

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision Plat 4-00064  
Transnational Law and Business University, Parcel 1 and Outparcel 1

OVERVIEW

The subject property consists of approximately 342.5 acres of land in the R-S Zone. It is undeveloped. Found on Tax Map 117, Grid E-2, the property is identified as Parcels 91, 129, 130, 141, 142, 143 and 214. The applicant proposes to create one 92-acre parcel for the development of a private university for a 900 student enrollment, a 250 room hotel and conference center and dormitories. A 250-acre outparcel will surround the interior parcel. Development of the outparcel will be prohibited without the approval of a new preliminary plat of subdivision.

Sole access to the property will be provided from Frank Tippet Road. Several local streets dead end into this property. The preliminary plat does not propose any access from these streets and no access to this site will be permitted from those streets.

SETTING

The property is located on the east side of Frank Tippet Road, south of its intersection with Rosaryville Road. To the north is the Williamsburg Estates Subdivision of single-family homes in the R-80 Zone; to the east and south is the Graystone at Marlborough Subdivision of single-family homes in the R-R Zone; to the west is farm and wooded land in the O-S Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Environmental Issues and Variation - This site is subject to the provisions of the Woodland Conservation Ordinance because the site is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Tree Conservation Plan is required to satisfy the requirements of the Woodland Conservation Ordinance. A Tree Conservation Plan, TCP I/110/90, was reviewed and approved with the Comprehensive Design Plan for a previous development named Merrymount. The proposed development differs significantly and a revised Type I TCP is required. For tracking purposes the same TCP number has been assigned.

The Forest Stand Delineation meets all applicable requirements. The Tree Conservation Plan, TCP I/110/90-01, indicates that all required woodland conservation will be met by on-site preservation. Some minor removal of woodland within the floodplain will be needed for installation of the sewer line and stormdrain outfalls, but the precise amount can not be determined until design plans have been approved by the appropriate agencies. The current plan indicates 9.46 acres of woodland clearing, but that may need to be increased when more detailed development plans are prepared. The worksheet correctly indicates that up to 74.25 acres of woodland may be cleared and still accomplish the goal of meeting all required woodland conservation on-site. The plan needs some minor changes.

The site contains significant natural features, which are required to be protected under Section 24-130 of the Subdivision Regulations. A Conservation Easement should be described by bearings and distances on the final plat and contain all 100-year floodplain, stream buffers, wetlands and wetland buffers, except for approved variation requests, and be reviewed by the Environmental Planning Section prior to final plat approval.

The wetland delineation has been reviewed and agrees with conditions found during a site visit. The 25-foot wetland buffers are shown accurately. The 100-year floodplain as depicted on the plan is shown accurately. The plan indicates all streams and the minimum 50-foot stream buffers.

Three variation requests in accordance with Section 24-113 of the Subdivision Regulations have been submitted: (1) main access road, (2) internal loop road, and (3) stormdrain/sewer connections. Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. The Planning Board may approve variations upon making the following findings:

- A. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.**
- B. **The conditions of which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties.**
- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.**
- D. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.**

Variation 1 - It is evident from the plan that the only practical access to the site is from Frank Tippet Road. The stream paralleling Frank Tippet Road will need to be crossed at some point to provide access to the bulk of the property. Access from the north from the stub ends of James Street and Williamsburg Street are not practical alternatives because of the increased travel distance for emergency vehicles and increased traffic through an existing neighborhood. The south and west boundaries of the properties are bordered by Dower House Branch and Piscataway Creek and their associated floodplains and wetlands. Any road crossing in this area would create significantly greater environmental impacts. The road crossing will be subject to further review by Federal, State and County agencies during the permit process. The permit review will ensure that the crossing minimizes environmental impacts and will not be injurious to properties upstream or downstream of the crossing. The Environmental Planning Section supports the variation request for the stream crossing for the access road.

Variation 2 - The loop road design impacts floodplain, wetlands, and wetland buffers. The petition does not indicate an engineering necessity for the alignment which would clearly distinguish inconvenience from hardship. Without a justification that states why the design is

necessary and that the impacts are unavoidable, the Environmental Planning Section is unable to support the variation request for this impact.

Variation 3 - Stormdrain and sewer connections are mandated by regulations to ensure the health, safety, and welfare of the community. The stormdrain/sewer connections will be subject to further review by Federal, State and County agencies during the permit process. The permit review will ensure that the stormdrain/sewer connections minimize environmental impacts and will not be injurious to properties upstream or downstream. The Environmental Planning Section supports the variation request for the stormdrain/sewer connections.

