

**OFFICE OF ZONING HEARING EXAMINER
FOR PRINCE GEORGE'S COUNTY, MARYLAND**

**ZONING MAP AMENDMENT
A-8427-02, A-8578-02 & A-8579-02¹**

DECISION

Application:	Amendment of Basic Plan and Conditions
Applicants:	Oak Creek Club, LLC.
Opposition:	None
Hearing Dates:	March 5, 2025 and March 26, 2025
Date of Decision:	May 28, 2025
Hearing Examiner:	Joyce B. Nichols
Recommendation:	Approval with Conditions

NATURE OF PROCEEDINGS

- (1) Applicant requests, pursuant to Section 27-197(a) of the Zoning Ordinance, Amendments to its Basic Plan and, pursuant to Section 27-135(c), Amendments of Conditions of zoning approved for its 922 acres of land located on both sides of Church Road and the north side of Oak Grove Road.
- (2) The Planning Board and the Technical Staff recommended approval with conditions.
- (3) At the conclusion of the March 26, 2025, evidentiary hearing, the record was kept open until April 11, 2025, for the receipt of documents supporting the position of the homeowners association. These documents were not submitted, and the record was closed on April 11, 2025.

FINDINGS OF FACT

Subject Property

- (1) The Subject Property is located on the east and west sides of Church Road, north of Oak Grove Road. The area specific to this Amendment is the portion of the Oak Creek development on the east side of Church Road, north of Mary Bowie Parkway, and west of Bamberg Way. The Subject Area of Amendment, currently zoned Legacy Comprehensive Design (LCD), is approximately 8.09 acres and is composed of part of Parcel B and Parcel 3, within the Oak Creek Club subdivision. Parcel 3 is recorded by

¹ The history of the zoning Applications for the Subject Property show that the previous Amendments, which should have been identified as A-8427-01, A-8478-01, and A-8579-01 were misidentified as A-8427, A-8578, and A-8579. The correct numbering for the instant Amendment has been used for this Decision, A-8427-02, A-8578-02, and A-8579-02.

deed in the Prince George's County Land Records in Book 48450 page 299, and Parcel B is recorded in Plat Book REP 203 Plat 20. This Application is being reviewed pursuant to the prior Prince George's County Zoning Ordinance, under which the area of Amendment is zoned Local Activity Center (L-A-C) and Residential Low Development (R-L). The site is currently vacant and unimproved.

Zoning History

(1) A-8427, A-8578, and A-8579 were approved by the Prince George's County District Council on November 26, 1991 (CR-120-1991) for the Subject Property. The Basic Plans rezoned the property from the Residential-Agricultural (R-A) and Rural Residential (R-R) Zones to the R-L and L-A-C Zones, respectively.

On July 24, 2000, the District Council approved Amendments to Basic Plans A-8427, A-8578, and A-8579 (Zoning Ordinance No. 11-2000) for the Oak Creek Club subdivision, which introduced an 18-hole golf course, subject to 49 Conditions and 10 Considerations.

Preliminary Plan of Subdivision (PPS) 4-01032 was approved by the Prince George's County Planning Board on September 6, 2001 (PGCPB Resolution No. 01-178(C)(A)). PPS 4-01032 approved 1,148 lots and 36 parcels for the development of 1,148 single-family residential dwelling units, 26,000 square feet of retail use, and an 18-hole golf course on the overall property. Further subdivision of the property for new residential lots will require a new PPS.

Comprehensive Design Plans CDP-9902 (for the R-L Zone) and CDP-9903 (for the L-A-C Zone) were approved by the District Council on May 13, 2002, to develop a maximum of 1,148 dwelling units on 923 acres of land, including a golf course, a clubhouse, and a recreation center.

The first revision to CDP-9902, CDP-9902-01, was approved by the Planning Board on June 22, 2006, to reduce the attached single-family dwelling unit side yard setback from 5 feet to 0 feet.

A second revision, CDP-9902-02, was approved by the Planning Board on September 13, 2007 (PGCPB Resolution No. 07-172), to combine the community building and golf course clubhouse into a single facility, and to amend the location and the construction schedule for the recreational facilities.

A third revision, CDP-9902-03, was approved by the District Council on January

30, 2012, for amending prior Condition 27 regarding bonding and commencing construction of the golf course clubhouse.

A fourth revision, CDP-9902-05, was approved by the Planning Board on December 6, 2012 (PGCPB Resolution No. 12-110), to revise a prior condition of approval, to allow the approved clubhouse to be reduced in area from 25,000 square feet to 13,000 square feet.

The first revision to the above-referenced CDP-9903, CDP-9903-01, was approved by the Planning Board on September 13, 2007 (PGCPB Resolution No. 07-173 (C)), for a revision to a prior approved condition regarding the on-site recreational facilities.

A second revision, CDP-9903-02 was approved by the District Council on January 30, 2012, for a revision to a prior approved condition regarding the construction trigger of the approved golf course.

