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## Preliminary Plan 4-07005

Application	General Data
<b>Project Name:</b> TLBU Property  <b>Location:</b> West side of Frank Tippet Road, approximately 1,000 feet south of its intersection with Rosaryville Road.  <b>Applicant/Address:</b> TLBU Foundation, Inc. 5984 Gales Lane Columbia, Maryland 21045  <b>Property Owner:</b> TLBU Foundation, Inc.	Date Accepted: 3/3/08
	Planning Board Action Limit: 7/21/08
	Plan Acreage: 342.40
	Zone: R-S
	Gross Floor Area: N/A
	Lots: 409
	Parcels: 5
	Outparcel: 1
	Planning Area: 82A
	Tier: Developing
	Council District: 09
	Election District: 11
	Municipality: N/A
	200-Scale Base Map: 212SE09

Purpose of Application	Notice Dates
Residential Subdivision.	Adjoining Property Owners Previous Parties of Record Registered Associations: 1/8/08 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 6/10/08

Staff Recommendation		Staff Reviewer: Ivy R. Thompson	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
		X	

THE MARYLAND-NATIONAL CAPITAL

PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision Plat 4-07005  
Transnational Law and Business University (TLBU) Property  
409 Single-Family Detached Dwellings, 5 Parcels and 1 Outparcel

OVERVIEW

Subdivision staff is compelled to recommend disapproval of the Preliminary Plan of Subdivision, 4-07005, because the Comprehensive Design Plan (CDP), CDP-0701, currently under review (and scheduled for a Planning Board Hearing on the same day as this application for the preliminary plan) recommends conditions that if approved by the Planning Board would cause substantial revisions to the preliminary plan which have not been reviewed by staff. In addition, staff believes that there are a number of outstanding issues which relate to the conditions of zoning case A-9738, which rezoned this property to R-S in 1990, establishing this development as an equestrian themed use.

CDP-0701 was accepted on January 8, 2008, and proposes a development consisting of 409 single-family residential dwelling units, with recreation open space and trails. The subject application for the preliminary plan was accepted on March 3, 2008 and reviewed at the March 21, 2008 Subdivision Review Committee Meeting, where the applicant was notified of issues that would impact the review of the preliminary plan, specifically those related to transportation, parks, and archeology. They were also informed that staff was still analyzing CDP-0701. The applicant was advised of the risks of having concurrent reviews of both a CDP and a Preliminary Plan of Subdivision given the 140-day mandatory action time frame for this preliminary plan. Staff indicated that a 70-day waiver would be necessary to allow time to address the issues associated with the review of CDP-0701 because the resolution of those issues could directly impact the review and analysis of the preliminary plan. This information was acknowledged by the applicant during the Subdivision Review Committee meeting. A 70-day waiver for the preliminary plan was submitted on April 23, 2008.

On May 14, 1990, the District Council approved a Basic Plan A-9738-C, with conditions and considerations, Council Resolution CR-25-1990. This enacted a rezoning of 342.4 acres of land from Rural Residential (R-R) and Residential Agricultural (R-A) to the Residential Suburban Development (R-S) Zone. The approval of the basic plan by the District Council was predicated on 9 conditions and 16 considerations. The subject site was previously reviewed as Preliminary Subdivision Plan 4-00064 to create one 92-acre parcel for the development of a private university for 900 students, a 250 room hotel

and conference center and dormitories. A 250-acre outparcel surrounded the interior parcel. It was the subject of Prince George's County Planning Board resolution number 01-79(A) amended October 25, 2001, that preliminary plan has never been acted upon. The staff recommendation for CDP-0701, which proposes a development consisting of 409 single-family residential dwelling units, with recreation open space and trails, is for approval with conditions.

The urban design staff in their review of CDP-0701 has found that there are a significant number of outstanding issues, related to the conformance to the basic plan that impact the analysis of the preliminary plan, which will only have resolution upon the certification of the CDP. Those basic plan conditions are:

- 1. Land uses shall be only as shown on the Basic Plan.**
- 6. The Equestrian Center and facilities and equestrian trails shall be designed, located and approved prior to any other approvals by plan, plat or permit.**
- 7. The day care center shall not be co-located with the Equestrian Center. If located adjacent to any facility or area used for equestrian center purposes, the play area shall not border on and shall be buffered from any area wherein horses shall be located or traverse.**
- 8. Continued cooperative use of property "designated" for equestrian center use and equestrian trails by the Merrymount Equestrian Center shall be assured by appropriate contractual and covenanted arrangement recorded among the land records of Prince George's County. Subject, however, to Merrymount Equestrian Center's continuing operations as an Equestrian Center. Upon discontinuance of Merrymount, the "designated" property shall be used for public recreational purposes. Therefore, the property "designated" shall qualify as recreational property to meet county recreational requirements and for incremental increases.**

The land uses for the approved basic plan were for single-family detached units, a day care facility and an equestrian center. The layout of the preliminary plan illustrates 409 residential lots, five open space parcels, and Outparcel A, which is the area designated for the equestrian center per the requirements of the basic plan. However, the pending CDP-0701 does not illustrate or approve a design of any type for the equestrian center and facilities. The CDP does refer to Outparcel A as a future residential development which is not in conformance with the basic plan. There are concerns related to the continued use of the property as a designated equestrian use that must be addressed as a condition of the approved basic plan, A-9738-C, which should be resolved prior to the approval of the preliminary plan. As of the writing of the technical staff report for the CDP, the applicant was negotiating an agreement that would benefit both the Merrymount Equestrian Center and the future homeowners of the community. CDP-0701 Condition 27 (a)-(e) does require that these tenets of the basic plan conditions are addressed prior to certification of the CDP and therefore prior to approval of the preliminary plan.

As outlined in the Environmental Finding of this report the analysis of the Tree Conservation Plan, TCPI/110/90-01, cites that the applicant is proposing to clear cut Forest Stand "D" which has been identified as a very high priority for preservation. The TCPI also illustrates afforestation in the areas designated for the equestrian facility. The Tree Conservation Plan, TCPI/110/90-01, pending approval with CDP-0701 recommends conditions that are incompatible with the layout of the preliminary plan of subdivision currently under consideration, thereby making the approval of the TCPI with this preliminary plan and any variations (24-130) premature and not in conformance with the woodland conservation ordinance.

It should be noted that there maybe transportation adequacy issues have not been addressed as part of the submitted traffic study as related to an equestrian center, facility and trails, as well as, a proposed day care facility. The applicant vested the trip cap from the previous preliminary plan approval and the study only analyzed trips associated with residential development. In addition, on-site circulation may substantially change based on the Planning Board's action on CDP-0701, which have not been analyzed by staff.

The Archeological Finding cites that nine archeological sites (and historic properties) were identified within a one-mile radius of the subject property and a condition of the CDP recommends a Phase I archeology study be completed prior to the certification of the CDP. Should a Phase II or III study be required conditions of approval require that those studies be submitted with the preliminary plan. Until the Phase I archeological study is completed the approval of the preliminary plan is premature because the findings could significantly impact the lotting pattern of the proposed development.

The order of approvals requires that CDP-0701 is approved prior to the preliminary plan, which must be in conformance with the approved CDP. Subdivision staff can not recommend approval of the Preliminary Plan of Subdivision, 4-07005, at this time because the conditions of approval for CDP-0701 have not been met and the recommended conditions of approval for CDP-0701 could significantly impact the lotting pattern, traffic circulation and land uses proposed as part of the review of the preliminary plan.

## SETTING

The subject property consists of 342.4 acres of land zoned Residential Suburban Development (R-S), located primarily on the west side of Frank Tippet Road, to the south Rosaryville Road. The property is located on Tax Map 117, Grid F-3; the property is identified as Parcel 1 and is currently undeveloped. The plan proposes a residential development consisting of 409 single-family residential dwelling units, 5 Parcels and an Outparcel, with buffers proposed along Frank Tippet Road and the neighboring community of Williamsburg Estates along the northern edge of the site. A neighborhood park, Stream Valley Park and trails are also proposed. Development of the Outparcel will be prohibited without the approval of a new preliminary plat of subdivision. Sole vehicular access to the property will be provided from Frank Tippet Road, which is classified as a collector road. Several local streets terminate into this property. The preliminary plan does not propose any access from these streets and no access to this site will be permitted from those streets.

