



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

# Comprehensive Design Plan

**CDP-0701**

Application	General Data
<b>Project Name:</b> TLBU (previously known as Transnational Law Business University) Property  <b>Location:</b> Located on the west side of Frank Tippet Road, approximately 1,000 feet south of its intersection with Rosaryville Road.  <b>Applicant/Address:</b> TLBU Foundation, Inc. 5984 Gales Lane Columbia, MD 21045	Date Accepted: 1/08/08
	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: 09
	Municipality: N/A
	200-Scale Base Map: 212SE09

Purpose of Application	Notice Dates
<b>REQUEST FOR RECONSIDERATION:</b> The Comprehensive Design Plan was APPROVED by the Planning Board on September 4, 2008 (PGCPB 08-111). Daniel F. Lynch of Knight, Manzi, Nussbaum & LaPlaca, P.A., by letter dated September 23, 2008, requests a Reconsideration of Condition 4. Applicant requests approval of request for reconsideration.	Adjoining Property Owners Previous Parties of Record Registered Associations: 10/20/08

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

# KNIGHT, MANZI, NUSSBAUM & LAPLACA, P.A.

Attorneys at Law  
14440 Old Mill Road, Upper Marlboro, Maryland 20772

September 23, 2008

The Honorable Samuel J. Parker, Jr.  
Chairman  
Prince George's County Planning Board  
Maryland-National Capital Park  
and Planning Commission  
Upper Marlboro, Maryland 20772

**Re. Comprehensive Design Plan – CDP-0701  
TLBU (previously known as Transnational  
Law and Business University)**

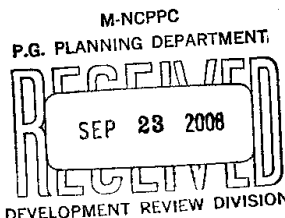
Dear Chairman Parker:

On behalf of the TLBU Foundation, Inc. (the "Applicant"), I am writing to request that this Board reconsider its decision in CDP-0701 in accordance with Section 10 of the Rules of Procedure of the Prince George's County Planning Board. In support of this request, the applicant offers the following:

1. On September 4, 2008, the Planning Board approved the Comprehensive Design Plan for TLBU –CDP-0701. This approval was subject to 30 conditions. Condition 4 states:

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.



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District of Columbia

- 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.

2. During the Planning Board's hearing on this Comprehensive Design Plan, the Applicant and Staff presented evidence demonstrating that numerous meetings and discussions were held with the Department of Parks and Recreation, as well as members of the surrounding community, regarding the dedication of parkland on the Subject Property. There were three goals that the parties to these discussions were attempting to accomplish: 1) Preserve the stream valleys; 2) Create trail connections; and 3) Create an active recreational park on the Subject Property in conformance with Master Plan recommendation. The Applicant, the Department of Parks and the Community reached an understanding regarding these issues that is reflected in Condition 4 of the Planning Board's approval.

3. Subsequent to the Planning Board's hearing on CDP-0701, the Board considered the Preliminary Plan for the Subject Property (4-07005). Although the Board denied this Preliminary Plan, in its deliberation it noted that the Applicant failed to balance the request of the Department of Parks and the Community with the concerns raised by the Environmental Planning Section regarding the preservation of on-site woodlands and the protection of streams. Interestingly, the Board noted that had more time been available, a suitable accommodation could have been reached on these issues.

4 The Applicant is carefully redesigning the Preliminary Plan for the Subject Property in order to reach a suitable accommodation. The Applicant believes that this design will address the concerns raised by the Planning Board in its deliberation. The Applicant is attempting to develop a layout for the Preliminary Plan that not only addresses the request made by the Department of Parks and

Recreation and the community, but also the concerns raised by the Environmental Planning Section regarding the preservation of woodlands and the protection of streams. However, Condition 4 requires the Applicant to dedicate a specific number of acres in a specific location to the Maryland-National Capital Park and Planning Commission. Therefore, this condition will inhibit the Applicant's ability to develop a workable solution to the concerns raised by the Planning Board during the hearing on the Preliminary Plan. The Applicant believes that a minor revision to this condition would allow for some flexibility which will enable the Applicant to develop the Preliminary Plan to accommodate Parks, Environmental Planning, the Community, and the Planning Board.

5. The Subject Property is located in the R-S Zone, a Comprehensive Design Zone. All development in a Comprehensive Design Zone requires the approval of a Basic Plan, Comprehensive Design Plan, Preliminary Plan of Subdivision, and Specific Design Plan. All of the plans and approvals must conform with one another. Therefore, the Planning Board must find conformance of a Preliminary Plan of Subdivision with the Comprehensive Design Plan. In light of this, the Applicant believes that it is necessary to amend Condition 4 so as to allow it to develop a workable solution to the concerns raised by the Environmental Planning Section. The Applicant believes that this will require some flexibility as to the amount and location of property being dedicated to Parks.

6. Section 10(e) of the Rules of Procedure of the Prince George's County Planning Board states that reconsideration may only be granted if the Board finds that an error in reaching the original decision was caused by fraud, surprise, mistake, inadvertence or other good cause. In this case, the Applicant reached a resolution concerning the amount and location of the property to be dedicated to the Department of Parks and Recreation. However, as of the date of the hearing, the Applicant did not fully contemplate the full impact of Condition 4. As indicated above, this condition places a significant restraint on the Applicant's ability to address the comments from the Environmental Planning Staff, and in turn, restrains the applicant from developing a revised layout for the Preliminary Plan. In light of this, the Applicant inadvertently agreed to accept Condition 4. The Applicant suggests that Condition 4 be amended as follows:

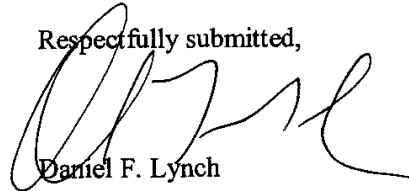
Prior to the approval of the a Preliminary Plan of Subdivision, the Applicant shall obtain the approval from the Department of Parks and Recreation on the location and amount of land to be conveyed to M-NCPPC, to include stream valley parks and a community park.

The Applicant believes that this language allows the Planning Board to find conformance of the Comprehensive Design Plan to the Basic Plan and also allows the applicant the flexibility to resolve the conflict between the environmental concerns on the property and the recreation needs of the community.

The Honorable Samuel J. Parker, Jr.  
September 23, 2008  
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In light of the above, the Applicant respectfully requests that this Board reconsider its decision on CDP-0701 and amend Condition 4 in accordance with this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Lynch", written over the typed name.

Daniel F. Lynch

cc. All parties of record  
Thomas Milbourne  
Mark Furguson  
Susan Lareuse