

C O R R E C T E D R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on September 13, 2007, regarding Comprehensive Design Plan CDP-9902/02 for Oak Creek Club the Planning Board finds:

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 feet south of the intersection of Church Road and Central Avenue (MD 214). The facilities that are the subject of this application, the golf course clubhouse, the swim/tennis center and its attendant parking are located in the central northern section of the site and are bounded to their north by open space that is zoned R-A and R-E, and to their east, west and south by other portions of the Oak Creek development.
2. **The Subject Development:** The comprehensive design plan as approved, together with CDP-9903, 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 are to be located on both the east and west sides of Church Road. The R-L portion of the 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 is to be integrated into the residential communities on the remaining 33 acres. A 2.02-acre pond exists in the northwestern portion of the site and serves as a scenic focal point of the development. The original approval of the comprehensive design plan for Oak Creek Club also includes the following: a clubhouse for the golf course, a recreation center with pool and tennis courts for the homeowners, a community building, 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 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. 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 and 10 considerations.

4. **The Comprehensive Design Plan:** CDP-9902 was approved by the Planning Board on September 6, 2001. The Planning Board then adopted PGCPB Resolution No. 01-180, formalizing the approval, on December 20, 2001. Subsequently, the District Council chose to call up the case and approved it with conditions on May 13, 2002. A single revision to that comprehensive design plan, CDP-9902/01, was approved by the Planning Board on June 22, 2006. The Planning Board then adopted PGCPB Resolution No. 06-150, formalizing the approval, on July 20, 2006.
5. **The Request and Proffered Justification:** In a letter dated April 20, 2007, the applicant requested an amendment to Condition No. 27 of the approval of CDP-9902. More specifically, Condition No. 27 provided that 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. More particularly, the exact wording of the condition is as follows:

“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 287 th building permit
Main Community Building	Prior to 250 th building permit	Complete by 500 th building permit
Swimming Pool Adjacent to Main Community Building	Prior to 250 th building permit	Complete by 500 th building permit
Two (2) Tennis Courts Adjacent to Main Community Building	Prior to 250 th building permit	Complete by 500 th building permit
8-foot-wide Asphalt Trail System (not on public park land)	Prior to 250 th building permit	Complete by 800 th building permit
It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessity. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.		

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

The application seeks to modify the wording of the condition to read:

“The recommended community building and the proposed golf course clubhouse requirement may be satisfied by providing a golf course clubhouse structure of at least 25,000 square feet on the golf course property.”

The applicant initially offered the following justification:

- “1. The proposed golf course clubhouse/community building is open to the community and will contain approximately 27,000 square feet and will have sufficient kitchen, dining, and meeting facilities to accommodate any and all community needs. In addition, there will be a swim/tennis center building near the golf course clubhouse of approximately 5,000 square feet with snack bar, changing areas, lifeguard office, a weight room, and outdoor patio areas. This facility is also available to the community.
- “2. The homeowners’ association documents have been recorded and specifically state that every owner in Oak Creek Club shall be required to purchase at least a social membership in the Oak Creek Club Country Club. The homeowners’ documents also provide for monthly homeowners association meetings in the golf course clubhouse.
- “3. The homeowners’ association will save up to \$100,000 a year by not having to operate and maintain a separate community building with employee, security, lighting, lawn maintenance, parking lot and general upkeep expenses.
- “4. A similar situation at the Woodmore Country Club has worked smoothly for many years, in part, because community meetings do not generally conflict with the heavier weekend golf usage.”

In sum, the applicant requested that the subject CDP conditions be modified to provide equal or better facilities (the clubhouse and swim/tennis center) pointing to a substantial savings to the residents of Oak Creek Club as justification.

Upon review of the above initial justification, staff requested further clarification regarding the operation of the clubhouse so as to ensure that the homeowners would not be unduly limited in their use of the clubhouse and would be treated fairly in all respects by the owners of the clubhouse. Staff wanted to make sure that adequate protections would be in place to ensure the clubhouse would satisfy the needs that would have been accommodated by a separate homeowners’ association building. In response to this request, the applicant offered the following additional information:

- That the swim/tennis and clubhouse facilities are planned as private and are not open to the general public (defined as “non-residents and non-golf members”), i.e. the frontgate is not open to the general public.