The property is located on the east side of Frank Tippet Road, south of its intersection with Rosaryville Road. Across Frank Tippet Road, are single-family detached developments in the R-R Zone, including the Holloway Estates subdivision The Merrymont Equestrian Center is in the R-R Zone and is located on a separate parcel and under separate ownership, but the subject property surrounds the equestrian center. 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 (4-93034) of single-family homes in the R-R Zone; to the west of the subject property is a 400 acre property in the R-O-S Zone and is owned by Maryland Environmental Services.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-S	R-S
Use(s)	Vacant	Residential
Acreage	342.4	342.4
Parcels	1	5
Lots	0	409
1 Outparcel	1	1
Detached Dwelling Units	0	8
Public Safety Mitigation Fee		No

2. **Community Planning**—The subject property is in Planning Area 82A-Rosaryville, within the Developing Tier, and Council District 9. The vision for the Developing Tier is to maintain a pattern of low-to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. The subject property was classified in the R-S Zone by application A-9738-C in 1990. The 1994 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B)* retained the subject property in the R-S Zone. The proposal for 409 residential lots is consistent with the low suburban residential development with a density yield of 1.6–2.6 dwelling units per acre. This application is consistent with the 2002 General Plan Development Pattern Policies for the Developing Tier. The development proposal conforms to the 1993 Subregion VI Study Area Master Plan recommendations for living areas in the Rosaryville community of this planning area. The applicant proposes a fifty-foot buffer to separate the Williamsburg Estates subdivision from the TLBU Property. This is consistent with the County Council approval of the Zoning Map Amendment (A-9738-C) in 1990. However, Environmental Planning Staff recommends a 300-foot buffer in this area to preserve high priority woodlands and provide adequate buffer for the equestrian trail.
3. **Environmental**—The design of the comprehensive design plan fails to conform to the master plan, the *Approved Countywide Green Infrastructure Plan*, the Woodland Conservation and Tree Preservation Ordinance and Consideration No. 1 of A-9738-C. The TCPI fails to conform to the master plan because it does not create an open space and conservation network, based on existing soil conditions, slopes, watercourses, vegetation and, natural ecological features; does not capitalize on natural assets through the retention and protection of trees, streams and other ecological features; and does not conserve large contiguous tracts of woodland in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio. The TCPI fails to conform to the *Approved Countywide Green Infrastructure Plan* because it fails to preserve priority woodlands within Evaluation Areas and proposes to mitigate the removal of these valuable existing woodlands by planting existing field areas that are not part of the Countywide Green Infrastructure Network and will not contribute to the purposes of the network. The TCPI fails to conform to the Woodland Conservation Ordinance because it creates forest fragments. The TCPI fails to conform to Consideration No. 1 of A-9738-C because it does not preserve the major stand of trees along the northern property line. In addition, the TCPI shows afforestation of large areas of the site. Afforestation is a much lower priority for woodland conservation than the preservation of high quality, on-site woodlands. The afforestation needs to be revised to be limited to the re-establishment of woodlands along and within stream buffers.

## MASTER PLAN CONFORMANCE

**It is not possible for the Environmental Planning Section to find conformance with the master plan at this time because of the many outstanding design issues related to the review of the CDP, that may result in substantive changes to the preliminary plan.**

The approved master plan for this area is the Subregion VI Study Area Approved Master Plan (September 1993) and Approved Sectional Map Amendment (May 1994). The Environmental Envelope Section of this plan contains goals, objectives, and guidelines. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

It is important to understand the ecological significance and uniqueness of the subject site. This property contains upland woodland that served as a woodlot for the working farm. Almost all drier upland woodlands with relatively flat topography in the Maryland Coastal Plain were converted to agricultural fields during the Colonial Era; however, working agricultural lands required woodlots to supply hardwoods for consumption and construction. These woodlots were carefully managed to provide a continuous supply of essential materials. Because these forests were not cultivated, they retain in the under story a diversity of native woodland species that have been lost by intensive agricultural practices and possess irreplaceable features of the natural heritage of Prince George's County.

1. **An open space and conservation network, based on existing soil conditions, slopes, watercourses, vegetation, natural ecological features, and estimated future population needs, should be established and maintained.**

**Comment:** Implementation of the Countywide Green Infrastructure Plan and the proposed conditions of approval proposed on the CDP will ensure compliance with this guideline. If the CDP is revised in conformance with the recommended conditions, the preliminary plan will show the preservation of parcels that will protect the stream valleys and tracts of contiguous woodland.

2. **Developers shall be encouraged to utilize the Comprehensive Design Ordinance, the cluster provisions and site plan review provisions of the subdivision regulations and other innovative techniques that ensure responsible environmental consideration.**

**Comment:** The Comprehensive Design Ordinance is being used as the framework for the development of the property. To date, the design of the proposed subdivision uses all conventional design principles and does not utilize innovative techniques.

3. **Land dedicated in accordance with the subdivision regulations for the provision of needed recreational facilities should not consist solely of floodplains or other parts of the Natural Reserve Area.**

**Comment:** The preliminary plan proposes dedication of parkland; however, the determination of its conformance with this guideline will be dealt with by the Department of Parks and Recreation.

4. **The responsibility for environmentally sound development practices should apply equally to private and public interests; decisions concerning the selection and use of properties should be based on environmental considerations.**

**Comment:** The subject site contains highly sensitive land features and vegetation, in association with Piscataway Creek. If the staff's proposed conditions of CDP-0701 are adopted by the Planning Board, conformance with this provision could be found. Section 24-130 of the Subdivision Regulations, the Woodland Conservation Ordinance and implementation of the Countywide Green Infrastructure Plan will also help to focus development in an environmentally sound manner. However, this preliminary plan does not conform to the recommendations of staff for CDP-0701. Until the CDP is approved and establishes the foundation for review of this preliminary plan, staff believes that the review of this preliminary plan is premature.

**5. Developers shall be encouraged to capitalize on natural assets through the retention and protection of trees, streams and other ecological features.**

**Comment:** The TCPI submitted proposes placing lots in developable envelopes, but proposes impacts to existing natural features that are not necessary for the development of the site as a whole. The TCPI fails to conform to the master plan because it does not create an open space and conservation network, based on existing soil conditions, slopes, watercourses, vegetation and natural ecological features; it does not capitalize on natural assets through the retention and protection of trees, streams and other ecological features; it does not conserve large contiguous tracts of woodland in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio. Sheet 1 of the preliminary plan shows five residential lots adjacent to the wetland buffer, there are two stormwater management ponds that will have environmental impacts, as well as a proposed stream crossing to support the development of 27 residential lots.

**6. Woodlands associated with floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation.**

**Comment:** This guideline mirrors the requirements of the Woodland Conservation Ordinance. On the revised plan submitted, an impact to a wetland is proposed that is not necessary for the development of the site and a stream crossing is proposed that results in severe forest fragmentation. Although the TCP proposes preservation of wooded stream corridors, it fails to conform to the Woodland Conservation Ordinance because it fails to preserve important priority woodlands and creates forest fragments.

**7. To the extent practicable, large contiguous tracts of woodland should be conserved in both upland and bottomland situations in order to reduce forest fragmentation, maximize woodland interiors, and reduce the edge/area ratio.**

**Comment:** This guideline is a standard practice for all tree conservation plans. The TCP shows areas of connectivity; however, it also proposes creation of woodland fragments, reduction in the overall forest interior area and an increase in the edge/area ratio.

**8. The Natural Reserve Areas, containing floodplain and other areas unsuitable for development, should be restricted from development except for agricultural, recreational and similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed.**

**Comment:** The Natural Reserve Areas described in the master plan are areas that have been superseded by the Regulated Areas in the Green Infrastructure Plan. There are extensive Regulated Areas designated in the plan both on and adjacent to the site. With the proposed conditions in the Environmental Planning Section memorandum for CDP-0701, land grading is

reduced and forest connectivity is increased.

- 9. All development proposals should provide effective means for the preservation and protection of Natural Reserve Areas, the development plans for lands containing open space and conservation areas should specify how and by whom these areas will be maintained.**

**Comment:** This CDP proposes the creation of parcels that will be owned and maintained by the future homeowners or by the Department of Parks and Recreation. Conservation easements will be placed on the regulated features on the final plats. In the Environmental Planning Section memorandum for CDP-0701 is a discussion of the large area of afforestation proposed in an area designated as recreational open space for equestrian or other public park uses, shown as Outparcel A on the preliminary plan. The TCPI shows the area as afforestation. The establishment of afforestation in this area is in conflict with the proposed uses required per condition 6 of the basic plan, A-9738. This requirement has not been met prior to any approval and could potentially have a cascading effect on the layout of the preliminary plan.

- 10. Limited development should be permitted in Conditional Reserve Areas, based on the significant physiographic constraints and natural processes of the land.**

**Comment:** The Subregion VI Master Plan does not identify any areas of Conditional Reserve on the subject property; however, the Countywide Green Infrastructure Plan superseded the master plan for these designations when it was adopted in 2005. The site contains Regulated, Evaluation and Network Gap Areas that provide connectivity of existing woodlands. A substantial portion of the Evaluation Areas is proposed for development. As noted in the Environmental Planning Section Memorandum for CDP-0701, the TCPI does not reflect conformance with the master plan because of substantial clearing of on-site priority woodlands.

- 11. In the Perceptual Liability Areas, land uses such as schools, residences, nursing homes, and libraries that are sensitive to noise intrusion, air pollution and other characteristics of excessive vehicular traffic should be protected by suitable construction techniques and by the enforcement of legally mandated standards.**

**Comment:** The master plan shows that the subject property is within the Aircraft Installation Compatibility Use Zone (AICUZ) in the 65-70 dBA range. Because the property is zoned for the proposed uses, these issues will need to be addressed through the use of appropriate building materials.

