



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Preliminary Plan

4-03016

Application	General Data
Project Name: CROSS CREEK CLUB Phases IA, IV and VI Location: Northwest quadrant of Briggs Chaney Road and Old Gunpowder Road intersection. Applicant/Address: Bear Corporation 2900 Linden Lane, Suite 200 Silver Spring, MD 20910	Date Accepted: 01/30/06
	Planning Board Action Limit: 03/02/06
	Plan Acreage: 75.79
	Zone: R-R
	Lots: 126
	Parcels: 8
	Planning Area: 61
	Council District: 01
	Municipality: N/A
	200-Scale Base Map: 216NE04&05

Purpose of Application	Notice Dates
RECONSIDERATION HEARING: The request for Reconsideration of this Preliminary Plan of Subdivision is on the same Planning Board agenda (2/23/06). If that request is granted, this hearing may be considered. The applicant has requested a reconsideration of Condition No. 7 of PGCPB 03-119.	Adjoining Property Owners: (CB-15-1998) N/A
	Previous Parties of Record: (CB-13-1997) 02/10/06
	Sign(s) Posted on Site: N/A
	Variance(s): Adjoining Property Owners: N/A

Staff Recommendation		Staff Reviewer: Alan Hirsch	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

February 15, 2006

MEMORANDUM

TO: Prince George's County Planning Board

FROM: Alan S. Hirsch, Planning Supervisor

SUBJECT: Cross Creek Club Reconsideration Hearing
Preliminary Plan of Subdivision 4-03016
Condition No. 7

Pursuant to a letter dated January 27, 2006, the applicant requested a reconsideration of Condition No. 7 of the subject preliminary plan. Specifically, that condition requires that:

- “7. The hiker/biker and equestrian trails shall be constructed in conjunction with the construction of relocated Gunpowder Road and completed, inspected and accepted by DPR prior to the issuance of the 364th building permit or completion of relocated Gunpowder Road, whichever comes first.”

As noted in the request by the applicant, the builders at Cross Creek have reached the 364 building permit level and are precluded from obtaining the issuance of permits for the remaining 108 permits until the requirements of the current condition are met. The applicant is requesting that the 364 building permit level be adjusted to 394. This would allow for the construction of 30 more dwelling units before the requirements of the current condition would need to be met.

The applicant met with the Department of Parks and Recreation regarding the adjustment of Condition 7. In their January 27, 2006 letter, the applicant sets forth the reasons why they believe the Parks Department supports the subject request. Those reasons, as listed, are:

- A. The proposed trails are completed from Briggs Chaney Road south of the project to M-NCPPC's proposed park north of the project.
- B. The subject trails cannot physically be constructed through the proposed park site until the park is graded and a very significant amount of dirt is removed.
- C. The park site cannot be graded or seeded during the winter months.
- D. The developer could not have anticipated the amount of grading required when the plan was originally approved.
- E. The Parks Department has recently requested and the developer has agreed to pave the park's parking lot.

- F. There is no practical location to which the excess dirt can be moved until construction proceeds in the unfinished phases of the project. It would be counterproductive to truck the dirt off site temporarily, only to bring it back six months later.
- G. The remaining 78 building permits are more than sufficient protection in support of the completion of all required recreation facilities.

The Parks Department confirmed that they do support the applicant's request for the reasons stated. They also indicated that to ensure the paving of the parking lot mentioned in "E" above, additional conditions should be required. These conditions relate to amending the off-site Recreational Facilities Agreement to note the change in the construction phasing and the change in the surface material of the 113-space parking lot.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Subdivision staff recommends that the Planning Board adopt all of the findings and conditions contained in the original action (PGCPB No. 03-119) as now modified or supplemented by the findings of this report, and APPROVE 4-03016, subject to the following modification to existing condition 7 and the additional conditions recommended by the Department of Parks and Recreation:

- 7. The hiker/biker and equestrian trails shall be constructed in conjunction with the construction of relocated Gunpowder Road and completed, inspected and accepted by DPR prior to the issuance of the 364th 394th building permit or completion of relocated Gunpowder Road, whichever comes first.
- 20. The applicant, his heirs, successors and/or assignees shall amend the RFA recorded in the Land Records of the Prince George's County Land Record in Liber 20319, Folio 129, to reflect the changes in construction phasing. Prior to the submission of any additional building permits beyond 364th building permit, the applicant shall submit to DPR three original, executed copies of revised RFA. Upon receiving approval of the RFA, the applicant shall record the document among the Land Records of Prince George's County.
- 21. The applicant, his heirs, successors and/or assignees shall amend the Off-Site Recreational Facilities Agreement between the M-NCPPC and the Bear Corporation to reflect that a gravel parking facility with 113 parking spaces shall be constructed of asphalt surfacing. Prior to the submission of any additional building permits beyond 364th building permit, the applicant shall submit to DPR three original, executed copies of revised agreement. Upon receiving approval of the Agreement, the applicant shall record the document among the Land Records of Prince George's County.