trails shall be determined. Furthermore, all trails shall be field-located and staked by the applicant in consultation with M-NCPPC staff from the Environmental Planning Section, Transportation Planning Section, and the Department of Parks and Recreation.●

10. **For lots with rear yards oriented toward Oak Grove Road or Church Road, there shall be a minimum 300-foot setback requirement for the rear lot lines. The 300-foot buffer may include the golf course, however, within the 300 feet a minimum 50-foot landscaped buffer shall be provided, to be planted with the amount of plant materials required for at least a collector roadway buffer in Section 4.6 of the *Landscape Manual*. If there is woodland area or hedgerows within the right-of-way, it may be combined with on-site woodland to contribute toward the 50-foot buffer requirement. Existing woods may be allowed to substitute for the landscaping, only if it can be demonstrated that the woodland is a minimum of 50 feet wide and is supplemented with evergreen material to provide a complete year-round screen. The landscaped buffer may be located either along the road or along the lots, but in no case shall it be split up into less than 25-foot widths.**

Comment: The CDP text states (see Landscape Concepts p.17) that the pro-posed planting concept along both the Church and Oak Grove Road corridors, preservation of existing vegetation and the provision of large masses of trees grouped to retain open space and unobstructed views where possible, will require a departure from standard tree planting requirements established in the *Landscape Manual*. Staff disagrees. As long as the combination of existing vegetation and proposed trees establishes a continuous year-round screen of the rear yards oriented toward Oak Grove Road and Church Road that totals 50 feet in width, then the grouping/massing of proposed landscape materials can be such that the retention of open space and unobstructed views is possible. The *Landscape Manual* is not so inflexible that it prohibits the grouping/massing of landscape materials in any variety of design concepts. Therefore, it is recom-mended that this condition be carried forward in the CDP for a more detailed review during the time of the Specific Design Plans.

7. The proposed Comprehensive Design Plan would result in a development with a better environment than could be achieved under other regulations because more open space will be preserved by the design of the CDP. More than half of the land (923 acres) within the Oak Creek Club development will be set aside for open space uses, including an 18-hole golf course, public park land in the Black Branch Stream Valley (72 acres) and a community

park, and homeowners open space. An existing two-acre pond located in the upper northwest corner of the site will be an integral part of the community and will be an attractive site amenity with both recreational and scenic value. The golf course and lake together will occupy over 227 acres. Other features of the development which are not likely to have materialized under conventional regulations include a club house for the golf course and a separate recreation center, tennis and swimming pool facilities, to be owned by the homeowners.

8. Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities and amenities. Among the distinctive design elements of the Oak Creek Club plan is the integration of a championship golf course with surrounding residential development pods. The centrally located L-A-C-zoned land will be designed in accordance with neo-traditional principles. Proposed facilities and amenities include, first and foremost, the golf course. A clubhouse will be built as a significant element of the golf course operation. A site will be set aside for an elementary school. A separate recreation center will be constructed for use by the homeowners. These facilities, as well as the land to be dedicated for public parks and an extensive trail system, will satisfy the needs of the residents, employees or guests of the project.
9. The proposed development will be compatible with existing land use, zoning and facilities in the immediate surroundings. The site is bounded to the north by undeveloped R-A and R-L properties and the existing Cameron Grove retirement development. To the east are located undeveloped R-R properties, a developed parcel with a single-family detached home, and a right-of-way for the Pennsylvania Railroad. The reserved right-of-way for the future A-44 arterial bisects the eastern edge of the property. Along the southern boundary are located undeveloped property zoned R-E and the Oak Grove Road right-of-way. Finally, to the west are located the Behnke Nurseries commercial property zoned R-E, and the established Kettering and Sierra Meadows residential communities (zoned R-80 and R-E).
10. Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:
 - a. Amounts of building coverage and open space.

The building coverage proposed on each lot ranges from a maximum of approximately 60 percent in the single-family attached units to 25 percent for the largest single-family detached lots (30,000 square feet and larger). This will ensure adequate open space in the lotted areas comparable to that provided in other contemporary residential developments. Significant open space will be provided elsewhere on the site for use by the homeowners. A total of 158 acres of land will be dedicated to the homeowners' association, at least 127 acres of which will be outside of floodplain and wetland areas. Other large areas of open space include the golf course (225 acres), the Black Branch Stream Valley Park (72 acres), and the community park (35 acres).

b. Building setbacks from streets and abutting land uses.

The CDP proposes residential standards for setbacks from streets that range from a minimum of 25 feet from internal subdivision roads up to 50 feet for lots that front onto Oak Grove and Church Roads.

c. Circulation access points.

The proposed plan will have adequate circulation access points to the surrounding road network. Four vehicular access points to the site are proposed: three entrances from Church Road, each providing access to both the eastern and western halves of the property as Church Road bisects the site, and one entrance from Oak Grove Road to the south accessing the western half of the property.

11. Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability. As each of the residential development pods is constructed, the necessary infrastructure to support it will also be built. The golf course and related facilities will be constructed in the first phase. As subsequent phases are constructed, additional facilities will be constructed in accordance with the timetable established as a proposed condition in the Recommendation section of this staff report below.
12. The staging of the Oak Creek Club development will not be an unreasonable burden on available public facilities as required by Section 27-521 of the Zoning Ordinance if the application is approved subject to the proposed conditions in the Recommendation section of this staff report below. The subject application was referred to the Transportation Planning Section and in a memorandum (Masog to Jordan) dated August 20, 2001, the following information was provided in support of this conclusion:

■The Transportation Planning Section has reviewed the Comprehensive Design Plan application referenced above. The subject property consists of approximately 923 acres of land combined in the R-L and the L-A-C zones. The property is located along both sides of Church Road north of Oak Grove Road. The applicant proposes to develop the property under the two zones with 1,148 residences, a 26,000-square-foot retail center, and an 18-hole golf course.

■The applicant prepared a traffic impact study dated April 2001, and prepared in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. 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.

■An outstanding issue concerns the availability of the use of mitigation in reviewing a Comprehensive Design Plan (CDP). While one could state that mitigation is a process within the Subdivision Ordinance and the CDP is processed under the Zoning Ordinance, there are other considerations:

- 1. The finding for CDP approval is that the staging of development will not be an unreasonable burden on available public facilities. This is less specific and stringent than the required finding for the approval of a subdivision.
- 2. The subdivision process itself and its associated tests of adequacy are considered to be the true test of the staging of a project vis-a-vis the available public facilities. It follows that if a project can be shown to meet the test established in the Subdivision Ordinance, it should pass the requirements specified for CDP approval.
- 3. The subject CDP applications are accompanied by a Preliminary Plat of Subdivision for the entire site, and that application is being processed concurrently.

■For these reasons, staff believes that the intended standard for CDP approval is the Preliminary Plat of Subdivision test, and the results of the analysis will be described in detail in this memorandum.

■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	1,410	1,047	D	B
MD 214 and Church Road	1,284	1,077	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 45.0 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 2 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	1,223	1,001	C	B
MD 214/MD 193	1,762	1,353	F	D
MD 214 and Church Road	1,587	1,352	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 45.0 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	1,139

■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	1,325	1,094	D	B
MD 214/MD 193	1,846	1,447	F	D
MD 214 and Church Road	1,831	1,673	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 45.0 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):

- 1. The development is in an area where public water and sewer is currently avail-able. 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.
- 2. 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.**
- 3. The entire site must be within . 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:
 - A. 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 the service ▲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.
 - B. 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.
 - C. 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.

- D. 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 . 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 Section 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	1,325	1,094	D	B
MD 214/MD 193	1,679	1,447	F	D
MD 214 and Church Road	1,623	1,572	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 45.0 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/1,762	D/1,353			
Total Traffic Conditions	E/1,846	D/1,447	+84	--	
Total Traffic Conditions w/Mitigation	F/1,679	D/1,447	-167	--	
MD 214/Church Road:					
Background Conditions	E/1,587	D/1,352			
Total Traffic Conditions	F/1,831	F/1,673	+244	+321	

Total Traffic Conditions w/Mitigation

F/1,623

E/1,572

-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:

- 1. 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.
- 2. 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.
- 3. 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. As luck would have it, 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:

- 1. The applicant utilizes criterion (e) in the *Guidelines*, which requires among other things that all non-transportation 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.

