



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 13-77

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File No. SDP-9907/01

## RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on June 27, 2013, regarding Specific Design Plan SDP-9907/01 for Beech Tree, East Village, Infrastructure, Transportation Staging Plan Revision, the Planning Board finds:

1. **Request:** This approval revises the approved transportation improvement staging plan that was approved previously in conjunction with SDP-9907.

2. **Development Data Summary:**

|                        | Existing Approvals         | Approved    |
|------------------------|----------------------------|-------------|
| Zones                  | R-S                        | R-S         |
| Uses                   | Residential                | Residential |
| Acreage in Beech Tree  | 1,212.06                   | 1,212.06    |
| Acreage in subject SDP | 68.39                      | 68.39       |
| Lots                   | 130 single-family detached | 0           |

3. **Location:** The Beech Tree project site is located on the west side of Robert Crain Highway (US 301), south of Leeland Road, in Planning Area 79 and Council District 6. The area covered by Specific Design Plan SDP-9907 is located in the northeastern portion of the Beech Tree development.
4. **Surrounding Uses:** The Beech Tree project, as a whole, is bounded to the north by residential and agricultural land use in the Residential-Agricultural (R-A) Zone and Leeland Road; to the east by residential land use in the R-A Zone and Robert Crain Highway (US 301); to the west by residential and agricultural land use in the Residential-Estate (R-E) and Residential Urban Development (R-U) Zones; and to the south by residential land use in the R-A Zone. The subject site is bounded to the north by the Local Activity Center (L-A-C) zoned portion of the development; to the west and south by other residential portions of the Beech Tree development; and to the east by open space/sensitive environmental features within the Beech Tree development with US 301 beyond.
5. **Previous Approvals:** The subject site is part of a larger project with a gross residential acreage of 1,200±. The site is known as Beech Tree, which was rezoned from the R-A Zone to the R-S Zone (2.7-3.5) through Zoning Map Amendment (Basic Plan) A-9763-C for 1,765 to 2,869 dwelling units. Basic Plan A-9763-C was approved by the Prince George's County Council, sitting as

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the District Council, on October 9, 1989 (Zoning Ordinance No. 61-1989) subject to 17 conditions and 14 considerations. On July 14, 1998, Comprehensive Design Plan CDP-9706 for the entire Beech Tree development was approved by the District Council, subject to 49 conditions. Following the approval of CDP-9706, three preliminary plans of subdivision have been approved: 4-98063 for a golf course (PGCPB Resolution No. 98-311); 4-99026 for 458 lots and 240 apartments (PGCPB Resolution No. 99-154); and 4-00010 for 1,653 lots and 46 parcels (PGCPB Resolution No. 00-127). The site is also subject to the requirements of the approval of SDP-9907, approved by the District Council on October 30, 2000 subject to conditions.

Two SDPs for the entire site have also been approved for the Beech Tree development. Specific Design Plan SDP-9905, which was approved by the District Council on October 22, 2000, is a special purpose SDP for community character. Specific Design Plan SDP-0001, which was approved by the District Council on October 30, 2000, is an umbrella architecture approval for the Beech Tree development and has been revised several times. To date, 23 SDPs have been approved for the Beech Tree development including 18 for single-family attached and detached lots, one for the golf course, one for the golf clubhouse, and one for the installation of a sewer line. All of the SDPs have been reviewed and approved by the District Council as required by a previous condition of approval, and several SDPs have subsequently been revised. In addition, various types of tree conservation plans have been approved for the above-mentioned preliminary plans of subdivision and SDPs. The subject approval has an approved Stormwater Management Concept Plan, 35714-2005-00, dated November 29, 2011 and valid until November 29, 2014.

6. **Design Features:** The SDP is located in the northwestern portion of the Beech Tree development and is comprised of 130 single-family detached units. The subject approval, however, solely revises the transportation staging plan contained therein and does not revise the layout or any other requirements of the SDP-9907 approval. More specifically, the subject approval revises the portion of the staging plan contained in Finding 24 of PGCPB Resolution No. 00-111 regarding Phase IV of residential development, which required that the following improvements be made prior to issuance of the 1,001st building permit for any residential unit of the development:

- a. **Widen southbound US 301 to provide three exclusive thru lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.**
- b. **Widen northbound US 301 to provide three exclusive thru lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.**
- c. **Widen Leeland Road to provide two exclusive left turn lanes and one free-flowing right turn lane.**

The subject approval revises the above as follows (with new text to be inserted underlined):

Prior to issuance of the 1,001st building permit for any residential unit of the development, the applicant shall provide the State Highway Administration a complete set of approved design plans and the necessary bonds and fees for construction of the Phase

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IV improvements. Prior to issuance of the 1,101st building permit, construction of the Phase IV improvements must be initiated. Construction of the following improvements shall be completed by the applicant prior to issuance of the 1,251st building permit:

- a. Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.
- b. Widen northbound US 301 to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.
- c. Widen Leeland Road to provide two exclusive left-turn lanes and one free-flowing right-turn lane.