A third revision, CDP-9903-04 was approved by the Planning Board on December 6, 2012 (PGCPB Resolution No. 12-111), for a revision to reduce the proposed size of the approved golf course clubhouse. Amendments to CDP-9902 and CDP-9903 are anticipated for the increase to dwelling units, as proposed under these Basic Plan Amendments, should they be approved.

PPS 4-01032 was approved by the Planning Board on September 6, 2001 (PGCPB Resolution No. 01-178(C)(A)). PPS 4-01032 approved 1,148 lots and 36 parcels for the development of 1,148 single-family residential dwelling units, 26,000 square feet of retail use, and an 18-hole golf course on the overall property. Further subdivision of the property for new residential lots will require a new PPS.

Numerous specific design Plans have been approved for the Oak Creek Club development, as covered under the Basic Plans. Future development of the area proposed for increase of density under this Application, if approved, will require specific design Plan approval.

Neighborhood and surrounding uses

(3) Neighborhood boundaries are normally defined by major roadways or environmental features. The following boundaries create the neighborhood for the Subject Property:

- North** — MD 214 (Central Avenue)
- South** — Oak Grove Road
- East** — New York Central Rail Line
- West** — Watkins Park Drive

(4) The area immediately surrounding the Subject Area of Amendment is comprised of the following roadways and existing development, which are all within the Oak Creek Club subdivision:

- North** — Vacant land owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC), currently zoned LCD (prior R-L Zone).
- South** — Mary Bowie Parkway right-of-way.
- East** — Single-family detached residential dwelling units in the Lake View section of the Oak Creek Club subdivision. Currently zoned LCD (prior L-A-C).
- West** — Church Road right-of-way.

Master Plan/Sectional Map Amendment

(5) The 2014 *Plan Prince George's 2035 Approved General Plan* (General Plan) classifies the Subject Property in the Established Communities Plan area. The vision for Established Communities is to create the most appropriate and context-sensitive infill for low- to medium-density development.

(6) The 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* (Master Plan) recommends residential low and neighborhood mixed-use land uses on the Subject Property. The R-L portion of the Subject Property is designated as residential low. Residential low land uses are defined as residential areas between 0.5 and 3.5 dwelling units per acre, with primarily single-family detached dwellings. The L-A-C portion of the Subject Property is designated as neighborhood mixed-use. Neighborhood mixed-use

is defined as traditional retail/shopping areas that are transitioning to a mix of residential, shopping, eating, and drinking, and other neighborhood-serving amenities, with a residential density up to or equal to 48 dwelling units per acre.

Applicant's Request

(7) The Purpose of this request is to amend Basic Plans A-8427, A-8578, and A-8579, approved by the District Council on November 26, 1991, to allow for the additional development of 36 single-family detached dwelling units. The request specifically asks for an increase in density through the modification of Condition 1 of the prior approved Basic Plans. No other Conditions of the approved Basic Plans are requested. Furthermore, the request does not involve a change in the overall land area of the approved Basic Plans. The development area specific to the density increase proposed is identified on the proposed amended Basic Plan as Development Parcel/Landbay T. The area in which the increase in residential density is proposed is currently shown on the approved Basic Plan for single-family detached residential dwelling units, church, and day care uses. The Application requests an Amendment of this land-use area for single-family detached development only. However, additional land in the L-A-C Zone to the south of Mary Bowie Parkway is to retain the nonresidential future development component within Oak Creek Club, to satisfy the Purposes of the L-A-C Zone.

(8) This Application was accepted by the Planning Department on May 23, 2024, and is being reviewed in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1704(h) of the Zoning Ordinance. This Application is filed pursuant to Section 27-197(a) of the prior Zoning Ordinance.

(9) Currently, Condition 1 of A-8427, A-8578 and A-8579 states the following:

- 1. In no event shall the maximum number of dwelling units exceed 1,096 in the R-L Zone, which equates to 1.3 dwelling units per adjusted gross acre, and 52 in the L-A-C Zone.**

The revised Condition is recommended for approval, as follows:

- 1. In no event shall the maximum number of dwelling units exceed 1,108 in the R-L Zone, which equates to 1.4 dwelling units per adjusted gross acre, and 76 in the L-A-C Zone.**

Development Proposal Analysis:

(10) The Application requests an increase the permitted residential density cap in the R-L and L-A-C Zones, to allow for the development of a maximum of 1,108 dwelling units in the R-L Zone, and a maximum of 76 dwelling units in the L-A-C Zone. The following Table represents the prior approved dwelling unit types and development maximums for the L-A-C Zone, and the Amendments requested with this Application:

A-4827, A-8578, A-8579	APPROVED	EVALUATED
Zone (R-L)	R-L	R-L
Total Acreage	892 acres	892 acres
Max. Dwelling Units	1096 units	1,108 units
Density Cap	1.3 d/u per acre	1.4 d/u per acre
Zone (L-A-C)	L-A-C	L-A-C
Total Acreage	33 acres	33 acres
Max. Dwelling Units	52 units	76 units

The Table illustrates an increase of the density cap for the R-L Zone to 1.4 dwelling units per acre (an increase of 0.1), which increases the maximum permitted dwelling units to 1,108 units (an increase of 12 from 1,096). The Application does not propose rezoning, or a change in the dwelling unit types.