- 2. 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.
- 3. 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 we 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.
- 4. The applicant's proposed mitigation action at MD 214 and MD 193 meets the numerical requirements for its application.
- 5. 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.
- 6. 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 non-peak directional trips from the site.
- 7. 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.**

■*In the event that the Planning Board would find the mitigation proposal acceptable, however, the proposed mitigation actions should be made conditions of approval (these*

are noted in the bullet lists on pages 7 and 8 of this memorandum). Also, the provision of the required private bus service must be a condition of approval.

■ Plan Comments

■ The Transportation Planning Section provided comments on the plan in a memorandum dated May 30, 2001. The various concerns in that review are discussed below.

- 1. Street design and cross sections: Greater clarification has been received and reviewed. Verbal clarification has been received which indicates that on-street parking throughout the R-L portion of the site will be severely restricted. It is this presence of on-street parking that complicates operations on public roadways having a 50-foot right-of-way. The near-elimination of on-street parking eases staff's concern with the widespread use of 50-foot rights-of-way, and staff accepts the rights-of-way proposed on the CDP and the preliminary plan
- 2. The cross sections in the CDP texts do not address landscaping within the right-of-way or street lighting. These matters were clarified by the applicant in revised cross sections which should be incorporated into the approved text.
- 3. Most neighborhoods have considerable sidewalk activity, and even other communities constructed by the applicant have children riding bicycles along the streets, strollers being pushed along the streets, and adults walking along the streets. Furthermore, the applicant has proposed a private bus system, and if that proposal is implemented, a sidewalk network is essential to support such service. Therefore, in consultation with Urban Design staff and the Trails Planner, the Transportation Planning Section recommends that all street cross sections be revised to provide, at a minimum, either a four-foot wide sidewalk or a trail along both sides of all streets.
- 4. The street connecting to Sierra Meadows will be discussed in greater detail later in this memorandum. It appears, however, that the park proposal has been modified to the extent that the Department of Parks and Recreation would no longer require that the street serving that park, which is planned for the north-western quadrant of the property, be a public street.
- 5. Elements of the proposed private bus system were clarified for staff. The specifics of the bus system proposal are contained in the attached June 7, 2001, fax transmittal. While these are certainly acceptable, the applicant should be aware that 2-3 buses will likely be necessary to serve the route described. Given the likely income levels of the residents of a golf course community, staff remains unconvinced that the service will be supported by the future homeowners. Staff is aware that this proposal was discussed with DPW&T's Transit Division, and that DPW&T endorses the provision of private services in areas where public transit service is unlikely to be extended in the future. DPW&T has noted that the private service would never be replaced by public transit; public transit services will not be routed onto private streets.

■ 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 plat 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:
 - 1. 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).
 - 2. The Sierra Meadows subdivision (preliminary plat 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 Plat approval which provides alternate access to Watkins Park Drive or Central Avenue for the subject property, whichever occurs first."
 - 3. 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.●

13. The staging of the Oak Creek Club development will not be an unreasonable burden on available public facilities as required by Section 27-521 of the Zoning Ordinance if the application is approved subject to the proposed conditions in the Recommendation section of this staff report. The subject application was referred to the Growth Policy and Public Facilities Planning Section and in a memorandum (Williams to Jordan) dated July 27, 2001, a review of adequacy of existing and programmed public facilities other than roads was provided. Referrals concerning the public facilities aspect of the Oak Creek proposal were sent to the following agencies:

- a. Prince George's County Fire Department
- b. Prince George's County Memorial Library System
- c. Prince George's County Public Schools
- d. Prince George's County Health Department
- e. Prince George's County Police Department

The following information is provided in support of this conclusion:

■Fire Service

■Residential Parcels/Lots

■The existing fire engine service at Bowie Fire 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.

■The existing ambulance service at Bowie Fire 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 Parcels B, E, F, G; portions of K and L; and LAC. All other parcels/lots are beyond the 6.25-minute response time guideline.

■The existing paramedic service at Bowie Fire 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 Parcels A, B, E, F, G, H, I, J, K, L, portions of C and D; and LAC. All other parcels/lots are beyond the 7.25-minute response time guideline.

■Recreation Center, School Site and the Non-Residential Portion of LAC

■The existing fire engine service at Bowie Fire 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.

■The existing ambulance service at Bowie Fire 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.

■The existing paramedic service at Bowie Fire 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.

■The existing ladder truck 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*.

■In order to alleviate the negative impact on fire and rescue services due to the inadequate engine and ladder truck service discussed, the Fire Department recommends that all commercial and residential structures be fully sprinklered in accordance with National Fire Protection Association Standard 13 and 13D respectively, and all applicable Prince George's County laws.

■Because a portion of the subject property is beyond response time requirements for ambulance service, we recommend that the applicant provide a fair share fee towards the provision of the required service and the proposed Leeland Road Fire Station. In this regard, we recommend that the applicant provide a fee prior to issuance of a building permit. The contribution is based upon a \$75.18 fee and an inflation factor (from this date to permit date) for each of the residents or employees proposed.

■The fee amount is based upon the construction cost (FY 2002 dollars) of the station (\$2,600,000) and the purchase price of the ambulance (\$126,000), divided by the estimated number of residents and employees (1,743) generated from the development's residential and nonresidential parcels/lots that are beyond the response time guideline for ambulance service to the development. The estimated population generated from these parcels/lots within the service area (those areas currently unserved within the response time guidelines of the proposed Leeland Road Station) at buildout were used in calculating the fair share contribution to be paid by the applicant. The following information shows how the fair share cost is calculated:

■643	=	Estimated number of residential dwelling units beyond ambulance response time guidelines as shown on the plan
■26	=	4% residential vacancy rate

- 617 = Total dwelling units beyond ambulance response time minus residential vacancy rate
- 2.74 = Number of people per residential dwelling unit based on 2000 Census
- 1,691 = Number of people per residential dwelling unit generated from parcels/ lots beyond response time for ambulance
- 52 = Estimated number of employees generated from 26,000 square feet of retail (based on 1 employee per 500 square feet of retail space). This number only includes the community service center. Square footage of the remaining nonresidential uses beyond response time for ambulance services could not be determined in the CDP.
- 1,743 = Number of people per residential dwelling unit generated from parcels/ lots beyond response time for ambulance plus estimated number of employees generated from 26,000 square feet of retail
- \$131,039= ee based on the estimated number of employees and residents multiplied by the fee and inflation factor (\$75.18)

■Police Services

- The proposed development is within the service area of District II-Bowie. Staff of the Growth Policy and Public Facilities Planning Section conclude that the existing Police facilities will be adequate to serve the proposed Oak Creek Club development.

■Public Schools

- The Growth Policy and Public Facilities Planning Section has reviewed this plan and concludes the following based on the assigned schools identified by the Pupil Accounting, School Boundaries and Student Transfers Office, Prince George's County Public Schools. (Note attached e-mail letter.)

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								

■ Since 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 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.

■ If a preliminary plan is yet to be approved, the conditions for adequacy may be modified by the preliminary plan.●

14. Although included as part of the proposed plan, the subject Comprehensive Design Plan proposal does not include extensive detail concerning an adaptive use of the existing Historic Site, Bowieville. The development proposal was referred to the Planning and Preservation Section, and subsequently to the Historic Preservation Commission, and in a memorandum (Historic Preservation Commission to Lareuse) dated July 12, 2001, it was found that the Planning Board will need additional detailed information with respect to a proposed reuse of the property and its evaluation.

The following information is provided in support of this conclusion:

■ The applicant stated in a meeting on June 12, 2001, that they plan to use the Historic Site as part of the golf course complex. The tobacco barn will be used as part of the golf course complex also.

■ Section 27-521(a)(8) of the Zoning Ordinance states that a proposed adaptive use of an Historic Site at the time of Comprehensive Design Plan requires the Planning Board to make certain findings regarding architecture, environmental setting, parking lots, landscaping, and possible additions to the Historic Site. The applicant may need to provide further information in order for the Planning Board to make such findings.●

Staff believes with the limited amount of information available at this time that it can be found that it is not the applicant's intent to adversely affect any distinguishing exterior architectural feature or historic landscape feature. The proposed parking for the Historic Site is not delineated at this time on the plan, and should be reviewed in detail at the time of SDP submittal. There has been no proposal for enlargement or extension of the Historic Site, so that finding is not applicable. Generally, the required finding has been addressed.

Therefore, the Phase IA Specific Design Plan submittal for the golf course should incorporate the Historic Site, Bowieville, and provide a proposed adaptive reuse for said property with all required detailed information, architecture, environmental setting, parking lots, landscaping, and possible additions, for review.