A State endangered herbaceous plant, Few-flowered Tick-trefoil (*Desmodium pauciflorum*) was discovered by staff on a site visit in 1990. The population will need to be relocated. The Maryland Endangered Species Act requires review of all state permits by the Maryland Department of Natural Resources (MDNR). MDNR must issue a finding of no significant impact before the permit may be released by any state agency. The Environmental Planning Section shall coordinate with the applicant and MDNR during the State permit review process.

According to maps of the Air Installation Compatible Use Zone (AICUZ) prepared by the Department of the Air Force most of the property is within the 65 dBA (Ldn) noise zone for the Andrews Air Force Base. The proposed use includes residential components which will need to be constructed to reduce interior noise levels to 45 dBA (Ldn) or less.

2. Community Planning - The 1993 *Subregion VI Study Area Master Plan* recommends suburban residential land use at a density of up to 3.5 dwelling units per acre. The 1994 *Subregion VI Study Area SMA* retained this site in the R-S (1.6-2.6) Comprehensive Design Zone as previously approved by Application A-9738-C on May 18, 1990. Prior to reclassification in the R-S Zone, the property was classified in the R-A and R-R Zones.

According to zoning ordinance procedures as recently amended by CB-94-2000, a private college or university on more than 300 acres is now a permitted use in the R-S Zone if previously classified in the O-S, R-A, R-E, or R-R Zones. The subject application is such a property. Detailed site plan review is required by new section 27-443(b). The referred subdivision application does not describe the development proposal beyond the term ■private university,• thus the comments below are made somewhat in the abstract.

The subject site is located in the interior of the Rosaryville community living area in Subregion VI. ■The Plan recommends that the established Low Suburban (R-R) character of this community continue. (Plan text p. 92). Public and private educational uses through the high school level are recognized in the master plan, and in zoning, as appropriate uses within residential living areas. Post-secondary educational uses, such as the private university proposed in this application, are not specifically addressed in the *Subregion VI Study Area Master Plan* and were probably not contemplated. Regardless, as cited above, a private university is allowed by zoning regulations for the residential categories advocated for living areas such as Rosaryville. The ability of this proposal to satisfy the design guidelines specified for the detailed site plan review that is required for this use will determine whether it is appropriate at this location.

A designated historic site, the Joshua Turner House ((82A-17), is located on Parcel 81 at 8801 Frank Tippet Road, adjoining the northeast part of the subject property.

3. Parks and Recreation - According to Section 24-134(a) of the Prince George's County Subdivision Regulations, the above referenced subdivision is exempt from Mandatory Dedication requirements because the proposed subdivided parcels are greater than one acre in size.

However, the property borders Piscataway Creek on the west and Dower House Pond Branch on the south. The Master Plan designates the stream valley land along the west and south property lines for stream valley parks along both branches. In addition, a Master Plan Park Symbol for a 50-acre community park is designated at the south tip of the property. Section 24-121(a)(5) of the Prince Georges County Subdivision Regulations states that the plat shall conform to the area master plan, including maps, and text, unless the Planning Board finds that events have occurred to render the relevant plan recommendations no longer appropriate or the District Council has not imposed the recommended zoning. Section 24-121(a)(6) of the Prince Georges County Subdivision Regulations states that when indicated by a master plan or the General Plan or when requested by a public agency, land may be placed in reservation, pursuant to Division 7 of the Subdivision Subtitle. Section 24-122(b) of the Prince Georges County Subdivision Regulations states that the land for public facilities shown on the General Plan, functional master plans and/or area master plans, and watershed plans shall be reserved, dedicated, or otherwise provided for. Section 24-139(a) of the Prince George's County Subdivision Regulations states that the Planning Board, when reviewing a preliminary plat, shall refer to the General Plan, master plans, or amendments and parts thereof, to determine the need for reserving for public use any of the land included in the preliminary plat. Reservation may be required for parks, playgrounds, or other recreational areas.

The Park, Planning and Development Division staff had a meeting with the applicant on December 20, 2000 to discuss master plan issues. The developer expressed concerns related to the safety and security of locating a college campus on the property considering the proposed stream valley park and a community park on the site. In addition, options to relocate the master planned community park were discussed.

After careful evaluation of the area, site, master plan and previously mentioned Subdivision Regulations, the Department of Parks and Recreation makes the following findings:

- a. The stream valleys along the Piscataway Creek and Dower House Pond Branch are 20 to 50 feet lower than the developable areas of the site. Staff believes that the site can be graded and landscaped in such way to provide a substantial barrier between the site and the proposed park area and achieve the safety sought by the applicant.
- b. Dower House Pond Branch Stream Valley Park will provide an important trail link between the Potomac River and the Patuxent River. Staff did not find any alternatives which could substitute for this important trail linkage.
- c. It may be possible to relocate the planned trail along the Piscataway Creek to the west side of the stream valley. Further study of this issue by staff is needed.