Law Applicable

- (1) Section 27-1704(d) of the Prince George’s County Zoning Ordinance provides that,
- “Development approvals or permits of any type approved under the prior Zoning Ordinance or prior Subdivision Regulations or otherwise subject to this Section are “grandfathered” and all buildings, uses, structures, or site features are deemed legal and conforming, and subject to the provisions of Section 27-1707. Notwithstanding the provisions in this Section, if the development approval is for a CSP, special permit, Comprehensive Sketch Plan, or CDP, development approvals shall have access to and utilization of the prior Zoning Ordinance and prior Subdivision Regulations for all Purposes until April 1, 2042 pursuant to Subsection (a) above (unless a longer or an indefinite validity is applicable pursuant to Subsection (a) above) or until the property is rezoned pursuant to a Zoning Map Amendment (Section 27-3601) or Planned Development Zoning Map Amendment (Section 27-3602), whichever occurs first. All other development approvals shall have access to and utilization of the prior Zoning Ordinance and prior Subdivision Regulations for all Purposes until April 1, 2032 or until the property is rezoned pursuant to a Zoning Map Amendment (Section 27-3601) or Planned Development Zoning Map Amendment (Section 27-3602), whichever occurs first.”***

(2) Because the Oak Creek Club development (of which the Subject Property is a part) had numerous approvals under the prior Zoning Ordinance, the provisions of Section 27-197(a)(1) of the prior Zoning Ordinance are applicable to the approval of the requested Amendments. Section 27-197(a)(1) provides that,

“If an Amendment of an approved Basic Plan involves a change in land area or an increase in land use density or intensity for the overall area included in the approved Basic Plan, the Plan shall be amended only in accordance with all the provisions of this Subdivision which apply to the initial approval of the Basic Plan by Zoning Map Amendment Application, except as provided in this Section.”

(3) The burden of proof in any zoning case shall be the Applicants. (§27-142(a)). Zoning cases are those matters designated to be heard before the Zoning Hearing Examiner by the Zoning Ordinance of Prince George's County. (§27-107.01(a)(26))

Burden of Production and Persuasion

(4) The Applicant has the burden of providing legally sufficient evidence that is accepted into the record from which findings and conclusions can be either made directly or by reasonable inference. However, the Applicant must also persuade the trier of fact that the evidence produced not only permits the approval of the request but also is of sufficient strength or outweighs other evidence to the effect that the request either should or is required to be granted. B.P. Oil Company v. County Board of Appeals of Montgomery County, 42 Md. App. 576, 401 A.2d 1054 (1979).

Standard of Proof

(5) In reviewing the evidence that has been "produced," to determine if the District Council is "persuaded," the District Council must determine whether the answers, findings, or conclusions required or reached are supported by a "preponderance of the evidence" on each issue. While these magic words are not required to be recited, the "preponderance of the evidence" is that evidence, when fairly considered, makes the stronger impression, has the greater weight and is more convincing as to its truth than the evidence in opposition thereto. Williams v. Supt. Clifton T. Perkins Hospital Center, 43 Md. App. 588, 406 A.2d 1302 (1980).

Credibility of Evidence

(6) It is within the sound discretion of the trier of fact, the Zoning Hearing Examiner or the District Council, to determine certain evidence lacks credibility and to give no weight to that evidence. Md. State Retirement and Pension System v. Martin, 75 Md. App. 240, 540 A.2d 1188, 1192 (1988). In other words, certain evidence may just be ignored. It is given no weight in the conclusion, hence, found not credible.

(7) Credibility findings of a hearing officer or judge are entitled to considerable deference and

should not be reversed, absent an adequate explanation of the grounds for the reviewing body's source of disagreement. Anderson v. Dept. of Pub. Safety and Correctional Services, 330 Md. 187, 623 A.2d 198 (1994).

CONCLUSION OF LAW

Compliance with Approval Criteria of Section 27-195(b):

- (1) ***Prior to the approval of the Application and the Basic Plan, the Applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:***
 - (A) ***The proposed Basic Plan shall either conform to:***
 - (i) ***the specific recommendation of a General Plan Map, Area Master Plan Map; or urban renewal Plan Map; or the principles and guidelines of the Plan text which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties; or***
 - (ii) ***The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential building and the location of land uses.***
 - (B) ***The economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the Basic Plan;***
 - (C) ***Transportation facilities (including streets and public transit)***
 - (i) ***which are existing,***
 - (ii) ***which are under construction, or***
 - (iii) ***(iii) for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, or***
will be provided by the Applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plans, or urban renewal Plans;
 - (D) ***Other existing or Planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six (6) years of the adopted County Capital Improvement Program***

