



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

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Preliminary Plan of Subdivision Reconsideration Hearing Cedar Chase, Phase II

4-04051

REQUEST	STAFF RECOMMENDATION
Reconsideration Hearing	APPROVAL

Location: In the southeast quadrant of the intersection of Dangerfield Road and Woodyard Road, at the south end of Cedar Chase Drive.

Gross Acreage: 16.40

Zone: R-R/M-I-O

Gross Floor Area: N/A

Lots: 21

Parcels: 1

Planning Area: 81A

Council District: 09

Election District: 09

Municipality: N/A

200-Scale Base Map: 211SE08

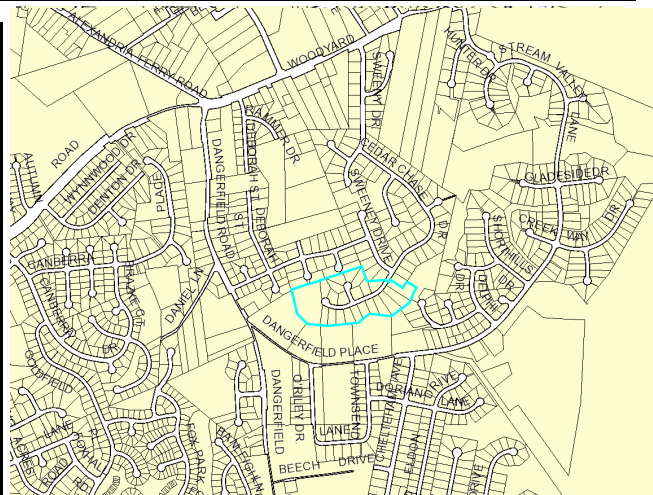
Applicant/Address:

Timberlake Cedar Chase, LLC
304 Harry S Truman Parkway, Suite M
Annapolis, MD 21401

Staff Reviewer: Mridula Gupta

Phone Number: 301-952-3504

Email: Mridula.Gupta@ppd.mncppc.org



Planning Board Date: 09/16/2021

Planning Board Action Limit: N/A

Memorandum Date: 08/30/2021

Date Received: 06/04/2021

Previous Parties of Record:
(Applicant) 06/04/2021

Previous Parties of Record:
(M-NCPPC) 06/15/2021
09/02/2021

The Planning Board encourages all interested persons to request to become a person of record for this application.

Requests to become a person of record may be made online at

http://www.mncppcapps.org/planning/Person_of_Record/.

Please call 301-952-3530 for additional information.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

September 2, 2021

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Sherri Conner, Supervisor, Subdivision Section *SC*
Development Review Division

FROM: Mridula Gupta, Planner Coordinator, Subdivision Section *MG*
Development Review Division

SUBJECT: **Preliminary Plan of Subdivision 4-04051**
Reconsideration Request
Cedar Chase, Phase II

By letter dated June 4, 2021, Thomas H. Haller, representing Timberlake Cedar Chase, LLC, requested a waiver of the Prince George's County Planning Board's Rules of Procedure (Section 12(a)), which requires that a reconsideration request be submitted no less than 14 calendar days after the date of notice of the final decision (Section 10(a)). In this case, the resolution of approval (PGCPB Resolution No. 04-183) was adopted by the Planning Board on July 29, 2004, and mailed out on September 14, 2004.

On July 1, 2021, the Planning Board granted a waiver of the Planning Board's Rules of Procedure to admit a reconsideration request submitted more than 14 days after the adoption of the resolution. The Planning Board also granted the applicant's request for a reconsideration, in accordance with Section 10(e) of the Rules of Procedure. Section 10(e) states that a reconsideration may only be granted if, in furtherance of substantial public interest, the Board finds that an error in reaching the original decision was caused by fraud, surprise, mistake, inadvertence, or other good cause. The Planning Board granted the request for reconsideration based on other good cause and in furtherance of substantial public interest.

The applicant's specific request is for reconsideration of Condition 20.a. of the resolution, which pertains to requirements for off-site road improvements, and reads as follows:

- 20. Prior to the issuance of any building permits within the subject property, the following road improvements shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with SHA and/or DPW&T:**
- a. Lengthen the westbound right turn lane on MD 223 to remove the westbound right turns from the through lane. This also will involve some re-striping along the MD 223 east leg of the intersection.**
 - b. Re-stripe the northbound turn lanes on Dangerfield Road to provide separate left-turn, through, and right-turn lanes.**

The applicant is requesting that Condition 20.a., which requires that certain road improvements be constructed, be reconsidered and deleted. Condition 20 requires two improvements to the intersection of MD 223 (Woodyard Road) and Old Alexandria Ferry Road/Dangerfield Road. While the improvement required by Condition 20.b. has been completed by others, thus satisfying the condition, the improvement required by Condition 20.a. remains.

