

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision Plat 4-88269  
Woodyard Estates (Cave Property Cluster)

OVERVIEW

The preliminary plan of subdivision consisted of 121.5 acres of land in the R-R Zone. The application was originally approved on Thursday, February 9, 1989. The subdivision proposed 177 single-family detached residential lots and nine parcels for open space. Final Plats (which became Record Plats VJ 158 @ 88-92) were approved by the Planning Board on June 13, 1991. These five plats established a total of 171 lots, of which Lot 9, Block A (9.485 acres) contained the existing home site.

By a letter dated March 14, 2001, the applicant requested that the original approval of the preliminary plan be reconsidered to address a concern with Conditions No. 2 and 3. The applicant asserted that "...the imposition of Conditions 2 and 3 was an error caused by mistaken assumptions, and accordingly, these conditions should be modified..." These two conditions relate to the payment of a share toward the roadway improvements needed to achieve transportation adequacy in the vicinity of the subject property. This reconsideration concerns no new or additional development that has not already been approved. Notice of the reconsideration request was sent to all parties of record.

On March 29, 2001, the Prince George's County Planning Board granted the applicant's request for reconsideration of Conditions 2 and 3. Notice of the subject hearing (on September 6, 2001) was also sent to all parties of record.

SETTING

The subject property is located southeast of Woodyard Road and northeast of Rosaryville Road. Access to the subdivision is through Estonian Estates (via Gambier Drive and Mizar Drive) and Mellwood Hills (via Antock Place).

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

The Transportation Planning Section has reviewed the information provided in support of the reconsideration of Conditions 2 and 3 of the Planning Board resolution approving the subject application. The original conditions 2 and 3 identified a set of transportation improvements to the MD 223/Rosaryville Road and the MD 223/Dower House Road intersections. These improvements were identified within a study as being needed to serve the subject property and another property, the Woodyard Industrial Park, Preliminary Plan of Subdivision 4-88187, which was under consideration at the same time. Condition 2 identified the full set of improvements; Condition 3 allowed the requirements of Condition 2 to be met by the formation of a Road Club, wherein the two properties would join together to construct the improvements and any additional

developments that were approved could utilize the excess capacity by paying their pro-rata share of the cost of the improvements. Both of the developments received identical conditions.

In 1991, the subject property signed an agreement with the county to fund \$750,000 toward the improvements. During the following year, the Harman Property Cluster (Preliminary Plat of Subdivision 4-91115, now known as Rosary Woods) was approved by the Planning Board with a requirement to pay a pro-rata share toward the prior approved list of improvements. Consequently, the subject property had a succeeding agreement signed which reduced their payment by the amount that Rosary Woods was required to pay.

Since that time, other developments in the area have been approved with a requirement to pay pro-rata shares toward the improvements. Unrelated to this activity, Preliminary Plan 4-88187 for the Woodyard Industrial Park expired without recordation. This property involved a significant amount of development (1.4 million square feet of industrial space) that was considered for adequacy but is no longer in the pipeline for development in the area. As a means of trying to equalize contributions between properties in the area as well as consider the facility needs without the Woodyard Industrial Park, the Planning Board voted to reconsider the subject conditions on March 29, 2001.

The applicant provided a traffic study dated May 30, 2001, in support of proposed changes to Conditions 2 and 3. The findings and recommendations outlined below are based upon a review of these 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*. The study was referred to both the County Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA), and the comments of both agencies are attached.

The study does the following:

1. It uses traffic counts taken in March 2001 and the lane configurations which currently exist.
2. It applies approved development in the area. Staff has the following comments on the list of background developments used:
  1. The Woodyard Industrial Park has expired as a preliminary plan, and was not included. At such time that this property would seek development, a new preliminary plan must be submitted, and a new finding of transportation adequacy based upon a new traffic study will be made.
  2. The Graystone at Marlborough Cluster (4-93034) and the Harman Property Cluster, which had requirements to pay pro-rata funds, have been built out and were not included.
  3. Andrews Employment Park (4-95025) and the Perna-Cantrell Cluster (4-93061) are recorded but not

developed, and were included in full. Both properties have pro-rata requirements.