In essence, rather than having the specified improvements in place prior to issuance of the 1,001st building permit, the improvements are hereby required to be bonded prior to that threshold. Prior to issuance of the 1,101st building permit, construction of the same is hereby required to be started and, prior to issuance of the 1,251st building permit, construction is hereby required to be finished. This shall have the effect of allowing the applicant to build 250 more units before completion of the improvements than was originally contemplated when SDP-9907 was originally approved. See Finding 18 for a discussion of other transportation-related and the State Highway Administration's (SHA) rationale and findings leading to the subject conditional approval.

7. **Zoning Map Amendment (Basic Plan) A-9763-C:** On October 9, 1989, the District Council approved Zoning Map Amendment (Basic Plan) A-9763-C, subject to 17 conditions and 14 considerations. The subject approval does not affect previous findings of conformance to the requirements of this approval. Of the considerations and conditions attached to the approval of A-9763-C, the following condition is directly applicable to the subject approval. The requirement is included in **boldface** type below.

**16. The District Council shall review all Specific Design Plans for Beech Tree.**

The case will be transmitted to the District Council for mandatory review after the adoption of the subject resolution.

8. **Comprehensive Design Plan CDP-9706:** Comprehensive Design Plan CDP-9706 was approved with 49 conditions. The subject approval does not affect previous findings of conformance to the requirements of this approval. Of the conditions attached to the approval of CDP-9706, the following are directly applicable to the approval of this SDP revision. The requirements are included in **boldface** type below, followed by comment.
6. **Every Specific Design Plan for Beech Tree shall include on the cover sheet a clearly legible overall plan of the Beech Tree project on which are shown in their correct relation to one another all phase or section numbers, all approved or submitted**

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**Specific Design Plan numbers, and all approved or submitted Tree Conservation Plan numbers for Beech Tree.**

The required legible overall plan of the Beech Tree project, including all phase or section numbers and SDP numbers, is included on the coversheet of the subject SDP. Parallel information is included on the accompanying Type II tree conservation plan (TCPII).

7. **Every Specific Design Plan for Beech Tree shall adhere to Stormwater Management Plan #958009110 or any subsequent revisions. The applicant shall obtain separate Technical Stormwater Plan approvals from DER for each successive stage of development in accordance with the requirements set forth in Concept Plan #958009110 prior to certificate approval of any SDP.**

The subject SDP revision is in conformance with approved Stormwater Management Concept Plan 35714-2005-00, approved on November 29, 2011 and valid until November 29, 2014.

17. **The District Council shall review all Specific Design Plans for Beech Tree.**

The case will be transmitted to the District Council for mandatory review after the adoption of the subject approving resolution.

9. **Preliminary Plans of Subdivision 4-99026 and 4-00010:** Preliminary Plan of Subdivision 4-99026, which covers the subject site, was approved by the Planning Board on October 14, 1999 (PGCPB Resolution No. 99-154) subject to conditions. Preliminary Plan of Subdivision 4-00010 was approved with conditions by the Planning Board on July 6, 2000 (PGCPB Resolution No. 00-127). The relevant conditions of each approval are included in **boldface** type below, followed by comment:

**Preliminary Plan of Subdivision 4-99026**

17. **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, heirs, successors or assigns:**

- a. **Leeland Road**

- (1) **Widen the one-lane bridge approximately 3,500 feet west of US 301 to 22 feet of paving in accordance with DPW&T standards.**

- b. **Leeland Road/US 301 Intersection**

**Construct a fourth southbound through lane along US 301 at Leeland Road to SHA standards.**

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**c. MD 193/Oak Grove Road Relocated Intersection**

- (1) The applicant shall provide a half section of realigned MD 193 from the northern end of the proposed half section within Perrywood to connect to the existing MD 193 north of the realigned Oak Grove Road**
- (2) The extension of the realigned Oak Grove from the end of Perrywood's construction, to the realigned MD 193. The realignment of MD 193 and Oak Grove Road shall provide a thru- and a right-turn lane at the northbound approach, a thru- and a left-turn lane at the southbound approach and a separate left- and right-turn lane on the westbound approach.**
- (3) Provide for the installation of a traffic signal.**

**d. US 301/Swanson Road Intersection**

- (1) The applicant shall re-configure this intersection to the requirements of SHA to prevent left turns from westbound Swanson Road. This reconfiguration shall occur at such time in the future when the volume at the intersection warrants the need for signalization.**
- (2) Construct a fourth southbound through lane along US 301 at Swanson Road to SHA standards.**

- 18. Prior to approval of the first Specific Design Plan pursuant to this preliminary plat, the applicant shall prepare a report which will identify the number of units and access locations of each phase of development to occur pursuant to this preliminary plat, identify the transportation improvements to be constructed with each phase, and develop a financing plan and construction schedule for the improvements associated with each phase. This report shall be submitted with the first SDP application submitted pursuant to this preliminary plat and reviewed by DPW&T, SHA and Transportation Planning staff, who shall then report to the Planning Board on the status of the staging of transportation improvements with each phase of development. The report shall be revised and resubmitted by the applicant with any subsequent SDP application where the sequencing of the improvements or development phases is changed from that in the initial report.**

Preliminary Plan 4-99026 established the need for a phasing plan to be established for the subdivision prior to approval of the first SDP. SDP-9907 established a phasing plan to implement the roadway improvements tied to the number of building permits approved, and the applicant requested in the subject approval to increase the number of permits by 250 before the required

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improvements are to be completed. Conformance to Conditions 17 and 18 has been reviewed by the Planning Board. The improvements required by Condition 17 had already been provided by the applicant.