15. The plan incorporates the applicable design guidelines set forth in Section 27-274 of the Zoning Ordinance (particularly those relating to views and green area) and in Section 27-433(d) (relating to the proposed townhouses) to the degree feasible in the type of general, schematic plan represented by the subject CDP.
16. The Comprehensive Design Plan was submitted with a proposed Type I Tree Conservation Plan (TCP I/91/01). As explained in Finding 17 below, the Environmental Planning Section is able to recommend approval of TCPI/91/01 only if it is approved subject to the proposed conditions in the Recommendation section of this staff report below.

Referral Responses

17. Environmental Planning ● The Environmental Planning Section has provided in a memorandum (Markovich to Jordan) dated August 1, 2001, the following detailed review of the environmental aspects of the Oak Creek Club application:

■Background

■This site is located on the both sides of Church Road, north of Oak Grove Road. The Environmental Planning Section previously reviewed this 923.0-acre property during the rezoning of the property (A-8427, A-8578 and A-8579) and during the review of Preliminary Plan of Subdivision (4-01032). Other reviews associated with the property included the review and approval of Tree Conservation Plans, TCPI/91/92 and TCPII/97/95, as part of another development.

■Site Description

■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 Railway 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 as shown on the CDP. 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.

■Applicable Zoning Conditions

■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 number 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.**

■*Discussion: An Inventory of Significant Visual Features for Church Road was submitted and reviewed with respect to the ♦Design Guidelines for Scenic and Historic Roads.▲ The inventory has been 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 un applicable State and County regulations. All Tree Conservation Plans shall demonstrate how the development will meet this criteria.**

■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, has been reviewed and found to address the requirements of the Prince George's County Woodland Conservation Ordinance.

■ This 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 and for a total requirement of 291.49 acres. In addition, an off-site mitigation easement of 25.00 acres was previously established at 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 has been found to address the requirements of the Prince George's County Woodland Conservation Ordinance and is recommended for approval subject to 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.

■ *Discussion: 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.

■ 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.

■ *Discussion: 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.

■ *Discussion: 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.**

■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 the each of the potential noise generators identified.

■Several of the lots adjacent to proposed A-44 have lot depths of less than 300 feet. Since proposed A-44 is a controlled access road it would typically be treated as a freeway or expressway and the adjacent residential lots must have a lot depth of 300 feet in accordance with Section 24-121(a)(4).

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

■*Discussion: 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.**

■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.

■*Discussion: The CDP and TCP were revised according to comments provided by the Environmental Review Section in order to reduce the extent and the number of PMA impacts. The proposed impacts which remain will be addressed in detail during the*

review of the Preliminary Plan of Subdivision and the variation request to Section 24-130 of the Subdivision Ordinance.

- 20. **As part of the submittal of the CDP, the applicant shall include a conceptual layout of water and sewerage service to the site and an analysis of the impact of the construction of these facilities. Applicant, technical staff, and the WSSC shall work together using their best practical efforts to minimize the impact of water and sewer line construction on the subject property.**

■Except for five (5) areas, the Conceptual Water and Sewer Plan and the TCPI show the sewer and water alignments to be in the road right-of-ways. Two of the instances in which the alignment does not follow the road right-of-ways provides for outfall connections between the western and eastern portion of the site. Two other instances provide for the outfall connections to the existing sewer lines east of this property. The final instance provides a connection between the southern and northern part of the property.

■*Discussion: The impacts to the PMA, woodlands, and other environmental features have generally been minimized. The proposed sewer and water alignments will be further evaluated during the review of the Specific Design Plans.*

■Environmental Review

■This section is limited to environmental issues not discussed above.

- 1. A Detailed Forest Stand Delineation (FSD) was submitted for review and found to require some minor revisions. A revised FSD was later submitted, reviewed and found to address the requirements for an FSD in accordance with the Prince Georges County Woodland Conservation and Tree Preservation Technical Manual.

■*Discussion: No further information is required.*

- 2. 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. Section 24-131 of the Subdivision Ordinance mandates that development of land found to be unsafe be restricted or prohibited.

■The Geotechnical Report shall be revised in conjunction with the review and approval of the Preliminary Plan of Subdivision 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. • Areas that cannot satisfy the 1.5 safety factor line shall be identified. Should mitigation be proposed for those areas, the post-mitigation 1.5 safety factor line shall be

identified. Any areas which cannot meet the post development 1.5 safety factor line shall be redesigned to eliminate all lots from those areas. •

18. Parks and Recreation • The Park Planning and Development Division of the Department of Parks and Recreation (DPR) has provided in a memorandum (Asan to Jordan) dated August 20, 2001, the following detailed review of the public parks and recreation aspects of the Oak Creek Club application:

■ The applicant will dedicate 107+ acres of property to The Maryland-National Park and Planning Commission for parkland and 26.11 acres for the park/school site.

■ Thirty-five acres of dedicated parkland is located in the northeast corner of the property. Twenty-one of the acres are suitable for active recreation. The area adjoins the existing 5.45-acre Kettering Neighborhood Park on the east and 14 acres of parkland in the Cameron Grove subdivision. This creates a 54.45-acre community park. Staff met with the applicant and developed a mutually acceptable park development plan (see DPR Exhibit ■A•) which includes the following recreational facilities:

- 1. (2) Combination soccer/football fields @ 230' x 350'
- 2. (2) Youth soccer fields @ 100' x 200'
- 3. (1) Softball field @ 300' x 350'
- 4. (1) Gazebo with 5 picnic tables
- 5. 155-Space Parking lot accessible from Kettering
- 6. 60-Space Parking lot accessible from Oak Creek Club
- 7. Playground for children 2-12 years of age
- 8. An 8-foot-wide trail in the parkland and Black Branch Stream Valley

■ The applicant further agreed to develop the above recreational facilities as described in the conditions of approval below.

■ The following is a summary of previously approved conditions which apply to park dedication and development:

■ Condition-39 of A-8427, 8578, 8579 states: The floodplain (with the exception of road crossings) and adjacent buffer area along Black Branch shall be dedicated to M-NCPPC. The applicant is dedicating 81 acres along the Black Branch, including 100-year floodplain and adjoining buffers, to M-NCPPC to meet this requirement.

■ Comprehensive Design Plan Considerations 7 & 8 in the A-8427, 8578 & 8579 state: An internal loop master plan trail shall be provided within the proposed development for the purpose of providing a neighborhood circuit for running, jogging and biking. All development pods and parks, recreational and historical features shall be connected into the main trail network by feeder trails and sidewalks. The applicant agreed to construct the master plan trail along the Black Branch throughout the site and provide feeder trails from the community.

■Comprehensive Design Plan Consideration 9 in the A-8427, 8578 & 8579 states: The handicapped accessibility of all trails shall be determined during CDP review. The Architectural and Transportation Barriers Compliance Board (Access Board) is the federal agency responsible for developing accessibility guidelines under the Americans with Disabilities Act of 1990 (ADA). Currently, the Access Board is developing design requirements for outdoor developed areas including trails, picnic areas, camping facilities and beaches. At the time of this writing, no guidelines have been adopted for outdoor development areas.

■Comprehensive Design Plan Consideration 6 in the A-8427,8578&8579 states: Primary residential streets will be constructed to provide access to the planned community park and the park school. In the event private roadways are permitted in the planned community, equivalent private roadways will be provided (roadway with two travel lines and two parking lanes). Access to the planned park through Oak Creek Club is planned via a 50-foot-wide private road right-of-way with a 30-foot-wide roadway. Staff believes that a 36-foot-wide roadway is adequate for two travel lanes and two parking lanes. The roadway within a 50-foot right-of-way from Church Road to park entrance must be extended to a 36-foot-wide roadway to provide two continuous thru lines for access to the park. The park as shown on DPR Exhibit A is accessible from the three surrounding neighborhoods. The main public access is focused from the Kettering Community. We contacted the Kettering Civic Federation and confirmed that the community agreed with concept of main public access from the Kettering community.●

The Transportation Planning Section staff is not in agreement with any proposal to provide street parking lanes within the right-of-way of a 50-foot-wide road section (See Finding No. 12 above). It has been found that the safety factor is significantly diminished, with respect to maneuverability, when vehicles are allowed to park on both sides of a right-of-way of this size. Therefore, the proposed 30-foot-wide pavement section within the 50-foot right-of-way should remain as indicated on the CDP. Furthermore, given the applicant's previous statements with regard to their intent to ■severely restrict● on-street parking within the R-L portion of the property, a condition of approval which prohibits on-street parking on all primary roads with a 50-foot right-of-way (See Finding No. 28 below) will be provided in the recommendation section of this staff report. Staff believes the prohibition of on-street parking, coupled with the requirement that sidewalks be provided on both sides of streets throughout the development, will only help reinforce and promote the concept of a pedestrian oriented community.