4. Holloway Estates is an older plat which was approved and recorded prior to the two major development proposals in 1988; a maximum number of lots was included, but some of these lots might be unable to be developed under current standards.
  5. The Woodyard (4-95062) was approved to pay pro-rata funds, and 75 percent of the residences were considered (with the others considered to be built). **The study did not include 10,890 square feet of L-A-C (retail) development.**
  6. The Transnational Law and Business University (TLBU) was considered as approved by the Planning Board in May. This property is the Merry Mount development (CDP-9007) that was considered in some of the early discussions of the Road Club for this area but was never approved. **Since this study was prepared, TLBU has been reconsidered by the Planning Board for an amendment to the trip cap.** At this time, the Planning Board is scheduled to hear that reconsideration on 9/13/2001.
  7. The remaining development within the Woodyard Estates site (142 of 170 residences) is considered.
3. The study determines the improvements needed to achieve adequacy for the approved development. It determines the cost of these improvements. It then concludes by assigning a cost on the basis of impact to all remaining approved development. Staff would note that the shared lane computations at MD 223/Dower House Road appear to have errors, and that staff's critical lane volume computations are slightly lower.

Staff has reviewed this proposal with all currently-approved development notwithstanding any pending actions. In particular, the L-A-C component of The Woodyard will be added, and TLBU will be considered as currently approved. It is staff's intent that TLBU will pay the same cost per student if the student population is expanded, and that a new study must be done in order to support the proposed conference center.

In considering the impact of the L-A-C component of The Woodyard, with the improvements which are included in the cost study the MD 223/Rosaryville Road intersection would operate at Level-of-Service (LOS) C, with a critical lane volume (CLV) of 1,275, in the AM peak hour, and at LOS D with a CLV of 1,351 in the PM peak hour. Similarly, the MD 223/Dower House Road intersection would operate at LOS B in the AM peak hour with a CLV of 1,095 and LOS D with a CLV of 1,435 in the PM peak hour. Therefore, no further improvements need to be considered in the analysis.

Before discussing the pro-rata analysis, it is appropriate to review and address agency comments:

DPW&T has four comments. The first simply recommends that all resolutions be checked to ensure that a pro-rata is not considered in lieu of physical improvements● this has been done.

The second and third comments recommend that physical improvements be constructed at MD 223/Rosaryville Road now; however, the intent of reconsidering the resolution was not to substitute physical improvements for the pro-rata, but to adjust the pro-rata share. The final comment concerns MD 223/Dower House; this was also discussed by SHA and will be addressed below.

SHA offers no comments regarding the MD 223/Rosaryville Road intersection. However, the MD 223/Dower House Road intersection was discussed extensively. SHA noted that the lengths of the eastbound right-turn lane and the northbound left-turn lane at the intersection are inadequate but were not addressed. SHA recommended lengths for these lanes and indicated that the costs and the shares presented in the study were adequate as long as the costs for extending the lanes were factored into the analysis.

By means of e-mail, the traffic consultant presented a revised cost estimate for lengthening the turn lanes at the MD 223/Dower House Road intersection. This analysis is attached to the end of this report.

As presented, the cost for improving the MD 223/Rosaryville Road intersection is \$425,000. In consultation with the traffic consultant, the revised cost for the MD 223/Dower House Road intersection is \$245,600. These are the costs that will be apportioned among the developments.

While staff appreciates the presentation of the cost apportionment in the study, there are a few factors to consider:

- Holloway Estates is approved with a pro-rata on 18 lots but no pro-rata on the remainder of the development.
- The traffic study has not properly treated properties such as Graystone, Rosary Woods, or The Woodyard which have fully or partially paid their share.
- The Perna-Cantrell, Woodyard, and Andrews Employment Park properties should not pay more under this formula than they are required to pay under their current resolutions unless the Planning Board intends to accordingly reconsider these resolutions.

The following tables present staff's amended pro-rata computations for the subject properties, assuming that payments which have already been made for The Woodyard, Graystone, and Rosary Woods are offset from the total costs.

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**MD 223 and Dower House Road Intersection**

Development	Contributing Trips (AM & PM Combined)	Percent Share	Pro-Rata Share
Total			\$245,600.00
Less The Woodyard (76 units built of 143 recorded)			\$9,869.00
New Total for Allocation	899	100.00%	\$235,731.00
Woodyard Estates	174	19.35%	\$45,625.35
The Woodyard (67 units)	50	5.56%	\$13,110.73
The Woodyard (L-A-C)	86	9.57%	\$22,550.46
Perna-Cantrell	49	5.45%	\$12,848.52
Andrews Employment Park	540	60.07%	\$141,595.93

*Notes: Perna-Cantrell has condition to pay a maximum of \$7,627. Andrews Employment Park has condition to pay a maximum of \$120,484. Woodyard L-A-C has condition to pay maximum of \$13,164. Woodyard residential is currently paying \$149.54 per unit for a total of \$10,019. The Woodyard Estates payment will be adjusted accordingly.*

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As may be apparent from the italicized notes to this table, the cost allocation in the table is really a hollow exercise. The cost amount being allocated is greater than that which formed the basis of the original allocations in previous resolutions. As a result, the costs are determined as follows:

- New Total for Allocation: \$235,731
- Committed through Prior Resolutions: \$151,294