- 12. Developers shall be encouraged to include careful site planning and construction techniques which are designed to reduce the adverse impact of point and nonpoint source noise that exceeds the State's current maximum allowable levels for receiving land uses.**

**Comment:** Noise at or exceeding 65 dBA Ldn is generated by a flight path that runs from east to west across the central third of the site. Although it will not be possible to reduce outdoor noise levels to provide all residential lots with noise levels less than 65 dBA Ldn or less because the noise is from an overhead source (Andrews AFB), all residential structures will need to have interior noise levels of 45 dBA Ldn or less. To the extent possible, community outdoor recreational areas should be placed outside of areas where aircraft noise exceeds 65 dBA Ldn to show conformance with the master plan. The proposed land to be dedicated to the Department of Parks and Recreation is only partially within 65 dBA Ldn noise contour, but is located on the



portion of the property that is least subject to noise from Andrews Air Force Base.

- 13. Farming conservation measures such as diversions, terraces, and grassed waterways in conjunction with contour strip cropping and crop rotations should be implemented.**

**Comment:** No farming is proposed.

- 14. Citizens, developers and others should be encouraged to seek current information on the area's sensitive environmental condition, and on all aspects of related regulatory systems and functional programs from the appropriate local, State and Federal agencies.**

**Comment:** Information available at PGAtlas.com provides generalized information regarding sensitive environmental features of the region and the Natural Resource Inventory (NRI) submitted provides detailed information regarding the subject property. The NRI shall be used to formulate the appropriate areas for development on the site.

## **CONFORMANCE WITH THE GREEN INFRASTRUCTURE PLAN**

The site is within the designated network of the Green Infrastructure Plan and includes large areas designated as Regulated Areas, Evaluation Areas and Network Gaps. The Regulated Areas contain the same features as the Natural Reserve as defined in the Subregion VI Master Plan. The Evaluation Areas are the forested areas contiguous with the Regulated Areas that contain special environmental features that should be considered for preservation. As previously noted, the subject site contains woodland and wildlife habitat that is unique and in need of careful consideration prior to development.

The following policies support the stated measurable objectives of the Countywide Green infrastructure Plan:

- Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.**

**Comment:** The subject property contains Regulated Areas, Evaluation Areas, and Network Gaps Areas as identified in the Countywide Green Infrastructure Plan adjacent to Piscataway Creek and Dower House Pond Branch. Dower House Pond Branch is a master plan designated primary corridor connection between Piscataway Creek in the Potomac River watershed and Charles Branch in the Patuxent River watershed. The TCPI fails to conform to the Countywide Green Infrastructure Plan because it fails to preserve priority woodlands within Evaluation Areas. The TCPI fails to conform to the Woodland Conservation Ordinance because it fails to preserve significant forests on-site and creates forest fragments.

- Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.**

**Comment:** Preservation of water quality in this area will be provided through the protection of the expanded stream buffers and the application of best stormwater management practices for stormwater management. It is recommended that low-impact development stormwater management methods be applied on this site, to the fullest extent possible.

**Policy 4:        Reduce overall energy consumption and implement more environmentally sensitive building techniques.**

**Comment:** The development is conceptual at the present time. In future applications, the use of environmentally sensitive building techniques overall energy consumption should be addressed.

**Policy 5:        Reduce light pollution and intrusion into residential, rural and environmentally sensitive areas.**

**Comment:** Lighting should use full cut-off optics to ensure that off-site light intrusion into residential and environmentally sensitive areas is minimized.

**Policy 6:        Reduce adverse noise impacts to meet State of Maryland noise standards.**

Aircraft noise associated with Andrews Air Force Base may be extensive, and will require mitigation for residential uses. Residential uses or outdoor activity areas that are proposed within the 65 dBA Ldn noise contour will require mitigation. This issue is discussed in detail in the Environmental Review Section below.

**Policy 7:        Protect wellhead areas of public wells.**

The site is not in a wellhead protection area and does not propose any public wells.

**Summary of Master Plan Conformance:** The review of the preliminary plan can not find conformance to CDP-0701 because the technical staff report can only describe in general terms compliance with the master plan. The technical staff report for CDP-0701 fails to demonstrate compliance with the specific provisions of the master plan described above and does not contain any language with regard to conformance with the Green Infrastructure Plan. The TCPI fails to conform to the Countywide Green Infrastructure Plan because it fails to preserve priority woodland within Evaluation Areas. As such, the preliminary plan does not meet the adequacy finding for Subdivision Regulation 24-132 for Woodland Conservation.

#### **CONFORMANCE WITH DISTRICT COUNCIL FINAL DECISION ON A-9738-C**

A Final Decision was issued by the District Council on May 14, 1990 on the Zoning Map Amendment A-9738-C. The decision contains a list of conditions and considerations on the approved rezoning of the property to be applied at various review points in the process.

The following are staff's analysis of the environmental conditions, limitations and considerations from the Council Decision. The text from the Final Decision has been shown in **BOLD** typeface, while the evaluation has been shown in standard typeface.

#### **Conditions of the Final Decision for Revised A-9738-C**

**Condition 4.    There shall be no grading or cutting of trees on this site prior to approval of the Comprehensive Design Plan, except on a selective basis with the written permission of the Prince George's County Planning Board.**

**Comment:** As of this date, this condition has been met.

**Condition 5 b. A 50-foot-wide undisturbed buffer shall be provided on the north boundary adjacent to Williamsburg Estates. However, the proposed trail may be included within this buffer to the extent feasible.**

**Comment:** This condition has been met.

**Condition 8. “Continued cooperative use of the property “designated” for equestrian center use and equestrian trails by the Merrymount Equestrian Center shall be assured by appropriate contractual and covenanted arrangement recorded among the land records of Prince George’s County. Subject, however, to Merrymount Equestrian Center’s continuing operations as an Equestrian Center. Upon discontinuance of Merrymount, the “designated” property shall be used for public recreational purposes. Therefore, the property “designated” shall qualify as recreational property to meet County recreational requirements and for incremental increases.”**

**Comment:** Evidence has not been provided that the required “contractual and covenanted arrangement” has been recorded in the land records. The area in question is located along the Frank Tippet Road frontage, in the large open field. The basic plan (condition 6) calls for equestrian uses in this area. The CDP shows this area as reserved for future development. The preliminary plan shows this area as an Outparcel. All of these proposed uses are incompatible with the use shown on the TCPI of 15.51 acres of afforestation.

**Consideration 1. The applicant shall prepare a tree stand delineation plan for approval by the Natural Resources Division. Where it is possible, major stands of trees shall be preserved, especially along streams, adjoining roads and property lines.**

**Comment:** The forest stand delineation was submitted with the Natural Resource Inventory. The TCPI shows preservation of woodlands along streams and adjoining roads; however, it fails to preserve a major forest stand identified by the NRI. The TCPI fails to conform to Consideration #1 of A-9738-C because it does not preserve the major stand of trees on the northern portion of the site adjacent to off-site properties and relies too heavily on the afforestation of areas to be used in the future for other uses that are incompatible with woodland conservation. Preservation of highly valued woodlands is the highest priority in the Woodland Conservation Ordinance.

**Consideration 2. The applicant shall submit a 100-year floodplain study and a stormwater management concept plan for approval by the Department of Environmental Resources.**

**Comment:** A 100-year floodplain study was approved on November 20, 1989. A Stormwater Concept Plan, CSD #8327607-2000-04, has been approved by the Department of Public Works and Transportation. Because the 100-year floodplain study was approved more than 18 years ago, a confirmation of the validity of the study from the current Prince George’s County agency that approves 100-year floodplain elevations should be submitted.

**Required Information:** A confirmation of the validity of the 1989 floodplain study from the current Prince George’s County agency that approves 100-year floodplain elevations shall be submitted.

**Consideration 3. A minimum 50-foot-wide buffer shall be retained along all streams.**

**This area shall be expanded to include the 100-year floodplain,  
wetlands, steep slopes and areas of erodible soils.**

**Comment:** In conformance with this consideration, the NRI and TCPI show all of the required expanded stream buffers on the property.

**CONFORMANCE WITH CDP-0701**

**Comment:** Because the Planning Board has not yet heard CDP-0701, conformance cannot be addressed in this memorandum. These issues establish a foundation for review of the preliminary plan. In this case, due to outstanding issues, staff believes the review of this preliminary plan is precipitous.

**Environmental Review**

A revised Natural Resource Inventory (NRI), NRI/030/05, was stamped as received by the Environmental Planning Section on June 10, 2008. The NRI contains forest stand delineation (FSD) and a wetlands report. The forest stand delineation describes four forest stands totaling 183.61 acres (53 percent of the property). There are 143.91 acres of upland woodlands and 39.70 acres of woodlands within the 100-year floodplain.

The purpose of an NRI and FSD are to provide sufficient information to identify areas that should not be impacted by development, priority areas for preservation and areas for development that will minimize impacts to the natural environment. As described above, there are woodlands on this site that are part of the cultural and natural heritage of Prince George's County that should be the focus of woodland conservation on-site. Only sixteen specimen trees were identified which suggests that logging may have occurred in the past. Of the 16 specimen trees, nine are noted to be in poor condition and none are significant by either county or state standards.