19. Community Planning ●The Community Planning Division has provided a memorandum (D●Ambrosi to Jordan) dated May 9, 2001, in which it was found that the subdivision is in conformance with the *Bowie-Collington-Mitchelleville and Vicinity Master Plan* (1991). Furthermore, it was stated that ■the subdivision implements the plan's vision for a permanent large lot and suburban estate development.●

There are no master plan issues associated with the proposed development.

20. Historic Preservation ●The Planning and Preservation Section (Higgins to Lareuse, July 12, 2001) makes the following conclusions regarding the Comprehensive Design Plan application for Oak Creek Club:

■In addition to the existing Historic Preservation Conditions (22-33 of Zoning Ordinance 11-2000) the Historic Preservation Commission recommends the following amendments to Conditions 22, 23, 24, 29, and 30 relevant to CDP 9902 and 9903 for Oak Creek Club:

- 1. By action of the Historic Preservation Commission on June 19, 2001, the Environmental Setting for Bowieville has been amended to include the approximately 14.7-acre Environmental Setting requested by the applicant. It includes the historic entry lane and removes the area of the proposed pool and clubhouse and the remaining outbuildings to the south as shown on the attached map. As required by Basic Plan Condition 22, a metes and bounds survey of the adjusted lines of the 14.7 acres should be submitted prior to SDP approval.
- 2. All remaining security measures stated in Condition 23 must be met and approved by staff prior to approval of CDP 9902 and 9903. Currently, there is no burglar or fire alarm system reporting to a central station (23d), and stabilization of the tobacco barn (23e) needs to be assured.
- 3. Quarterly inspection reports, set forth in Condition 24, shall be submitted to update the Historic Preservation Commission on security, progress on immediate, interim, and ultimate repairs, and on details of the proposed restoration and reuse. These quarterly reports shall continue until completion of the restoration of the Historic Site.
- 4. Amend Condition 29 to state that any disturbance in the Environmental Setting would require Phase II and Phase III archeology as stated in the consultant report. Future archeology is warranted where development plans have the potential of adversely impacting cultural resources that may have significance. Adverse impact would include the removal of trees or clear-cutting, the demolition or removal of standing structures, and the reshaping or grading of portions of the landscape overlying such resources. Of particular concern would be the removal of the wooden shed adjacent to the mansion, which currently protects a possible early historic foundation. Additional concerns involve adverse impact to a potential trashpit feature located directly east of the modern block dwelling adjacent to the mansion. (Philip J. Hill, March 5, 1999) This archeological investigation shall be conducted by the applicant as warranted by the HPC prior to approval of the SDP for the Bowieville parcel.▲

21. Trails ●The Trails Planning staff of the Transportation Planning Section reviewed the Comprehensive Design Plan for conformance with the Countywide Trails Plan and the Master Plan and in a memorandum (Shaffer to Adams/Lareuse) dated June 1, 2001, the following recommendations were provided:

- Construct a Class I hiker-biker trail along the subject property's entire frontage of Church Road, as reflected on the submitted CDP.
- Construct a Class I hiker-biker trail along the subject property's entire frontage of Oak Grove Road, as reflected on the submitted CDP.
- 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 plat, 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 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.
- Construct a comprehensive sidewalk network, with sidewalks being constructed along both sides of all primary, secondary, and village roads.
- The trails network shall be shown on the preliminary plat and final plat.
- All trails shall be assured of dry passage. If wet areas must be traversed, suitable structures shall be constructed.●

22. The subject application was referred to the City of Bowie, and as of the writing of this report, the city had not concluded its review process. The recommendations of the city will be submitted at the Planning Board hearing.

Density Increment Analysis

23. The base density allowed by the Basic Plan is 1.0 dwelling units/acre, which results in 843 dwelling units. In order to achieve the proposed 1,096 dwelling units, the applicant must earn a 30 percent density bonus based on public benefit features provided. The following summarizes the applicant's proposal regarding the public benefit features and the staff's response to their proposal:
- a. For open space land at a ratio of at least 3.5 acres per 100 dwelling units. Maximum increment factor: 25 percent.
 - Applicant requests 10 percent (84 units).
 - Staff agrees. Oak Creek Club will include 158 acres to be dedicated to the Homeowners' Association, approximately 127 acres of which will be usable land outside the floodplain and wetland areas. This land will consist of HOA areas for active and passive recreation that are not yet specifically located on the CDP plan. These 127 acres result in a ratio of nearly 11.58 acres of usable open space per 100 dwelling units, more than three times the required minimum. The 127 acres do not include any land to be dedicated to M-NCPPC in fulfillment of the requirement for mandatory

dedication of parkland, nor do they include any of the 225 acres occupied by the golf course, or the land dedicated as a school site.

- b. For enhancing existing physical features. Maximum increment factor: 2.5 percent
 - Applicant requests 2.5 percent (21 units).
 - Staff disagrees. The applicant states that the predominant enhancement is to be the restoration of the historic Bowieville property and grounds. Staff believes that the category of enhancing physical features is specifically with regard to site physical features. Furthermore, with respect to the claimed enhancement of the existing two-acre pond and the Black Branch Stream Valley, staff does not believe that sufficient detailed information regarding landscaping, stream restoration, slope stabilization, etc., is available at this time to explain or clarify the extent of any proposed enhancements of physical features. Therefore, no credit is justified for enhancement of existing physical features.
- c. For a pedestrian system separated from vehicular rights-of-way. Maximum increment factor: 5 percent.
 - Applicant requests 5 percent (42 units).
 - Staff agrees. The applicant is proposing an extensive system of pedestrian trails as indicated on the Comprehensive Design Plan and in the text. Several miles of pedestrian trail will be constructed along both Oak Grove Road and Church Road, within the Black Branch Stream Valley for the entire length of the property, and providing access to and around the existing two-acre pond on the site, for the enjoyment of the residents of Oak Creek Club and the general public.
- d. For recreational development of open space. Maximum increment factor: 10 percent.
 - Applicant requests 10.0 percent (84 units).
 - Staff disagrees with the amount requested. The applicant will provide a range of recreation facilities distributed throughout the site, including a swimming pool/bathhouse, two tennis courts, and six to seven tot lots for homeowners. Even though the proposed golf course can be considered recreational development of open space, it will be a for-profit enterprise and therefore cannot be applied to this category. Specifically, recreational development of open space has generally been interpreted as space available for use by development and other county residents outside of the county parks system that are not for-profit entities. Although, the CDP text does refer to the recreational center, swimming pool, bathhouse, and tennis court complex (See p.16), it is not clear what, if any, other facilities will be

provided as part of the center. The plan appears to suggest that the bathhouse and golf course clubhouse are one and the same structure. Staff believes that for a development of this size additional community-oriented facilities such as multipurpose room, game room, meeting rooms, offices, kitchen, storage rooms, health club/fitness center, and rest rooms should be provided. Therefore, it is recommended that said facilities be provided in the recreation center, and that they shall occupy a minimum of 5,000 square feet in addition to the golf course clubhouse and swimming pool bathhouse. Staff believes that a density award of 2.5 percent is appropriate for the proposed and conditioned facilities.

- e. For public facilities (except streets and open space areas). Maximum increment factor: 30 percent.
- Applicant requests 30 percent (253 units).
 - Staff disagrees. The proposed Comprehensive Design Plan provides for the dedication of a 35-acre parcel to DPR for the construction of a public park, and a 26-acre parcel to M-NCPPC for designation as a future park/school site. Furthermore, the applicant has proffered to construct some facilities in the public park per DPR standards. Although significant in their ultimate impact upon the existing and proposed communities, staff believes that a reasonable and tenable award is 17.5 percent.

Summary: As outlined in the staff's analysis, the applicant is providing enough public benefit features to earn a total of 35 percent in density increments, which is equivalent to 295 dwelling units. The applicant needs density increments of only approximately 30 percent, which translates into 253 dwelling units. Therefore, the theoretical maximum number of dwelling units allowable in Oak Creek Club is $843 + 295 = 1,138$ dwelling units. However, since the applicant's request is for only 1,096 dwelling units, approval of CDP-9902 will be for no more than 1,096 dwelling units.

