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Comprehensive Design Plan

CDP-0701

Application	General Data
Project Name: TLBU (previously known as Transnational Law Business University) Property Location: Located in the west side of Frank Tippet Road, approximately 1,000 feet south of its intersection with Rosaryville Road. Applicant/Address: TLBU Foundation, Inc. 5984 Gales Lane Columbia, MD 21045	Date Accepted: 1/8/08
	Planning Board Action Limit: N/A
	Plan Acreage: 343.35
	Zone: R-S
	Dwelling Units: 409
	Gross Floor Area: N/A
	Planning Area: 82A
	Tier: Developing
	Council District: 9
	Municipality: N/A
	200-Scale Base Map: 212SE09

Purpose of Application	Notice Dates
Application proposes 409 single-family detached dwelling units.	Adjoining Property Owners Previous Parties of Record Registered Associations: 10/12/07 (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 6/10/08

Staff Recommendation		Staff Reviewer: Lareuse	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Comprehensive Design Plan, CDP-0701
Tree Conservation Plan, TCPI/110/90-01
TLBU Property (previously known as Transnational Law Business University)

PUBLIC HEARING

In accordance with the Comprehensive Design Plan provisions of Section 27-520 of the Prince George's County Code, a public hearing is scheduled before the Prince George's County Planning Board on July 10, 2008. The purpose of this hearing is to consider the Comprehensive Design Plan for the TLBU Property, CDP-0701.

INTRODUCTION

The Development Review Division of the Prince George's County Planning Department has coordinated a review of the subject application with all offices having any planning activities that might be affected by the proposed development. This staff report documents that process and presents findings and a recommendation to be acted upon by the Prince George's County Planning Board.

RECOMMENDATION SUMMARY

The staff recommends APPROVAL of Comprehensive Design Plan CDP-0701, with the conditions listed in the recommendation section of this report.

COMPREHENSIVE DESIGN ZONES

The comprehensive design plan (CDP) phase of the three-phase comprehensive design zone (CDZ) process requires the submittal of a plan that establishes the general location, distribution, and sizes of buildings and roads. The plan includes several drawings and a text, which includes the schedule for development of all or portions of the proposal and standards for height, open space, public improvements and other design features. The regulations for any of the CDZs are at the same time more flexible and more rigid than are those of other zones in Prince George's County. The zones are more flexible in terms of permitted uses, residential densities, and building intensities. They are more rigid because some of the commitments made by a developer carry the force and effect of law upon approval by the Planning Board.

The principal difference between CDZs and conventional zones is that the CDZ includes a list of public benefit features and density or intensity increment factors. If a development proposes to include a public benefit feature in a development, the Planning Board, at this stage of the process, may grant an

increment factor that increases the dwelling unit density or building intensity. The value of the public benefit feature or density or intensity increment proposal determines the size of the increase. A public benefit feature is an item that will improve the environment or lessen the public cost of a development. The intent is to create a development, through the granting of incremental density increases that will result in a better quality residential, commercial and industrial environment.

EVALUATION CRITERIA

This CDP was reviewed and evaluated for compliance with the following criteria:

- a. Conformance with Basic Plan A-9738-C.
- b. The requirements of Section 27-521 of the Zoning Ordinance and the requirements of the Zoning Ordinance in the R-S Zone.
- c. The requirements of the Woodland Conservation and Tree Preservation Ordinance.
- d. Referral comments.

FINDINGS

Based upon the analysis of the subject application, the Urban Design Section recommends the following findings:

1. **Request:** The applicant is requesting approval of a comprehensive design plan that includes 409 single-family detached dwelling units.
2. **Development Summary:**

	EXISTING	PROPOSED
Zone	R-S	R-S
Use	Vacant and Equestrian	409 single-family detached dwellings
Gross tract area	342.38	342.38
Area within the 100 year floodplain	93.74	93.74
50 % of floodplain	46.87	46.87
Net tract area*	295.51	295.51
Base Density 1.6 units per acre	472	472
Proposed density		409

*Residential density determinations in the R-S Zone per section 27-486 states that the density shall be based on an average number of dwelling units per gross acre, minus fifty percent of any land located within the 100-year floodplain. This results in a bonus density above the density calculations of Euclidian residential zones which require the subtraction of the entire 100-year floodplain to determine the net tract area upon which density is based.

3. **Location:** The subject property is in the R-S Zone, more particularly it is in Planning Area 82A, within the Developing Tier, and Council District 9. The site is located on the west side of Frank Tippet Road, approximately 1000 feet south of its intersection with Rosaryville Road.
4. **Surroundings:** To the north of the subject property is the Williamsburg Estates subdivision and a single-family detached lot in the R-80 Zone. The Merrymount 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. Across Frank Tippet Road are single-family detached developments in the R-R Zone, including the Holloway Estates subdivision. To the south of the subject property is the Graystone at Marlborough subdivision and a single-family detached lot in the R-R Zone. To the west of the subject property is a 400-acre property in the R-O-S Zone which is owned by Maryland Environmental Services.
5. **Design Features:** The proposed TLBU Property plan layout is designed around the environmental constraints of its site. Wetlands, wetland buffers, Patuxent Management Area (PMA), floodplain and two streams make the land environmentally and visually interesting, but create challenges in its development. In response to these challenges, the design of the subdivision concentrates the lots centrally, leaving the more environmentally sensitive land surrounding the buildable areas undeveloped.

Proposed to be accessed from two locations along Frank Tippet Road, the road network provides frontage to single-family detached dwelling units largely designed in a system of culs-de-sac. Most roads terminate in culs-de-sac in order to avoid impacts to the more environmentally sensitive areas of the site. Stormwater management is provided by six traditionally-designed ponds along the lotted area's periphery. The minimum lot size is 8,000 square feet and most of the proposed lots shown on the illustrative plan appear to adhere to this requirement.