Stand "A" contains 93.68 acres of bottomland forest dominated by red maple, sweetgum and yellow poplar. The average diameter at breast height is 11.7 inches. The boundaries of this forest stand are apparent on the 1938 air photos because, except for Stand "D", the remainder of the property was either agricultural fields or pasture. Thirteen specimen trees occur in this stand. Because this stand is almost wholly within the expanded stream buffers addressed in Consideration 3 of A-9738-C, the buffers required by Section 24-130 of the Subdivision Regulations, and the Regulated Areas shown in the Countywide Green Infrastructure Plan, this stand has a very high priority for preservation.

Stand "B" contains 37.37 acres of early successional mixed hardwoods dominated by red oak, sweetgum and yellow poplar. The average diameter at breast height is 5.3 inches. In 1938 all of the areas occupied by this stand were in pasture or agricultural use. The 1965 air photos show that these areas were no longer being cultivated and beginning to generate into woodland.

Stand "C" contains 8.36 acres of early successional woodland dominated by Virginia pine and red oak. The average diameter at breast height is 8.6 inches. In 1938 all of the areas occupied by this stand were in pasture or agricultural use. The 1965 air photos show that these areas were no longer being cultivated and beginning to generate into woodland. Only one specimen tree occurs in these stands. Neither Stand "B" nor Stand "C" contain any expanded stream buffers and do not abut expanded stream buffers. Portions of these stands are within Evaluation Areas designated by the Countywide Green Infrastructure Plan. Because these stands are relatively immature, have low diversity of trees and low diversity of under story species with no special characteristics, they

are rated as fair to low priority for preservation.

Stand “D” contains 44.20 acres of upland hardwoods dominated by white oak, yellow poplar, hickory, American beech and red oak. The average diameter at breast height is 14.3 inches. The boundaries of this forest stand are apparent on the 1938 air photos because, except for Stand “A” and Stand “D”, the remainder of the property was either agricultural fields or pasture. Two specimen trees occur in this stand. This stand contains a high diversity of tree species, a high diversity of shrub species and a high diversity of native herbaceous species. The stand forms an upland connection between the main stem of Piscataway Creek on the west to the headwaters of the streams on the east.

On September 7, 2007, staff of Maryland Department of Natural Resources Natural Heritage Program and the Environmental Planning Section conducted a field visit. Stand “D” was extensively studied and determined to be a “rich woods” which is an uncommon designation within any portion of the Maryland Coastal Plain. Staff of the Environmental Planning Section classifies this woodland type as exceptional because small patches of this type of woodland are rarely encountered and many of the under story species are uncommon. All of Stand “D” is within a designated Evaluation Area of the Countywide Green Infrastructure Plan. Because of the age of this woodland, the high plant diversity in all elements of its structure, the size of this uncommon woodland type, continuity with the Piscataway Creek stream valley and inclusion within a designated Evaluation Area of the Countywide Green Infrastructure Plan, this stand has a very high priority for preservation.

According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, a Sensitive Species Project Review Area as delineated on the SSPRA GIS layer is found to occur on this property. A state-listed endangered species, few-flowered tick-trefoil (*Desmodium pauciflorum*) was discovered within the area of Stand “D” on a field visit in 1990. Although this species was not found on a September 7, 2007, field visit by staff of the Environmental Planning Section and the Maryland Department of Natural Resources Natural Heritage Program, it is not to be construed that the species no longer occurs on the site. This is one of the reasons why Forest Stand “D” is an extremely high priority for preservation—even though the plant has not been physically located, it may still occur in this area, and if the woodlands are preserved, it may be physically located in the future. A revised NRI was submitted on June 10, 2008. The environmental features shown on the plan have been correctly reflected on the TCPI.

Conservation easements should be described by bearings and distances on the final plat. The conservation easements should contain the expanded stream buffers, excluding those areas where variation requests have been approved and be reviewed by the Environmental Planning Section prior to certification of the preliminary plan. All subsequent plans should ensure that no part of any conservation easement is on any residential lot. When the TCPII is formulated with the SDP, consideration shall be given to the placement of woodland conservation areas into permanent, recorded conservation easements because they will not be located on residential lots.

Impacts to significant environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations will require variation requests in conformance with Section 24-113 of the Subdivision Regulations. The design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. If there are existing stream crossings, then these should be used. Staff generally will not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines

[including sewer and stormwater outfalls], street crossings, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare.

Variation requests for ten impacts, dated February 6, 2008, were submitted with the application; however, revised plans showing some differences were stamped as received by the Environmental Planning Section on June 10, 2008. Staff has analyzed the proposed impacts; however, additional changes to plans may be required after the Planning Board has heard the CDP. Approximately eleven impacts to expanded stream buffers are shown on the current plans. One impact, #1, is for the installation of an outfall for a stormwater management facility. Six of the proposed impacts are to allow connection of new development to existing sanitary sewer lines that are wholly within the expanded stream buffers and conform to variation requests #2, #4, #6, #7, #9 and #10. Two of the proposed impacts, #5 and #8 are for installation of the public roads that will serve the majority of the property. One impact, #3, is for an internal road and sanitary sewer to serve a cul-de-sac with a maximum of 25 lots which is located in Forest Stand D. As noted above, and as discussed extensively in the review of the CDP, this area is a woodland of high priority for preservation. This impact is not necessary for the development of the property and should be eliminated. Not all impacts for outfalls for stormwater management ponds are shown; however, some additional ones may be required when the designs for the ponds are finalized.

Section 24-113 of the Subdivision Regulations contains four required findings [text in bold] to be made before a variation can be granted.

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of public streets, stormwater management and sanitary sewer connections are required by Prince George's County to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

- (2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The expanded stream buffers form not only the western and southern boundaries of the property, but also divide the largest developable portion of the site from the sole public street that can be used for access. The existing sanitary sewer lines are wholly within expanded stream buffers.

- (3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The installation of public streets, stormwater management facilities and sanitary sewer connections are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

- (4) Because of the peculiar 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 regulation is**

**carried out.**

The expanded stream buffers create a barrier to access to some portions of the property. Without the required two public streets from Frank Tippet Road, connection to existing sanitary sewers that are wholly within expanded stream buffers, and construction of mandatory stormwater management pond outfalls, the property could not be properly developed in accordance with the R-R zoning.

The Environmental Planning Section supports in concept variation requests #1, #2, #4, #5, #6, #7, #8, #9, #10 and #11 for the reasons stated above and does not support variation request #3. The TCPI shall be revised to remove the impacts to the stream crossing at the north end of proposed Dressage Drive. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

The property is subject to the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is more than 40,000 square feet in size and contains more 10,000 square feet of existing woodland. This site also has a previously approved Tree Conservation Plan that has not been implemented. A revised Type I Tree Conservation Plan, TCPI/110/90-01, has been submitted with CDP-0701 that reflects the currently proposed use. Extensive review comments were provided during the review of the CDP that have not been addressed to date. A revised Type I Tree Conservation Plan is needed in conformance with the approved CDP.

According to the *Prince George's County Soil Survey* the principal soils on the site are in the Adelphia, Aura, Beltsville, Bibb, Chillum, Croom, Fallsington, Iuka, Marr, Matapeake, Ochlockonee, Sassafra, Shrewsbury and Westphalia series. Development has been placed in areas where the soils should not pose special problems for foundation or drainage. This information is provided for the applicant's benefit. A soils report may be required by Prince George's County during the permit process review.

Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1998 by the Andrews Air Force Base, aircraft-generated noise in the vicinity is significant. The study indicates that the noise threshold is between 65 and 70 dBA (Ldn). Unfortunately, the noise contours cover the most developable portions of the site. The noise levels present are above the State Acceptable Noise Level of 65 dBA (Ldn) for residential land uses. It will not be possible to mitigate aircraft noise in the outdoor activity areas associated with each residence; however, proper construction materials must be used to ensure that the noise inside of the residential structures does not exceed 45 dBA (Ldn).

The TCPI shows the provision of traditional pipe-and-pond technologies to address stormwater run-off. This type of technology is out-dated and other options need to be considered. At a minimum, the design needs to consider the use of fore bays to the ponds to allow for the settling of the majority of the sediment and pollutants before the quantity is discharged into the main pond. This technique results in better water quality of the water discharged and easier long-term maintenance of the system. The stormwater management ponds shown on the TCPI associated with the preliminary plan should show the use of fore bays for improved water quality and ease of long-term maintenance.

The Environmental Planning Section cannot recommend approval of 4-07005 at this time because

of the many outstanding issues related to the review of the CDP that may cause substantive changes to the preliminary plan.

4. **Urban Design**—Urban Design staff has reviewed the subject preliminary plan. The subject site currently has a Comprehensive Design Plan (CDP-0701) pending. The preliminary plan refines the residential development consisting of 409 single-family residential dwelling units, five parcels and Outparcel A. The property is subject to basic plan requirements (Basic Plan A-9738-C). There are a significant number of outstanding issues that affect the overall design of the preliminary plan that can not be adequately addressed until outstanding issues are resolved at the time of the approval of the CDP. Most of these issues relate the conformance to the basic plan. The relevant conditions are stated below:

1. **Land uses shall be only as shown the basic plan.**

**Comment:** The day care center has not been shown on the Comprehensive Design Plan (CDP); therefore, the plans cannot be found to be in conformance with the condition above. Staff recommends, prior to signature approval of the CDP that an area of land of approximately 2.0 acres be set aside for use as a day care center. This area should be located at the entrance into the subdivision with frontage along Frank Tippet Road in the vicinity of proposed lots 50–53 as shown on the preliminary plan.

