

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on January 30, 2003 regarding Detailed Site Plan DSP-96056/04 for Cross Creek Golf Course, Phase 1A, the Planning Board finds:

1. The subject revision to the detailed site plan is for the Cross Creek Club golf course component of the Cross Creek Club golf course and residential development. The overall Cross Creek Club development, consisting of approximately 304 acres of land in the R-R Zone, is located north of Briggs Chaney Road, directly east of the Montgomery County line, south of the Fairland Regional Park and west of Old Gunpowder Road.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Residential and Golf Course	Residential and Golf Course
Acreage	156 (golf course only)	156 (golf course only)
Lots	NA	NA
Parcel #	16	16
Square Footage/GFA	NA	NA
Dwelling Units:	NA	NA

3. A conceptual site plan, CSP-96021, was approved by the Planning Board on July 25, 1996 (PGCPB No. 96-250), for the Cross Creek Club 18-hole golf course and residential development. Preliminary Plan 4-96048 was approved by the Planning Board on July 25, 1996 (PGCPB No. 96-254), for 472 lots and 18 parcels. The following detailed site plans have been approved for the golf course and the residential phases as of this date:
 - a. DSP-96024 and subsequent revisions for Phase I
 - b. DSP-96076 and subsequent revisions for Phase III
 - c. DSP-99029 for Phase II
 - d. DSP-00048 for Phase V

- e. DSP-96056 and subsequent revisions for the golf course
- f. DSP-97042 and subsequent revisions for the overall architecture for the residential development
- g. DSP-02043 for Phase IV
- h. DSP 96021/01 to add three conditions to the Conceptual Site Plan

As of this date, 77 units in Phase I and 71 units in Phase III have been built.

- 4. The subject revision to the detailed site plan includes site, landscape and tree conservation plans for the golf course only. The golf course includes 18 holes and accompanying operating facilities, a clubhouse, parking, maintenance building, etc., and additional recreational amenities, a swimming pool, and tennis courts on 156 acres. The proposed golf course will be accessed from Bay Hill Drive west of the realigned Old Gunpowder Road. The following detailed site plans have been approved for the golf course as of this date:
 - a. DSP-96056 was submitted by the applicant for the golf course. However, the applicant later decided to file another application for rough grading only. DSP-96056/01 was approved by the Planning Board on June 5, 1997 (PGCPB No. 97-156), for rough grading of the Cross Creek golf course and associated facilities.
 - b. DSP-96056/02 was approved by the Planning Board on November 4, 1999 (PGCPB No. 99-206), to delete Condition 2 of DSP-96056/01. Condition 2 required that the detailed site plan for fine grading in Phase 1A be submitted and approved prior to the issuance of the 100th residential building permit for the project.
 - c. DSP-96056/03 was approved by staff as the Planning Board's designee for rough grading and TCPII revisions for holes 15 and 16 and tees of hole 17 only.
 - d. DSP-96056 for the entire golf course was approved by the Planning Board on July 26, 2001 (PGCPB No. 01-153). The plans included site, landscape and tree conservation plans and architecture for the club house. The detailed site plan was reapproved because a significant portion of the entire golf course was constructed without securing all of the required Planning Board approvals nor having received any of the required building/grading permits. During the final construction, field adjustments were made in which the proposed golf course layout and some of its tree save areas were modified from what was approved on previous plans. The detailed site plan was reapproved with 15 conditions of approval requiring substantial changes to the detailed site plan to reflect as-built conditions. The detailed site plan was certified in April 2002.

5. The subject revision to the detailed site plan was submitted to reflect changes to the plans due to conditions of the grading permits and to more accurately reflect as-built conditions. The applicant has submitted a letter dated January 2, 2003, that includes a sheet-by-sheet description of the proposed changes. The changes to the plans include:
 - a. Revised layouts of the golf course compared to the previously approved detailed site plans for Phase IV.
 - b. Addition of conservation easements and certificates of compliance with conditions of the Department of Environmental Resources.
 - c. Location of the existing bridge.
 - d. Modifications to the tree conservation plans.
6. The following findings of PGCPB No. 01-153 approving DSP-96056 are applicable to the subject application, which proposed a series of relatively minor revisions to DSP-96056:
 - a. Finding 4 found conformance of the plan with the Conceptual Site Plan CSP-96021.
 - b. Finding 5 found conformance of the plan with Preliminary Plan 4-96048.
 - c. Finding 7 found conformance of the plan with the requirements of the *Landscape Manual*.

Therefore, the subject revision to the detailed site plan is also in conformance with the above.