Site amenities include future master planned trails along the Piscataway Branch and the Dower House Pond Branch. The plan also proposes to dedicate the entire 87 acres of floodplain to M-NCPPC for a stream valley park, and an additional acreage outside of the 100-year floodplain for a total of approximately 119 acres of land for a master plan park.

6. **Previous Approvals:** The property was zoned from the R-A and the R-R Zones to the Residential-Suburban (R-S) Zone by A-9738-C, which also approved the Basic Plan for the property, subject to conditions and with the following land use quantities identified:

Gross Acreage: 343+ acres
Less half floodplain acreage: -40 acres
Total Adjusted Gross acreage: 303± acres
Base Density (1.6 X 303): 485 units
Increment (1.58 X 303): 175 units
Maximum Density (2.18 X 303): 660 units
Maximum Density Permitted pursuant to this rezoning: 550 units
7. Sec. 27-521. Required findings for approval. Prior to approving a comprehensive design plan, the Planning Board shall find that:
 - a. **The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was**

conducted by technical staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;

Comment: Basic Plan A-9968 was approved subject to nine conditions and sixteen considerations. Conditions and considerations requiring discussion are listed below with staff's comment:

1. Land uses shall be only as shown the Basic Plan.

Comment: The land uses on the Basic Plan included single-family detached lots, a day care center and land area designated for equestrian use around the adjacent Merrymount Equestrian Center property. The proposed CDP does not provide for the day care center and the area shown on the Basic Plan is shown as "Out parcel A 32.85 acres to be retained by owner." The daycare center has not been shown on the CDP; therefore, the plans cannot be found to be in conformance with the condition above. Staff recommends, prior to signature approval of the plans, 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 illustrative site 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 TCPII 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 plans should be revised to eliminate this acreage from the calculations for density on the remaining portion of the property. The following analysis demonstrates the density calculations without the 31.0 acres shown on the plan as a future residential subdivision:

Gross tract area	342.38
Minus area for future residential subdivision	31.0
Modified gross tract area.	311.38
Area within the 100-year floodplain	93.74
50 % of floodplain	46.87
Net tract area	264.51
Base Density 1.6 units per acre	423

The calculations above demonstrate that the concept of reserving the 31.0 acres for a future subdivision could be implemented, if the Basic Plan were amended to permit a residential subdivision in this area. However, 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, nor should it be indicated as a future residential subdivision.

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: The CDP does not indicate the minimum lot size of individual lots; therefore, the plans should be revised prior to signature approval to indicate the requirement above through notes added to the plans. Further, all subsequent plans, including the preliminary plan and specific design plan, should indicate the minimum lot areas noted above.

3. The proposed day care center shall be limited to a maximum of 150 children.

Comment: The CDP does not show a proposed day care center. The condition above further confirms the indications on the Basic Plan layout and notes, that it was the unequivocal intent of the Basic Plan to require a day care center on the property. The deletion of the day care center and conversion of the property to market-rate single-family detached lots is an issue that should be addressed through a revision to the Basic Plan, not through the review and approval of subsequent plans of development. Therefore, as stated earlier in this report, staff recommends that the plans be revised to provide for the day care center in an area adjacent to Frank Tippet Road where visibility of the day care center will contribute toward the success of the facility, which is clearly advantageous to any commercial operator.

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

Comment: This condition has been adhered to.

5. The Basic Plan shall be modified as follows:

- a. The northernmost entrance shall be at least 820± feet south of the south boundary of the Merrymount Riding Academy property. The equestrian center use shall be located north of the boulevard entrance and interior roadway.**

Comment: This condition of the Basic Plan has been demonstrated on the CDP.

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

Comment: It appears that this condition of the Basic Plan has been demonstrated; however, prior to signature approval, the plans should be revised to indicate a minimum 50-foot-wide buffer along the Williamsburg Estates, and all subsequent plans should demonstrate this as well. However, further recommendations regarding woodland preservation may also impact the width of woodland at this location (see Finding No. 15).

- c. That portion of the property adjacent to Frank Tippet Road shall be supplemented with plant materials or other screening.**

Comment: The requirement will be addressed at the specific design plan phase of the review, as that is the time at which planting area requirements are shown on the plans. A condition of approval requiring this is included in the recommendation section of this report.

- d. No driveways shall have direct access to Frank Tippet Road. All access shall be from the internal roadway system.**

Comment: The plans have correctly addressed this condition. A condition requiring that the specific design plan demonstrate conformance to this condition is included in the recommendation section of this report as well.

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

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

- a. Continue the agreement between the subject site and Merrymount Equestrian Center for the continuing use of the land around the equestrian center for equestrian purposes. This is reflected on the submitted plans and the 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 provided 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 Pond 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 which will be constructed by the applicant.

Comment: Conditions relating to all of the above are included in the recommendation section of this report.

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. 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. However, if a condition of approval is adopted that requires the plan to be revised to indicate the locations of the east-west trail and the tributary equestrian trails prior to signature approval, and that all subsequent plans show this information as well, the condition could be deemed to be fulfilled.

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 plans 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). Therefore, a condition is required to mandate the requirement prior to final plat of subdivision. 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.

The Environmental Planning Section provided the following comment regarding this issue:

“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 calls for equestrian uses in this area. The CDP shows this area as reserved for future development. The preliminary plan shows this area as a future subdivision. All of these proposed uses are incompatible with the use shown on the TCPI: 15.51 acres of afforestation. The afforestation shown on the TCPI must be removed from this area, because it is clearly planned for various other uses all of which would prohibit the planting of trees or the creation of a viable forest. If afforestation is proposed in this area, it must allow for the future use of the area and be limited to those areas where the existing buffers are to be expanded. This revision is contained in the Environmental Review section under the comments regarding necessary changes to the TCPI.”