Development Standards

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

LOT STANDARDS

Lot Size In Square Feet (Min.)	8,000-13,499 sq. ft. SFD	13,500-19,999 sq. ft. SFD	20,000-sq. ft. SFD	1,800 sq. ft. SFA (Towns only)	6,000 sq. ft. SFD (L-A-C only)
MAX LOT COVERAGE	40%	35%	25%	N/A	50%
YARD REQUIREMENTS					

a. Minimum Front Yard	25'	25'	25'	10' from parking (nongarage)	5'
b. Minimum Side Yard	5' one side 12' both sides	7' one side 15' both sides	10' one side 20' both sides	4' end unit	1' one side 6' both sides
c. Minimum Rear Yard	20'	20'	25'	10'	15'
d. Decks	5' from any side or rear property line	7' from any side or rear property line	7' from any side or rear property line	1' sides 5' rear	5' from any side or rear property line
MINIMUM BUILDING SEPARATION	10'	14'	20'	18'	7'
MAXIMUM HEIGHT (stories)	3	3	3	4	3
MIN. LOT WIDTH AT THE STREET LINE (feet)	*25'	*25'	*25'	*25'	*25'
MIN. LOT WIDTH AT THE FRONT B.R.L. (feet)	55'	60'	80'	N/A	50'
<p>NOTES:</p> <ol style="list-style-type: none"> 1. Variations to the above Standards may be permitted on a case-by-case basis by the Planning Board at the time of Specific Design Plan if circumstances warrant. 2 Minimum lot width at streetline of flag lots will be * 25 feet. 3. Minimum lot widths at street on cul-de-sacs shall be * 25 feet. 4. Minimum separation for Towns applies to buildings and not individual lots. 					

ARCHITECTURAL STANDARDS

Single-Family Detached and Attached:

The most visible side elevations of single-family detached or attached units on corner lots and other lots whose side elevation is highly visible to significant amounts of passing traffic shall have a minimum of four architectural features such as windows, doors and fireplace chimneys, and these features shall form a reasonably balanced and harmonious composition.

If the rears of single-family detached or attached units are visible from the water surface of the existing pond, or the golf course, those rears shall have shutters or wide trim on all windows. Houses whose rears are visible but are demonstrably as attractive as the fronts of the houses by virtue of balanced, harmonious and articulated rear facades are exempt from this requirement.

Nonresidential buildings will feature distinctive designs, will be equally attractive from all four sides, and will incorporate high-pitched roof, masonry exterior and facade articulation, unless alternative design treatments can be demonstrated to achieve the same high quality of design and appearance.

PLANTING STANDARDS

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

Additional Findings Relating to Urban Design Concerns

25. Staff is concerned with the proposed transportation mitigation component, and its impact on future residents of the development and existing residents of surrounding communities. Notwithstanding the technical evaluation of the subject mitigation proposal, staff believes that the development proposal is deficient in meeting key criteria which set forth the standard by which mitigation is allowed, and thus is ineligible for the following reasons:

- The subject property is not within . mile of any existing bus service (the proposed private bus system for the property does not exist, therefore the plan must be evaluated with regard to existing bus service).
- The applicant cannot demonstrate that the proposed development will not place an undue burden on all other existing public facilities except transportation, specifically schools.

Technical analysis of the mitigation proposal, see Transportation Finding No. 12, demonstrated that the critical intersection of MD 214 and MD 193 would still operate at an

unacceptable failing level, even with the implementation of the proposed private bus service. Lastly, staff does not believe that there will be any significant ridership from the subject community given the anticipated high level of income for residents, and staff does believe that the imposition of the said proposed ■service• will become an undue and onerous burden on residents, with regard to increased homeowners association fees, for the sole purpose of allowing the developer to circumvent the provision of his fair share of necessary road infrastructure improvements to support the subject and surrounding communities.

26. The CDP text provides a staging plan (see p. 23) which gives some general indication of the sequence of proposed plan submissions with preliminary development/construction forecasts. The staging schedule and plan both identify four (4) phases of development. The text and plan appear to be in conflict. Furthermore, staff is concerned about some elements of both the text and plan with regard to timing and provides the following comments:
- a. The staging plan text states that the golf course will be developed in Stage One with the single-family detached lots in the L-A-C Zone, some of the townhouses in either development Parcel F or G, the single-family detached lots along the northeast side of the Black Branch in development Parcel K, and the single-family detached lots on the west side of Church Road north of the Black Branch in development Parcel B. Furthermore, the text states that the recreation center in the L-A-C Zone will also be constructed as part of Stage One. The staging schedule reflects 31 townhouses to be built in Stage One. Neither the staging plan nor the staging schedule provides any indication as to what development phase the golf course will be part of. Conversely, on the proposed staging plan the golf course area on the entire property has no designation with respect to phasing, except for proposed hole no. 5, which lies within the area of development Parcel C and is designated as part of development Phase III. Furthermore, the staging plan provides that all townhouses in Development Parcels F and G are designated as part of development Phase II. It is recommended that the staging schedule and staging plan be revised and coordinated to reflect the same development information and nomenclature, Phase III or Phase 3, etc.
 - b. The following discussion, pertaining to site plan review, phasing, and construction timing, is based on staff's previous experience with regard to review of golf course communities within Prince George's County. Although the CDP text references the golf course, its facilities, and the recreation center to be constructed as part of Phase 1, staff believes that the most efficient and least confusing approach to foster a more expedient site plan review would be for the golf course and recreation facilities to be reviewed under a separate phase, 1A. The designation of Phase 1A would allow for the golf course and proposed recreation center to be reviewed as separate entities, which they are, apart from any residential development. Reviewing the golf course with some of the proposed residential development, specifically that shown as Phase 1 of the Phasing Schedule, does not allow for a comprehensive review of the relationships between the golf course and all abutting residential lots. Furthermore, given the amount and complexity of environmental issues with regard to golf course review, staff believes that the review of the golf course should be conducted as a site plan unto itself. Staff believes that the optimum circumstance in which the

relationships between the abutting residential lots and the golf course can be reviewed would occur if the golf course were reviewed and constructed first, or at the very least if the applicant is able to meet their stated goal, which is ■to have the golf course in place with the opening of the first sections.● If the golf course is in place prior to the majority of the residential development, then the siting of residential lots adjacent to an existing golf course with existing woodlands, vegetation, etc., becomes a much less complicated task with respect to the safety and protection of the lots from errant golf balls. Finally, review of the golf course separately, and first, allows for the Final Plats for the golf course to be approved early in the process, thus giving tangible documentation of the extent, boundaries, edges, and easements, etc., that define the subject facility. Therefore, it is recommended that the proposed golf course and recreation center be included as part of the Phasing Schedule in the CDP text, and be assigned Phase 1A with a projected completion time equal to that of Phase 1, one to two years.

- c. Although the staging plan text identifies the golf course as being constructed in Phase 1, the staging schedule neither identifies nor notes specific timing for the projected completion of the golf course. Since the CDP text states that it is ■the desire to have the golf course in place with the opening of the first sections.● (see p. 23), and the golf course will be developed with Phase 1, staff believes it is appropriate to limit the number of residential permits that can be issued prior to the submission of the final golf course plan for review and the construction/ completion/opening of the golf course facility. Therefore, based on the proposed staging schedule total number of projected residential units in Phase 1, it is recommended that prior to the approval of the 200th residential building permit for Oak Creek, the Specific Design Plan for fine grading in Phase 1A (Golf Course) shall be submitted and approved. Furthermore, prior to the approval of the 287th residential building permit for Oak Creek, the golf course shall be completed and in operation. Furthermore, the proposed recreation center, swimming pool and bathhouse, tennis courts, and any other recommended community structures shall be included in the said Phase 1A SDP.

27. The CDP application does not include a general scheme and standards for treatment of the streetscape. Staff is particularly concerned with the following:

- Location of street trees, lighting, and sidewalks.
- Lot entrance drives with culverts vs. sloped entrance drives with a drainage swale across the surface.

To ensure an attractive and consistent streetscape treatment throughout Oak Creek Club, a separate Specific Design Plan will be devoted to streetscape elements, as proposed in the conditions in the Recommendation section of this staff report below. Furthermore, staff believes that a comprehensive approach to signage for the subject property would be a benefit to promoting a positive image for the commercial/retail, residential, and recreational areas within the development. Therefore, it is recommended that in addition to streetscape elements, the Specific Design Plan review will also be inclusive of proposed signage, and

that a comprehensive signage design approach be undertaken for the residential and commercial/retail components of the development.