Pursuant to Condition 18 of PGCPB Resolution No. 99-154, the applicant has provided to the Planning Board a number of documents designed to demonstrate the impact of the hereby approved revisions. Among the documents presented by the applicant was a March 2013 analysis of the intersection of US 301 at Leeland Road. This analysis was based on a traffic count taken in September 2012, along with several development scenarios. The table below shows the results of those scenarios:

| <b>2012 Traffic Analysis at Leeland Road @ US 301</b>                                                                         |                         |                         |
|-------------------------------------------------------------------------------------------------------------------------------|-------------------------|-------------------------|
| <b>Development Scenarios</b>                                                                                                  | <b>AM<br/>(LOS/CLV)</b> | <b>PM<br/>(LOS/CLV)</b> |
| 2012 Existing Traffic with 850 built Beech Tree units                                                                         | C/1250                  | C/1204                  |
| 2012 Existing Traffic with 1,250 Beech Tree units<br>(400 proposed additional units without Phase IV improvement)             | D/1317                  | C/1256                  |
| 2012 Existing Traffic with 1,250 built Beech Tree units<br>(including 100% CSC, 50% Locust Hill and 50% Willow Brook)         | D/1385                  | <b>F/1653</b>           |
| 2012 Existing Traffic with 1,250 built Beech Tree units<br>(Including 100% CSC, Locust Hill and Willow Brook & Phase IV imp.) | <b>E/1467</b>           | <b>E/1476</b>           |

The results showed that, even with an additional 400 dwelling units (for a total of 1,250), the intersection would operate acceptably with a LOS/CLV of D/1317 in the AM peak and C/1256 in the PM peak. It is worth noting that this analysis was done without the Phase IV improvements and without any background development included. It is a requirement of the "Transportation Review Guidelines, Part 1" to include background developments when any analyses are being done for the purpose of making an adequacy finding. However, having already made an adequacy finding at the preliminary plan phases of this development, this exercise is to determine the levels-of-service at various stages of the proposed development along with a commensurate amount of transportation improvements.

The Planning Board is in receipt of a letter from SHA dated May 17, 2013. In this letter, SHA proposed a different set of transportation conditions than was originally being proffered by the applicant. Specifically, SHA offered the following changes:

- a. Prior to issuance of the 1,001st building permit for any residential unit of the development, the developer will provide SHA a complete set of approved design plans and the necessary bonds and fees for the following improvements:

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- (1) Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.
  - (2) Widen northbound US 301 to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.
  - (3) Widen Leeland Road to provide two exclusive left-turn lanes and one free-flowing right-turn lane.
- b. Prior to issuance of the 1,101st building permit for any residential unit of the development, the developer must initiate the improvements identified above.
- c. Prior to issuance of the 1,251st building permit for any residential unit of the development, the improvements above must be completed.

SHA further recommended that additional analyses will be required to evaluate changes to Phase V.

In reviewing SHA's recommendations, they represented a compromise. The Planning Board concurs with the threshold that is proposed by SHA. While the projected levels-of-service at 1,250 units will be D and C, and were achieved without the inclusion of background developments, it seems unlikely that the background developments (even partially) will be developed before the construction of 250 dwelling units within the Beech Tree development. Consequently, it is the opinion of the Planning Board that a change in the wording of the conditions for Phase IV is justified. Like SHA, the Planning Board concurs that any change to the original Phase V development threshold (and beyond) would require a new evaluation of the original 2000 Beech Tree Staging Report, pursuant to Condition 18 of Resolution No. 99-154.

#### **Preliminary Plan of Subdivision 4-00010**

Preliminary Plan of Subdivision 4-00010 was approved by the Planning Board on July 6, 2000. Prince George's County Planning Board Resolution No. 00-127 was subsequently adopted by the Planning Board on July 27, 2000, formalizing that approval. The following relevant conditions of that approval are included in **boldface** type below:

- 14. The applicant shall provide improvements to US 301 and Leeland Road as provided in the Recommended Staging Plan adopted as Finding 24 in the Approval of SDP-9907 on June 8, 2000. This Staging Plan provides for the applicant's participation in the construction of improvements to US 301 which will equal or exceed the pro-rata participation cost previously identified (\$1,194,805.00) in the approvals of CDP-9706 and Preliminary Plat 4-99026.**

Condition 14 reiterates the staging plan contained in SDP-9907, and conformance to Condition 14 has been reviewed and determined by the Planning Board. The Planning Board's interpretation of

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the applicability of the preliminary plan requirements to the subject application is contained in Finding 18(b).