9. **Applicant shall file an amended Basic Plan incorporating the requirements of this decision for review and approval of the Office of the Zoning Hearing Examiner prior to any further proceedings upon their request.**

Comment: It appears that the Basic Plan was filed in accordance with the requirements of the decision.

Basic Plan Considerations

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

Comment : A forest stand delineation was submitted with the Natural Resource Inventory (NRI). 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 No.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.

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

Comment: A 100-year floodplain study was approved on November 20, 1989. A Stormwater Concept Plan, CSD No. 8327607-2000-04, has been approved by the Department of Public Works and Transportation (DPW&T). 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.

Recommended Condition: Prior to certification of the CDP or signature of the associated TCPI, and prior to approval by the Planning Board of the preliminary plan, 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.

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.

4. **The character and visual image of Frank Tippet Road shall be protected and maintained as equestrian/suburban through design techniques such as trees, berms, and vegetative buffers. The layout of building lots and internal streets shall be planned so that the rear of view of houses will not be clearly visible from Frank Tippet Road.**

Comment: The plans indicate a 100-foot-wide buffer of existing woodland where woodland exists along the frontage of Frank Tippet Road. The buffer should be extended along the south entrance road as well where the property has frontage on Frank Tippet Road prior to signature approval of the plans.

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.**

Comment: The trails coordinator's evaluation of the trails and pedestrian system found that the CDP required some revisions that should be addressed prior to signature approval.

6. **Design of the equestrian trails shall be in accordance with the *Park and Recreation Facilities Guidelines* and shall preserve mature trees.**

Comment: This condition should be carried over as a condition of this CDP in order to insure that it is demonstrated at the time of the specific design plan.

7. **The applicant shall designate 17± 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 park land will also provide active neighborhood recreation opportunities. The entrance for the 17-acre parcel shall have a minimum 200-foot frontage on the primary roadway.**

Comment: 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 are required to serve this community.

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.

Staff finds that the subject application is in conformance with Condition 5(e) 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 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.

- 8. The stormwater management facility may be located on park dedication land, providing the facility is designated as multi-purpose wet pond and upgraded with landscaping and recreational amenities.**

Comment: All stormwater management ponds are shown on homeowner's association property.

- 9. The adjacent properties on the north boundary shall be buffered from the proposed development through landscaping, berming and screening techniques. The landscaping can be included in the 50-foot undisturbed buffer provided.**

Comment: The plans demonstrate conformance to this condition.

- 10. The width of building lots adjacent to Frank Tippet Road shall be in accordance with those for the R-R Zone.**

Comment: The R-R Zone requires a minimum of 70 feet of width at the street line and the plans should demonstrate this prior to signature approval, and all subsequent plans for development should demonstrate this as well. Therefore a condition of approval has been added to the recommendation section of this report.

- 11. Access shall not be provided to Rosaryville Road via adjacent stub streets on the north boundary: James Court, Williamsburg Drive and Green Apple Turn.**

Comment: The plans do not indicate access to the subdivision to the north.

- 12. All structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable County laws.**

Comment: This is required to become a condition of approval for this plan and all subsequent plans.

- 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 this report, the applicant is in the process of 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.

- 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, as of the writing of this report.

- 15. The Agreement, Exhibit 85, and all provisions regarding developer's obligations, shall be expressly contingent upon Developer obtaining final zoning approval under Application No. A-9738.**

Comment: Final zoning approval of Application No. A-9738 was granted on May 18, 1990.

- 16. As long as the Agreement, Exhibit 35, is in full force and effect, the owners agree not to oppose ZMA No. A-9738; the zoning and/or subdivision of approximately eleven (11) acres also currently owned by Norman Smith, on the east side of Frank Tippet road, across from the subject property of A-9738; and the Conger Property, also fronting on Frank Tippet Road.**

Comment: This condition should no longer apply since the Basic Plan was approved.

- 8. The proposed plan would result in a development with a better environment than could be achieved under other regulations;**

Comment: The proposed comprehensive design plan will offer a better environment than could be achieved under other regulations by preserving extensive natural features of the site, and by providing a mix of uses including the day care center and the land area for use by the adjacent Equestrian Center, if the proposed conditions of approval are adopted.

- 9. The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;**

Comment: A buffer has been provided along the northern property line to create a significant separation of the existing adjacent residential development from the subject property, even

though the uses are compatible (i.e. single-family adjacent to single-family). The stream valley provides a natural buffer adjacent to the Environmental area to the west. The restriction on driveway access points onto Frank Tippet Road will preserve the historic and scenic integrity of the roadway as it exists today.

10. **Land uses and facilities covered by the comprehensive design plan will be compatible with each other in relation to:**

- A. Amounts of building coverage and open space;**
- B. Building setbacks from streets and abutting land uses; and**
- C. Circulation access points;**

Comment: Building coverage is expressed as lot coverage. The CDP proposes 50 percent lot coverage in the development standards of the plan. This is a reasonable lot coverage considering that the lot sizes will generally be 8,000 square feet, as a minimum; however, for lots over 20,000 square feet, staff recommends a reduced lot coverage of 30 percent. The open space is well distributed throughout the development so that environmental features are protected and resulting land use patterns are internally compatible. Building setbacks are established as 20 feet from the front lot line, five feet from the side property line, and 15 feet from the rear property line. These setbacks are reasonable and should provide ample area for placement of the single-family detached units. Circulation and access points are reasonably provided for and have been reviewed by the Transportation Planning office.

11. **Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;**

Comment: The applicant provided a note on the plans that indicates that there is no phasing proposed for the project. It will be developed as one stage of development.