- d. The 50-acre master planned community park in the southern tip of the property will not be accessible to the community because of the nature of the development. Considering this fact and the fact that there are other vacant parcels in the area that could serve as the site for a Community Park, staff believes the Community Park can be moved to a more accessible parcel of land in the area.
- e. The applicant discussed the option of providing parkland from the adjacent 403.7 acre Maryland Environmental Services Property on the west in substitution for the Community Parkland and eastern portion of Piscataway Creek Stream Valley Park.
- f. Nothing has occurred which renders the master plan recommendations for establishing the stream valley parks along the Piscataway Creek and Dower House Pond Branch inappropriate.

In accordance with Section 24-139 of the Subdivision Regulations, a map showing the area to be reserved has been provided. It is anticipated that the property placed in reservation will be acquired by the Department of Parks and Recreation within the three fiscal years. The property owner, County Executive, and County Council have been notified of the recommendation to place this property in reservation. Therefore, staff recommends that approval of the subdivision be subject to conditions requiring reservation of land for master plan park and trail implementation.

- 4. Trails - There are master plan trail/bikeway issues along the Piscataway Creek and Dower House Stream Valleys and along Frank Tippet Road. The *Adopted and Approved Subregion VI Master Plan* recommends dedication of the stream valleys to M-NCPPC and the construction of multi-use trails. If this land is not dedicated or otherwise acquired by M-NCPPC, easements are recommended to accommodate the possible future construction of the stream valley trails. This will ensure continuity of the trails network as proposed in the master plan. The trail along Frank Tippet Road requires only bikeway signage at this time with future bikeway/trail improvements coming as part of a future Department of Public Works and Transportation road improvement project.

The *Adopted and Approved Subregion VI Master Plan* recommends that Frank Tippet Road be designated as a Class III bikeway with appropriate signage. Because Frank Tippet Road is a County right-of-way, the applicant should provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage.

The *Adopted and Approved Subregion VI Master Plan* also recommends stream valley parks and multi-use trails along the subject property's entire frontage of Piscataway Creek and Dower House Creek. If park dedication is not required, a 50-foot-wide trail easement should be provided along the subject property's portions of both stream valleys to accommodate these master plan trails.

- 5. Transportation - The applicant prepared a traffic impact study, dated November 2000, and prepared in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Guidelines)*. The traffic study has been referred to the

Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) for their comments, and the agencies' comments are attached.

#### Summary of Traffic Impacts

The application is a preliminary plat of subdivision for a subdivision consisting of one parcel which will contain a university and an affiliated conference center with hotel. The transportation staff used counts provided by the applicant to review conditions at the following intersections:

- US 301/Frank Tippet Road (signalized)
- Frank Tippet Road/Rosaryville Road (signalized)
- MD 223 Rosaryville Road (signalized)
- Frank Tippet Road/site entrance (future, unsignalized)

The existing conditions at the intersections within the study area for this application are summarized below:

EXISTING CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
US 301 and Frank Tippet Road	936	1131	A	B
Frank Tippet Road and Rosaryville Road	1281	883	C	A
MD 223 and Rosaryville Road	1188	1570	C	E
Frank Tippet Road and site entrance	future		--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , an average vehicle delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.				

The traffic study included background conditions for extensive background development in the area. As shown in the traffic study, there are several problems with background traffic noted by staff:

1. Background development appears to include over 500 unbuilt residences in Holloway Estates. As noted in the Scoping Agreement which is attached to the traffic study, staff checked that number at the request of the applicant and determined a maximum of 120 unbuilt units in Holloway Estates.
2. A portion of the trips generated in background developments in Marlton should have been assigned up Rosaryville Road.
3. While the trip distribution shown for The Woodyard was correct, it did not appear that all trips generated by the commercial portion of The Woodyard were assigned.

4. There was no evidence that Woodyard Estates was counted into the background even though it was included as a background development.

These changes are incorporated into the staff recommendations.

The traffic study also includes roadway improvements, some of which are contained in the County Capital Improvement Program (CIP) as Project No. FD669451. It should be noted that this project, while it is shown in the CIP as fully funded for construction within the next six years, would obtain the majority of its funding from developer contributions. The traffic study appropriately assumes the CIP-related improvements in calculating background traffic, and it recognizes the need for the subject property to contribute its fair share toward the developer portion of these improvements.

The background traffic conditions at the intersections within the study area for this application are summarized below:

BACKGROUND CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
US 301 and Frank Tippet Road	1105	1293	B	C
Frank Tippet Road and Rosaryville Road	1549	1119	E	B
MD 223 and Rosaryville Road	1245	1297	C	C
Frank Tippet Road and site entrance	future		--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , an average vehicle delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.				