- 19. Prior to the issuance of the 1,993rd building permit for any residential unit of development, 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, heirs, successors or assigns:**

**a. Leeland Road/US 301 Intersection**

**Construct a fourth southbound through lane along US 301 at Leeland Road to SHA standards.**

**b. US 301/Swanson Road Intersection**

**Construct a fourth southbound through lane along US 301 at Swanson Road to SHA standards.**

Condition 19 appears to include a sixth phase of roadway improvements for the Beech Tree subdivision. Conformance to Condition 19 has been reviewed and determined by the Planning Board. The proposed revision to the staging plan is not in conflict with this condition. The Planning Board's interpretation of the applicability of the preliminary plan requirements to the subject application is contained in Finding 18(b).

- 10. Specific Design Plan SDP-9907 for Infrastructure:** Specific Design Plan SDP-9907 is an infrastructure plan for the East Village consisting of 130 single-family detached residential lots. However, SDP-9907 included, for the first time, a staging plan and the accompanying transportation improvements needed for the various development stages of Beech Tree. The Planning Board approved SDP-9907 on June 8, 2000 subject to 14 conditions, of which only the staging and transportation improvement-related finding and/or condition is applicable to the subject approval:

- 11. If in the future, the sequencing of the subsequent development phases or associated transportation improvements is proposed to be modified, the Recommended Staging Plan shall be revised and resubmitted by the applicant prior to approval of the SDP for which such a change is requested.**

**Otherwise, with each subsequent SDP, the applicant shall provide evidence, in the form of a letter to the Planning Department, of (1) the aggregate number of building permit issuances for residential units, (2) the Phase within which the number of units for the proposed SDP would fall, and (3) the status of the associated transportation improvements. This letter shall be compared to the Staging Plan for transportation**

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**improvements in effect at that time in order to evaluate the adequacy of transportation facilities for report to the Planning Board.**

The subject approval falls within the requirements of the first paragraph of this condition as it modifies the transportation improvements associated with the development phases as specified in the staging plan contained in the approval of SDP-9907. Therefore, the letter normally required and provided from the applicant pursuant to the second paragraph of this condition stating the aggregate number of building permits for units, the phase within which the number of units for a proposed SDP would fall, and the status of the associated transportation improvements, is not required to be submitted prior to the subject approval. All other findings and conditions of the approval of SDP-9907 remain in full force and effect.

11. **Specific Design Plan SDP-0410:** Specific Design Plan SDP-0410 was approved by the Planning Board on July 7, 1005. The Planning Board subsequently adopted PGCPB Resolution No. 05-157 formalizing that approval on July 28, 2005. The District Council subsequently heard the case in oral argument and approved it on November 28, 2005. Each condition of that approval relevant to the subject application is included in **boldface** type below:

6. **Prior to issuance of the 132nd building permit for any residential unit of the development, the following improvements shall be completed by the applicant:**
  - a. **Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Trade Zone Avenue to 2,000 feet south of Trade Zone Avenue.**
  - b. **Construct internal site connection from Beech Tree Parkway to Leeland Road.**
  - c. **Modify the existing median opening to preclude left turns from eastbound Swanson Road to northbound US 301.**

In the District Council's review of the case, they affirmed the Planning Board's approval with some modification to Condition 6. In its final decision, the Council increased the threshold for which certain building permits would be completed from 132 residential building permits to 350, causing the condition to read as follows:

6. **Prior to issuance of the 350th building permit for any residential unit of the development, the following improvements shall be completed by the applicant:**
  - a. **Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Trade Zone Avenue to 2,000 feet south of Trade Zone Avenue.**

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- b. **Construct internal site connection from Beech Tree Parkway to Leeland Road.**
- c. **Modify the existing median opening to preclude left turns from eastbound Swanson Road to northbound US 301.**

These improvements have been built.

- 12. **Umbrella Specific Design Plan SDP-0001 for Architecture:** Specific Design Plan SDP-0001 is an umbrella SDP for single-family detached architecture for the entire Beech Tree development. This SDP was approved by the Planning Board on June 8, 2000, subject to three conditions. It was approved with 16 architectural models for the proposed single-family detached units in the East Village, but the approved models can be used in any other portion of the Beech Tree development. Since the approval of SDP-0001, several revisions have been approved. The subject revision of SDP-9907 does not affect the previously approved findings and conditions of SDP-0001.
- 13. **Special Purpose Specific Design Plan SDP-9905 for Community Character:** Specific Design Plan SDP-9905 is a special purpose SDP pursuant to Condition 12 of CDP-9706 that was devoted to elements of streetscape including, but not limited to, street trees, entry monuments, signage, special paving at important facilities and intersections, and design intentions in the neotraditional area of the East Village. The subject revision of SDP-9907 does not affect the previously approved findings and conditions of SDP-9905 for community character.
- 14. **Prince George's County Zoning Ordinance:** The proposed revisions to SDP-9907 will have no effect on previous findings of conformance with the applicable requirements of the Prince George's County Zoning Ordinance.