28. The CDP text does not include any discussion with regard to on-street parking within the public right-of-way. As previously stated in Findings No.12 and 18 above, it has been determined that safety is significantly diminished when on-street parking is allowed in a two-way right-of-way of 50 feet or less. Therefore, on-street parking should be prohibited throughout the proposed development, as proposed in the conditions in the Recommendation section of this staff report.
29. The CDP text (p.13) states ■efforts to coordinate the installation of underground utilities will be emphasized by the applicant.● Staff believes that the location of utilities underground within the development will be a significant contributor to the positive appearance of the streetscape throughout the community. Therefore, public utilities should be buried wherever possible, as indicated in the proposed condition in the Recommendation section of the staff report. Furthermore, the entire property frontage along Church Road is occupied by an existing above-ground telephone/power line public utility within the public right-of-way. Although burying the electrical line would provide for a more aesthetically pleasing development, the development review process does not afford the Planning Board the authority to mandate any activity within a public utilities easement controlled by another agency. Neither the applicant nor the respective public utility can be forced to remove the existing utility line through this process. It is recommended that the applicant investigate burying the line.
30. The CDP text (p.18) states ■Streetscape planting that occurs in open space and stormwater management planting will be credited against the *Landscape Manual* requirements.● Staff disagrees. Unless the said plantings are within the parameters of a designated/required bufferyard, commercial/industrial landscape strip, etc., then they shall be considered supplemental landscaping above that required by the *Landscape Manual* to enhance the open space and stormwater management facilities. Credit for plantings outside of required bufferyards, landscape strips, etc., should not be allowed.
31. Although neither the submission requirements for Comprehensive Design Plans in general nor the requirements for the R-L and L-A-C Zones mandate that the developer provide detailed standards and guidelines for the architectural appearance of proposed dwelling units, community facilities, and/or commercial/retail components, the Planning Board has frequently been provided those standards and guidelines by applicants for approval as part of the Comprehensive Design Plan. In the subject case, no architectural standards or guidelines have been proffered to support the CDP text notation of Architectural Guidelines, nor the applicant's stated intention of providing an upscale community. Furthermore, to preclude the submission and review of architecture with every Specific Design Plan submission, staff believes that the review of all proposed architecture under one separate umbrella Specific Design Plan is appropriate and will allow staff to easily track all approved architecture throughout the project's development. The said architecture, once approved, will be applicable to all Specific Design Plans subsequently approved. Therefore, both the recommended general architectural standards and guidelines, and the requirement of a

separate Specific Design Plan for architecture are indicated as a proposed conditions in the Recommendation section of this staff report.

32. Generally, errant golf shot plans focus on the impact of a golf course to an existing/ proposed adjoining residential development. Staff believes that the location of proposed holes No. 2, 3, 8, and 9, adjacent to both Church and Oak Grove Roads, raises a concern with regard to the safety of vehicular travel along both roadways. Therefore, the recommended errant ball study to be submitted at the time of Specific Design Plan review should also demonstrate that vehicles traveling along Church Road and Oak Grove Road will be safe.
33. The following private recreation facilities will be provided in the Oak Creek Club development:
- **Golf Course Club House and Recreation Center/Community Building**
(club house, bathhouse, 5,000-square-foot encompassing multipurpose room, game room, additional meeting room, offices, coat room, kitchen, storage area, rest rooms and health club/fitness center)
 - **Swimming Pool adjacent to Club House/Community Building**
 - **Two (2) tennis courts adjacent to Club House/Community Building**
 - **Seven (7) Tot Lots** throughout the community.

As previously stated in Finding No. 23.d. above, it appears that the proposed bathhouse and golf course clubhouse are proposed to be housed in the same structure. Furthermore, the plan makes no mention of the provision of additional community-oriented facilities as outlined above in this finding. Staff has the following concerns. Given that the golf course will be a privately owned entity, staff does not believe that in general of the community functions should be housed in the clubhouse structure, which very likely will have its own rules, hours of operation, etc. Secondly, for a development of this size and projected population it is inconceivable that a stand-alone structure would not be provided for the community usage on HOA property. Community groups, clubs, residents, etc., should have access to a functional and attractive building which is owned and governed by the community, within which community-oriented activities can occur. Therefore, it is recommended that the proposed golf course club house and recommended community building/bathhouse be two separate buildings, with the latter located on Homeowners Association Space.

In order to ensure that the facilities listed above and the other facilities required by the Basic Plan will be constructed in phase with development, bonding and construction requirements should be established as a proposed condition in the Recommendation section of this staff report.

34. The CDP text (p. 35) states that ■There will be other tot lots and recreational facilities provided in other parts of the community that will be detailed as the detailed planning proceeds. There will also be other open space within each development parcel.● It is incumbent upon the applicant at the time of Comprehensive Design Plan to give the

Planning Board and District Council a complete picture of the proposed recreation facilities proposed for the development. The Comprehensive Design Plan should show all proposed recreation areas located in residential areas and the applicant's most accurate projections of specific recreation facilities to be provided in those areas. Specific recreation facilities identified on the CDP may be revised at the time of Specific Design Plan if the Planning Board finds at that time that equal or better facilities are being offered.

35. The developer of Oak Creek Club has indicated that homeowners in the development will receive some special privileges in regard to use of the golf course.
36. To ensure that the recreational needs of handicapped residents are not overlooked, the staff provides a recommended condition below.
37. A development as large as the Comprehensive Design Plan for Oak Creek Club is expected to result in numerous Specific Design Plans (SDP) for the various phases of the development. To assist the staff and interested citizens in keeping track of the approved SDPs and attendant Tree Conservation Plans (TCP), a condition is proposed below which would require the developer to provide a key plan of the entire Oak Creek Club project with each SDP submitted showing the number and location of all previous SDPs and TCPs approved or submitted.

RECOMMENDATION

Based upon the preceding evaluation, the Urban Design Review Section recommends that the Planning Board adopt the findings of this report and APPROVE Comprehensive Design Plans CDP-9902 and CDP-9903, and Type I Tree Conservation Plans, TCPI/91/01 and TCPI/92/01, for Oak Creek Club, with the following conditions and considerations:

1. Prior to certificate approval of the Comprehensive Design Plan, the following revisions shall be made or information supplied:
 - a. Provide an updated market study to reflect the currently proposed phasing plan with regard to dwelling units and the amount of supportable commercial space. Furthermore, the commercial component shall be capped at 26,000 square feet. If market conditions change, an increase in square footage may be approved by the Planning Board up to, but not exceeding, 40,000 square feet. Any future application to increase the commercial component area shall be accompanied by a current market study, and any necessary supporting documentation.
 - b. Provide evidence of a written agreement with the Historic Preservation Commission that defines/outlines responsibilities and timing for the provision of a security/fire alarm system connected to central station monitoring and maintenance/stabilization of all historic outbuildings within the Environmental Setting.
 - c. Indicate the provision of a hiker/biker trail along the entire length of the property to be dedicated to the Department of Parks and Recreation in the Black Branch Stream Valley on the subject property.

- d. The applicant shall illustrate the provision of new access to the residents currently served by a driveway traversing M-NCPPC property (the Riley Tract) from the Oak Creek Community by providing a conceptual alignment for the new access on the plan.
 - e. Provide sidewalks (minimum five-feet-wide) on both sides of all primary roads, and sidewalks (minimum four-feet-wide) on both sides of all secondary roads.
 - f. Coordinate the staging schedule and staging plan to reflect the same development information and nomenclature, Phase III or Phase 3, etc.
 - g. The proposed golf course and recreation center shall be included as part of the Phasing Schedule in the CDP text, and be assigned Phase 1A with a projected completion time equal to that of Phase 1, one to two years.
 - h. TCP I shall be revised to correct the ■Reforestation Calculation• and ■Forest Save Calculation• tables on sheet 9 of 9 of the TCP. These tables shall be revised to correctly reference the plan sheet on which each woodland conservation area is located.
 - i. A letter from the St. Barnabas Church shall be submitted to the Environmental Planning Section indicating that the church understands that the parcel is a Woodland Conservation Area on which bush-hogging, mowing, grading, building, and other land disturbance activities are not permitted.
 - j. Provide written documentation to the Environmental Planning Section that states that the M-NCPPC Department of Parks and Recreation agrees to all woodland conservation areas on the parcels to be dedicated to M-NCPPC. If the documentation is not provided, the TCP I shall be revised to show additional on-site preservation, on-site afforestation, or off-site mitigation.
 - k. Show dedication to M-NCPPC of 133⅓ acres as shown on the Department of Parks and Recreation (DPR) Exhibit ■B.●
- 2. At each access point off of Church Road and Oak Grove Road, the plans shall provide entrance buffers 100 feet wide on each side of the access road and 100 feet deep along the access road.
 - 3. All nondisturbed nontidal wetlands shall have at least a 25-foot nondisturbance buffer around their perimeters.
 - 4. All streams and drainage courses shall comply with the buffer guidelines for the Patuxent River Primary Management Areas.