The applicant proposes two professional schools with 450 students apiece (total of 900 students) and a 250-room hotel/conference center. While the staff does not have a great concern over the rates used in the traffic study for the hotel/conference center, there are concerns over the trip generation used for the school since rates in the Institute of Transportation Engineers' *Trip Generation Manual* were not used. For that reason, staff conducted a traffic count at Goucher College. While Goucher College is not entirely similar to the proposal, it is a private suburban school which is well-buffered from the surrounding community. Staff surveyed the one entrance to and from the school, and obtained the following summarized results:

Summary of Traffic Count Data - Goucher College - For Purposes of Trip Generation Grad & Undergrad Students (FTE) = 1400; Percentage Living on Campus = 48% Faculty = 146	
Date: 3/7/2001 Location: Entrance to Goucher College, Towson, MD	Weather: Clear & cool Counter: Tom Masog

Time Period - AM	Count			Time Period - PM	Count		
	In	Out	Total		In	Out	Total
7:30 - 7:45	13	4	17	4:00 - 4:15	33	47	80
7:45 - 8:00	22	6	28	4:15 - 4:30	25	29	54
8:00 - 8:15	48	8	56	4:30 - 4:45	19	30	49
8:15 - 8:30	55	10	65	4:45 - 5:00	20	32	52
8:30 - 8:45	45	7	52	5:00 - 5:15	29	69	98
8:45 - 9:00	54	4	58	5:15 - 5:30	30	47	77
Total	237	39	276	Total	156	254	410
Peak Hour: 8:00 - 9:00	202	29	231	Peak Hour: 4:30 - 5:30	98	178	276

Based on the results obtained from Goucher, the staff has the following findings and conclusions about the trip generation of the school portion of the proposal:

6. Based strictly upon enrollment, the proposed school is 64 percent of the size of Goucher, which would suggest AM and PM trip totals of  $0.64 \times 231$ , or 149, and  $0.64 \times 276$ , or 177.
7. The applicant intends to establish TLBU with the objective that all students will live on campus. Conversations with the applicant have indicated that students will not be provided with the option of living off-campus. Assuming that 25 percent of Goucher off-campus students arrive at campus by non-vehicular means, this would suggest that TLBU rates should be 39 percent less than comparable Goucher rates to account for all students living on campus. This factor would suggest AM and PM trip totals of  $(1-0.39) \times 149$ , or 91, and  $(1-0.39) \times 177$ , or 108.
8. The applicant intends for all TLBU faculty to live on campus. There may be a few faculty members of Goucher who live on-campus, but the great majority live off-campus. Because many Goucher faculty are part-time while all TLBU faculty would be full-time, the staff assumes the two schools to have similar numbers of faculty, relative to the number of students, teaching at the same time. Now, the applicant has assumed that faculty make



no peak hour trips. But for each faculty member, there would be a household of spouses and children, with the appropriate number of automobiles, who would make trips during peak hours. This would suggest that a heavily on-campus faculty would make nearly the same number of vehicle trips to and from a campus during a peak hour as a heavily off-campus faculty. Therefore, the transportation staff sees no rationale for reducing the Goucher-comparable trip numbers to account for faculty living on the campus.

9. Staff data for Goucher was not obtained. Staff presumes that TLBU would be staffed similarly to Goucher, although the number of peak hour trips assumed to be made by university staff is a little high. The assumption that 95 staff persons would make 90 peak hour trips to TLBU seems high for two reasons: (1) custodial staff and cooks would arrive/leave TLBU well before/after the peak hours, while clerical and professional staff would arrive near and during the peak hours; and (2) regional auto occupancy is 1.19, as opposed to the 95/90, or 1.06, suggested by the trip generation results.
10. The transportation staff concludes that the applicant's assumption of 90 AM peak hour trips very closely resembles the staff's count at Goucher. We would suggest that the AM trips be oriented 85/15 inbound/outbound. This would account for trips made by family of faculty and staff persons working for TLBU.
11. The transportation staff concludes that the applicant's assumption of 90 PM peak hour trips is a little low compared to the staff's count at Goucher. The applicant failed to account for travel by family of faculty. We also believe that the applicant failed to account for incidental travel by students and faculty members after classes, and also failed to account for visitors to the campus. Staff would suggest that PM travel is 20 percent higher than AM travel, with trips oriented 35/65 inbound/outbound.