12. **The staging of development will not be an unreasonable burden on available public facilities.**

Comment: In a memorandum dated February 1, 2008, the Public Facilities Planning Section evaluates fire and rescue, police and school facilities in the vicinity of the subject site and concludes that the staging of the development will not pose an unreasonable burden on available public facilities, as follows:

The Historic Preservation and Public Facilities Planning Section has reviewed this comprehensive design plan in accordance with Section 27-520(a) (8) of the Zoning Ordinance as follows:

Fire and Rescue Facilities

The existing fire engine service at Upper Marlboro Fire Station, Company 45 located at 7710 Croom Road has a service travel time of 3.25 minutes, which is within the 3.25-minutes travel time guideline.

The existing paramedic service at Clinton Fire Station, Company 25 located at 9025 Woodyard Road has a service travel time of 5.68 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Upper Marlboro Fire Station, Company 45 located at 7710 Croom Road has a service travel time of 3.25 minute, which is within the 4.25-minute travel time guideline.

The above findings are in conformance with the 1990 *Adopted and Approved Public Safety Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

Police Facilities

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There are 267,660 square feet of space in all of the facilities used by the Prince George’s County Police Department and the latest population estimate is 825,520. Using the guideline of 141 square feet per 1,000 residents, 116,398 square feet of space for police is needed. The current amount of space, 267,660 square feet, is above the guideline. The proposed development is within the service area for Police District V, Clinton.

Public Schools

The 409 dwelling units proposed are projected to generate 97 elementary school students, 24 middle school students and 48 high school students.

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 on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); 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 Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 27-195(b)(1)(D), CB-30-2003, CB-31-2003 and CR-23-2003.

General Plan/Master Plan Recommendations

There are no master plan recommendations that would affect the property. However, the General Plan recognizes the subject property as a developing tier site.

Capital Improvement Program (CIP) FY

There are no CIP projects in the vicinity of the property.

Conclusion

In conclusion, public facilities are in place to support the proposed residential subdivision, in regard to adequate public facilities related to the Transportation discussion in Finding No. 16.

13. **The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this subtitle, and where townhouses are proposed in the plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d); and**

Comment: Staff has reviewed the subject project against the requirements of Section 27-274 (Design Guidelines) of the Zoning Ordinance and found the application complies. There are no townhouses in this project.

14. **The Plan is in conformance with an approved tree conservation plan.**

Comment: In a memorandum dated June 23, 2008, the Environmental Planning Section analyzed the plan and the submitted Type I Tree Conservation Plan, TCPI/110/90-01, and recommended approval, subject to conditions. If the tree conservation plan and comprehensive design plan are approved as recommended in said memorandum, then it may be said that the subject plan is in conformance with an approved tree conservation plan.

15. **The Woodland Conservation and Tree Preservation Ordinance:** 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 a forest stand delineation 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 forest stand delineation (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 *Approved 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 *Approved Countywide Green Infrastructure Plan*. Because these stands are relatively immature, have low diversity of trees and low diversity of understory 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 MD DNR 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 classify 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 *Approved 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 *Approved 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.

Recommended Condition: At time of final plat, conservation easements shall be described by bearings and distances. The conservation easements shall contain the expanded stream buffers, excluding those areas where variation requests have been approved during the review of the Preliminary Plan of Subdivision, and be reviewed by the Environmental Planning Section prior to certification of the plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

Recommended Condition: The Preliminary Plan of Subdivision and all subsequent plans shall 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.

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 that reflects the currently proposed use.

The worksheet on the revised plan proposes clearing 82.73 acres of the existing 135.90 acres of upland woodland, clearing 1.33 acres of the existing 47.03 acres of woodland in the 100-year floodplain and clearing of 2.63 acres of off-site woodland at an unknown location. The woodland conservation threshold for this property is 49.73 acres. Based upon the proposed clearing, the woodland conservation requirement is 74.37 acres. The plan proposes 49.63 acres of on-site preservation and 25.65 acres of on-site planting. The worksheet indicates that 3.54 acres of woodland will be retained on-site but not used as part of any requirement; however, staff has been able to locate only a fraction of that area on the plan.

The NRI indicates there are 143.91 acres of woodland in the upland, not 135.90 acres as stated on the TCPI. The NRI indicates 39.70 acres of woodland within the 100-year floodplain, not 47.03. This is especially problematic because the NRI is supposedly based on the 1989 100-year floodplain study and it is not clear what the floodplain delineation on the TCPI reflects (NRI total woodlands are 183.61 acres; TCPI total woodlands are 182.93)

The plans do not show where the proposed 2.63 acres of off-site clearing will occur. The worksheet indicates 49.63 acres of woodland to be preserved as part of the requirement; however, the plan illustrates 57.68 acres of on-site preservation. Small portions of the proposed woodland conservation areas are less than the 35-foot minimum width required by the Woodland Conservation and Tree Preservation Ordinance. A small area of proposed woodland conservation is inappropriately within an existing utility easement. Buildings exist in the expanded buffer that are not labeled as existing and their disposition is not provided. The TCPI must be revised to state whether or not the existing building will remain. If they are to be removed, this area must be reforested.

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. The FSD and site visits confirm that Forest Stand "D" is highly valuable woodland with excellent species diversity in all layers of the forest. This woodland is not only significant for the property because of its high diversity, but also from a countywide perspective. 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 understory 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.

The design of the 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.