(such as schools, recreation areas, water and sewerage systems, libraries and fire stations) will be adequate for the uses proposed;

- (E) *Environmental relationships reflect compatibility between the proposed general land use types, or if identified, the specific land use types, and surrounding land uses, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District.”*
- (2) *Notwithstanding subparagraphs (C) and (D), above, where the Application anticipates a construction schedule of more than six (6) years (Section 27-179), public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing Plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.*
- (3) *In the case of an L-A-C Zone, the Applicant shall demonstrate to the satisfaction of the District Council that any commercial development proposed to serve a specific community, village, or neighborhood is either:*
- (A) *Consistent with the General Plan, an Area Master Plan, or a public urban renewal Plan; or*
- (B) *No larger than needed to serve existing and proposed residential development within the community, village, or neighborhood.*
- (2) (A) *The proposed **Basic Plan** shall either conform to:*
- (i) *the specific recommendation of a General Plan Map, Area Master Plan Map; or urban renewal Plan Map; or the principles and guidelines of the Plan text which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties; or*
- (ii) *The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential building and the location of land uses.*

The Oak Creek Club development is in conformance with the specific recommendation of the Master Plan Maps for the 2022 Bowie-Mitchellville and Vicinity Master Plan Map, which reflects Residential Low land use in the R-L-zoned portion of the Subject Property, and Neighborhood Mixed-Use land use in the L-A-C-zoned portion.

The text of the Land Use element of the Bowie-Mitchellville and Vicinity Master Plan does not specifically discuss the Oak Creek Club development, the Basic Plan, both originally and as proposed to be amended, conforms to the principles and guidelines described in it for land use, the number of dwelling units and the location of land uses: The Planned residential development in the R-L-zoned area conforms to the Plan's land use recommendation for, "Residential areas up to 3.5 dwelling units per acre. Primarily single-family detached dwellings."² And the Planned single-family residential development in the L-A-C-zoned area amply conforms to the indicated density of " (≤ 48) "³ i.e. less than 48 dwelling units per acre.

- (3) The Plan text for the Land Use element of the Bowie-Mitchellville Plan includes one Policy for the Established Communities portion of the Plan area:

Policy LU3

Map 16. Future Land Use recommends creating strategic opportunities for infill housing and commercial land uses within Established Communities, served by existing infrastructure.

While this Policy is proposed to be implemented by four property-specific strategies, that the approval of the subject Amendments will also act to fulfill this policy of the Bowie-Mitchellville Master Plan text.

- (4) The remainder of the applicable Policies in the Bowie-Mitchellville Master Plan are found in the Natural Environment element of the Master Plan.

Policy NE 1

Ensure that areas of connectivity and ecological functions are maintained, restored, or established during development or redevelopment.

Because the Subject Property is a parcel without regulated environmental features and is located within an existing Planned development area within the larger Oak Creek Club

² M-NCP&PC, *Approved Master Plan for Bowie-Mitchellville and Vicinity* (March, 2022), p. 50.

³ *Master Plan*, p. 50.

development, the areas of connectivity and ecological functions which have already been established will be maintained with the approval of the requested Amendments. Furthermore, unlike the existing development in the Oak Creek Club, the proposed development will be regulated by the modern Stormwater Management regulations.

Policy NE 5

Reduce urban heat island effect, thermal heat impacts on receiving streams, and reduce stormwater runoff by increasing the percentage shade and tree canopy over impervious surfaces.

Similar to the regulation of stormwater management, the proposed development will be subject to the increased Tree Canopy Coverage requirements of CB-21-2024, which will actively implement this Policy of the Master Plan.

In summary, the requested Amendment will meet both the specific recommendation of an Area Master Plan Map and the principles and guidelines of the Plan text.

- (5) ***(B) The economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the Basic Plan;***

No new commercial area is proposed by the subject Amendments.

- (6) ***(C) Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, or will be provided by the Applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic, which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plans, or urban renewal Plans.***

The Amendment conforms to this citation for approval.

- (7) ***(D) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six (6) years of the adopted County Capital Improvement Program (such as schools, recreation areas, water and sewerage systems, libraries and fire stations) will be adequate for the uses proposed;***

The Technical Staff of the Special Projects Section Countywide Planning Section has found in their September 12, 2024 referral that the police, fire and rescue public facilities would be adequate for the uses, but would be further tested at the time of the Preliminary Plan of Subdivision, and that the school clusters which serve the Subject Property are operating below 100% capacity. They further found that the water and sewer category is sufficient evidence of the availability of Planned water and sewerage systems.⁴

- (8) ***(E) Environmental relationships reflect compatibility between the proposed general land use types, or if identified, the specific land use types, and surrounding land uses, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District.***

As described above, the location of the Subject Property is abutted by an existing pod of medium- density, single-family attached residential development in the prior L-A-C-zoned portion of the Oak Creek Club, which is comparable in character to that which will be proposed should the subject Amendments be approved. Beyond the inherent compatibility of comparably-dense single-family development, along the active portion of the Subject Property's perimeter, the school/park site to the north (which also abuts the comparable existing development) is a compatible neighbor, and a buffer will separate the proposed dwellings from Church Road. The future Community Service Center use proposed by the existing Basic Plan across Mary Bowie Parkway in the remainder of L-A-C Zone will remain unaffected by the requested Amendments. These relationships exist in the approved Basic Plan and will be maintained by the requested Amendments.