Total estimated trip generation for the site is as follows:

SITE TRIP GENERATION - TRANSNATIONAL LAW & BUSINESS UNIVERSITY			
Use	Source of Information	New Trips (AM & PM - In/Out)	
University - 900 students	discussion above	76/14	42/78

Hotel/Conference Center - 250 rooms	<i>Guidelines</i>	88/75	112/88
Site - Total Trips	--	164/89	154/166

The site was analyzed using the following trip distribution:

MD 223 from the north:	40%
MD 223 from the west:	25%
US 301 from the south:	15%
US 301 (via Rosaryville) from the north:	10%
Commo/Surratts from the west:	10%

With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
US 301 and Frank Tippet Road	1129	1316	B	D
Frank Tippet Road and Rosaryville Road	1657	1270	F	C
MD 223 and Rosaryville Road	1302	1368	D	D
Frank Tippet Road and site entrance	12.7*	40.1*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , an average vehicle delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.				

The Prince George's County Planning Board, in the *Guidelines*, has defined level of service D (LOS D) as the lowest acceptable operating condition for signalized intersections on the transportation system. Under total future traffic as developed using the *Guidelines*, adding the impact of the proposed development, the intersection of Frank Tippet Road and Rosaryville Road was found to be operating worse than LOS D in the AM peak hour. In response to the inadequacy, the traffic study recommends the addition of an exclusive left-turn lane to the Frank Tippet Road approach to the intersection. With this improvement, along with the needed additional receiving lane along northbound Rosaryville Road and the required signal, signage, and marking modifications, this intersection will operate at LOS C with a CLV of 1,222 in the AM peak hour and at LOS B with a CLV of 1,072 in the PM peak hour.

There are no technical issues concerning the other two signalized intersections or the unsignalized intersection.

#### Road Club Issues

Several subdivisions in the area of the subject property have conditions to improve or contribute to the improvement of the intersection of MD 223 and Rosaryville Road, the link of Rosaryville Road between MD 223 and Frank Tippet Road, and the intersection of MD 223 and Dower House Road. In addition, the Merry Mount property (A-9738, approved under PGCPB No. 89-112 and District Council Ordinance No. 25-1990) also has similar conditions for development. The improvements required for a finding of adequacy for the subject property include:

- ✧ Widen the eastbound approach of MD 223 at Rosaryville Road to include three lanes, two through lanes and one right-turn lane. The right-turn lane shall be at least 600 feet long.
- ✧ Widen westbound Rosaryville Road at MD 223 to provide for two through lanes and two left-turn lanes. Each of the left-turn lanes shall be approximately 875 feet long. The south leg of MD 223 shall be widened to receive the dual lanes.

- ✧ Widen southbound MD 223 at the Rosaryville Road intersection to include dual left-turn lanes of a minimum 725 feet long.
- ✧ Widen Rosaryville Road to a four-lane cross section from MD 223 to Gambier Drive.

In its approval of the Harman Property Cluster, the Planning Board established a pro rata share for the construction of these improvements. The methodology for determining the pro rata share is based on the subject development's use of available AM and PM peak hour capacity in consideration of all funds which are currently committed to other developments.

The cost of improving the MD 223/Rosaryville Road intersection is \$518,000 in January 1990 dollars. Four subdivisions have conditions to improve this intersection, and these developments add a total of 430 AM and PM peak hour trips to the intersection. The university use on the subject property adds 138 AM and PM peak hour trips and the hotel/conference use on the subject property adds 236 AM and PM peak hour trips, for a total of 804 trips. The cost per trip is \$644.28, or a total of \$88,910.64 (university) and \$152,050.08 (hotel/conference) for the subject property. With 900 students and 250 hotel rooms respectively planned within the subject property, the pro rata share for the subject property of improving the MD 223/Rosaryville Road intersection is \$98.79 per student and \$608.20 per hotel room, in 1990 dollars.

The cost of widening Rosaryville Road between MD 223 and Gambier Drive is \$1,233,409 in January 1990 dollars. Four subdivisions have conditions to improve this link. These developments add a total of 210 AM and PM peak hour trips to this link. The university use on the subject property adds 138 AM and PM peak hour trips and the hotel/conference use on the subject property adds 238 AM and PM peak hour trips, for a total of 584 trips. The cost per trip is \$2,112.00, or a total of \$291,456.00 (university) and \$498,432.00 (hotel/conference) for the subject property. With 900 students and 250 hotel rooms respectively planned within the subject property, the pro rata share for the subject property of widening Rosaryville Road is \$323.84 per student and \$1,993.73 per hotel room, in 1990 dollars.

The total cost for these Road Club improvements for the subject property is \$380,366.64 for the 900-student university (\$422.63 per student) and \$650,482.08 for the 250-room hotel and conference center (\$2,601.93 per hotel room).

Frank Tippet Road is a Master Plan collector, and the plan must reflect dedication of 40 feet from center line along the property frontage. Staff notes that the internal loop road is proposed to be a private facility. If the outparcel is ever proposed for development with separate uses on separate lots, this may cause a problem. Each lot must have direct vehicular access to a public street. No dedication of the internal loop road is required at this time, but it should be designed to public standards. If future development is proposed and dedication required, DPW&T may not accept a substandard road.