Recommended Condition: Prior to certification of the CDP and prior to the Planning Board approval of a preliminary plan, the CDP's Type I TCP and the preliminary plan's TCPI shall reflect the following:

- a. Preserve Forest Stand "D" through the elimination of the proposed stream crossing that forms the extension of Dressage Drive; eliminate the lots that are adjacent to the northern property line and provide a 300-foot-wide buffer in this area as a land bridge to the portion of Forest Stand "D" that will be preserved between the two stream valleys; and preserve an area within 300 feet of the floodplain of Piscataway Creek.
- b. Confine the use of afforestation to those areas that are adjacent to the regulated areas.
- c. Ensure woodland conservation areas are at least 35 feet wide.
- d. Ensure that no woodland conservation areas are within existing or proposed utility easements.
- e. Provide the correct acreages for upland woodland and floodplain woodland in the worksheet and if necessary, revise the NRI.
- f. Add a symbol to the plan and the legend indicating woodland areas preserved but not part of any requirement.
- g. Label the existing buildings as existing and state the proposed disposition of the buildings. Provide reforestation where existing buildings are to be removed from or adjacent to regulated areas.
- h. Revise the worksheet as needed.
- i. Have the revised plan signed and dated by the qualified professional who prepared the plan.

Recommended Condition: The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/110/90-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George’s Planning Department.”

16. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Historic Preservation and Archeology—In a memo dated March 20, 2008 the staff of the Public Facilities Planning Section stated the following:

Historic Preservation—The subject property 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 19th 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 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.

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 four houses on the property, three 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 17th or 18th 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 No.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. Section 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.

The historic preservation and archeologist staff recommends that the Planning Board attach the following conditions to the approval of the subject comprehensive design plan application:

- a. Prior to certificate approval of the subject comprehensive design plan application:
 - (1) Phase I (Identification) archeological investigations, according to the Planning Board’s Guidelines for Archeological Review (May 2005), shall be conducted on the above-referenced property to determine if any cultural resources are present. The entire 343.35 acres shall be surveyed for archeological sites. The applicant shall submit a Phase I Research Plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.
 - (2) Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the first of either a preliminary plan of subdivision or a specific design plan, the applicant shall provide a plan for:
 - i) Evaluating the resource at the Phase II level, or
 - ii) Avoiding and preserving the resource in place.
- b. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.

- c. Prior to the approval of a specific design plan, the applicant shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and public outreach measures shall be subject to approval by the Historic Preservation Commission and M-NCPPC staff archeologist. The installation of the signage and the implementation of public outreach measures shall occur prior to the issuance of the first building permit for the development.
- d. Prior to the approval of a specific design plan for the portion of the developing property adjacent to the Joshua Turner House (Historic Site No.82A-017), the applicant shall consider the impact of proposed development in this area on the historic site by submitting plans that 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.

Community Planning—In a memorandum dated March 20, 2006, the Community Planning Division stated that the subject application is not inconsistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developing Tier and that it conforms to the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B)* recommendations for living areas in the Rosaryville community of this planning area.

Transportation—In a memorandum dated April 15, 2008 the Transportation Planning Section offered the following:

The approval of the Basic Plan by the District Council was predicated on nine conditions and 16 considerations, including the following pertaining to transportation:

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

TRAFFIC STUDY ANALYSIS

Staff is in receipt of a December 16, 2007 traffic study in support of the Comprehensive Design Plan phase 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	D/1384
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 12 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 & Dower House 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>	F/1700 <i>D/1303</i>	F/2375 <i>C/1367</i>
Frank Tippet & Rosaryville Road <i>With northbound double lefts</i>	E/1472 <i>B/1135</i>	B/1047 <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 Resolution No. 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.

As was the case for the background analyses, the study assumed full build-out up to the year 2011. Applying a growth rate of 1 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>	- <i>C/1180</i>	- <i>D/1444</i>
MD 223 & Rosaryville Road <i>With CIP Improvements</i>	F/1617 <i>C/1296</i>	F/2372 <i>C/1349</i>
Frank Tippet & Rosaryville Road <i>With northbound double lefts</i>	E/1586 <i>B/1198</i>	B/1012 <i>A/845</i>
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:

- a. Rosaryville Road & Gambier Drive
- b. 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.

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:

- a. Acceleration lanes must be provided on Frank Tippet Road at both proposed Site Access points.
- b. A left-turn-lane should be provided in the northbound direction of Frank Tippet Road at each of the proposed Site Access points.
- c. 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.
- d. 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.
- e. A 275' storage bay plus a 120' 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.
- f. A 475' left-turn bay plus a 120' taper should be provided on the northbound Frank Tippet Road approach at Rosaryville Road.
- g. 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

- a. The application is a CDP 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 the "Guidelines for the Analysis of the Traffic Impact of Development Proposals", as well as the Institute of Transportation Engineer's (ITE) Trip Generation Manual (7th edition).
- b. The traffic generated by the proposed developments would impact the following intersections and links:
 - MD 223 & Dower House 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

- c. None of the afore-mentioned intersections is programmed for improvement with 100% 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 & Dower House Road
 - MD 223 & Rosaryville Road
- d. The subject property is located within the Developing Tier as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards: **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.
- e. All of the intersections identified in letter b above, when analyzed with the total future traffic as developed using the guidelines and ITE's Manual, were found to be operating adequately except the following:
- Rosaryville Road & Frank Tippet Road
 - Rosaryville Road & Gambier Drive
 - Rosaryville Road & Williamsburg Drive
- f. In consideration of the findings in letter e above, this applicant will be required to provide the following improvements:
- At the intersection of Rosaryville Road & Gambier Drive**
- (1) 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**
- (2) 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**
- (3) Provide a 475-foot left turn bay plus a 120-foot taper on the northbound approach.
- g. The intersections identified in letter f above will operate acceptably as a result of the improvements proffered by the applicant. All of the remaining intersections identified in letter b above will operate adequately, provided all of the improvements in the traffic study are implemented. The intersections along MD 223 at Rosaryville Road and Dower House 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.