- (9) ***Notwithstanding subparagraphs (C) and (D), above, where the Application anticipates a construction schedule of more than six (6) years (Section 27-179), public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Council shall also find that public facilities will probably be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing Plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.***

The Oak Creek Club – Land Bay T project is not anticipated to have a construction schedule of more than 6 years.

⁴ Memorandum, Bobby Ray to Joshua Mitchum, September 12, 2024; pp. 68-71 of 71 in the backup material to the Technical Staff Report

- (10) ***In the case of an L-A-C Zone, the Applicant shall demonstrate to the satisfaction of the District Council that any commercial development proposed to serve a specific community, village, or neighborhood is either:***
- (A) ***Consistent with the General Plan, an Area Master Plan, or a public urban renewal Plan; or***
 - (B) ***No larger than needed to serve existing and proposed residential development within the community, village, or neighborhood.***

No commercial development within the prior L-A-C-zoned area is proposed by the subject Amendments for the Land Bay T area.

Conformance with the Purpose of the Prior R-L Zone:

- (11) Section 27-514.08(a) establishes the nine Purposes of the prior R-L Zone.
- (1) ***Establish (in the public interest) a Plan implementation Zone, in which (among other things):***
 - (A) ***Permissible residential density is dependent upon providing public benefit features and related density increment factors; and***
 - (B) ***The location of the Zone must be in accordance with the adopted and approved General Plan, Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;***

This Purpose addresses the establishment of the prior R-L Zone as a zone in which achievable density of a proposed development is related to the provision of public benefit features, and second, that the prior R-L Zone, like all Comprehensive Design Zones, is a Plan implementation zone, such that the Application of the zone to a tract of land must be in accordance with the adopted and approved General Plan, Master Plan, or Sector Plan.

The proposed Amendments request an increase in the approved cap of the permissible development density at the Subject Property, but the amended cap which is proposed by the requested Amendments at this Basic Plan stage are in keeping with – and are in fact substantially below – the densities reflected by the Master Plan’s land use recommendations. In necessary accordance with the existing regulations, the final density for the subject project will be determined by the subsequent Comprehensive Design Plan, which will stipulate the density increments permitted in return for provision of the public benefits which are proposed, such as the creation of open space, provision of recreational facilities, creation of a trails network and so forth.

The location of the proposed zone with respect to the adopted and approved General Plan or Master Plan has been discussed *supra*, but is in any case moot to the approval of the requested

Amendments, as the prior R-L Zone has already been applied to a portion of the Subject Property.

- (2) ***Establish regulations through which adopted and approved public Plans and policies (such as the General Plan, Sector Plans, or Sectional Map Amendment Zoning Changes) can serve as the criteria for judging individual development proposals;***

This Purpose addresses the reason for the establishment of Comprehensive Design Zones, and their function to enable the use of the various Planning documents cited as criteria for judgment of individual development proposals. The *supra*, of the conformance of the proposed project with the Plan Map and the principles and guidelines of the Master Plan demonstrates that the approval of the requested Amendments would continue to be in conformance with this Purpose for the prior R-L Zone.

- (3) ***Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;***

This Purpose of the prior R-L Zone is to assure compatibility between the proposed land uses and the surrounding land uses, and the adequacy of public facilities so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District. The discussion of the compatibility of the proposed general land use types and the surrounding land uses *supra* demonstrates that the approval of the requested Amendments would be in conformance with this Purpose for the prior R-L zone.

- (4) ***Encourage amenities and public facilities to be provided in conjunction with residential development;***

This Purpose encourages the provision of amenities and public facilities in conjunction with the residential development. By (1) the establishment of the mechanism of density increments that are tied to public benefit features, and (2) the close connection of all Planning approvals with a finding of adequacy of public facilities, the intent of the Zone's Purposes is met. By its conformance with the requirements for adequacy of public facilities, and further by the provision of public benefit features (the extent of which will be determined at the time of the Comprehensive Design Plan), the requested Amendments are in harmony with this Purpose.

- (5) ***Encourage and stimulate balanced land development;***

This Purpose of the prior R-L Zone requires the regulations of the zone to encourage and stimulate “balanced land development”. The development proposed by the subject Application will be balanced in its relationship to the surrounding existing development by its conformance with the Master Plan Map and its principles and guidelines.