In regard to the basic plan’s requirement that part of the property be set aside for equestrian facilities to be used by the Merrymount Equestrian Center (which owns land directly adjacent to the subject property), the CDP indicates the subject land area as both “future residential development” and as part of the “Equestrian Center.” In addition, the TCPI shows this area as encumbered with tree conservation. The plans indicate that 31.0 acres of land area are proposed as future residential subdivision.

It appears that the applicant is attempting to reserve the 31.0 acres for future use as a residential subdivision, irrespective of the basic plan conditions relating to preservation of that area for equestrian use by the adjacent Merrymount Equestrian Center. The approved basic plan indicates that the 31.0 acres shown on the plan as a future subdivision are to be reserved for equestrian center use. Therefore, staff is of the opinion that, in order to meet the requirement of the basic plan, this area should not be encumbered with tree preservation.

2. **Those lots adjacent to the Williamsburg Estate subdivision, Piscataway Creek, and Dower House Pond Branch shall be a minimum of 10,000 square feet.**

**Comment:** This is adequately noted on the preliminary plan. All subsequent plans, including specific design plan, should indicate the minimum lot areas noted above.

6. **The Equestrian Center and facilities and equestrian trails shall be designed, located and approved prior to any other approvals by plan, plat or permit.**

**Comment:** The CDP indicates the location of the adjacent Merrymount Equestrian Center and the on-site equestrian facilities; however, this area is shown as encumbered with tree preservation and the facilities designed, located and approved have not yet occurred. The CDP does not indicate the design or location of any of the equestrian trails to remain on the property. The condition above suggests that the design and location of the equestrian trails were considered paramount to the design of the community. The CDP could have been the vehicle for the design and the location of the facilities in order to show conformance with basic plan, Condition No. 6,



but the CDP seems to have ignored the issue. Therefore, the staff cannot find that the CDP is in conformance with the basic plan condition above.

7. **The day care center shall not be co-located with the Equestrian Center. If located adjacent to any facility or area used for equestrian center purposes, the play area shall not border on and shall be buffered from any area wherein horses shall be located or traverse.**

**Comment:** Staff recommends that the CDP be revised to locate the day care center in the vicinity of proposed lots 50–53 along Frank Tippet Road, as shown on the illustrative plan. This land area should be indicated to be reserved by the owner on the subject plans and future plans, for future development as a day care center.

8. **Continued cooperative use of property “designated” for equestrian center use and equestrian trails by the Merrymount Equestrian Center shall be assured by appropriate contractual and covenanted arrangement recorded among the land records of Prince George’s County. Subject, however, to Merrymount Equestrian Center’s continuing operations as an Equestrian Center. Upon discontinuance of Merrymount, the “designated” property shall be used for public recreational purposes. Therefore, the property “designated” shall qualify as recreational property to meet county recreational requirements and for incremental increases.**

**Comment:** The applicant has not provided evidence that continued cooperative use of the “designated” area for an equestrian center use and the associated trails on the subject property is assured by either a contractual or covenanted arrangement (until such time as equestrian use by the adjacent Merrymount Center is discontinued). The agreement may have impacts to the layout and use of the property, which is not reflected on the preliminary plan and should prior to approval. Upon discontinuance of the adjacent Merrymount equestrian use, the condition above requires the subject property to be used for “public recreational purposes.” The condition above further indicates that the property will qualify to meet the requirements of both “county recreational requirements and for incremental increases.” The applicant is not in need of additional density increments for density purposes and the Department of Parks and Recreation has indicated that M-NCPPC is not interested in taking possession of the property. This issue has not been fully addressed by the applicant.

13. **Prior to comprehensive design plan approval, a plan shall be developed and approved by the Owners, the Developer and the Urban Design Staff of The Maryland-National Capital Park and Planning Commission that shall grant as a benefit to each purchaser of a home upon the property, some use of the Merrymount Equestrian Center which shall economically benefit the owners, said benefit to be paid for by developer and/or builder(s) of homes upon the property, and the specific benefit to be agreed upon by owners. If the details of such program can not be established to the satisfaction of Developer, Owners and Urban Design Staff, then also prior to comprehensive design plan approval, an equivalent program, that also grants a direct benefit to purchasers of homes upon the property involving the use of Merrymount Equestrian Center, shall be developed and approved by Developer, Owners and Urban Design Staff.**

**Comment:** As of the writing of the technical staff report for the CDP, the applicant is working on an agreement that will benefit both the Merrymount Equestrian Center and the future

homeowners of the community. If the applicant is unable to reach an agreement that satisfies both the owners of Merrymount and the Planning Board, then staff recommends that the case be continued in order to resolve this issue prior to approval of the comprehensive design plan and preliminary plan.

**14. Except as expressly stated otherwise, the Agreement, Exhibit 85, shall run with the land, so long as Merrymount continues to operate primarily as an equestrian center, with or without a residence, and all benefits and obligations of the parties to this Agreement shall bind and inure to the benefit of their respective legal representatives, heirs, successors and/or assigns.**

**Comment:** The applicant has submitted the agreement, but it has not been recorded.

5. **Parks**—Staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced comprehensive design plan. Our review considered the recommendations of the approved Basic Plan A-9738-C, the Subregion VI Master Plan, the Prince George’s County Approved General Plan, the Land Preservation and Recreational Program for Prince George’s County, current subdivision regulations and existing conditions in the vicinity of the proposed development.

#### **Comprehensive Design Zone Findings**

Section 27-511 of the Zoning Ordinance states that the purposes of the R-S Zone are to “Establish (in the public interest) a plan implementation zone, in which (among other things):

- Permissible residential density is dependent upon providing public benefit features and related density increment factors and;
- The location of the zone must be in accordance with the adopted and approved General Plan, master plan or public urban renewal plan;
- Encourage amenities and public facilities to be provided in conjunction with residential development.”

The R-S Zone allows a base residential density of 1.6 dwelling units per gross acre. This subdivision is proposing a residential density of approximately 1.2 units per acre, lower than the allowable base density under the R-S zone. The applicant is not required to provide additional public benefit features at this density. However, the applicant proposes dedication of “open space” to M-NCPPC for public parkland.

#### **Master Plan Findings**

The Subregion VI Master Plan designates a 50-acre floating park symbol located within the southern portion of this subdivision in between the Dower House Pond Branch and Piscataway Creek stream valleys to serve the active recreational needs of the surrounding community. In addition, both the Piscataway Creek and Dower House Pond Branch stream valleys are designated on the master plan as Stream Valley Parks.

The Piscataway Creek and Dower House Pond Branch stream valleys are critical connections for the stream valley park system. Dower House Pond Valley Branch is part of a future stream valley trail system envisioned to connect the Potomac and Patuxent Rivers via Rosaryville State Park.

M-NCPPC has been successful in recent years in acquiring several adjacent sections of the Dower House Pond Branch and Piscataway Stream Valley to accommodate this future connection.

### **General Plan Findings**

The applicant is proposing 409 single-family dwelling units. Using current occupancy statistics for single-family dwelling units, the development will provide approximately 1,198 new residents. The Approved 2002 Prince George's County General Plan recommends the provision of 15 acres of M-NCPPC local parkland (or the equivalent amenity in terms of parks and recreation service) and 20 acres of regional, countywide and special M-NCPPC parks per 1,000 population. Given the size of this project, 24 acres of Regional Parkland and 18 acres of local M-NCPPC parkland is required to serve this community.

### **Basic Plan Findings**

The following considerations were approved as part of Basic Plan A-9738-C.

**Consideration 7 of the above mentioned basic plan states:** The applicant shall designate 17<sup>±</sup> acres adjacent to the Dower House Pond Branch and Piscataway Creek for public park purposes suitable for active recreational development. This acreage could be combined with adjoining property, if acquired by The Maryland-National Capital Park and Planning Commission, to provide continuous open space within the established stream valley park acquisition program. This parkland will also provide active neighborhood recreation opportunities. The entrance for the 17<sup>±</sup> acres shall have a minimum 200-foot frontage on the primary roadway.

**Consideration 8 of the above mentioned basic plan states:** The stormwater management facility may be located on park dedication land providing the facility is designated as a multipurpose wet pond and upgraded with landscaping and recreational amenities.

The applicant is proposing the dedication of approximately 122 acres of parkland, which include 19-acres of unencumbered, developable land suitable for active recreation. This developable acreage contains well over 200 feet of frontage on the Dressage Drive, the primary roadway for this subdivision.

### **Basic Plan Finding**

The following condition was approved as part of Basic Plan A-9738-C.