Section 27-528 requires the following findings for approval of a SDP:

- (a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**
  - (1) **The plan conforms to the approved Comprehensive Design Plan and the applicable standards of the Landscape Manual.**

As stated in Findings 8 and 15, the subject SDP revision approval will continue to conform to the approved comprehensive design plan and the applicable standards of the 2010 *Prince George's County Landscape Manual*.
  - (2) **The development will be adequately served within a reasonable period of time with existing or programmed facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.**

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The subject development will be adequately served within a reasonable period of time as the subject application is approved with a condition for Phase IV supported by SHA.

As for other public facilities such as fire engine, ambulance, paramedic, and police services, the subject revisions to SDP-9907 will not affect previous findings that the development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Prince George's County Capital Improvement Program (CIP) or provided as part of the private development, as it involves changes to the transportation staging plan and not the addition of any residential units or commercial or industrial square footage.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.**

An approved Stormwater Management Concept Plan, 35714-2005-00, dated November 29, 2011 and valid until November 29, 2014 submitted to the Planning Board enables the finding that adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or other properties.

- (4) The Plan is in conformance with an approved Tree Conservation Plan.**

The subject SDP revision does not alter the site layout nor impact tree conservation previously required pursuant to the Woodland Conservation and Tree Preservation Ordinance (WCO). It will not affect previous findings of conformance to the requirements of the WCO made for the subject project.

- (5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b) (5).**

As the subject project is grandfathered from the requirements of Subtitle 24 of the Prince George's County Code, this required finding need not be made.

15. **Prince George's County Landscape Manual:** The subject project amending the requirements of the staging plan for transportation improvements will not affect previous findings of conformance to the requirements of the 2010 *Prince George's County Landscape Manual*.

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16. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The application is not subject to the Woodland and Wildlife Habitat Conservation Ordinance, Subtitle 25, Division 2, which became effective September 1, 2010, because there are previously approved Type I and Type II tree conservation plans for the site.
17. **Prince George's County Tree Canopy Coverage Ordinance:** The subject project does not affect previous findings of conformance to the requirements of the Prince George's County Tree Canopy Coverage Ordinance.
18. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. **Community Planning**—The application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developing Tier, conforms to the 2009 *Approved Subregion 6 Master Plan and Sectional Map Amendment*, and that the subject approval to amend the timing of certain improvements previously approved has no master plan or sectional map amendment implications.
  - b. **Transportation Planning**—The Planning Board received, reviewed and hereby approves an SDP revision application for an amendment to the approved Beech Tree Staging Report. Specifically, the approval grants permission to change the development threshold (and the associated language) for Phases IV of the proposed development.

#### **Background**

On Thursday June 8, 2000, the Planning Board approved SDP-9907 (PGCPB Resolution No. 00-111). As part of the application for SDP-9907, the applicant submitted a staging plan which identified the transportation improvements needed for the various development stages of the Beech Tree subdivision. In reviewing the proposed staging and the associated road improvements, and after further consultation with the applicant, SHA, and DPW&T, the Planning Board concurs with the proposed staging report modification to Phase IV only:

#### **Phase I: The golf course**

1. **Prior to the issuance of the first building permit for the golf course clubhouse, the developer shall have begun construction of the improvements listed below:**
  - a. **Lengthen the northbound US 301 left turn lane at Swanson Road as required by the SHA. [*This improvement has been met*]**

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- b. **Construct a 500-foot-long southbound deceleration lane (include taper) along US 301 at Swanson Road as may be required by the SHIA.** *[This improvement has been completed]*
- c. **Construct a 500-foot-long southbound acceleration lane (including taper) along US 301 from Swanson Road as may be required by the SHA.** *[This improvement has been completed]*

**Phase II: residential development**

- 2. **Prior to the issuance of any residential 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, heirs, successors or assigns:**

- a. **Leeland Road**

**Widen the one-lane bridge approximately 3,500 feet west of US 301 to 22 feet of paving in accordance with DPW&T standards.** *[This improvement has not yet begun; however, it has been bonded as per DPW&T]*

**Phase III: residential development - building permits # 132 - 1,000**

- 3. **Prior to the issuance of the one hundred and thirty second (132nd) building permit for any residential unit of the development, the following improvements shall be completed by the applicant:**
  - a. **Widen southbound US 301 to provide three (3) exclusive through lanes from 1,000 feet north of Trade Zone to 2,000 feet south of Trade Zone Avenue.** *[This improvement has been completed]*
  - b. **Construct internal site connection from Beech Tree Parkway to Leeland Road.** *[This improvement has been met]*
  - c. **Modify the existing median opening to preclude left turns from eastbound Swanson Road to northbound US 301.** *[SHA has signalized this intersection, which allows full movement from all approaches. Consequently, this condition is no longer relevant.]*

**Phase IV: residential development - building permits # 1,001- 1,500**

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4. **Prior to the issuance of the 1,001st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:**
  - a. **Widen southbound US 301 to provide three (3) exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.**
  - b. **Widen northbound US 301 to provide three (3) exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.**
  - c. **Widen Leeland Road to provide two (2) exclusive left turn lanes and one (1) free flowing right turn lane.**