(6) *Improve the overall quality and variety of residential environments in the Regional District;*

The Purpose of improving the overall quality and variety of residential environments is met by the signal feature of Comprehensive Design Zones generally that allows Applicants to develop unique development regulations that are specific to the features and conditions of each particular tract. In this way, the Application of a single zoning district does not result in a uniform array of dwelling types and lot sizes which often do not fit properly with the local natural environment, but rather allow a carefully tailored response to each site’s own needs.

(7) *Encourage low-density residential development which provides for a variety of one-family dwelling types, including a large lot component, in a Planned development;*

This Purpose of the prior R-L Zone is to encourage low-density residential development which provides for a variety of one-family dwelling types, including a large lot component, in a Planned development. As this proposal will add units of a type already established in the abutting developed portion of Oak Creek Club which are a part of a variety of single-family dwelling types which are a part of the overall development: attached units as well as detached dwellings on a variety of lot sizes and types, the requested Amendments are in harmony with this Purpose.

(8) *Protect significant natural, cultural, historical, or environmental features and create substantial open space areas in concert with a unique living environment; and*

The Application is in harmony with this Purpose of the prior R-L Zone of protecting significant natural, cultural, historical, or environmental features and creating substantial open space areas because it will not impact the significant natural and environmental features in the larger development’s network of open space areas, and because the adjacent historical feature, the Bowieville mansion, will continue to be protected by the environmental setting provided for in the earlier approvals.

(9) *Protect viewsheds and landscape/woodland buffers along the primary roadways and woodlands, open fields, and other natural amenities within the Zone.*

Finally, by providing a buffer area along Church Road, the approval of the requested Amendments will continue to be in harmony with this Purpose of the prior R-L Zone.

Conformance with the Purposes of the Prior L-A-C Zone:

(12) Section 27-494(a) establishes the six Purposes of the prior L-A-C Zone. The Purposes of the prior L-A-C Zone are to:

- (1) ***Establish (in the public interest) a Plan implementation Zone, in which (among other things):***
 - (A) ***Permissible residential density and building intensity are dependent on providing public benefit features and related density/intensity increment factors; and***
 - (B) ***The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, Sector Plan, public urban renewal Plan, or Sectional Map Amendment Zoning Change;***
- (2) ***Establish regulations through which adopted and approved public Plans and policies (such as the General Plan, Master Plans, Sector Plans, public urban renewal Plans, and Sectional Map Amendment Zoning Changes for Community, Village, and Neighborhood Centers) can serve as the criteria for judging individual physical development proposals;***

As with the similar Purpose of the prior R-L Zone, *supra*, this Purpose of the prior L-A-C Zone addresses the reason for the establishment of Comprehensive Design Zones, and their function to enable the use of the various Planning documents cited as criteria for judgment of individual development proposals. The conformance of the proposed project with the Plan Map and the principles and guidelines of the Master Plan text demonstrate that the approval of the requested Amendments would also continue to be in conformance with this Purpose for the prior L-A-C zone.

- (3) ***Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety and welfare of the present and future inhabitants of the Regional District;***

As with the similar Purpose of the prior R-L Zone, *supra*, this Purpose of the prior L-A-C Zone seeks to assure compatibility between the proposed land uses and the surrounding land uses, and the adequacy of public facilities so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District. The discussion of the compatibility of the proposed general land use types and the surrounding land uses, particularly the continuation on the Subject Property of the dwelling type now existing on the abutting prior L-A-C-zoned portion of the larger Oak Creek Club development demonstrates that the approval of the requested Amendments would be in conformance with this Purpose for the prior L-A-C Zone.

(4) *Encourage and stimulate balanced land development;*

As with the similar Purpose of the prior R-L Zone, *supra*, this Purpose of the prior L-A-C Zone requires the regulations of the zone to encourage and stimulate “balanced land development”. The development proposed by the subject Application will be balanced in its relationship to the surrounding existing development, particularly the continuation on the Subject Property of the dwelling type now existing on the abutting prior L-A-C-zoned portion of the larger Oak Creek Club, by its conformance with the Master Plan Map and its principles and guidelines.

(5) *Group uses serving public, quasi-public, and commercial needs together for the convenience of the populations they serve;*

The existing Basic Plan Map groups the existing golf course clubhouse, restaurant and community recreational facilities and the future retail and Community Service Center elements together at the main entrance to the development in the prior L-A-C-zoned area. The requested Amendments will not change that relationship.

(6) *Encourage dwellings integrated with activity centers in a manner which retains the amenities of the residential environment and provides the convenience of proximity to an activity center.*

The requested Amendments will reinforce this aspect of the existing Basic Plan Map by integrating more medium density detached dwellings in convenient proximity to the existing golf course clubhouse, restaurant and recreational facilities and future retail and Community Service Center elements at the main entrance to the development in the prior L-A-C-zoned area.