8. **Continued cooperative use of property “designated” for equestrian center use and equestrian trails by the Merrymount Equestrian Center shall be assured by appropriate contractual and covenanted arrangement recorded among the land records of Prince George’s County. Subject, however, to Merrymount Equestrian Center’s continuing operations as an Equestrian Center. Upon discontinuance of Merrymount, the “designated” property shall be used for public recreational purposes. Therefore, the property “designated” shall qualify as recreational property to meet Prince George’s County recreational requirements and for incremental increases.**

DPR does not have the option of acquiring this land as the Merrymount Equestrian Center is currently active and the “designated” area is being used for pasture land for the horses associated with the center. The applicant is meeting mandatory dedication requirements and master plan

recommendations by providing 122 acres of land to service the community for active and passive recreation at this location.

M-NCPPC is currently servicing the needs of the equestrian community in the southern portion of the county through the operation of Prince George's Equestrian Center at Showplace Arena, located approximately a 12 minute drive from this site. M-NCPPC is not planning to operate another equestrian center and does not have the resources to do so. There is no evidence that Merrymount Equestrian Center is discontinuing operation and the applicant is currently allowing the "designated" area for use associated with the equestrian center. We therefore believe that the applicant has met parkland requirements for this subdivision with conveyance of land located outside of the "designated" equestrian area.

### **Subdivision Ordinance Findings**

The statutory requirements of subdivision section 24-134 require that the applicant provide 17 acres of land suitable for active recreation based on the density and acreage of this subdivision. The applicant is providing approximately 19-acres of developable parkland and an additional 103 acres including tree-preservation, steep slopes, 100-year floodplain and wetlands.

### **General Findings**

DPR staff met with the applicant on April 25, 2008. At this meeting we discussed the need for parkland for active and passive recreation as per the master plan and General Plan requirements. Staff recommended that the 50 acre master planned community park could be accommodated through the dedication of the stream valleys as well as 30 acres within the center of this project area to be used for active recreation.

On June 10, 2008, the applicant presented a plan showing the dedication of 122<sup>±</sup> acres of parkland including 19 developable acres along Dressage Drive. The applicant is proposing that a portion of the park parcel be placed in a tree-conservation easement to accommodate their on-site requirements. DPR has agreed to allow tree conservation on property to be conveyed to M-NCPPC with the condition that the tree-conservation will not affect the planned recreational facilities on dedicated parkland. DPR staff prepared a concept plan for the development of the future park and trail system and determined that the tree-preservation area as proposed by the applicant was unacceptable to DPR as it encumbered too much developable area. Staff has amended the tree conservation limits to eliminate impacts to the future recreational facilities. These changes can be seen on DPR Exhibit "A".

In addition to tree-preservation within the active park, the applicant is proposing some tree-preservation along the southern bank of the Dower House Pond Branch within the proposed parkland. DPR staff amended the tree-preservation area along the Dower House Pond Branch along the rear lots facing Piaffe Circle and Snaffle Court. This area was originally designated to be conveyed to the HOA as tree-preservation. DPR staff is recommending dedication of this area to M-NCPPC to accommodate the future master-planned trail. Tree-conservation at this area will be adjusted to provide space for the master planned trail. DPR is recommending that tree preservation be reduced by 20 feet away from the floodplain area to allow DPR to field locate and maintain this trail in the future.

## CONCLUSION

DPR staff and the applicant have worked diligently to attain the goals and vision of the master plan, subdivision ordinance and previous approvals for this project. Staff is pleased with the result and believes that the provision of a community and stream valley park system will greatly enhance the future recreational needs of the community and serve future residents as the surrounding area continues to grow.

6. **Trails**—The Adopted and Approved Subregion VI Master Plan identifies three master plan trail issues that impact the subject site. Stream valley trails are proposed along both Piscataway Creek and Dower House Pond. And, Frank Tippet Road is designated as a master plan bike/trail corridor.

Piscataway Creek is one of the major stream valley trail corridors in southern Prince George's County and is envisioned as part of a "cross-county" trail that would also utilize Charles Branch. Together, the Piscataway Creek Trail and Charles Branch Trail will ultimately provide access from the Patuxent River to the Potomac River. M-NCPPC owns land along the stream valley both to the north and south of the subject site. Decisions regarding land dedication and trail construction will be made by the Department of Parks and Recreation. However, it should be determined that DPR has buildable land free of wetlands or other environmental constraints to construct the master plan trail. It appears that DPR will be requiring land dedication at this time and that the trail will be provided through a future Capital Improvement Program project.

The master plan trail along Dower House Pond Branch will provide for equestrian access to the existing facilities at Rosaryville State Park, as well as serve other trail users. Decisions regarding trail construction and land dedication are deferred to the Department of Parks and Recreation. It appears that DPR will be requiring land dedication at this time and that the trail will be provided through a future Capital Improvement Program (CIP) project.

It should also be noted that the property immediately to the west of the subject site includes an extensive network of natural surface trails and is owned by Maryland Environmental Services. When the Piscataway Creek Trail is completed, it may be appropriate to consider trail access to these trails from the master plan trail. Exhibit 44 from approved Basic Plan A-9738-C requires the provision of an equestrian trail crossing to existing trails on the Maryland Environmental Services site. This connection can be provided at the time of construction of the Piscataway Creek Trail.

Frank Tippet Road is also designated as a master plan bikeway. This can be accommodated through the provision of bikeway signage and either a paved shoulder or wide outside curb lane. Where frontage improvements have been made along Frank Tippet Road, a standard sidewalk has been provided. Existing subdivisions in the corridor include standard sidewalks along both sides of all internal roads both to the north and south of the subject application. This includes Williamsburg Drive, which extends to the boundary of the subject site.

### BASIC PLAN CONDITIONS:

Approved Basic Plan A-9738-C included numerous conditions of approval and considerations regarding trail facilities. The conditions of approval include the following:

- 5 e. All trails shall be in accordance with the recommendations of the Trails Coordinator, Exhibit 44, as recited in the body of the decision.

6. The Equestrian Center and facilities and equestrian trails shall be designed, located and approved prior to any other approvals by plan, plat or permit.
7. The day care center shall not be co-located with the Equestrian Center. If located adjacent to any facility or area used for equestrian center purposes, the play area shall not border on and shall be buffered from any area wherein horses shall be located or traverse.
8. Continued cooperative use of property “designated” for equestrian center use and equestrian trails by the Merrymount Equestrian Center shall be assured by appropriate contractual and covenanted arrangement recorded among the land records of Prince George’s County. Subject, however, to Merrymount Equestrian Center’s continuing operations as an Equestrian Center. Upon discontinuance of Merrymount, the “designated” property shall be used for public recreational purposes. Therefore, the property “designated” shall qualify as recreational property to meet county recreational requirements and for incremental increases.

Basic Plan A-9738-C also included the following considerations regarding trail facilities:

5. The proposed hiker-biker trail shall be incorporated into the pedestrian system to afford the residents with convenient access to both internal and regional open space networks. This can be furthered by providing continuous open space in two locations. Both the site’s central open space and pedestrian trails shall be extended westward through the west building envelope and connected with Piscataway Creek trail to create a loop circulation pattern for the overall trail system.
6. Design of the equestrian trails shall be in accordance with the *Park and Recreation Facilities Guidelines* and shall preserve mature trees.

A large component of the planned trail network for the site will be comprised of the stream valley trails. These trails will provide access to the surrounding trails network, including other stream valley trails in Southern Prince George’s County. In addition, the planned trail along Dower House Pond Branch will provide trail access to the natural surface hiking, mountain bike, and the equestrian trails in Rosaryville State Park. Piscataway Creek will provide access to developing residential communities in the stream valley to the southwest, as well as Cosca Regional Park. Internal trails providing access within the community need to be evaluated to supplement the sidewalk network and provide trail access within the community, to on-site recreational facilities, and to the master plan trails.

#### EXHIBIT 44:

The basic plan also references Exhibit 44 which is a November 10, 1988 memorandum from Bruce Hancock to Helen Payne on A-9738. Basic Plan A-9738-C Condition 5e required that all trail be in conformance with Exhibit 44. In summary, Exhibit 44 made the following recommendations:

- a. Continue the use agreement between the subject site and Merrymount Equestrian Center for the continuing use of the land around the equestrian center for equestrian uses. This is reflected on the submitted plans and appropriate agreement between the involved parties is referenced in the conditions of approval.

- b. East-West Trail. This trail connection will begin at the Equestrian Center and extend across the property's northern edge. This trail is reflected on the submitted plans and will be constructed by the applicant.
- c. Piscataway Creek Trail. The applicant is dedicating the necessary land to accommodate the future construction of this master plan trail. A more detailed analysis of the constraints, opportunities, and environmental features along the corridor will have to be evaluated in more detail to determine the appropriate alignment of this trail along its entire length. The submitted plans reflect the dedication necessary to accommodate the trail at the time it is constructed through a M-NCPPC Capital Improvement Program (CIP) project. Exhibit 44 notes that the master plan trail will provide access to both the north and south.
- d. Trail connection to Maryland Environmental Services. Exhibit 44 reads, "The current practice is to ford Piscataway Creek at the point about midway south along its length. A spur trail should be provided from the main trail to a suitable spot where horses are able to safely ford the stream."
- e. Dower House Branch Trail. The applicant is dedicating the necessary land to accommodate the future construction of this master plan trail. The Department of Parks and Recreation anticipates that this trail will be constructed via a CIP project. Exhibit 44 also discusses trail connections to Rosaryville State Park. It is noted that the master plan trail along Dower House Pond Branch will be the primary route to the state park, although some informal connections may continued to be used.
- f. Tributary Trail. Exhibit 44 also requires a trail along the tributary running from Dower House Pond Branch to behind the Equestrian Center. The submitted plans include this trail and will be constructed by the applicant.