**Phase V: residential development - building permits # 1,501 - 1,992**

5. **Prior to the issuance of the 1,501st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:**
  - a. **Widen southbound US 301 to provide three (3) exclusive through lanes from 2,000 feet south of Trade Zone Avenue to 1,000 feet north of Leeland Road. This improvement will augment an improvement from a previous phase.**

**Phase VI: residential development - building permits # 1,993 - 2,400**

6. **Prior to the issuance of the 1,993rd building permit for any residential unit of the development, a schedule for construction of either (a) the improvements in CIP Project FD669161 or (b) the upgrading of US 301 to a fully controlled access highway between MD 214 and MD 725 shall be provided by the SHA or by DPW&T to the Planning Department.**

On July 7, 2005, the Planning Board approved SDP-0410 (PGCPB Resolution No. 05-157) with nine conditions, including the following:

6. **Prior to issuance of the 132nd building permit for any residential unit of the development, the following improvements shall be completed by the applicant:**
  - a. **Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Trade Zone Avenue to 2,000 feet south of Trade Zone Avenue.**

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- b. **Construct internal site connection from Beech Tree Parkway to Leeland Road.**
- c. **Modify the existing median opening to preclude left turns from eastbound Swanson Road to northbound US 301.**

However, in its review of the Planning Board's action on SDP-0410, on November 28, 2005, the District Council, affirmed the Planning Board's approval with some modification to Condition 6. In its final decision, the Council increased the threshold for which certain transportation infrastructure must be completed from 132 residential building permits to 350 residential building permits. The new revised condition pursuant to the Council's action now reads as follows:

- 6. **Prior to issuance of the 350th building permit for any residential unit of the development, the following improvements shall be completed by the applicant:**
  - a. **Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Trade Zone Avenue to 2,000 feet south of Trade Zone Avenue.**
  - b. **Construct internal site connection from Beech Tree Parkway to Leeland Road.**
  - c. **Modify the existing median opening to preclude left turns from eastbound Swanson Road to northbound US 301.**

On September 9, 1999, the Planning Board approved Preliminary Plan of Subdivision 4-99026 for Beech Tree (PGCPB Resolution No. 99-154) with 22 conditions, including the following:

- 18. **Prior to approval of the first Specific Design Plan pursuant to this preliminary plat, the applicant shall prepare a report which will identify the number of units and access locations of each phase of development to occur pursuant to this preliminary plat, identify the transportation improvements to be constructed with each phase, and develop a financing plan and construction schedule for the improvements associated with each phase. This report shall be submitted with the first SDP application submitted pursuant to this preliminary plat and reviewed by DPW&T, SHA and Transportation Planning staff, who shall then report to the Planning Board on the status of the staging of transportation improvements with each phase of development. The report shall be revised and resubmitted by the applicant with any subsequent SDP application where the sequencing of the improvements or development phases is changed from that in the initial report.**

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#### **Analysis of Current Proposal**

Pursuant to Condition 18 of Resolution No. 99-154, the applicant has provided to the Planning Board a number of documents designed to demonstrate the impact of the proposed changes that are being sought. Among the documents presented by the applicant was a March 2013 analysis of the intersection of Crain Highway (US 301) at Leeland Road. This analysis was based on a traffic count taken in September 2012, along with several development scenarios. The table below shows the results of those scenarios:

| <b>2012 Traffic Analysis at Leeland Road @ US 301</b>                                                                         |                         |                         |
|-------------------------------------------------------------------------------------------------------------------------------|-------------------------|-------------------------|
| <b>Development Scenarios</b>                                                                                                  | <b>AM<br/>(LOS/CLV)</b> | <b>PM<br/>(LOS/CLV)</b> |
| 2012 Existing Traffic with 850 built Beech Tree units                                                                         | C/1250                  | C/1204                  |
| 2012 Existing Traffic with 1,250 Beech Tree units<br>(400 proposed additional units without Phase IV improvement)             | D/1317                  | C/1256                  |
| 2012 Existing Traffic with 1,250 built Beech Tree units<br>(including 100% CSC, 50% Locust Hill and 50% Willow Brook)         | D/1385                  | <b>F/1653</b>           |
| 2012 Existing Traffic with 1,250 built Beech Tree units<br>(Including 100% CSC, Locust Hill and Willow Brook & Phase IV imp.) | <b>E/1467</b>           | <b>E/1476</b>           |

The results showed that, even with an additional 400 dwelling units (for a total of 1,250), the intersection would operate acceptably with an LOS/CLV of D/1317 in the AM peak and C/1256 in the PM peak. It is worth noting that this analysis was done without the Phase IV improvements and without any background development included. It is a requirement of the "Transportation Review Guidelines, Part 1" to include background developments when any analyses are being done for the purpose of making an adequacy finding. However, having already made an adequacy finding at the preliminary plan phases of this development, this exercise is to determine the levels-of-service at various stages of the proposed development along with a commensurate amount of transportation improvements.

