



Note: Staff reports can be accessed at <http://mncppc.igmp2.com/Citizens/Default.aspx>.

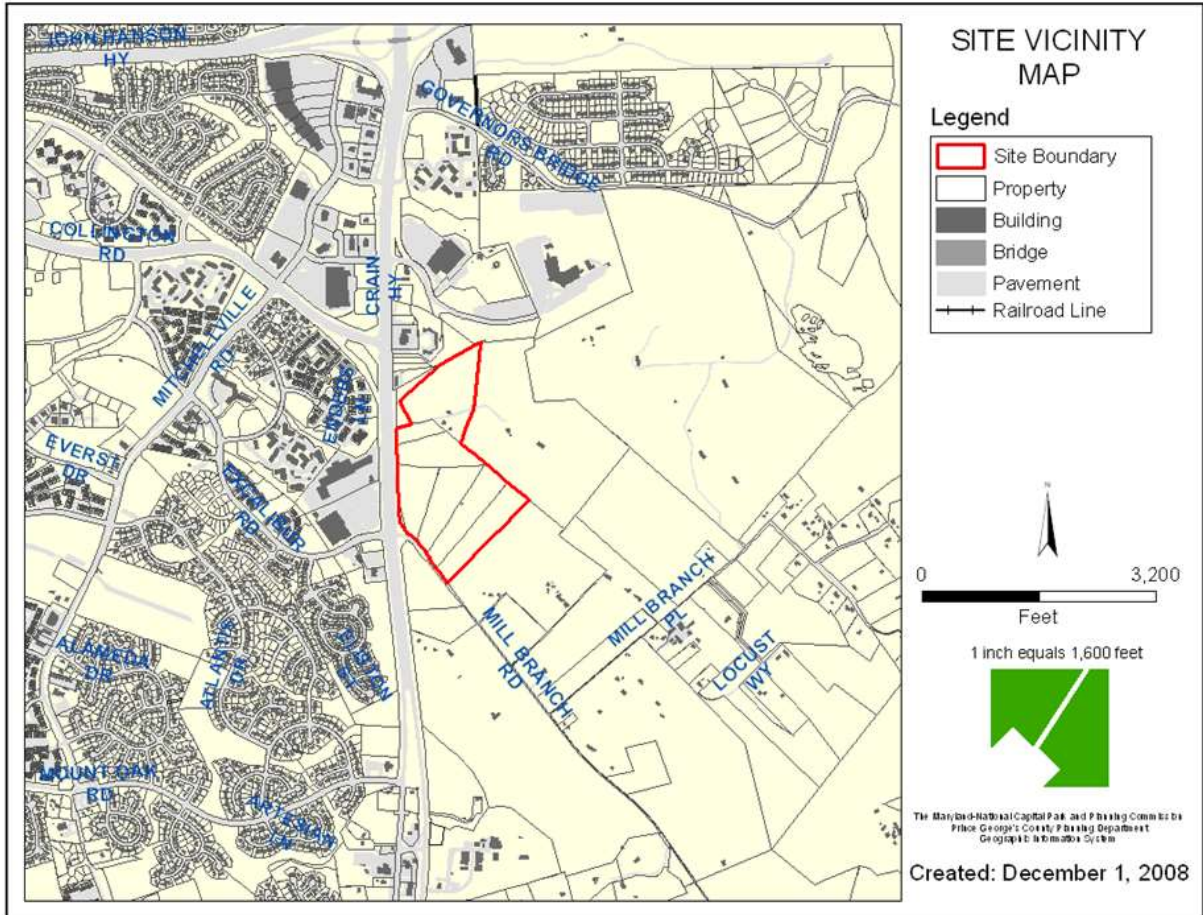
Preliminary Plan 4-08052

Reconsideration Hearing

Application	General Data	
Project Name: Mill Branch Crossing Location: Northeast quadrant of the intersection of Robert Crain Highway (US 301) and Mill Branch Road. Applicant/Address: Mill Branch Crossing, LLC 150 White Plains Road, Suite 400 Tarrytown, NY 10591 Property Owner: Mill Branch Crossing, LLC 150 White Plains Road, Suite 400 Tarrytown, NY 10591	Planning Board Hearing Date:	03/30/17
	Memorandum Date:	03/16/17
	Date Accepted:	11/10/16
	Planning Board Action Limit:	N/A
	Plan Acreage:	73.98
	Zone:	C-S-C
	Gross Floor Area:	496,000 sq. ft.
	Lots:	N/A
	Parcels:	1
	Planning Area:	74B
	Tier:	Developing
	Council District:	04
	Election District	07
	Municipality:	N/A
	200-Scale Base Map:	205NE14/15

Purpose of Application	Notice Dates	
Reconsideration Hearing	Previous Parties of Record (Applicant)	11/10/16
	Previous Parties of Record (M-NCPPC)	11/22/16 03/16/17

Staff Recommendation		Staff Reviewer: Whitney Chellis Phone Number: 301-952-4325 E-mail: Whitney.Chellis@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



March 16, 2017

MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Whitney Chellis, Supervisor, Subdivision Section, Development Review Division

SUBJECT: Reconsideration Hearing for Preliminary Plan of Subdivision 4-08052
Mill Branch Crossing

The Planning Board approved the preliminary plan of subdivision (PPS) for the above case, and the resolution of approval (PGCPB Resolution No. 09-85) was adopted on June 18, 2009. By letter dated November 10, 2016, Michele La Rocca, Esquire, representing the owner/applicant, Mill Branch Crossing LLC, requested a waiver of the Planning Board's Rules of Procedure (Section 10(a)) and a reconsideration (Section 10(e)). On December 8, 2016, the Planning Board granted the applicants request based on other good cause in furtherance of substantial public interest. Pursuant to the Planning Boards action, the request for reconsideration is limited to Conditions 5, 6, 15, and 26 along with the associated findings.

The reconsideration is for the purpose to modify the order of approvals established by the Planning Board in the original approval. Specifically, Condition 6 requires that the applicant obtain approval of a detailed site plan (DSP) prior to approval of a final plat. The applicant stated at the hearing on December 8, 2016 that there are a number of extenuating circumstances that make it difficult for the applicant to obtain DSP approval prior to expiration of the PPS, which occurs on December 31, 2017. The Zoning Ordinance establishes the order of approvals when a detailed site plan is required, which is prior to final plat. However, Section 27-270(a)(5) also provides that "a final plat of subdivision may be approved prior to a detailed site plan, if the technical staff determines that the site plan approval will not affect final plat approval." In this case, staff does find that the approval of the DSP will not affect the final plat for this single parcel. The original approval in 2009 included conditions of approval which relied on the DSP process to bring finality to the public right-of-way dedication required along Mill Branch Road. With modifications to Conditions 5, 6, and the deletion of Condition 15 (which is a duplication of Condition 5 as modified) as proposed by the applicant, the line of dedication will be determined prior to final plat with the concurrence of the State Highway Administration.

The applicant also requests a modification to Condition 26, which requires restoration of an on-site stream, specifically utilizing a "Coastal Plain Outfall" type system. The Environmental Planning Section has reviewed the request and in a referral dated February 28, 2017 (Finch to Chellis), staff agrees with the applicant that more flexibility is necessary to enable them to work with the Maryland Department of the Environment and the Army Corp of Engineers to determine the best practice for the stream

restoration which may or may not include a coastal plain outfall. The modification to the condition does not relieve the applicant from the stream restoration requirement.

Recommendation:

Staff recommends **APPROVAL** of the reconsideration with amended findings and conditions as set forth in the draft amended resolution of approval PGPCB Resolution No. 09-85(A).