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

- (1) Mill Creek PGCPB Resolution No. 05-232, November 3, 2005
- (2) Brazelton PGCPB Resolution No. 06-119, May 18, 2006

TRANSPORTATION STAFF CONCLUSIONS

The Transportation Planning Section concludes that the staging of development will not be an unreasonable burden on available public facilities as required by Section 27-521 of the Prince George's County Code if the application is approved with the following conditions:

- a. At the time of preliminary plan, the applicant shall be conditioned to dedicate all rights-of-way for Frank Tippet Road as identified by the Planning Department.
- b. Prior to the issuance of any building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant, his heirs, successors or assigns:

(1) **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.

(2) **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

(3) **At the intersection of Rosaryville Road and Frank Tippet Road**

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

- (b) Provide a second receiving lane along westbound Rosaryville Road, the length and taper to be determined by DPW&T

- c. Prior to the issuance of building permits, the applicant and the applicant's heirs, successors and/or assignees, shall 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).

Trails—The *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 87A, 87B)* identifies three master plan trail issues that impact the subject site. Stream valley trails are proposed along both Piscataway Creek and Dower House Pond Branch. 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 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.

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.

Recommendations:

- a. Provide a standard sidewalk along the subject site's entire frontage of Frank Tippet Road, unless modified by DPW&T.
- b. The Adopted and Approved Subregion VI Master Plan recommends that Frank Tippet Road be designated as a Class III bikeway with appropriate signage. Because Frank Tippet Road is a County right-of-way, the applicant, and the applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide outside curb lanes or asphalt shoulders are recommended to accommodate bicycle traffic.
- c. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
- d. Dedicate land along Piscataway Creek to M-NCPPC, Department of Parks and Recreation, in conformance with DPR Exhibit "A" to accommodate the future provision of the master plan trail along Piscataway Creek. This trail will be provided through a future M-NCPPC capital improvement program project.
- e. Dedicate land along Dower House Pond Branch to the M-NCPPC, Department of Parks and Recreation, in conformance with DPR Exhibit "A" to accommodate the future provision of the master plan trail along Dower House Pond Branch. This trail will be provided through a future M-NCPPC capital improvement program project.
- f. Construct the East-West Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The "appropriate contractual and covenanted arrangement" required in Condition 8 of A-9738-C will include provision for the maintenance of the East-West Trail.
- g. Construct the Tributary Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The "appropriate contractual and covenanted arrangement" required in Condition 8 of A-9738-C will include provision for the maintenance of the Tributary Trail.

Parks—Staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced comprehensive design plan. The 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.

The project area consists of 342 acres of land zoned R-S (Residential Suburban) located on the west side of Frank Tippet Road, south of Rosaryville Road. 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):

- a. Permissible residential density is dependent upon providing public benefit features and related density increment factors and;
- b. The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan or public urban renewal plan
- c. 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.

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± 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.

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.

The Department of Parks and Recreation recommends to the Planning Board that approval of the above referenced plan be subject to the following conditions:

- a. At the time of final plat, the applicant shall dedicate 122⁺ acres to M-NCPPC as shown on the Department of Parks and Recreation (DPR) Exhibit "A."
- b. Land to be conveyed shall be subject to the following conditions:
 - (1) An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
 - (2) The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
 - (3) The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - (4) The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
 - (5) Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.

- (6) All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
 - (7) All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
 - (8) The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.
 - (9) No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.
- c. Tree conservation shall be allowed on dedicated parkland as approximately shown on DPR Exhibit "A." Prior to certificate approval of the TCP I, DPR shall review and approve the location and amount of tree-conservation on dedicated parkland.

Environmental Planning—The Environmental Planning Section has reviewed the revised Comprehensive Design Plan for the TLBU Property, CDP-0701, and the revised Type I Tree Conservation Plan, TCPI/110/90-01, stamped as received by the Environmental Planning Section on June 18, 2008. Many of the comments in the Environmental Planning Section memorandum dated February 14, 2008 have not been addressed. The Environmental Planning Section recommends approval of CDP-0701 and TCPI/110/90-01 subject to the conditions.

The Environmental Planning Section previously reviewed an application for rezoning from the R-R and R-A Zone to the R-S Zone, A-9738, which was approved by the District Council with conditions on May 14, 1990. A Comprehensive Design Plan, CDP-9007, and Type I Tree Conservation Plan, TCPI/110/90, were withdrawn before being heard by the Planning Board. Preliminary Plan 4-00064 and TCPI/110/90, for the proposed development of the property in accordance with CB-94-2000 with a private university, 250 room hotel and conference center and dormitories, were approved by PGCPB Resolution No. 01-79(A) and remain valid; however, plans associated with that approval have not been implemented. This CDP has a significantly different proposal for development than that shown on Preliminary Plan 4-00064. The current proposal is for residential development in conformance with the R-S Zone.

The 342.38-acre property in the R-S Zone is bounded by Piscataway Creek on the west, Frank Tippet Road on the east and Dower House Pond Branch on the south. There are streams, wetlands and 100-year floodplains on the property associated with Piscataway Creek in the Potomac River watershed. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator. 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 is significant on a portion of the property. According to the "Prince George's County Soil Survey" the principal soils on the site are in the Adelphi, Aura, Beltsville, Bibb, Chillum, Croom, Fallsington, Iuka, Marr, Matapeake, Ochlockonee, Sassafra, Shrewsbury and Westphalia series. 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 on this property. No designated scenic or historic roads are affected by this development. The site is in the Developing Tier according to the adopted General Plan.

MASTER PLAN CONFORMANCE

Staff recommends that conformance with the master plan can only be found if the recommended conditions contained in this memorandum are imposed. 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), which is now almost 14 years old. In the Approved Master Plan and Sectional Map Amendment, the Environmental Envelop Section contains goals, objectives, and guidelines. The following guidelines have been determined to be applicable to the current project.