Staff finds that the subject application is in conformance with Condition 5e of approved Basic Plan A-9738-C due to the required construction of the East-West Trail, the Tributary Trail, and the dedication of land to The M-NCPPC Department of Parks and Recreation to accommodate the future provision of master plan trails along both Piscataway Creek and Dower House Pond Branch. However, conformance to basic plan, condition 6, could result in a modification to the trail locations on the subject property.

- 7. **Transportation**—The approval of basic plan, A-9738-C, by the District Council was predicated on nine (9) conditions and sixteen (16) considerations, including the following pertaining to transportation:

- a. No driveways shall have direct access to Frank Tippet Road. All access shall be from the internal roadway system.
- b. Access shall not be provided to Rosaryville Road via adjacent stub streets on the north boundary: James Court, Williamsburg Drive and Green Apple Turn.

The preliminary plan conforms to these transportation relation conditions through the creation of an internal road system and the provision of a 50-foot buffer along the north boundary.

## TRAFFIC STUDY ANALYSIS

Staff is in receipt of a December 16, 2007, traffic study in support of the Comprehensive Design Plan and Preliminary Plan of Subdivision phases of the subject property's review. The study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 223 & Dowerhouse Road	B/1018	<b>D/1384</b>
MD 223 & Rosaryville Road	D/1311	F/1910
Rosaryville Road & Frank Tippet Road	C/1213	A/738
US 301 & Frank Tippet Road	A/984	C/1225
Rosaryville Road & Haislip Road **	C/15.7 seconds	B/11.4 seconds
Rosaryville Road & Gambier Drive **	E/43.4 seconds	C/22.7 seconds
Rosaryville Road & Williamsburg Drive**	F/62.4 seconds	F/56.7 seconds
**Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E" which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the <i>Guidelines</i> .		

The study cited twelve approved background developments that collectively, will impact the above intersections during the morning and evening peak hours. Additionally, a regional growth rate of one percent was applied to the through traffic for two years, to reflect a 2011 build-out. A second analysis of the background developments (which included growth factor) was done, and revealed the following results:



BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 223 & Dowerhouse Road <i>With eastbound right turn lane</i>	- <i>C/1189</i>	- <i>D/1438</i>
MD 223 & Rosaryville Road <i>With CIP Improvements</i>	<b>F/1700</b> <i>D/1303</i>	<b>F/2375</b> <i>C/1367</i>
Frank Tippet & Rosaryville Road <i>With northbound double lefts</i>	<b>E/1472</b> <i>B/1135</i>	<b>B/1047</b> <i>A/853</i>
US 301 & Frank Tippet Road	B/1100	D/1332
Rosaryville Road & Haislip Road **	B/19.2 seconds	B/14.5 seconds
Rosaryville Road & Gambier Drive **	F/139 seconds	F/86.2 seconds
Rosaryville Road & Williamsburg Drive **	F/999 seconds	F/999 seconds

Using the “Guidelines for the Analysis Of The Traffic Impact Of Development Proposals,” the proposed development of 450 single-family units would generate 338 (68 in, and 270 out) AM peak-hour trips and 405 (263 in, 142 out) PM peak-hour trips at the time of full build-out. The study acknowledged the fact that the subject property was previously approved (PGCPB 01-079A: 4-00064) with a trip cap (all of which are vested) of 253 AM and 320 PM. Given the number of trips that are vested, the test for transportation adequacy would be based on the difference between the generated trips and the vested trips. Consequently, the analyses were based on a net of 85 AM and 85 PM peak-hour trips. While the pending preliminary plan is only required to meet adequacy for 85 AM and PM new trips, in analyzing the traffic data under total condition, all of the traffic associated with the previous development were re-distributed to reflect the change to a single-family development. The traffic study did not take into account the equestrian facility or daycare uses discussed in the basic plan.

As was the case for the background analyses, the study assumed full build-out up to the year 2011. Applying a growth rate of one percent per year for through traffic and combining the site-generated traffic along with background developments, the following results were determined:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 223 & Dowerhouse Road <i>With eastbound right turn lane</i>	- C/1180	- D/1444
MD 223 & Rosaryville Road <i>With CIP Improvements</i>	F/1617 C/1296	F/2372 C/1349
Frank Tippet & Rosaryville Road <i>With northbound double lefts</i>	E/1586 B/1198	B/1012 A/845
US 301 & Frank Tippet Road	B/1116	D/1397
Rosaryville Road & Haislip Road **	B/20.5 seconds	B/13.7 seconds
Rosaryville Road & Gambier Drive **	F/158 seconds	F/74.8 seconds
Rosaryville Road & Williamsburg Drive **	F/999 seconds	F/999 seconds
Frank Tippet Road & North Site Access	E/47.1 seconds	E/35.8 seconds
Frank Tippet Road & South Site Access	C/19.7 seconds	C/20.1 seconds

Based on the results shown in the aforementioned table, all of the intersections were shown to operate at adequate levels of service, with the exception of:

- Rosaryville Road & Gambier Drive
- Rosaryville Road & Williamsburg

In light of the projected operation of the two unsignalized intersections, the traffic study acknowledged the need for traffic signal warrant studies. It also concluded that with all of the CIP funded improvements along MD 223, plus the provision of an additional left-turn lane on the northbound approach to the Frank Tippet Road-Rosaryville Road intersection, that the proposed development will satisfy the county's transportation adequacy requirements.

#### STAFF REVIEW AND COMMENTS

Upon review of the applicant's traffic study, staff concurs with its findings and conclusions as they pertained to the analyses of the various intersections. In addition to the planning staff, the study was reviewed by two other agencies, the State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). In a February 7, 2008 memorandum to staff (*Issayans to Burton*), the DPW&T appears to be in general agreement with the study conclusions. It did however, made some recommendations, most of which affect traffic operations. Some of those recommendations are as follows:

- Acceleration lanes must be provided on Frank Tippet Road at both proposed Site Access points.

- A left-turn lane should be provided in the northbound direction of Frank Tippet Road at each of the proposed Site Access points.
- At the intersection of Frank Tippet Road and US 301, a free right/channelized right turn should be provided for the eastbound Frank Tippet Road approach.
- We recommend that queuing analysis be performed to determine the necessary storage bay length needed for the northbound left turn movement at US 301 and Frank Tippet Road. Based on the projected AM peak-hour volumes, the existing storage length does not appear to be adequate.
- A 275-foot storage bay plus a 120-foot taper should be provided for the northbound left-turn movement from MD 223 onto Dower House Road. Based on the projected AM peak-hour volumes, the existing storage length does not appear to be adequate.
- A 475-foot left-turn bay plus a 120-foot taper should be provided on the northbound Frank Tippet Road approach at Rosaryville Road.
- Signal warrant analysis should be performed for the intersections of Rosaryville Road at Gambier Drive and Rosaryville Road at Williamsburg Drive.

In a February 12, 2008 memorandum to staff (*Foster to Burton*), the SHA also expressed its concurrence with all of the traffic study findings regarding adequacy. SHA noted however, that the subject application will generate more traffic than its approved predecessor will, and pro rata contribution will be required of the applicant.

#### TRANSPORTATION STAFF FINDINGS

The application is a preliminary plan of subdivision for a single-family residential development consisting of 450 units. The proposed developments would generate 207 (88 in, and 119 out) AM peak-hour trips and 677 (350 in, 327 out) PM peak-hour trips at the time of full build-out, as determined using “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” as well as the Institute of Transportation Engineer’s (ITE) *Trip Generation Manual* (7<sup>th</sup> edition). The traffic generated by the proposed developments would impact the following intersections and links:

- MD 223 & Dowerhouse Road
- MD 223 & Rosaryville Road
- Rosaryville Road & Frank Tippet Road
- US 301 & Frank Tippet Road
- Rosaryville Road & Haislip Road
- Rosaryville Road & Gambier Drive
- Rosaryville Road & Williamsburg Drive
- Frank Tippet Road & North Site Access
- Frank Tippet Road & South Site Access

None of the afore-mentioned intersections is programmed for improvement with 100 percent construction funding within the next six years in the current (FY 2007 - 2012) Prince George's County Capital Improvement Program (CIP) with the exception of the following:

- MD 223 & Dowerhouse Road
- MD 223 & Rosaryville Road

The subject property is evaluated according to the following standards set for the Developing Tier: **Links and signalized intersections:** Level of service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better; **Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

All of the intersections identified above, when analyzed with the total future traffic as developed using the “Guidelines,” and ITEs Manual, were found to be operating adequately except the following:

- Rosaryville Road & Frank Tippet Road
- Rosaryville Road & Gambier Drive
- Rosaryville Road & Williamsburg Drive

In consideration of the findings above, this applicant will be required to provide the following improvements:

At the intersection of Rosaryville Road & Gambier Drive

- Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T.