Referral Comments

7. The Department of Environmental Resources (De Guzman to Srinivas, January 31, 2003) has no objections to the subject revision to the detailed site plan.
8. The Department of Public Works and Transportation (Hijazi to Srinivas, February 6, 2003) has stated that all improvements within the public rights-of-way must be according to DPW&T requirements.
9. The Subdivision Section (Chellis to Srinivas, February 3, 2003) has stated that the applicant must demonstrate conformance with the conditions of approval for DSP-02043. The applicant must submit conservation easement agreements to the Environmental Planning Section for review because some of the conservation easements are being disturbed. Land acreage and information regarding dedication must be provided for every parcel that is dedicated. Conditions of approval have been added to require the same.

10. The Community Planning Division (Bond to Srinivas, February 13, 2003) has stated that there are no master plan issues associated with this proposal.
11. The Department of Parks and Recreation (Asan to Srinivas, March 19, 2003) has stated that the subject revision to the detailed site plan shows an eight-foot-wide concrete golf cart path crossing the park property and two bridges crossing a stream on park property. These facilities were constructed on park property without the approval of the Department of Parks and Recreation. The Department has added conditions of approval for requiring indemnification, possible removal of the cart paths and bridges and submission of a performance bond for the removal of the paths and bridges.
12. The Environmental Planning Section (Finch to Srinivas, February 24, 2003) has recommended approval of TCPII/52/97-05 subject to conditions of approval. The proposed conditions of approval include changes to the general notes, revisions to outfalls, notes regarding the location of the bridge, revisions to the wetland mitigation areas, and revisions to the conservation easements. Other conditions require submission of evidence that shows compliance with the State of Maryland Department of Environment requirements and, should the bridge over Hole #8 ever have to be replaced, relocation of the bridge prior to building permits.
13. There are a number of conditions of approval of DSP-96056 that require the applicant to submit information prior to occupancy, submit information regarding improvements to the property dedicated to the Department of Parks and Recreation, and submit an errant-ball study. The conditions also require submission of as-built plans if there are differences between the approved plans and as-built conditions and require construction of recreational facilities prior to approval of the 300th building permit. Since a substantial portion of the golf course was built without obtaining proper permits, a condition of approval has been added to require the applicant to submit information regarding compliance with these conditions of approval.
14. With the proposed conditions, the revision to detailed site plan DSP-96056/04 represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

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 Type II Tree Conservation Plan (TCPII/52/97-5) and further APPROVED Detailed Site Plan DSP-96056/04 for the above-described land, subject to the following conditions:

1. Prior to certification of the detailed site plan, the applicant shall:
 - a. Reflect all the changes and modifications required by the conditions of DSP-02043 on the site plans for the golf course area in the vicinity of Phase IV.

- b. Submit information regarding the land acreage and dedication details for all the dedicated parcels.
- c. Submit information regarding compliance with conditions 9 to 14 of PGCPB No.01-153 approving DSP-96056.
- d. Submit to The Maryland-National Capital Park and Planning Commission a complete indemnification, acceptable to the Legal Department, for the golf course facilities built on park property. Insurance shall also be provided in the amount acceptable to the Legal Department and Risk Management Office.
- e. Meet with the Department of Parks and Recreation and develop solutions such as removal of the golf cart paths and bridges and restoration of the stream and its environs. A land exchange of the property of equal or greater value or other options acceptable to the Department of Parks and Recreation shall also be considered. These options shall be discussed with the Department of Parks and Recreation no later than April 15, 2004.
- f. Submit to the Department of Parks and Recreation a performance bond, letter of credit or other suitable financial guarantee, for the removal of the bridges and golf cart path and parkland restoration, in the amount to be determined by the Department of Parks and Recreation. The bond shall be guaranteed for a period of two years.
- g. The following requirements of the Environmental Planning Section shall be met:
 - (1) Revise the General Notes on the TCP cover sheet and the DSP cover sheet to indicate:
 - The correct site area to be 156.64 acres;
 - The SWM Concept Approval Letter to be #978004160;
 - The correct Wetland Permits expiration date;
 - The area of Parcel 1 shall be corrected to be 4.467 acres;
 - The area of Parcel 3 shall be corrected to be 32.169 acres;
 - Remove the heavy line in Parcel 16 which gives the appearance that parcel is subdivided on the cover sheet;
 - All references to additional wetlands permits or permit expiration dates pertinent to the implementation of the revised plans shall be added to the General Notes for the plan set;