The Planning Board is in receipt of a letter from SHA dated May 17, 2013. In this letter, SHA proposed a different set of transportation conditions than was being proffered by the applicant. Specifically, SHA offers the following changes:

- (1) Prior to issuance of the 1,001st building permit for any residential unit of the development, the developer will provide to SHA a complete set of approved design plans and the necessary bonds and fees for the following improvements:

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- (a) Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.
  - (b) Widen northbound US 301 to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.
  - (c) Widen Leeland Road to provide two exclusive left-turn lanes and one free-flowing right-turn lane.
- (2) Prior to issuance of the 1,101st building permit for any residential unit of the development, the developer must initiate the improvements identified above.
  - (3) Prior to issuance of the 1,251st building permit for any residential unit of the development, the improvements above must be completed.

SHA further recommended that additional analyses will be required to evaluate changes to Phase V.

In reviewing SHA's recommendations, they appear to represent a compromise between what the applicant was seeking and what is currently in the condition. The Planning Board concurs with the threshold that is proposed by SHA. While the projected levels-of-service at 1,250 units will be D and C, and were achieved without the inclusion of background developments, it seems unlikely that the background developments (even partially) will be developed before the construction of 250 dwelling units within the Beech Tree development. Consequently, it is the opinion (and approval) of the Planning Board that a change in the wording of the conditions for Phase IV is justified. Like SHA, the Planning Board concurs that any change to the original Phase V development threshold (and beyond) will require a new evaluation of the original 2000 Beech Tree Staging Report, pursuant to Condition 18 of Resolution No. 99-154.

#### **Transportation-related Conclusions**

The Planning Board herein approves SDP-9907-01 with the following conditions:

#### **Phase IV: Residential Development—Building Permits 1,001–1,500**

- (1) Prior to issuance of the 1,001st building permit for any residential unit of the Beech Tree development, the applicant shall provide to the State Highway Administration, a complete set of approved design plans and the necessary bonds and fees for the following improvements:
  - (a) Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.

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- (b) Widen northbound US 301 to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.
    - (c) Widen Leeland Road to provide two exclusive left-turn lanes and one free-flowing right-turn lane.
  - (2) Prior to issuance of the 1,101st building permit for any residential unit of the development, the developer shall initiate construction of the improvements identified above.
  - (3) Prior to issuance of the 1,251st building permit for any residential unit of the development, the improvements above shall be completed.
- c. **Subdivision Review**—The subject property is located on Tax Map 93 in Grid C-3, is 1,212.06 acres, is within the Residential Suburban Development (R-S) Zone, and is known as the Beech Tree Subdivision. The applicant submitted a revision to the specific design plan for Phase IV for the approved transportation improvement staging plan only. There are two Preliminary Plans of Subdivision, 4-99026 and 4-00010, which contain roadway improvement conditions. Condition 17 of 4-99026 and Condition 14 of 4-00010 allow for a staging plan to be used to provide improvements, and Condition 18 of 4-99026 sets up the requirements for the staging plan to be created prior to approval of any SDPs. See Finding 9 for a discussion of these conditions of the relevant preliminary plans of subdivision. SDP-9907-01 is in substantial conformance with approved Preliminary Plans of Subdivision 4-99026 and 4-00010.

Condition 17 of Preliminary Plan 4-99026 need not have been included in the staging plan, as conformance to it was required prior to signature approval of the plans, rather than at some future date. The Planning Board reviewed the requirements of the relevant preliminary plans of subdivision and found that no additional transportation improvements should be included in the revised phasing plan.

- d. **Permit Review**—No zoning issues are raised by the proposed amendment to the transportation staging plan.
- e. **Public Facilities**—Public Facilities review of the subject project is unnecessary as the application does not involve the addition of any gross floor area or residential units.
- f. **Department of Public Works and Transportation (DPW&T)**—In an email received June 17, 2013, DPW&T offered the following:

Just to make sure I understand, the applicants are basically asking to be allowed to pull more building permits before they have to start the required improvements on Crain Highway (US 301) and the US 301/Leeland Road intersection. One of the conditions affecting DPW&T is the required widening of Leeland Road to provide two exclusive left-

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turn lanes and one free-flow right-turn lane. This has already been done. The rest of the improvements include widening along US 301 which hasn't been done.

There is an approved Stormwater Management Concept Plan (35714-2005) for the transportation improvements along US 301, so DPW&T is satisfied that stormwater management is being adequately addressed. We do not have additional comments on the revision to the transportation improvement staging plan since the improvements along Leeland Road have already been done.

- g. **Prince George's Police Department**—In a memorandum dated May 12, 2012, the Prince George's County Police Department stated that there are no crime prevention through environmental design (CEPTED) concerns at the present time for Beech Tree, South Village 6 or East Village 14.
- h. **Prince George's County Health Department**—In a memorandum dated June 8, 2012, noting that there are multiple prior approvals on record for the subject project and that the scope of the current SDP is limited to revision of previously approved staging plan for required off-site roadway improvements, the Prince George's County Health Department stated that they had completed a health impact assessment review of SDP-9907-01 and had no specific comments or recommendations regarding the subject project.
- i. **Maryland State Highway Administration (SHA)**—In a letter dated May 17, 2013 to Mr. Glenn Cook of the Traffic Group Inc., SHA offered the following summary of the proposed changes to the Beech Tree Staging Plan, and their comments and conclusions regarding them:
  - Condition 18 of Preliminary Plan 4-99026 required that the improvements to the US 301/Leeland Road intersection and their approaches should be in place prior to issuance of the 1,001st unit building permit for Phase IV of the development and the 1,501st unit building permit for Phase V. The required improvements are as follows:

Completed prior to Phase IV (Issuance of 1,001st Building Permit):

    - Widen southbound US 301 to provide three exclusive lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.
    - Widen northbound US 301 to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.
    - Widen Leeland Road to provide two exclusive left-turn lanes and one free-flow right-turn lane.