At the intersection of Rosaryville Road and Williamsburg Drive

- Conduct a traffic signal warrant study, and install traffic signal if deemed to be warranted and approved by DPW&T.

At the intersection of Rosaryville Road and Frank Tippet Road

- Provide a 475-foot left-turn bay plus a 120-foot taper on the northbound approach.

The intersections identified above will operate acceptably as a result of the improvements proffered by the applicant. All of the remaining intersections previously identified above will operate adequately, provided all of the improvements in the traffic study are implemented. The intersections along MD 223 at Rosaryville Road and Dowerhouse Road are projected to operate adequately as a result of upgrades that are funded in a county CIP. As part of the funding schedule for the CIP, there is a provision for developer contribution, consequently, the SHA is still requiring that the applicant participate in this funding contribution by providing a pro rata contribution.

A pro rata contribution of \$812.00 per dwelling unit was previously included as conditions of approval in the following Planning Board resolutions:

- Mill Creek, PGCPB No. 05-232, November 3, 2005
- Brazelton, PGCPB No. 06-119, May 18, 2006

Transportation staff has recommended as part of the approval of CDP-0701 that prior to the issuance of building permits, the applicant and the applicant's heirs, successors and/or assignees, should pay a pro-rata share of the road improvements along MD 223 at Rosaryville Road, as described in the Prince George's County Capital Improvement Program for CIP No. FD669451: 2008-2013 (MD 223 Widening). The pro rata share shall be payable to Prince George's County, with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be \$812.00 per dwelling unit x (*Engineering News Record* Highway Construction Cost Index at the time of building permit application) / (*Engineering News Record* Highway Construction Cost Index for the second quarter 2001).

8. **School**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	411 DU	411 DU	411 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	98.64	24.66	49.32
Actual Enrollment	3,933	6,782	10,542
Completion Enrollment	165	117	234
Cumulative Enrollment	179.52	77.10	154.44
Total Enrollment	4,376.16	7,000.76	10,979.56
State Rated Capacity	4,140	6,356	10,254
Percent Capacity	105.70%	110.14 %	107.07%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,870 and \$13,493 to be paid at the time of issuance of each building permit. The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Special Projects Planning Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

9. **Fire and Rescue**—The Special Projects Planning Section has reviewed this subdivision plan for

adequacy of fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance. Public Facilities staff have determined that this preliminary plan is within the required 7-minute response time for the first due fire station Clinton Company #25, using the *7 Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire Department. Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels. The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

10. **Police**—The subject property is located in Police District V. The response time standard is 10 minutes for priority calls and 25 minutes for nonpriority calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on March 3, 2008.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Non-priority Calls
Acceptance Date March 3, 2008	2/07 - 2/08	10 minutes	12 minutes

The response time standards of 10 minutes for priority calls and 25 minutes for nonpriority calls were met March 11, 2008. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police personnel staffing levels.

11. **Stormwater Management**—A Stormwater Management Concept Plan No. 8327602-2000-04 was approved by the DPW&T on February 9, 2007, and expires on February 9, 2010. Copies of the stormwater management concept approval, CSD No. 8327602-2000-04, letter and plan were submitted with this application. Development of the site must be in accordance with this approved plan and any revisions.
12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and noted that any abandoned shallow wells found within the confines of the TLBU property must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the raze permit. Any abandoned septic tank found within the confines of the property must be backfilled after a licensed scavenger has pumped it out. The location of the septic system should be located on the preliminary plan. The location should be indicated on the preliminary plan. A raze permit is required prior to the removal of any of the structures on site. A raze permit can be obtained through the Department of Environmental Resources (DER), Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structure being razed. A note should be affixed to the preliminary plan that requires that the structure is to be razed and the well properly abandoned before the release of the grading permit.
13. **Archeology**—Piscataway Creek runs along the western boundary and Dower House Pond Branch runs along the southeastern boundary of the subject property. A north-south watercourse flows through the eastern portion of the subject property and empties into Dower House Pond Branch in the east-central portion of the property. There are several flat terraces located above these water courses. Prehistoric sites have been found in similar settings and the probability of identifying

prehistoric archeological resources is moderate to high.

The subject property was once part of the 550-acre Joshua Turner farm. There are no houses shown on this property in the 1861 Martenet Map or the 1878 Hopkins Map. However, these were subscription maps and only show the locations of paying subscribers. Two possible houses appear on the 1894 Hopkins Map. In the early 20th century the Turner farm contained three tenant houses and at least two barns. A 1930s sale notice by Leo J. Long, a subsequent owner, notes that there were 4 houses on the property, 3 barns, corn cribs, tool houses, garages, hen houses, a dairy house, meat house, wood shed, hog pens, and land suitable for tobacco, truck, and general farming. Many of these structures were probably concentrated near the Turner farmhouse; however, many of them may have been located just outside of the historic site's current environmental setting. The subject property also may have been the site of an earlier historic occupation, as it was once part of the early "His Lordship's Kindness" and "Mount Airy" land grants.

Nine archeological sites have been identified within a one-mile radius of the subject property. Eight of the sites date to the historic period and one site (18PR563) consists of a prehistoric lithic scatter. Three of these sites (18PR136, 18PR221, and 18PR439) contain late 17<sup>th</sup> or 18<sup>th</sup> century artifacts and indicate this area was settled during an early period in the County's history. The subject property is also within a one-mile radius of Mount Airy (Historic Site #82A-016), His Lordships Kindness/Poplar Hill (Historic Site No. 81A-001), and Mill Site (Historic Resource No. 81A-002).

Section 106 review may also require archeological survey for state or federal agencies. 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or permits are required for a project.

In accordance with the Planning Board's directives, as described in the Guidelines for Archeological Review, May 2005, and consistent with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject property should be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples. CDP-0701 condition 15 requires the completion of the Phase I archeological study prior to certificate approval of the CDP. As of the writing of this staff report, a Phase I archeological study has not been submitted for review.

14. **Historic Preservation**—The Historic Preservation Commission (HPC) received a staff briefing on the related comprehensive design plan application (CDP-05003) at its February 19, 2008, meeting, and heard a presentation by the applicant and testimony from citizens at its March 19, 2008, meeting. Testimony provided the following findings and conclusions:

The Comprehensive Design Plan (CDP-0701) does not include any identified historic resources, but is adjacent to the Joshua Turner House (Historic Site No. 82A-017, located at 8801 Frank Tippet Road (Tax Map 118 A-2). The Joshua Turner House, built in 1880s, is a two-and-one-half story, cross-gable frame dwelling with paneled gable peaks and a twentieth-century stucco covering. The house was built for Joshua J. Turner, a Baltimore entrepreneur who specialized in agricultural fertilizers. The house, which also exhibits elegant Victorian interior trim, is significant as the late 19<sup>th</sup> century country house of a successful business, and its fine Queen Anne style decorative detail. The Historic Site's Environmental Setting includes approximately

five acres (Part of Parcel 91).

The Turner House Historic Site has included an equestrian training and riding facility operated by its current owners for approximately 30 years. This equestrian operation, Merrymount, has relied for a portion of its operations on uses within the adjacent developing property, through cooperative agreements between the owners of Merrymount and the owners of the adjacent property. Over time, Merrymount has become a prominent local and regional equestrian facility. The portion of the developing property that includes some of the Merrymount facilities is not currently proposed for development through the subject application. Great concern was expressed at the March 19, 2008, HPC meeting about the viability of the equestrian operation so close to a dense residential development, even if the outparcel adjacent to the Joshua Turner House continues as open space.

As currently proposed on the subject plan, the applicant's street names based on famous single malt scotch whiskeys would appear to be unrelated to the history of the subject property and the county's equestrian heritage. The applicant's proposed street names for the developing community should be revised to focus on the historic significance of the developing property, the immediate vicinity and the area's equestrian heritage.

The subject plan calls for future residential development in the vicinity of the Joshua Turner House (Historic Site No. 82A-017). As a result, this portion of the development may have a direct visual impact on the Historic Site and its Environmental Setting. Therefore, the specific design plan for this portion of the proposed development should address the buffering requirements of the *Prince George's County Landscape Manual*, the layout of streets and street lighting, the pattern of building lots, the orientation of buildings, and the specific character and materials of the proposed architecture that may be visible from Joshua Turner House.

The use of the Joshua Turner House Historic Site as an equestrian facility is part of the long-standing equestrian heritage of Prince George's County that dates to the 18th century. Although the portion of the developing property that includes some of the Turner property equestrian facilities is not proposed for development through the subject application, the retention and expansion of these facilities as an amenity for the developing community would enhance and continue the county's historic equestrian tradition. The character and design of the developing property should reflect the presence of the adjacent equestrian facility and provide tangible connections to it through a network of pedestrian and equestrian trails and employ street names that commemorative the county's equestrian heritage. Every effort should be made to assure the protection of the equestrian facility.

## RECOMMENDATION

Based on the preceding findings staff recommends DISAPPROVAL of Preliminary Plan 4-07005 because staff is unable to find conformance to CDP-0701 as required in the order of approvals Section 27-270 of the Prince George's County Zoning Ordinance; the conditions of the basic plan A-9738-C and Section 24-132, Woodland Conservation, of the Prince George's County Subdivision Regulations.