#### Agency Comments

SHA affirmed and confirmed the major conclusions of the traffic study, and indicated their concurrence.

DPW&T had more extensive comments on the traffic study. Their comments are summarized below:

1. DPW&T suggested that a trip or parking cap be implemented in the event that another group were to take over the site once it is built. The transportation staff intends to recommend a trip cap as a part be a condition of any approval.
2. DPW&T indicated that a growth rate should have been assumed along Frank Tippet Road and Rosaryville Road. While it is not common for staff to require a growth factor along collector roadways, the traffic study assumed considerable growth along both roadways, and the staff analysis assumed even more by adding through traffic from approved developments in Marlton. Background traffic resulted in a growth rate on both roadways in excess of 22 percent, which the transportation planning staff believes is more than sufficient to account for ongoing traffic growth.
3. DPW&T's fourth comment about acceleration and deceleration lanes at the site entrance should be implemented as a part of the frontage improvements which are required at the time of roadway dedication. Nonetheless, staff's condition will reference the need for acceleration and deceleration lanes in their condition.
4. Improvements at MD 223/Rosaryville will be accomplished by payment of a pro-rata share, as has been approved by the Planning Board in other previous cases in the area.
5. DPW&T raises no objections to the applicant's plan to improve the Frank Tippet Road/Rosaryville Road intersection.

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with several transportation related conditions included in this report

6. Schools - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised July 2000) (CR-4-1998). The subdivision may be exempt from the Adequate Public Facilities test for schools because it is a commercial use. However, there is a residential component to this proposal in the form of student and professor housing. Staff asked the applicant to provide some documentation regarding the housing type and units so that a determination may be made as to the need for an adequacy finding. As of the writing of this staff report, no such information has been submitted. Given this remaining uncertainty, staff recommends that no residential component be permitted until an adequacy test has been performed. This will require the submission of another preliminary plat.
7. Fire and Rescue - The Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of public facilities.
  - a. The existing fire engine service at Marlboro Fire Station, Company 45 located at 7710 Croom Road has a service response time of 8.25 minutes, which is beyond the 3.25 minutes for response time guidelines.

- b. The existing ambulance service at Marlboro Fire Station, Company 45 located at 7710 Croom Road has a service response time of 8.25 minutes, which is beyond the 4.25 minutes for response time guidelines.
- c. The existing paramedic service at Clinton Fire Station, Company 25 located at 9025 Woodyard Road has a service response time of 7.91 minutes, which is beyond the 7.25 minutes for response time guidelines.
- d. The existing ladder truck service at Clinton Fire Station, Company 25 located at 9025 Woodyard Road has a service response time of 7.91 minutes, which is beyond the 4.25 minutes response time guideline.

These findings are in conformance with the Adopted and Approved Public Safety Master Plan 1990 and the Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed above, the Fire Department recommends that all commercial structures be fully sprinkled in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County Laws.

- 8. Police Facilities - The proposed development is within the service area for District V-Clinton. In accordance with Section 24-122.1(c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, staff concludes that the existing County police facilities will be adequate to serve the proposed Transnational Law and Business University development.
- 9. Health Department - The Health Department reviewed the application and offered no comments.
- 10. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan has been submitted but not yet approved. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plat. Development must be in accordance with this approved plan.
- 11. Public Utility Easement - The preliminary plat does not show the required 10-foot-wide Public Utility Easement. Prior to signature approval of the preliminary plat, this easement must be shown along all public and private streets.
- 12. Historic Preservation - The northernmost section of the property wraps around the west side of Historic Site 82A-17, the Joshua Turner House, which is located on six acres of Parcel 91 on Tax Map 118. The General Notes (#12) for the Preliminary Plan incorrectly indicate that ■There are no historical resources or cemeteries located on or near this site.● The Preliminary Plan incorrectly shows the Gladmon property (fronting on Frank Tippet Road) as Parcel 81; it is in fact Parcel 91 on Tax Map 118. This parcel is Historic Site 82A-17 (the Joshua Turner House), but the Preliminary Plan does not identify it as such.

The Joshua Turner House (Historic Site 82A-17) is a 2 --story, cross-gabled frame house, with paneled gables, twentieth-century stucco covering, and elegant interior detail. It was built for Joshua J. Turner, a Baltimore entrepreneur who specialized in agricultural fertilizers. The house is significant not only for its fine Queen Anne style decorative detail, but also as the country house of a successful businessman. The Joshua Turner House, with its six-acre Environmental Setting was designated as a Historic Site in 1988.