- 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: 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 understory 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.

Implementation of the *Approved Countywide Green Infrastructure Plan* and the proposed conditions of approval will ensure compliance with this guideline. If the CDP is revised in conformance with the recommended conditions, it will show the preservation of parcels that will protect the stream valleys and tracts of contiguous woodland. This issue is discussed in more detail as part of the review of the TCPI in the Environmental Review section below.

- 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 CDP 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 proposed conditions are implemented, 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.

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

Comment: The CDP addresses the preservation of some of the natural assets of the site. 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. Recommendations for conditions to find conformance with the above master plan language are provided later in this memorandum.

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 this memorandum, 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. Later in this memorandum 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. The preliminary plan shows the area of afforestation as a possible additional subdivision of the property. The establishment of afforestation in this area is in conflict with the proposed uses.

- 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. The CDP 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 noted above, 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. A proposed condition is provided in the Environmental Review section below.

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.

Recommended Condition: The following note shall be placed on the preliminary plan and all future application plans: “All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over. Street lighting shall use full cut-off optics as approved by the Department of Public Works and Transportation.”

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

Comment: 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.

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

Summary of Master Plan Conformance: Although Chapter 6.5 of the CDP text describes in general terms compliance with the master plan, the text 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.

Environmental Review

- a. 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, 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 the proposed impacts will be reviewed with the Preliminary Plan of Subdivision.

Although variation requests will be reviewed and approved with the preliminary plan, the details shown on the TCPI allow a pre-review of proposed impacts. Approximately eleven impacts to expanded stream buffers are shown. 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. Two of the proposed impacts are for installation of the public roads that will serve the majority of the property. One impact is for an internal road to serve a cul-de-sac with a maximum of 25 lots which is located in Forest Stand D. As noted above, this area is a woodland of high priority for preservation. This impact does not serve the development as a whole 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. Not enough information has been provided to determine if the layout of the sanitary sewer system results in the fewest number of impacts to the stream systems. This will be further evaluated with the preliminary plan application.

Recommended Condition: Prior to certificate approval of the CDP and prior to the approval of the preliminary plan by the Planning Board, the CDP, the preliminary plan and their associated TCPI's shall be revised to remove the stream crossing at the north end of proposed Dressage Drive.

Recommended Condition: 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.

- b. 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.

Discussion: 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.

- c. 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).

Recommended Condition: Prior to the approval of building permits for the proposed residential structures, the applicant, and the applicant's heirs, successors and/or assignees shall place on the building permit a certification by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of the building shells will reduce interior noise levels to 45 dBA (Ldn) or less.

Recommended Condition: The following note shall be placed on the Final Plat of Subdivision:

“Properties within this subdivision have been identified as possibly having noise levels that exceed the state noise standards for residential uses (65 dBA Ldn) due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise level for residential uses.”

- d. 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 forebays 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.

Recommended Condition: The stormwater management ponds shown on the TCPI associated with the preliminary plan shall show the use of forebays for improved water quality and ease of long-term maintenance.

RECOMMENDATION

Based upon the preceding evaluation, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE Comprehensive Design Plan CDP-0701, and Type I Tree Conservation Plan TCPI/110/90-01 for the TLBU Property subject to the following conditions:

1. At the time of final plat, the applicant shall dedicate all rights-of-way for Frank Tippet Road as identified by the Planning Department.
2. Prior to the issuance of any building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant and the applicant's heirs, successors or assignees:
 - a. **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.
 - b. **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.
 - c. **At the intersection of Rosaryville Road and Frank Tippet Road**

Provide a 475-foot double left-turn bay plus a 120-foot taper on the northbound approach. Provide a second receiving lane along westbound Rosaryville Road, the length and taper to be determined by DPW&T.

3. Prior to the issuance of building permits, the applicant, applicant heirs, successors and/or assignees, shall 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).
4. At the time of final plat, the applicant shall dedicate 122± acres to M-NCPPC as shown on the Department of Parks and Recreation (DPR) Exhibit "A." Land to be conveyed shall be subject to the following conditions:
 - a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
 - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
5. The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.

6. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.
7. Tree conservation shall be allowed on dedicated parkland as approximately shown on DPR Exhibit "A." Prior to certificate approval of the TCP I, DPR shall review and approve the location and amount of tree-conservation on dedicated parkland.
8. Provide a standard sidewalk along the subject site's entire frontage of Frank Tippet Road, unless modified by DPW&T.
9. The applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of Class III bikeway signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide outside curb lanes or asphalt shoulders are recommended to accommodate bicycle traffic.
10. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
11. The applicant shall dedicate land along Piscataway Creek to the M-NCPPC in conformance with DPR Exhibit "A" to accommodate the future provision of the master plan trail along Piscataway Creek. This trail will be provided through a future M-NCPPC capital improvement program project.
12. The applicant shall dedicate land along Dower House Pond Branch to the M-NCPPC in conformance with DPR Exhibit "A" to accommodate the future provision of the master plan trail along Dower House Pond Branch. This trail will be provided through a future M-NCPPC capital improvement program project.
13. The applicant shall construct the East-West Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The "appropriate contractual and covenanted arrangement" required in Condition 8 of A-9738-C shall include provision for the maintenance of the East-West Trail.
14. The applicant shall construct the Tributary Trail required as part of Exhibit 44 of approved Basic Plan A-9738-C. The "appropriate contractual and covenanted arrangement" required in Condition 8 of A-9738-C shall include provision for the maintenance of the Tributary Trail.
15. Prior to certificate approval of the subject comprehensive design plan application:
 - a. Phase I (Identification) archeological investigations, according to the Planning Board's *Guidelines for Archeological Review* (May 2005), shall be conducted on the above-referenced property to determine if any cultural resources are present. The entire 343.35 acres shall be surveyed for archeological sites. The applicant shall submit a Phase I Research Plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.

b. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of the first of either a preliminary plan of subdivision or a specific design plan, the applicant shall provide a plan for:

- (1) Evaluating the resource at the Phase II level, or
- (2) Avoiding and preserving the resource in place.