- Non-members may, however, schedule events at the clubhouse provided they are sponsored by a member.
- All residents are required by the HOA documents to pay social dues resulting in the family having a “social membership” to the country club. This type of membership, only open to residents, gives access to the clubhouse and swim/tennis/weight room facilities during normal operation hours. Hours of operation have not yet been set by the applicant.
- Golf memberships, however, may be purchased by residents and nonresidents. Golf membership does not grant privileges to use the swim/tennis/weight room facilities. A maximum of 500 golf memberships will be sold and they will be offered first to residents. The golf memberships sold to nonresidents are recallable. Memberships for the swim/tennis/weight rooms are not available for nonresidents under any circumstances.
- No distinction will be made between social and golf members; they will both have equal access to the clubhouse. The only members of the general public that will be permitted to use the clubhouse will be guests of members or part of a guest scheduled event.
- A limited liability corporation will own the golf course and its legal relationship with the HOA will be governed by provisions contained in the Homeowners’ Association Handbook.
- The primary use of the clubhouse is social. Amenities include dining area, patios, restaurant, and meeting facilities. Activities to be planned by the HOA and held in the golf clubhouse shall include social hours, card clubs and children’s activities, including scheduled play groups.
- The secondary use of the clubhouse is for golfing activities and the only floor area devoted entirely to golf activities is the cart storage area and the pro shop.
- HOA covenants include a golf course covenant that requires that the clubhouse be available free of charge for monthly HOA meetings. The applicant indicated that, space permitting, it would be available if they wanted to meet more frequently, or if a subcommittee wanted to meet in the clubhouse.
- Events can be scheduled in the clubhouse by a member or for a fee, for weddings, etc. but the facilities will be scheduled on a first come/first served basis.
- There will be no limits on the homeowners’/HOA’s use of the site in terms of areas, hours and days except it would only be available during regular operating hours and attendees would not be permitted to bring their own food or drink into the clubhouse.

- Social membership for a family is \$25.00 per month; it will be raised to \$40.00 a month after the clubhouse is completed and is limited to a maximum increase per year of three percent based on an inflation factor.
- The applicant also offered a letter from Armstrong Management Services, Inc., dated October 18, 2006, stating that the anticipated costs to operate a community center building of approximately 5,000 square feet is \$100,550, implying that housing the homeowner functions in the golf course clubhouse would save the homeowner's association approximately \$100,550 per annum.
- *• Staff is generally supportive of applicant's request to accommodate both the clubhouse and community building in a single building on golf course property.

~~*[Staff would recommend, however, that conditions be attached to the approval of the subject project to ensure that, in addition to the space that will be provided for community functions in the clubhouse, the homeowners will be provided a substantial space for their exclusive use which will fulfill the function of a "den" or "great room." This function which is frequently found in a homeowners' community building is not accommodated in the applicant's proposal.]~~

~~*[Staff recommends that, prior to signature approval of the subject plans, the applicant enlarge the swim/tennis center by 1,500 square feet to accommodate a community room equipped at a minimum with comfortable furniture, a fire place and a large, flat screen television. Such revised plans should be approved by the Urban Design and the Historic Preservation Planning Sections as designees of the Planning Board. If necessary, the applicant should amend the Declaration of Covenants, Conditions and Restrictions and the Deed of Grant and Reservation of Easements for Development and Operation of the Oak Creek Club Course to reflect the conditions above. The applicant should also add a note to the plans stating that, until the golf course clubhouse is completed, the homeowners' association be permitted to meet in the Bowieville mansion].~~

6. **Requirements of the Zoning Ordinance:**

The requirements of the Zoning Ordinance in the R-L Zone—The proposed revision is in accordance with the requirements of Section 27-514.09, Uses Permitted in the Residential Low Density (R-L) Zone, and Section 27-514.10, Regulations in the R-L Zone, of the Zoning Ordinance.

*Denotes correction
[Brackets] denotes deletion
Underlining denotes addition

Findings Required by Section 27-521 of the Zoning Ordinance—The following findings, required by the Zoning Ordinance to be made prior to Planning Board approval of a comprehensive design plan, were made at the time of the original approval. Each required finding is listed below in boldface type. Staff comment follows, detailing how the subject proposal does not affect such finding.

The plan is in conformance with the approved basic plan;

Comment: The proposed revision will not substantially affect the previous finding that the subject comprehensive design plan is in conformance with the requirements of the applicable basic plans.

The proposed plan would result in a development with a better environment than could be achieved under other regulations;

Comment: The proposed revision will not substantially affect the previous finding that the subject proposed plan would result in a development with a better environment than could be achieved under other regulations.

Approval is warranted by the way in which the comprehensive design plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;

Comment: The proposed revision to merge the functions of an HOA community building into the golf course clubhouse will not substantially affect the previous finding that approval is warranted by the way in which the comprehensive design plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project.

The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;

Comment: The proposed revision will not substantially affect the previous finding that the proposed development will be compatible with existing land use, zoning and facilities in the immediate surroundings.

Land uses and facilities covered by the comprehensive design plan will be compatible with each other in relation to:

Amounts of building coverage and open space;

Building setbacks from streets and abutting land uses; and

Circulation access points.