The preliminary plat must reflect this historic site. A bufferyard in accordance with the *Landscape Manual* Requirements will be required at the time of development of the outparcel. A new preliminary plat will be required to develop the outparcel. At this time, the historic site is buffered from the developable parcel by several hundred feet of woodlands.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. At time of final plat, a Conservation Easement shall be described by bearings and distances. The conservation easement shall contain all 100-year floodplain, stream buffers, wetlands and wetland buffers except for approved variation requests, and be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation Easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
2. Prior to the issuance of any permit which impacts floodplain, streams, stream buffers, wetlands, or wetland buffers, the applicant shall obtain all necessary Federal and State permits. Copies of the approved permits shall be filed with the Environmental Planning Section.
3. Prior to the issuance of any grading permit, the applicant shall provide the Environmental Planning Section a finding of no significant impact by the Maryland Department of Natural Resources with regard to the State endangered herbaceous plant, Few-flowered Tick-trefoil (*Desmodium pauciflorum*).
4. The final plat shall contain the following note:

■Prior to the issuance of building permits for residential units on this site, the applicant shall provide certification by a professional engineer with competency in acoustical analysis that the building shells of residential units within the 65 dBA of the Air Installation Compatible Use Zone (AICUZ) have been designed to attenuate noise levels to 45 dBA(Ldn) or less.●

5. Prior to signature approval of the preliminary plat, the Tree Conservation Plan, TCP I/110/90-01 shall be revised to:
  - a. Revise the Woodland Conservation Worksheet to indicate 0 (zero) acres of Previously Dedicated Land, 263.76 acres for the Net Tract, 52.75 acres for the Woodland Conservation Threshold, ■To be determined■ for clearing within the floodplain, 55.12 acres for Woodland Conservation Required, 55.12 acres for Woodland Conservation Provided, and add a note: ■Additional clearing may be required which increases the amount of Woodland Conservation Required. All Woodland Conservation will be met by on-site preservation.●
  - b. Revise the plan to indicate with shading, stippling, or any other graphic method on-site woodland conservation areas totally no less than 55.12 acres.
6. Internal circulation shall be redesigned to avoid impacts of the internal loop road on floodplains, wetlands and streams.
7. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/36/00). The following note shall be placed on the Final Plat of Subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCP I/36/00), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."
8. A Type II Tree Conservation Plan shall be approved with the Detailed Site Plan.
9. At the time of final plat approval, the applicant shall dedicate right-of-way along Frank Tippet Road of 40 feet from the center line of the existing pavement. Improvements within the right-of-way shall be determined by DPW&T, and will include adequate acceleration and deceleration lanes at the site entrance. Additionally, DPW&T may require a left-turn lane into the site along northbound Frank Tippet Road if it is determined that sight distance is limited.
10. Prior to the issuance of building permits, the applicant, his heirs, successors, and/or assigns shall pay a pro rata share of the cost of the road improvements identified below:
  - a. Widen the eastbound approach of MD 223 at Rosaryville Road to include three lanes, two through lanes and one right-turn lane. The right-turn lane shall be at least 600 feet long.
  - b. Widen westbound Rosaryville Road at MD 223 to provide for two through lanes and two left-turn lanes. Each of the left-turn lanes shall be approximately 875 feet long. The south leg of MD 223 shall be widened to receive the dual lanes.
  - c. Widen southbound MD 223 at the Rosaryville Road intersection to include dual left-turn lanes of a minimum 725 feet long.
  - d. Widen Rosaryville Road to a four-lane cross section from Gambier Drive to MD 223.



The pro rata share shall be payable to Prince George's County, with evidence of the payment provided to the Planning Department with the building permit application. The pro rata share for the university shall be calculated as follows: (i) for the improvements on MD 223 at Rosaryville Road, the amount of  $\$98.79/\text{student} \times (\text{Engineering News Record Highway Construction Cost Index at time of building permit application})/(\text{Engineering News Record Highway Construction Cost Index for 1990})$ ; and (ii) for the widening of Rosaryville Road, the amount of  $\$323.84/\text{student} \times (\text{Engineering News Record Highway Construction Cost Index at time of building permit application})/(\text{Engineering News Record Highway Construction Cost Index for 1990})$ .

The pro rata share for the hotel/conference center shall be calculated as follows: (i) for the improvements on MD 223 at Rosaryville Road, the amount of  $\$608.20/\text{hotel room} \times (\text{Engineering News Record Highway Construction Cost Index at time of building permit application})/(\text{Engineering News Record Highway Construction Cost Index for 1990})$ ; and (ii) for the widening of Rosaryville Road, the amount of  $\$1,993.73/\text{hotel room} \times (\text{Engineering News Record Highway Construction Cost Index at time of building permit application})/(\text{Engineering News Record Highway Construction Cost Index for 1990})$ .

11. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction with DPW&T, and (c) have a timetable for construction with DPW&T:
  - a. Intersection of Frank Tippet Road and Rosaryville Road:
    - (1) Construct an exclusive left-turn lane along the Frank Tippet Road approach to the intersection, with the existing approach lane functioning as a left/right/through lane. The applicant shall also provide a second receiving lane along northbound Rosaryville Road beyond the intersection, with adequate transition and taper. The applicant shall be responsible for the necessary traffic signal, signage, and pavement marking modifications.
12. Total development within the subject property shall be limited to a 900 student university, with all students living on campus, and a 250-room hotel and conference center, or equivalent development which is permitted within the R-S zone which generates no more than 253 AM and 320 PM peak hour vehicle trips. Any development other than that identified herein above shall require an additional Preliminary Plat of Subdivision with a new determination of the adequacy of transportation facilities.
13. No building permits shall be issued for residential uses without the approval of a new preliminary plat of subdivision, at which time an adequacy test for public schools can be performed.
14. Prior to signature approval, the preliminary plat shall be revised as follows:
  - a. Preliminary plat General Note 12 shall be corrected to indicate that the developing property adjoins Historic Site 82A-17, the Joshua Turner House.
  - b. The preliminary plat shall show the location and correct identification of Historic Site 82A-17, the Joshua Turner House.

- c. The preliminary plat shall include a 50-foot-wide trail easement along the subject property's portions of both stream valleys to accommodate master plan trails, if they are not located on park property.
  - e. The required 10-foot-wide Public Utility Easement shall be graphically depicted on the preliminary plat along all public and private streets.
  - f. The preliminary plat shall include the stormwater concept plan approval number and date.
15. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assigns shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign along Frank Tippet Road, designated a Class III Bikeway. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
16. Sixty-seven acres of land for Dower House Branch Stream Valley and Piscataway Creek Stream Valley Parks in the 100-year floodplain and shown as part of the Outparcel on staff Exhibit A shall be placed in reservation for park acquisition. Reservation shall be for a period of three years. This reservation shall be subject to the following requirements:
- a. The reservation period shall continue for three years and commence with the recordation of a Reservation Plat recorded with the Final Plat of Subdivision. The reservation area shall also be shown on the Final Plat. The Reservation Plat shall comply with all requirements for recording plats among the Land Records of Prince George's County.
  - b. At the end of the reservation period, if the reservation has not been renewed or if the land reserved has not been acquired for public use and proceedings for acquisition have not been initiated, the reservation shall expire. Prior to the expiration of the three-year reservation period and with the written consent of all land owners, the Planning Board may renew the reservation for additional periods of time (not less than one year) if agreeable to the land owners.
  - c. During the reservation period, no building or structure, other than validly approved utilities, roads and public infrastructure, shall be erected upon the reserved land unless otherwise approved by the Planning Board. No trees, topsoil, or cover shall be removed or destroyed, no grading shall be done, and no drainage structures shall be built so as to discharge water upon the reserved land except as provided in Section 24-140(d) of the Subdivision Regulations.
  - d. All reserved land shall be maintained by the owner as required by County law. The Planning Board shall be notified immediately upon the sale of any land so reserved.
  - e. If, prior to the expiration of the reservation period, the Planning Board determines that the reservation no longer appears necessary, the Planning Board may cancel the reservation with the written consent of the owner.
17. Land to be placed in reservation shall be subject to the following:

- a. The M-NCPPC shall be held harmless for the cost of public improvements associated with land in reservation, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
  - b. The boundaries and acreage of land to be purchased by the M-NCPPC shall be indicated on all development plans and permits which include such property.
  - c. The land in reservation shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, The M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
  - d. Storm drain outfalls shall be designed to avoid adverse impacts on lands in reservation. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - e. All waste material of any kind shall be removed from the property to be purchased. The DPR shall inspect the site and verify that it is in acceptable condition for conveyance, prior to purchase.
  - f. No stormwater management facilities, or tree conservation or utility easement shall be proposed on lands owned by or to be placed in reservation without prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
18. The reservation of land along Piscataway Creek can be withdrawn if the adjacent Maryland Environmental Services Property on the west is transferred to the M-NCPPC for park use and it is determined that the Piscataway Creek trail can be built on the west side of the stream.
19. Sole access to this property shall be from Frank Tippet Road. Access to the property from any internal residential street shall be denied pursuant to a note to be placed on the final plat of subdivision..

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN, TCP 1/110/90-01, AND APPROVAL, *IN PART*, OF THE VARIATION REQUESTS FROM SECTION 24-130 OF THE SUBDIVISION REGULATIONS.