Preliminary Plan of Subdivision (PPS) 4-04051, known as Cedar Chase Phase II, is a residential subdivision, which was approved by the Planning Board in 2004 for 21 lots and 1 parcel, with 21 conditions. The property is located in the southeast quadrant of the intersection of Dangerfield Road and MD 223, at the south end of Cedar Chase Drive.

As set forth in the applicant's request, there were inadvertent errors made in the traffic analysis conducted at the time of approval of the PPS, which resulted in inflated and inaccurate traffic projections. The transportation improvements required by Condition 20 were based on those traffic projections. Further, the applicant has submitted an analysis from their traffic engineer outlining the factors contributing to the inaccuracy of the traffic information provided at the time of PPS approval. The analysis provides that two nearby applications, PPS 4-03118 and PPS 4-05027, were recently reconsidered based on the same inaccurate traffic projections. Finally, the applicant concludes that the required improvement is not necessary for adequate transportation findings for the subdivision, and that the requested reconsideration is in furtherance of substantial public interest, and an error in reaching the original decision is good cause to support the reconsideration request.

Staff has reviewed the reconsideration request and supports the request and deletion of Condition 20.a. The applicant provides compelling justification, which is supported by staff, for a reconsideration and revision of Condition 20 and Finding 8, as set forth in the Transportation Planning Section memorandum dated August 20, 2021 (Masog to Gupta), incorporated by reference herein. The staff analysis shows that a number of relevant facts were not included in the original traffic study provided by the applicant, which would have resulted in a different outcome in the transportation analysis and conditions of approval of the PPS. The facts are related to ongoing improvements and access changes, around and on Joint Base Andrews, impacts of ongoing right-of-way construction, and misstatements in the original traffic impact statement.

In order to ensure the reconsideration covers the scope of the applicant's current request and justifying analysis, staff recommends that Condition 20.a. be deleted as requested by the applicant, along with amendments to the associated Finding 8, as provided in the recommendation below. It is noted that the traffic improvements associated with Condition 20.b, would also not be required based on the revised traffic analysis, however, staff has not recommended deletion of this

condition, as it was not requested as part of the reconsideration. If the Planning Board approves the reconsideration, staff will prepare an amended resolution to reflect the amended finding and condition, which will be placed on a future Planning Board agenda for adoption.

RECOMMENDATION

APPROVAL of a reconsideration of Preliminary Plan of Subdivision 4-04051 (PGCPB Resolution No. 04-183), to **amend Finding 8 and to revise Condition 20** as follows (text with brackets and strikethrough indicates language to be deleted, and text with underline indicates new language to be added):

Amendment 1—Finding 8 (page 9)

Revise entire Finding 8, Transportation, of PGCPB Resolution No. 04-183 on page 9 to read as follows:

- 8. Transportation**—The transportation staff determined that a traffic study was not warranted by the size of the proposed development. However, several traffic counts for the intersection of MD 223 (Woodyard Road) and Dangerfield Road were available to staff from previous applications. These counts, taken in 2003, were used to determine adequacy. Therefore, the findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy–Service Level Standards

The subject property is located within the Developing Tier, as defined in the 2002 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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the *Guidelines*.

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.

Staff Analysis of Traffic Impacts

The transportation staff is basing its findings on the traffic impacts at one critical intersection, which is signalized. The traffic generated by the proposed preliminary plan would impact the intersection of MD 223 and Alexandria Ferry Road. The critical intersection is not programmed for improvement with 100 percent construction funding

within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program.

~~[Field observations indicated that during the AM peak hour, westbound right-turning vehicles on MD 223 were able to turn freely, long queues were not present. Therefore, the majority of right-turning vehicles would not have to be counted against the CLV. If all of the AM westbound right turns are counted, the intersection operates unacceptably during the AM peak hour.]~~

In addition, staff has taken note of several items that affected the counts and analyses used for Bellefonte and other developments affecting this intersection. A construction project along northbound MD 5 had the effect of diverting traffic into the MD 223/Old Alexandria Ferry Road intersection, and staff has adjusted traffic downward on the northbound through and left turn approaches from Dangerfield Road in both peak hours. The Federal Capital Improvement Program includes a project to improve the Pearl Harbor gate for the Joint Base Andrews (JBA); this improvement would divert some employee, contractor, and commercial traffic from the Virginia Avenue gate of JBA to the Pearl Harbor gate. The staff analysis has made adjustments to several traffic movements along MD 223, Old Alexandria Ferry Road, and Dangerfield Road. Finally, staff has noted that the overall counts at the MD 223/Old Alexandria Ferry Road intersection are high, by about 7.5 percent in the PM peak hour (they appear normal in the AM peak hour) and has adjusted all turning movements at the intersection downward accordingly during the PM peak hour.

The table below identifies the intersection on which the proposed development would have the most impact:

[Existing Conditions				
<u>Intersection</u>		<u>Critical Lane Volume (CLV, AM & PM)</u>		<u>Level of Service (LOS, AM & PM)</u>
MD 223/Old Alexandria Ferry Road		1,719	1,416	F- D]

<u>Existing Conditions</u>		
<u>Intersection</u>	<u>AM LOS/CLV</u>	<u>PM LOS/CLV</u>
<u>Woodyard Road (MD 223)/Dangerfield Road</u>	<u>B/1111</u>	<u>D/1416</u>

[Note: The AM peak hour critical lane volume and level of service was based on the assumption that the westbound AM through traffic will block westbound to northbound AM right turns at the intersection resulting in queues and poor level of service.]

The transportation staff has reviewed approved development and assumed a five percent annual growth rate for through traffic along MD 223 and Dangerfield Road. There are currently no funded transportation improvements in this area in either the county CIP or the state CTP. Also, the analysis includes the impact of the Federal Capital Improvement Program project to improve the Pearl Harbor gate for the JBA. Background conditions are summarized below:

[Background Conditions				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 223/Old Alexandria Ferry Road	1,850	1,475	F	E]

<u>Background Conditions</u>		
<u>Intersection</u>	<u>AM LOS/CLV</u>	<u>PM LOS/CLV</u>
<u>MD 223 (Woodyard Road) /Dangerfield Road</u>	<u>C/1164</u>	<u>D/1361</u>

The application is a plan for a residential development of 22 single-family dwelling units. The proposed development would generate 17 AM (3 in, 14 out) and 20 PM (13 in, 7 out) peak-hour vehicle trips as determined using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Revised September 2002)*. Staff distributed these trips as follows:

- 20 percent—East along MD 223
- 25 percent—West along MD 223
- 30 percent—South along Old Alexandria Ferry Road
- 20 percent—North along Dangerfield Road
- 5 percent—North along Commo Road

Given these assumptions, we obtain the following results under total traffic:

[Total Traffic Conditions				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
MD 223/Old Alexandria Ferry Road	1,851	1,481	F	E
MD 223/Old Alexandria Ferry Road**	1,220	1,446	G	D]

<u>Total Conditions</u>		
<u>Intersection</u>	<u>AM LOS/CLV</u>	<u>PM LOS/CLV</u>
<u>(MD 223) Woodyard Road/Dangerfield Road</u>	<u>C/1168</u>	<u>E/1372</u>

[**The following improvements, similar to those proposed by a previous application in the area, will provide adequacy. They include lengthening the westbound right turn lane on MD 223 to remove the westbound right turns from the through lane during the AM peak hour. This would involve some re-striping along the east leg of the intersection. The second improvement is to re-stripe the northbound turn lanes on Dangerfield Road to provide separate left turn, through, and right turn lanes.]

Based on the staff's review of transportation adequacy issues in the area, the transportation staff notes that the intersection of MD 223/Old Alexandria Ferry Road would operate acceptably during the AM and PM peak hours ~~[with the improvements]~~.

Based on the preceding findings, adequate transportation facilities exist to service the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved ~~[with conditions for road improvements at the intersection of MD 223 and Dangerfield Road.]~~

Amendment 2 (page 5)

Revise the condition of approval as follows:

- 20. Prior to the issuance of any building permits within the subject property, the following road improvements shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with SHA and/or DPW&T:**
 - ~~**[a. Lengthen the westbound right turn lane on MD 223 to remove the westbound right turns from the through lane. This also will involve some re-striping along the MD 223 east leg of the intersection.]**~~
 - a[b]. Re-stripe the northbound turn lanes on Dangerfield Road to provide separate left-turn, through, and right-turn lanes.**