

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 December 6, 2012, regarding Comprehensive Design Plan CDP-9902/05 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 facility that is the subject of this application, the golf course clubhouse, is proposed to be located east of Church Road in the central northern section of the site. It would be bounded to the north by open space that is zoned Residential-Agricultural (R-A) and Residential-Estate (R-E), and to the east, west, and south by other portions of the Oak Creek development.
2. **The Subject Development:** The comprehensive design plan together with companion case CDP-9903, as approved, include 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-zoned 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. An 18-hole championship golf course is integrated into the residential communities on the remaining 33 acres. Approximately 600 building permits have been approved for the development.
3. **Background:** On November 26, 1991, the Prince George's County District Council approved the basic plans for Zoning Map Amendments A-8427, A-8578, and A-8579 (County Council Resolution CR-120-1991) for the subject property. These zoning map amendments rezoned the property from the R-A and R-R (Rural Residential) Zones to the R-L and L-A-C Zones. On July 24, 2000, the District Council approved amended basic plans for Zoning Map Amendments A-8427, A-8578, and A-8579 (Zoning Ordinance No. 11-2000) for Oak Creek Club. The amended basic plans provided for generally the same number of residential units and types of recreational/public amenities, but included an 18-hole golf course. The basic plans are subject to 49 conditions and 10 considerations.
4. **Comprehensive Design Plans:** 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. The first revision to that comprehensive design plan, 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 five to

zero feet. A second revision to that approval, CDP-9902/02, was approved by the Planning Board on September 13, 2007 to combine the community building and golf course clubhouse into a single facility, and to amend the recreational facilities location and schedule. The Planning Board subsequently adopted PGCPB Resolution No. 07-172 formalizing that approval on October 4, 2007. The third revision for amending Condition 27 regarding bonding and commencing construction of the golf clubhouse was approved by the Planning Board on January 30, 2011 and formalized in PGCPB Resolution No. 11-41, adopted by the Planning Board on May 5, 2011. This approval required the clubhouse to be bonded prior to the 750th building permit, and constructed prior to the 850th building permit.

It was established in the approval of CDP-9902, in Condition 30, that the size of the golf clubhouse was to measure a minimum of 25,000 square feet, the requirement that the instant application seeks to change.

5. **The Request and Proffered Justification:** In a statement of justification dated September 10, 2012, the applicant requested a revision to the approved CDP for Oak Creek Club to reduce the size of the golf course clubhouse from 25,000 square feet to approximately 13,000 square feet. Condition 27 of CDP-9902 and Condition 30 of companion case CDP-9903 both note that the clubhouse size is to be a minimum of 25,000 square feet. The applicant stated in the document that 13,000 square feet will be appropriate for the size of the clubhouse to meet the needs of the community without creating an unreasonable burden on the operator, as well as the Oak Creek Club residents.

As justification for the reduction in size, the applicant stated that he wanted a golf course clubhouse at the appropriate size given the size of the community and its projected usage, and that the approved basic plan does not mandate a size for the clubhouse. Further, they noted that there are no CDP density increments that rely upon the size of the clubhouse.

The applicant has stated that the project is the appropriate size given the size of the community and its projected usage. However, it is important to note that the golf course would be used both publicly and privately, and use of the clubhouse will not be limited to people in the community. In fact, the golf course is planned to be open to the public at-large, potentially creating a greater demand for golf clubhouse facilities than if it were limited to community-based private memberships.

The Planning Board finds that, because the golf course is going to be open to the general public and because the proposed reduction is by nearly 50 percent, the applicant should be required to construct a golf course clubhouse measuring a minimum of 13,000 square feet rather than one measuring “approximately” 13,000 square feet. This would ensure construction of a clubhouse of at least 13,000 square feet while leaving flexibility in its ultimate design to provide a larger space should functional demands and economic considerations call for it. A condition of this approval requires the above-stated minimum size. The details of the design and the proposed architecture shall be approved in a separate specific design plan (SDP) application.

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

a. **The requirements of the Zoning Ordinance in the R-L Zone**—The revision is herein approved in accordance with the requirements of Section 27-514.09, Uses Permitted in the R-L Zone; Section 27-514.10, Regulations in the R-L Zone of the Zoning Ordinance.

b. **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 part) in **boldface** type.

(1) **The plan is in conformance with the approved basic plan;**

The revision herein approved will not affect the previous finding that the subject comprehensive design plan is in conformance with the requirements of the applicable basic plan.

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

The revision herein approved 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.

(3) **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 revision herein approved 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. A golf clubhouse of 13,000 square feet will continue to satisfy the needs of the residents, employees, or guests of the project.

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

The revision herein approved 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.

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

(A) **Amounts of building coverage and open space;**

- (B) Building setbacks from streets and abutting land uses; and**
- (C) Circulation access points.**

The revision herein approved 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.

- (6) 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 revision herein approved 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.

- (7) The staging of development will not be an unreasonable burden on available public facilities;**

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

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

- (A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or historic landscape features in the established environmental setting;**
- (B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the historic site;**
- (C) 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;**

The revision herein approved will not affect the previous finding that no adaptive use of a historic site is proposed in the comprehensive design plan.

- (9) 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**

The revision herein approved will not affect the previous finding that the plans incorporate 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 (Village-Low) or V-M (Village-Medium), the requirements set forth in Section 27-433(d).

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

The revision herein approved will have no impact on the applicable tree conservation plan and, therefore, will not affect the previous finding that the plans are in conformance with an approved tree conservation plan.

(11) The plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

The revision herein approved will have no impact on regulated environmental features. Preservation and/or restoration of all environmental features will continue to be in conformance with regulations in effect at the time of the original approvals.

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-9902/05, Oak Creek Club for the above described land, subject to the following conditions:

1. That Condition 27 of the approval of CDP-9902 be amended to read as follows (additions are indicated by underline and deletions by strike-through):

| 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 | Prior to 750th building permit | Commence construction prior to the 850th building permit (permits may be suspended for noncompliance) |
| <p>*It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering 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.</p> | | |

The originally recommended community building and the proposed golf course clubhouse shall be satisfied by providing a golf course clubhouse structure of at least ~~25,000~~ 13,000 square feet on the golf course property.

2. The SDP to include the combined golf clubhouse and the community building approved herein shall be posted pursuant to Section 27-125.03(b) of the Zoning Ordinance for a minimum of 20 days and shall be approved by the Planning Board or its designee.

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, December 6, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of January 2013.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:RG:arj