Compliance with the Purpose of the Prior Zoning Ordinance:

(13) There are also fifteen general Purposes of the prior Zoning Ordinance, which are laid out in §27-102(a). The proposed Zoning Map Amendment would be in harmony with these Purposes, as follows:

(1) *To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;*

The approval of the requested Amendments to the Basic Plan at the Subject Property will allow for the construction of a complementary dwelling type which will be most compatible with the abutting development, will preserve the views from the surrounding road network, and provide sufficient development yield to allow the project to move forward. The approval will

protect and promote the health and safety of the present and future inhabitants of the County by providing sufficient buffers from the roadway. The approval will protect the comfort and convenience of the surrounding neighbors by fitting compatibility with the larger Oak Creek Club's mix of dwelling types.

Furthermore, the review process inherent in Comprehensive Design Zones provides for a higher level of both Planning flexibility and public oversight to promote and protect the public health, safety and welfare.

(2) To implement the General Plan, Area Master Plans, and Functional Master Plans;

This Purpose is addressed in the Zoning Ordinance by the criterion for approval of Comprehensive Design Zones Zone found in §27-195(b)(1)(A); the extent to which the approval of the requested Amendments to the Basic Plan for the Subject Property in the prior R-L and L-A-C Zones implements the Master Plan is discussed *supra*.

(3) To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;

As with the Purpose of implementing the General and Master Plans, this Purpose is largely replicated by the criteria for approval of Comprehensive Design Zones found in §27-195(b)(1)(C) and (D) addressing transportation facilities, police, fire, schools and water and sewerage; the harmony of the request for approval of Amendments to the approved Basic Plan and its conditions with this Purpose of the Zoning Ordinance has been met.

(4) To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;

As noted in the discussion of the Purpose of protecting and promoting the public health and safety, *supra*, the multi-stage public review process inherent in the Comprehensive Design Zones' regulations affords a higher level of guidance for the development at the property (and therefore for its contribution to the growth and development of the County as a whole). These principles are reflected in the Basic Plan, and the requested Amendments will not affect the review process going forward; as such, the approval of the requested Amendments to the Basic Plan at this property will continue to be in particularly close harmony with this Purpose of the Ordinance.

(5) To provide adequate light, air, and privacy;

The lot standards which have been established in past Comprehensive Design Plans for the Oak Creek Club have ensured the provision of adequate light, air and privacy for the proposed

development.

The additional standards and design guidelines for the approval of a Comprehensive Design Plan and Specific Design Plans which are required by the regulations for Comprehensive Design Zones afford additional opportunities to ensure the provision of adequate light, air and privacy. These principles are reflected in the approved Basic Plan, and the requested Amendments will not affect the adequacy of light, air or privacy; as such, approval of the requested Amendments will be in harmony with this Purpose as well.

(6) To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;

The approval of the prior R-L and L-A-C Zones at this Property was initially found to promote the most beneficial relationships between land and buildings, because of their conformance with the land use recommendations of the Master Plan, and because of the environmental relationships inherent in the approved Basic Plan Map. The requested Amendments to the Basic Plan Map will preserve buffers to the scenic and historic character of existing Church Road, and as such, approval of the requested Amendments will be in harmony with this Purpose of the Zoning Ordinance.

(7) To protect the County from fire, flood, panic, and other dangers;

The approval of the requested Amendments will not affect the original approval of the prior R-L and L-A-C Zones at the Subject Property and their harmony with this Purpose of the Zoning Ordinance, as they will not affect the requirements for the proposed development to conform with regulations established in the body of the Zoning Ordinance, as well as other County Ordinances, which are intended to protect from fire, flood, panic and other dangers, namely: the Floodplain Regulations, Stormwater Management Regulations, the Fire Prevention Code, the Building Code, and the Tables of Permitted Uses for the various zones.

(8) To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;

The approval of the requested Amendments would be in harmony with this Purpose because it would allow for the development of more of one of the housing styles already established in the larger Oak Creek Club development, and will thereby promote a broader range of affordability, and will reinforce the suitable and healthy living environment which was reflected in the original Basic Plan approval.

(9) To encourage economic development activities that provide desirable employment and a broad, protected tax base;

This Purpose is not strictly applicable to the approval of the requested Amendments because the scope of the proposed development and the Amendments requested to enable it will not change the amount of commercial development already permitted.

(10) To prevent the overcrowding of land;

The approval of the requested Amendments would be in harmony with this Purpose because the Amended Plan will still require the property to be developed in conformance with regulations that are approved through a Comprehensive Design Plan to ensure the prevention of overcrowding, including height limits and setbacks.

(11) To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their Planned functions;

The approval of the requested Amendments would be in harmony with this Purpose because the criterion of §27-195(b)(1)(C) assures the adequacy of local public transportation facilities as a prerequisite to the approval of the Zone.

(12) To insure the social and economic stability of all parts of the County;

As the Zoning Ordinance is the principal tool for the implementation of the Planning process by enacting legal requirements which implement the Planning goals that strive to maintain the social and economic stability of the County, conformance with the requirements and regulations of the Zoning Ordinance will be prima facie evidence of the Application's harmony with this Purpose.