5. Prior to the approval of the Preliminary Plan of Subdivision, provide the alternative vehicular access to the Beall House, and incorporate the balance of the drive into the open space network.
6. 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.
7. 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.
8. All nontidal wetland mitigation areas shall be shown on the SDP.
9. Technical approval of the location and sizes of Stormwater Management Facilities is required prior to approval of any SDP.
10. Prior to Specific Design Plan approval for the Environmental Setting, parking for the adaptive reuse of Bowieville shall be provided primarily in the following locations: the adjoining streets, proposed clubhouse parking area, and parking area of the nearby commercial center.
11. The property shall be inspected on behalf of the applicant by a qualified preservation architect, preservation contractor or structural engineer with inspection reports filed with the Planning Board or its designee at quarterly intervals until the Historic Site is completely restored or adaptively reused. The inspections shall ensure the maintenance of the security fence, window coverings, alarm systems, ■no trespassing• signs, as well as any interim repairs made to preclude further deterioration as determined by the Conditions Assessment. Evidence of quarterly inspection reports shall be provided by the applicant prior to approval of all future Specific Design Plans.
12. The applicant, his heirs, successors or assigns shall submit an Historic Area Work Permit (HAWP) for the restoration and adaptive reuse of the Bowieville Historic Site prior to the issuance of the 281st building permit for the development. The HAWP shall be consistent with the Secretary of the Interior's Standards for Rehabilitation and the Historic Preservation Commission's Policies and Guidelines and shall specifically address preservation of original fabric. The restoration of the Historic Site shall be completed prior to the issuance of the 400th building permit for the development.
13. Prior to the issuance of the 281st building permit for the development, a performance bond or letter of credit or other suitable financial guarantee shall be issued by the applicant to be held by M-NCPPC to guarantee the timely and satisfactory completion of the restoration of the Historic Site. Bonding procedures shall follow those in place for private recreational facilities agreements.
14. Prior to submission of a Specific Design Plan for the areas in question around the historic house, the applicant shall receive a written determination from the Historic Preservation

Commission regarding the need for Phase II and/or Phase III archeological studies. If either or both are required, they shall be completed and approved by HPC prior to the approval of the relevant SDP.

15. Appropriate uses for the Bowieville Mansion and tobacco barn may include but not be limited to the following:

- a. Reception hall/rental facility
- b. Art gallery
- c. Restaurant
- d. Country Inn
- e. Antique shop or other such low intensity retail use
- f. Eleemosynary or philanthropic use
- g. Low intensity office use
- h. Library or similar cultural use
- i. Private residence
- j. Private school
- k. A combination of the above uses

Additional uses may be approved at the time of Specific Design Plan for the Historic Site's Environmental Setting subject to approval by the Historic Preservation Commission.

16. The applicant shall donate a protective easement on the exterior of Bowieville and the significant features within its Environmental Setting to an appropriate body capable of holding easements, within 180 days after settlement on Phase I of the development or prior to final plat approval, whichever is sooner. The area potentially protected by an easement shall be identified on all future submittals as the area of historic concern.
17. Specific Design Plan review by the Historic Preservation Commission shall be required on structures adjacent to the Historic Site's Environmental Setting. This review will include but not be limited to architectural design, building placement, materials, roof features, fencing, landscaping and parking, in relationship to views from the Historic Site.
18. All commercial and public assembly structures shall be fully sprinklered in accordance with National Fire Protection Standard (NFPA) 13 and all applicable county laws.
19. All residential structures shall be fully sprinklered in accordance with the National Fire Protection Standard (NFPA) 13D and all applicable county laws.
20. Prior to certification of the first Specific Design Plan the applicant shall pay any deficit contribution necessary to fund the extension of sewer and water lines for the project as determined by the WSSC.
21. Prior to approval of each Specific Design Plan the applicant shall submit an overall open space plan with calculations for areas of tree preservation, wetlands, and floodplain, to ensure preservation of areas approved as open space per CDP-9902 and CDP-9903.

22. The design of the golf course shall be in accordance with the safety corridor guidelines of the Urban Land Institute publication Golf Course Development and Real Estate (1994), as follows:

- Centerline of golf hole to road right-of-way: 150 feet.
- Centerline of golf hole to boundary of adjacent development (or lot lines): 175 feet; plus a 35-foot setback for a house on a lot.
- Minimum distance between one green and the next tee: 150 feet.
- Minimum distance between adjacent tees and greens: 150 feet.
- Minimum distance between adjacent landing areas: 200 to 250 feet.

The Planning Board may approve modifications of these guidelines upon submission at the time of Specific Design Plan of written justification from a qualified professional golf course architect that the adjustment will not reduce the safety of the course operation.

23. Prior to approval of each residential Specific Design Plan the applicant shall provide a detailed analysis of the individual holes which abut, or may impact, the residential lots contained within the submitted SDP to demonstrate that the residential development will not be at risk with regard to errant golf shots. The errant ball studies shall include, but not be limited to, grading, topography, spot elevations, slopes, existing vegetation, proposed landscaping, golf course hazards, etc. Furthermore, the applicable SDPs with golf holes adjacent to Church Road and Oak Grove Road shall demonstrate safety for vehicles traveling the said thoroughfares.
24. For those lots with frontages along Church Road or Oak Grove Road, or with an intervening open space parcel between the road and the lot, the minimum lot width shall be 100 feet. Units on these lots shall have side-entrance garages and may have dualized driveways. A 50-foot building setback is required from the street line and the property line. Units built on these lots shall have side-entrance garages and may have dualized driveways.
25. Lots in Parcel A backing up to the adjacent R-E Zone (Sierra Meadows) shall have a minimum landscape strip outside of the rear yards of at least 50 feet. Lots in Parcel C backing up the R-E Zone (Behnke's Nursery) shall have a minimum landscape strip of at least 50 feet wide outside of the rear yards. Lots in Parcel L, backing up to the R-E Zone (Seton Belt property) shall have a minimum landscape strip of at least 50 feet outside of the rear yards.
26. Prior to Final Plat approval the open space parcel created by the relocation of Oak Grove Road shall be conveyed to the St. Barnabas Church or the appropriate entity capable of holding real estate.
27. Prior to Specific Design Plan approval and to the extent practicable, existing fence rows, isolated trees, or existing agricultural structures occurring in the setback shall be preserved and maintained unless removing such elements can be justified on the grounds of safety. The quality of these features shall be determined by the Planning Board and/or District Council at the time of Specific Design Plan review. In addition, groves, clusters, or rows of native trees, and shrubs typical of those indigenous to the vicinity of the proposed development

shall be encouraged to be planted in the setback in order to enhance the rural character. Furthermore, the applicant shall provide a photographic and plan inventory of all agricultural structures within a proposed plan area for submission and review at the time of Specific Design Plan submittal.