If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.

16. Prior to the approval of a specific design plan, the applicant shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, or Phase III archeological investigations). The location and wording of the signage and public outreach measures shall be subject to approval by the Historic Preservation Commission and M-NCPPC staff archeologist. The installation of the signage and the implementation of public outreach measures shall occur prior to the issuance of the first building permit for the development.
17. Prior to the approval of a specific design plan for the portion of the developing property adjacent to the Joshua Turner House (Historic Site No. 82A-017), the applicant shall consider the impact of proposed development in this area on the historic site by submitting plans that 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.
18. At time of final plat, conservation easements shall be described by bearings and distances. The conservation easements shall contain the expanded stream buffers, excluding those areas where variation requests have been approved during the review of the Preliminary Plan of Subdivision, and be reviewed by the Environmental Planning Section prior to certification of the plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
19. The Preliminary Plan of Subdivision and all subsequent plans shall 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.
20. Prior to certificate approval of the CDP and prior to the approval of the preliminary plan by the Planning Board, the CDP, the preliminary plan and their associated TCPs shall be revised to remove the stream crossing at the north end of proposed Dressage Drive.

21. 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.
22. Prior to certification of the CDP and prior to the Planning Board approval of a preliminary plan, the CDP's Type I TCP and the preliminary plan's TCPI shall reflect the following:
 - a. Preserve Forest Stand "D" through the elimination of the proposed stream crossing that forms the extension of Dressage Drive; eliminate the lots that are adjacent to the northern property line and provide a 300-foot-wide buffer in this area as a land bridge to the portion of Forest Stand "D" that will be preserved between the two stream valleys; and preserve an area within 300 feet of the floodplain of Piscataway Creek.
 - b. Confine the use of afforestation to those areas that are adjacent to the regulated areas.
 - c. Ensure woodland conservation areas are at least 35 feet wide.
 - d. Ensure that no woodland conservation areas are within existing or proposed utility easements.
 - e. Provide the correct acreages for upland woodland and floodplain woodland in the worksheet and if necessary, revise the NRI.
 - f. Add a symbol to the plan and the legend indicating woodland areas preserved but not part of any requirement.
 - g. Label the existing buildings as existing and state the proposed disposition of the buildings. Provide reforestation where existing buildings are to be removed from or adjacent to regulated areas.
 - h. Revise the worksheet as needed.
 - i. Have the revised plan signed and dated by the qualified professional who prepared the plan.
23. The following note shall be placed on the Final Plat of Subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/110/90-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George's Planning Department."
24. Prior to the approval of building permits for the proposed residential structures, the applicant, applicant's heirs successors and/or assignees shall place on the building permit a certification by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of the building shells will reduce interior noise levels to 45 dBA (Ldn) or less.

25. The following note shall be placed on the Final Plat of Subdivision:
- “Properties within this subdivision have been identified as possibly having noise levels that exceed the state noise standards for residential uses (65 dBA Ldn) due to military aircraft overflights. This level of noise is above the Maryland-designated acceptable noise level for residential uses.”
26. The stormwater management ponds shown on the TCPI associated with the preliminary plan shall show the use of forebays for improved water quality and ease of long-term maintenance.
27. Prior to signature approval of the CDP, the following information shall be provide and/or changes made to the plans:
- a. The plans shall provide for a minimum 2.0-acre buildable area for the provision of a day care center located at the entrance to the subject property, in the vicinity of Lots 50–53, as shown on the illustrative plan, with frontage on Frank Tippet Road. The area shall be labeled on the plan as a future day care center.
 - b. The plan shall be revised to remove the 31 acres shown on the CDP as a “future residential subdivision” from the gross tract area for purposes of density calculation, unless it is intended that the acreage be dedicated to a future homeowners association. The label “future residential subdivision” shall be removed from the plans and the area shall be clearly indicated for equestrian use.
 - c. The plans shall be revised to clearly indicate the minimum 10,000-square-foot lot area adjacent to Williamsburg Estates, Piscataway Creek and Dower House Pond Road.
 - d. The 100-foot buffer along Frank Tippet Road shall be extended along the entire frontage of the roadway.
 - e. The plans shall be revised to indicate the East-West Trail and the Tributary Trail as described in Exhibit 44 of Approved Basic Plan A-9738-C.
28. Prior to approval of a Specific Design Plan, the following shall be demonstrated:
- a. That portion of the property adjacent to Frank Tippet Road shall be supplemented with plant materials or other screening.
 - b. No driveways shall have direct access to Frank Tippet Road. All access shall be from the internal roadway system.
 - c. Design of the equestrian trails shall be in accordance with the Parks and Recreation Facilities Guidelines and shall preserve mature trees to the extent possible.
 - d. The width of building lots adjacent to Frank Tippet Road shall be 70 feet at the street line.
 - e. Those lots adjacent to the Williamsburg Estates subdivision, Piscataway Creek and Dower House Pond Branch shall be a minimum of 10,000 square feet.

29. All structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable County laws.
30. Prior to final plat, the applicant shall provide evidence of a contractual or covenanted arrangement, recorded among the land records of Prince George's County, for cooperative use of the 31 acres and the required trails, as shown on the comprehensive design plan for equestrian use for as long as the Merrymount Equestrian Center continues its operations.