Beyond that, however, the approval of the requested Amendments would promote the economic and social stability of the County by allowing for more housing opportunities to contribute to the tax base, and by providing for a greater number and proportion of medium-density detached residences within the Subject Property, will expand housing opportunities to a larger segment of the housing market.

(13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;

The approval of the requested Amendments will have minimal impact to the protections to the County's natural features which were inherent in the original approval of the prior R-L and L-A-C Zones, as the Subject Property does not contain regulated environmental features.

(14) To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space;

The approval of the requested Amendments will have minimal impact to the open space network which was proposed in the original approval of the prior R-L and L-A-C Zones; a buffer to Church Road will remain, and the larger network of open space throughout the Oak Creek Club development will not be affected.

The final Purpose,

(15) To protect and conserve the agricultural industry and natural resources

is not directly applicable to the Subject Property, except to the extent that the greater proportion of concentration of medium-density detached residential units and greater development yield minimize the pressure to develop the open lands where agriculture and the extraction of natural resources are practiced.

RECOMMENDATION

The Basic Plans for Application Nos. A-8427-02, 8578-02, & A-8579-02 be amended, subject to the following Conditions and Considerations:

Conditions

1. In no event shall the maximum number of dwelling units exceed 1,108 in the R-L Zone, which equates to 1.4 dwelling units per adjusted gross acres and 76 in the L-A-C Zone.
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 the 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.

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.
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.
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.
6. Prior to the approval of the 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.
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.
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.

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.
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.
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.
12. A Woodland Conservation requirement of 25 percent shall be established for the portion of the site zoned R-A, unless it can be shown that the existing woodland is less than that amount. If so, the conservation threshold may be reduced to the percentage of existing woodland down to 20 percent of the net tract area of R-A zoned land. A Woodland Conservation requirement of 15% shall be established for the portion of the site zoned L-A-C. In addition, the Applicant will reforest as required under applicable State and County regulations. All Tree Conservation Plans shall demonstrate how the development will meet this criterion.
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.
14. The Applicant shall provide proof that the U.S. Army Corps of Engineers or the appropriate State or local permitting wetlands authority agrees with the nontidal wetlands delineation, along with submittal of the SDP.
15. All nontidal wetland mitigation areas shall be shown on the SDP.

16. Technical approval of the location and sizes of Stormwater Management Facilities is required prior to approval of any SDP.
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.
18. All nondisturbed nontidal wetlands shall have at least a 25-foot nondisturbance buffer around their perimeters.
19. All streams and drainage courses shall comply with the buffer guideline for the Patuxent River Primary Management Area.
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.
21. As part of the submittal of the Preliminary Plat, the Applicant shall include a soil study that identifies the location and extent of Marlboro Clay.
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 14.711 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.
 - 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, the proposed clubhouse parking area, and the parking area of the nearby commercial center.
 - 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.

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 a 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 repairs 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 alarm 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.
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.
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.
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.
 27. The Applicant, his heirs, successors, or assigns shall submit a 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.
 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.
 29. A Phase I archeological survey in the garden areas south and northeast of the house and a 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.
 30. The Comprehensive Design Plan shall consider appropriate uses for the Bowieville Mansion and tobacco barn that may include but not be limited to the following:
 - b. Reception hall/rental facility
 - c. Art gallery
 - d. Restaurant

- e. Country Inn
- f. Antique shop or other such low intensity retail use
- g. Eleemosynary or philanthropic use
- h. Low intensity office use
- i. Library or similar cultural use
- j. Private residence
- k. Private school
- l. 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

- 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.
- 32. A 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 relation to views from the Historic Site.
- 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.
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.
35. All residential structures shall be fully sprinklered in accordance with National Fire Protection Standard (NFPA) 13D and all applicable County laws.
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.
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".
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.
39. The floodplain (with the exception of road crossings) and adjoining buffer area along Black Branch shall be dedicated to M-NCPPC.
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.
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.
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.
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.
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.

45. The open space element of the amended Basic Plan or its equivalent shall be clearly identified on the face of the Plan.
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 affected portion of the golf course with landscape screens or nets, as determined by the Planning Director and in the heights and locations specified by the Planning Director, 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.
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 may have side entry garages and may have dualized driveways. A 50-foot building setback is required from the street line and the property line.
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.
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."
50. Remove the designation of Development Parcel/Landbay T from the Amended Basic Plan.

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.
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.

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.
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.
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.
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 roadways will be provided (roadways with two travel lanes and two parking lanes).
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.
8. All the development pods and parks, recreational and historical features shall be connected into the main trail network by feeder trails and sidewalks.
9. The handicapped accessibility of all trails shall be determined during CDP review.
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 a collector buffer in Section 4. 6 of the Landscape Manual. If there is woodland area or hedgerow within the right-of-way, it may be combined with on-site woodland to contribute toward the 100-foot buffer requirement. Existing woods and/or vegetation may be allowed to substitute for the landscaping, only if it can be demonstrated that the woodland is a minimum of 25 feet wide and is supplemented with evergreen material to provide year-round screening. 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.