28. Prior to approval of Specific Design Plans the handicapped accessibility of all trails shall be determined. Furthermore, all trails shall be field-located and staked by the applicant in consultation with M-NCPPC staff from the Environmental Planning Section, Transportation Planning Section, and the Department of Parks and Recreation.
29. For lots with rear yards oriented toward Oak Grove Road or Church Road, there shall be a minimum 300-foot setback requirement for the rear lot lines. The 300-foot buffer may include the golf course, however, within the 300 feet a minimum 50-foot landscaped buffer shall be provided, to be planted with the amount of plant materials required for at least a collector roadway buffer in Section 4.6 of the *Landscape Manual*. If there is woodland area or hedgerows within the right-of-way, it may be combined with on-site woodland to contribute toward the 50-foot buffer requirement. Existing woods may be allowed to substitute for the landscaping, only if it can be demonstrated that the woodland is a minimum of 50 feet wide and is supplemented with evergreen material to provide a complete year-round screen. The landscaped buffer may be located either along the road or along the lots, but in no case shall it be split up into less than 25-foot widths.
30. Prior to the approval of the 200 th residential building permit for Oak Creek, the Specific Design Plan for fine grading in Phase 1A (Golf Course) shall be submitted and approved. Furthermore, prior to the approval of the 287 th residential building permit for Oak Creek, the golf course shall be completed and in operation. Furthermore, the proposed recreation center, swimming pool and bathhouse, tennis courts, and any other recommended community structures shall be included in the said Phase 1A SDP.
31. On-street parking shall be prohibited throughout the proposed development.
32. Public utilities should be buried wherever possible.
33. Prior to submission of the first Specific Design Plan for residential areas, the applicant shall submit and obtain Planning Board approval of a special-purpose Specific Design Plan devoted to elements of streetscape including but not limited to street trees, lighting, entry monuments, signage, special paving at important facilities and intersections, and design intentions in the ■neo-traditional• area of the L-A-C Zone. This SDP shall also address signage, and landscaping utilizing distinctive landscape treatments to emphasize important focal points, intersections, and trail heads, and concentrations of particular species as an identifying feature for particular neighborhoods.
34. The residential architecture shall be attractively and creatively designed with an emphasis on high quality and natural materials. Where siding is employed, the highest quality vinyl and decorative trim shall be required. At least 60 percent of all units shall have brick fronts. All exterior fireplace chimneys shall be brick or stone. A strong emphasis shall be placed on details such as dentil molding, jack arches, lintel, brick or stone foundations, creative

window and door treatment, cornice lines, quoins, reverse gables, dormer windows, and varied roof lines. Roofing material shall consist of standing seam metal, cedar shake shingles, imitation slate, or the highest quality dimensional asphalt shingles.

All side and rear elevations visible from roads, parking areas, the golf course, and the existing two-acre pond shall have a high level of detail comparable to that of the fronts, and shall demonstrate a pattern of fenestration which is orderly and harmonious.

The minimum roof pitch for all dwelling units shall generally be 8/12. A minimum ceiling height for the first floor shall be nine feet.

The minimum residential square footage, excluding townhouses, shall be two-thousand and two-hundred (2,200) square feet.

Decks and porches on rears that face the golf course must be painted, stained, etc. They may not be left to weather naturally.

No private fences will be allowed in rear yards facing the golf course.

Rear yard landscape plans facing the golf course shall be selected from a limited group of options to be installed by the developer.

35. Provide a separate Specific Design Plan for all proposed architecture.
36. Every Specific Design Plan for Oak Creek Club shall include on the cover sheet a clearly legible overall plan of the project on which are shown in their correct relation to one another all phase or section numbers, all approved or submitted Specific Design Plan numbers, and all approved or submitted Tree Conservation Plan numbers.
37. All Specific Design Plans for land adjacent to the Bowieville Historic Site shall illustrate the environmental setting approved by the Historic Preservation Commission for Bowieville. Stands of trees and specimen trees within the environmental setting shall also be shown to illustrate the effectiveness of natural screening of the historic site. In addition, these SDPs shall, if determined to be appropriate, demonstrate to the satisfaction of the Historic Preservation Section and/or the Historic Preservation Commission that proposed architecture for structures within these SDPs will be in harmony with the historic property by incorporating references to aspects of Bowieville's architectural design (for example, scale, materials, details and rooflines) into the design.
38. The private recreational facilities shall have bonding and construction requirements as follows. All of those facilities below except the golf course and associated facilities shall be incorporated in Recreational Facilities Agreements (as specified in the *Parks and Recreation Facilities Guidelines*) prior to Final Plat of Subdivision:

OAK CREEK CLUB PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION

Golf Course	N/A	Complete by 287th building permit
Main Community Building	Prior to 250th building permit	Complete by 500th building permit
Swimming Pool Adjacent to Main Community Building	Prior to 250th building permit	Complete by 500th building permit
Two (2) Tennis Courts Adjacent to Main Community Building	Prior to 250th building permit	Complete by 500th building permit
8-foot-wide Asphalt Trail System (not on public park land)	Prior to 125th building permit	Complete by 650th building permit
<p>It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25%, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.</p>		

The recommended Community Building and the proposed Golf Course Clubhouse shall be two separate structures, with the Community Building being located on Homeowners Association property.

39. All play areas shall comply with the requirements of the Americans with Disabilities Act and with the *Parks and Recreation Facilities Guidelines*.
40. All recreational facilities to be constructed on park land shall be built in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.
41. 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.
42. 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.
43. Prior to the approval of the 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.
44. 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.
45. All record plats shall indicate the A-44 facility as shown on the submitted plan with the notation ■Future Access-Controlled Highway Facility A-44.●
46. All interior street cross sections associated with the CDPs for the R-L and the L-A-C Zones shall be revised to provide, at a minimum, either a four-foot-wide sidewalk or a trail along both sides of all streets.
47. In order to support the Master Plan recommendation concerning P-2, the plan shall be revised 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.
48. Prior to the issuance of 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.

No permits shall be issued 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 the date of the adoption of the resolution for the approval of the preliminary plat of subdivision.

49. The applicant shall pay a fee to Prince George's County, which shall serve as a fair share contribution towards the provision of a fire station and ambulance. The fee shall be paid prior to approval of the Final Plat. Proof of payment shall be shown to the Planning Department prior to approval of the Final Plat. This finding is based on all of and portions of parcels/lots shown on the CDP that are beyond recommended ambulance response time guidelines. A final determination of the fair share contribution to be paid by the applicant will be made at the time of preliminary plat. This determination will be based on all of and portions of residential and non-residential parcels/lots that are found to be beyond the recommended ambulance response time guideline.
50. Prior to the issuance of the Certificate of Occupancy for the golf course all reforestation on Parcel 35 (proposed dedication to St. Barnabas Church) and the golf course parcels shall be completed.
51. The Preliminary Plan of Subdivision shall reflect lots along A-44 of no less than 300 feet in depth unless a variation for lot depth is approved as part of the Preliminary Plan approval.
52. 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.
53. Prior to the approval of the Preliminary Plan of Subdivision, all areas of Marlboro clay which do not satisfy the existing and/or proposed 1.5 safety factor line shall be identified. Areas which do not meet the minimum 1.5 safety factor shall not be platted as building lots.
54. The applicant and the applicant's heirs, successors and/or assigns shall provide the following:
 - a. Construct a Class I hiker-biker trail along the subject property's entire frontage of Church Road, as reflected on the submitted CDP.
 - b. Construct 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 plat, and construct the multi-use, 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 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. The trails network shall be shown on the preliminary plat and final plat.
 - e. All trails shall be assured of dry passage. If wet areas must be traversed, suitable structures shall be constructed.
55. The applicant shall submit to the DPR of a performance bond, a letter of credit or other suitable financial guarantee, for the Phase-I of the park development, in an amount to be determined by the DPR, within at least two weeks prior to issuance of the 287th building permit.
56. The applicant, his successors, and/or assigns, shall construct the public recreational facilities in two phases. Prior to issuance of the 383rd building permit, the applicant shall construct the following recreational facilities, accessible from Kettering Neighborhood Park:

Phase I

- (1) combination soccer/football fields @ 230' x 350'
 - (1) softball field @ 300' x 350'
 - 155 space parking lot
 - playground for children 2-12 years of age
 - 1,000 linear feet of 8' wide master plan trails
57. The applicant shall submit to the DPR of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DPR, for Phase-II of the park development, within at least two weeks prior to issuance of the 574th building permit.
58. Prior to issuance of the 765th building permit, the applicant shall construct the following recreational facilities:

Phase II

- (1) combination soccer/football fields @ 230' x 350'
 - 60 space parking lot accessible from Oak Creek Club
 - (2) youth soccer fields @ 100' x 200'
 - (1) gazebo with 5 picnic tables
 - 2,200 linear feet of 8' wide trails
59. The applicant shall construct the master plan trail in the Black Branch Stream Valley and feeder trails with sewer line construction along the Black Branch.
60. Prior to signature approval of the CDP-9902&9903, the concept plan as shown on DPR Exhibit ■A■ shall be incorporated into the approved CDP plans.
61. The recreational facilities on park property shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
62. Prior to submission of the first Specific Design Plan (SDP), the applicant shall submit detailed construction drawings for park facilities to DPR for review and approval.

Specific Design Plan Considerations

1. The applicant shall explore the feasibility of burying existing overhead utility power lines along Church Road.