- Remaining Cost for Woodyard Estates: \$84,437

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### MD 223 and Rosaryville Road Intersection

Development	Contributing Trips (AM & PM Combined)	Percent Share	Pro-Rata Share
Total			\$425,000.00
Less Graystone At Marlborough			\$33,472.00
Less Rosary Woods			\$31,130.00
Less The Woodyard (76 units built of 143 recorded)			\$50,215.00
New Total for Allocation	431	100.00%	\$310,183.00
Woodyard Estates	108	25.06%	\$77,725.67
TLBU	138	32.02%	\$99,316.13
The Woodyard (67 units)	75	17.40%	\$53,976.16
The Woodyard (L-A-C)	86	19.95%	\$61,892.66
Holloway Estates	24	5.57%	\$17,272.37

*Notes: Holloway Estates has condition to pay a maximum of \$9,728. Woodyard L-A-C has condition to pay maximum of \$35,525. Woodyard residential is currently paying \$689.27 per unit for a total of \$46,181. The Woodyard Estates and TLBU payments will be adjusted accordingly.*

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Similarly, the italicized notes to this table suggest that most costs here are already committed. In this circumstance, the cost of the improvement has not really changed, but without the Woodyard Industrial Park there is less development over which to allocate the cost. As a result, the costs are determined as follows:

- New Total for Allocation \$310,183
- Committed through Prior Resolutions \$ 91,434
- Remaining Split for Woodyard Estates ( $108/246 = 43.9024\%$ ) \$ 96,036
- Remaining Split for TLBU ( $138/246 = 56.0976\%$ ) \$122,713

It is important to note the numbers for Woodyard Estates, since that development is the subject of this request. Under the previous numbers, Woodyard Estates was to pay \$3,923 per residence. Under the information being recommend herein, the payment would be \$1,061.61 per residence. This is significant financial relief, and on a cost per trip basis, this is very nearly identical to what the townhouses at The Woodyard are paying. However, the Planning Board should note that developments which are already approved and would require a new adequacy finding for whatever reason will be subject to the revised formulas and computations above. With a reconsideration of TLBU pending, that particular development must be treated specifically as determined earlier in this memorandum.

Future developments will be required to submit their own studies and make their own findings of adequacy. If future developments require the improvements listed herein at MD 223/Rosaryville Road and at

MD 223/Dower House Road, and these improvements are not yet constructed, any pro-rata fee assessed to future developments will be no less than the fee per trip used in the computations herein.

In making the recommendation, staff is sensitive to the operational problems which currently exist along MD 223 in the vicinity of Rosaryville Road. The traffic study clearly shows that problems exist today and that changes are needed now. But the Planning Board determined in 1991 that the payment of a pro-rata share was an appropriate policy in this area, and that decision is not the one that is up for reconsideration now.

Given this information, the transportation staff finds justification for amending Conditions 2 and 3 of Resolution 89-70. A major development which would have contributed significantly to the area's traffic and to the financing of needed improvements never materialized, leaving the subject property with a financial burden. Therefore, the transportation staff recommends that Conditions 2 and 3 be revised pursuant to the RECOMMENDATION section of this report.

## RECOMMENDATION

APPROVAL, with the following revised conditions:

2. Prior to the issuance of building permits, the applicant, its successors and/or assigns, shall pay a pro-rata share of the cost of the road improvements identified below:
  - a. Construct/lengthen the eastbound right-turn lane along the Dower House Road approach to MD 223 for a distance of 250 feet.
  - b. Construct/lengthen the northbound left-turn lane along the MD 223 approach to Dower House Road for a distance of 450 feet.
  - c. Conduct the necessary studies and provide a traffic signal at the intersection of MD 223 and Dower House Road.
  - d. Construct an additional lane in accordance with SHA standards of approximately 400 feet minimum for the southbound approach at the MD 223 and Rosaryville Road intersection. This will provide an exclusive right-turn lane and dual southbound through lanes through the intersection.
2. The pro-rata share shall be payable to Prince George's County, with evidence of the payment provided to the Planning Department with each building permit application. The pro-rata share shall be calculated as follows:

1. For the improvements at MD 223/Dower House Road listed in Condition 2a, 2b, and 2c above, the amount of \$496.69 per dwelling unit x (*Engineering News Record* Highway Construction Cost Index at time of building permit application)/(*Engineering News Record* Highway Construction Cost Index for second quarter, 2001).
2. For the improvements at MD 223/Rosaryville Road listed in Condition 2d above, the amount of \$564.92 per dwelling unit x (*Engineering News Record* Highway Construction Cost Index at time of building permit application)/(*Engineering News Record* Highway Construction Cost Index for second quarter, 2001).