- Revise the Composite Site Map to clearly identify the boundaries of all phases;
 - Revise the Identification Plan for Phase IA to show the correct areas for Parcels 1 and 3, and the correct total area for Phase IA.
- (2) The TCPII shall be revised as follows:
- Remove all woodland conservation areas that are less than 35 feet in width and/or 2,500 square feet, including those on the north side of the third tee and on the east side of the fifth tee;
 - The Woodland Conservation sheet summary table on sheet 6 of 16 shall be revised to indicate the correct area to be 15.68 acres, the area of existing woodland to be 15.68 acres, and all other quantities corrected to reflect these revisions;
 - The Woodland Conservation sheet summary table on sheet 7 of 16 shall indicate the correct sheet area to be 12.96 acres;
 - Woodland conservation areas that do not meet the minimum width requirement along the west side of Lots 66, 67, 68, 69, 70 and 71 shall be eliminated;
 - The Woodland Conservation sheet summary table on sheet 13 of 16 shall be revised to be in conformance with the revised Woodland Conservation sheet summary table on sheet 6 of 16;
 - The Woodland Conservation sheet summary table on sheet 14 of 16 shall be revised to be in conformance with the revised Woodland Conservation sheet summary table on sheet 7 of 16;
 - All other woodland conservation area calculations that are impacted shall be revised and shown in the Woodland Conservation sheet summary tables;
 - Sheet 15 of 16 shall be revised to include the most recent version of the Cross Creek Woodland Conservation summary worksheet (February 7, 2003, or later) as prepared by the Environmental Planning Section, and add a Cross Creek Woodland Conservation summary worksheet for Phase 1A (golf course) revised to address all revisions and adjustments resulting from the current approval; and
 - After all revisions have been made, the TCPII shall be resigned and dated by a qualified professional.
- (3) The Type II tree conservation plan shall be found to be in conformance with

regard to areas, phasing line, notes, limits of disturbance, and location of site features;

- (4) The following note shall be placed on the DSP and TCPII regarding the bridge located on Hole #8:

“The location of this bridge is temporary, and will be relocated in the future subject to the conditions of approval for DSP-96056/04.”

- (5) The outfall from Phase IV, which is piped under Bay Hill Drive, and outfalls of Hole #1 shall be revised to address the following concerns:
- A comparison shall be performed between the current flow rate of the stream and the proposed flow volumes and velocity to determine the potential erosion impacts on the stream bed, and methods shall be proposed to reduce impacts;
 - The pipe outfalling south of Bay Hill Drive shall be aligned to outfall into the existing stream channel; and
 - The outfall area shall be bio-engineered to dissipate flow rates and increased velocities resulting from piping in order to minimize stream erosion potential.
- (6) A copy of the approved Phase II wetland mitigation plan for all wetland mitigation areas shall be submitted to the Environmental Planning Section;
- (7) The TCPII shall be revised to restore the two areas of scrub/shrub to 0.34 acre adjacent to the emergent wetland mitigation previously approved, in order to provide stream buffers within the defined environmental conservation zone as approved on the conceptual site plan and preliminary plan;
- (8) The boundaries of the forested wetland mitigation proposed within the 100-year floodplain on the south end of the driving range shall be delineated and labeled the TCPII; and
- (9) The TCPII and Phase II wetland mitigation plan shall found to be in mutual conformance prior to certification.
- (10) The overall conservation easement plan (sheet 16 of 16) shall be revised to be in conformance with all conditions of this approval.
- (11) All previously recorded conservation easements, which are impacted by the current approval, shall be extinguished and revised impacts shall be recorded.

- (12) A plat or plats of correction shall be approved and recorded for Phase 1A that delineates corrected conservation easements for Phase 1A in conformance with all recommended conditions of this approval. The corrected plats shall be reviewed by the Environmental Planning Section prior to approval.
- (13) The approved TCPII sheets 8A through 14 of 16 shall be replaced in the plan set or a note shall be added to the replacement plan sheets, adjacent to the approval block, which states the following:

“No revisions on this sheet is required or proposed as part of the approval of DSP-96056/04”

- 2. Prior to the release of grading bonds for Phase 1A by the Department of Environmental Resources, evidence shall be submitted to verify that the site is in compliance with Condition 21 of the State of Maryland Nontidal Wetlands and Waterway Permit 96-NT-1005/199760159. If modifications are required by the Maryland Department of the Environment in order to achieve full compliance with all conditions of approval, then a revised detailed site plan and/or TCPII may be required. If a revised DSP and/or TCPII is required to reflect the approved Phase II wetland mitigation plan, the revised plans shall be submitted for review and approval prior to the release of grading bonds by the Department of Environmental Resources.
- 3. Prior to the issuance of a grading or building permit for any replacement bridge on Hole #8, the detailed site plan and TCPII shall be revised to relocate the bridge to the perpendicular crossing location approved on DSP-96056 and DSP-96056/01. The revised DSP shall show the removal of the existing cart paths and head walls, bio-engineering to restore the integrity of the stream banks, and the reestablishment of a scrub-shrub or other type of vegetated stream buffer within the Environmental Conservation Zone.

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 Scott, seconded by Commissioner Eley, with Commissioners Scott, Eley and Hewlett voting in favor of the motion, and with Commissioner Lowe absent at its regular meeting held on Thursday, April 10, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8thth day of May 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:LS:rmk