Completed prior to Phase V (Issuance of 1,501st Building Permit):

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- Widen southbound US 301 to provide three exclusive through lanes from 2,000 feet south of Trade Zone Avenue to 1,000 feet north of Leeland Road.
- In the March 22, 2013 study, the developer proposes to issue an additional 250 permits prior to completion of these recommended improvements citing that traffic volumes projected in the 2000 staging analysis were never realized. The study notes that the improvements would be designed, approved, and bonded in accordance with SHA requirements prior to issuance of the 1,001st permit, however, the improvements would not actually be completed until the 1,250th permit is issued. An analysis is also included which proposes to defer the required Phase V improvements to some point beyond the 1,501st permit.

Based on the information provided, SHA offers the following comments concerning the request for 250 additional building permits:

- (1) Results for the 2012 with 1,250 Beech Tree Units (400 increase in permits without improvements) scenario shown on Exhibit 2 do not include any background developments.

The scenario which includes some portion of the background developments, 2012 with 1,250 Beech Tree Units (w/100 percent CSC and 50 percent LHIWB), shows that, during the PM peak hour, the intersection will operate at LOS F, with a CLV 1,653. Please provide additional information validating the assumptions of the build-out timeframes for the background developments versus the subject development.

- (2) Please provide the count data used as the basis for this study.

It is SHA's position that, prior to issuance of the 1,001st building permit, the developer will provide SHA a complete set of approved design plans and the necessary bonds and fees for the Phase IV improvements. Prior to issuance of the 1,101st permit, construction of the Phase IV improvements must be initiated. Construction of the Phase IV improvements must be completed prior to issuance of the 1,251st.

It is SHA's further recommendation that the applicant be required to provide an additional analysis to determine the staging of the Phase V improvements, which reflects a more accurate timeframe for the anticipated build-out.

SHA will require the submission of six hard copies and one electronic revised traffic impact study and point-by-point response. Please send this information to the SHA Access Management Division addressed to Mr. Steven D. Foster to the attention of Mr. Nick Driban and reference the SHA tracking number on the submission. Unless

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specifically indicated in the SHA response on this report, the comments contained herewith do not supersede previous comments made on this development application. Please keep in mind that you can view the reviewer and project status via the SHA Access Management Division's web page at (<http://www.roads.maryland.gov/pages/amd.aspx>).

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Specific Design Plan for the above-described land, subject to the following conditions:

**Phase IV: Residential Development—Building Permits 1,001–1,500**

1. Prior to issuance of the 1,001st building permit for any residential unit of the Beech Tree development, the applicant shall provide to the State Highway Administration, a complete set of approved design plans and the necessary bonds and fees for the following improvements:
  - a. Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.
  - b. Widen northbound US 301 to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road.
  - c. Widen Leeland Road to provide two exclusive left-turn lanes and one free-flowing right-turn lane.
2. Prior to issuance of the 1,101st building permit for any residential unit of the development, the developer shall initiate construction of the improvements identified above.
3. Prior to issuance of the 1,251st building permit for any residential unit of the development, the improvements above shall be completed.

**Phase V: Residential Development—Building Permits 1,501–1,992**

4. Prior to issuance of the 1,501st building permit for any residential unit of the development, the following improvement shall be completed by the applicant:
  - a. Widen southbound US 301 to provide three exclusive through lanes from 2,000 feet south of Trade Zone Avenue to 1,000 feet north of Leeland Road. This improvement will augment an improvement from a previous phase.

**Phase VI: Residential Development—Building Permits 1,993–2,400**

5. Prior to issuance of the 1,993rd building permit for any residential unit of the development, a schedule for construction of either (a) the improvements in CIP Project FD669161 or (b) the

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upgrading of US 301 to a fully controlled access highway between MD 214 and MD 725 shall be provided by the State Highway Administration or by the Department of Public Works and Transportation to the Planning Department.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo and Bailey voting in favor of the motion, with Commissioner Shoaff absent, and with Commissioner Hewlett recused at its regular meeting held on Thursday, June 27, 2013, in Upper Marlboro, Maryland.

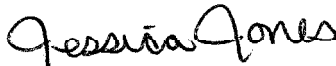
Adopted by the Prince George's County Planning Board this 18th day of July 2013.

Patricia Colihan Barney  
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date 7/3/13



By Jessica Jones  
Planning Board Administrator

PCB:JJ:RG:arj