Comment: The proposed revision will not substantially affect the previous finding that land uses and facilities covered by the comprehensive design plan will be compatible with each other in relation to amounts of building coverage and open space, building setbacks from streets, abutting land uses, and circulation access points.

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;

Comment: The proposed revision will not substantially affect the previous finding that 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.

The staging of development will not be an unreasonable burden on available public facilities;

Comment: The proposed revision will not affect the previous finding that the staging of development will not be an unreasonable burden on available public facilities.

Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:

The proposed adaptive use will not adversely affect distinguishing exterior architectural features or historic landscape features in the established environmental setting;

Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the historic site;

The design, materials, height, proportion, and scale of a proposed enlargement or extension of a historic site, or of a new structure within the environmental setting, are in keeping with the character of the historic site;

Comment: The proposed revision will not affect the previous finding regarding the adaptive use of a historic site.

The plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and where townhouses are proposed in the plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d); and

Comment: The proposed revision will not affect that previous finding that the plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3,

Division 9 of the Zoning Ordinance and, since townhouses are proposed and the zone is not V-L or V-M, the requirements set forth in Section 27-433(d).

The Plan is in conformance with an approved tree conservation plan.

Comment: The proposed revision will have no affect on the applicable tree conservation plan and, therefore, it will not affect the previous finding that the plan is in conformance with an approved tree conservation plan.

8. **The Woodland Conservation and Tree Preservation Ordinance**—As stated above, the proposed revision will have no effect on the fact that the plan is in conformance with an approved tree conservation plan, and because that is the case, it may be said that the project is in conformance with the requirements of the Woodland Conservation and Tree Preservation Ordinance.

9. **Referral Comments**—

Environmental Planning—In comments dated May 21, 2007, the Environmental Planning Section confirmed that the proposed revision to the subject comprehensive design plans would have no effect on the approved Type II tree conservation plan for the subject property. Therefore, they stated that they would not be offering any further detailed comment on the project at this time.

The City of Bowie—A representative of the City of Bowie has verbally indicated to staff that the city does not intend to comment on the proposed revisions to the comprehensive design plans for the Oak Creek Club development.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Comprehensive Design Plan CDP-9902/02, Oak Creek Club for the above described land, subject to the following conditions:

1. That Condition No. 27 of the approval of CDP-9902 be amended to read as follows:

OAK CREEK CLUB PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Golf Course	N/A	Complete by 287th building permit
Swim/Tennis Center	Prior to 250th building permit	Complete by 500th building permit
Swimming Pool	Prior to 250th building permit	Complete by 500th building permit
Two (2) Tennis Courts	Prior to 250th building permit	Complete by 500th building permit
8-foot-wide Asphalt Trail System (not on public park land)	Prior to 250th building permit	Complete by 800th building permit
Golf Clubhouse	N/A	Commence construction prior to the 850 th building permit or March 2010, whichever is sooner (permits may be suspended for noncompliance)

It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessity. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.

The originally recommended community building and the proposed golf course clubhouse shall be satisfied by providing a golf clubhouse structure of at least 25,000 square feet on the golf course property *~~and by providing a community room of at least 1,500 square feet in an enlarged swim/tennis center.~~

2. That prior to signature approval of the subject plans, the applicant shall:
 - a. If necessary, amend the Declaration of Covenants, Conditions and Restrictions and the Deed of Grant and Reservation of Easements for Development and Operation of the Oak Creek Club Course be amended to reflect Condition 1 above.

*Denotes correction
 [Brackets] denotes deletion
Underlining denotes addition

- b. Add a note to the plans stating that, until the golf course clubhouse is completed, the homeowners' association be permitted to meet in the Bowieville mansion.

- 3. The applicant, his heirs, successors and assigns, shall contribute 50% of the total costs of the roundabout located at Oak Grove Road and Church Road. The contribution shall be paid upon the issuance of the construction permits to the permittee for said roadwork but also provided that Oak Creek shall post, prior to any issuance of a building permit in Phase V, a bond or irrevocable letter of credit to the permittee for their estimated share of the costs based on an estimate proposed by the permittee and approved by Oak Creek until the actual construction takes place. The total costs shall be determined according to AASHTO or other applicable guidelines as determined by DPW&T and reviewed and approved by the applicant and permittee. In no way shall the permits (storm drain, paving, grading, model permits, or construction/building permits of any type) for Oak Creek Club be conditioned upon any event other than the issuance of the bond or irrevocable letter of credit and/or the contribution by the applicant to the permittee upon issuance of the permit. The roundabout is not an APF requirement for Oak Creek and the applicant's contribution satisfies road frontage requirements at this intersection per the road Code and Condition 42 (PGCPB 01-178(C)) of the Oak Creek Preliminary Plan or subsequent plans.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, September 13, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of October 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator