

July 18, 2012

**MEMORANDUM**

TO: Prince George's County Planning Board

FROM: Whitney Chellis, Supervisor Subdivision Review Section, Development Review Division

SUBJECT: Oak Creek Club Bus Service

The subject property is located north of the intersection of Oak Grove Road and Church Road, and approximately 2,800 linear feet south of the intersection of Church Road and Central Avenue (MD 214), and on the east and west sides of Church Road. The site is bounded to the north by open space (zoned R-A and R-E) and the Cameron Grove development (zoned R-E); to the west by detached single-family residential subdivisions, Kettering and Sierra Meadows (zoned R-80 and R-E).

On November 26, 1991, the District Council approved the Zoning Map Amendment and accompanying Basic Plan Application Nos. A-8427, A-8578, and A-8579 (CR-120-1991), for the subject property rezoning it from the R-A and R-R zones to the R-L (890 acres) and L-A-C (33 acres) zones. The approved land use is for an 18-hole golf course, a 40,000 square-foot community service center, and 1,148 total dwelling units (LAC/52du's; R-L/1,096 du's).

The District Council approved two comprehensive design plans (CDP) for the property with conditions, and adopted the findings and conclusions of the Planning Board as the findings of fact in both cases CDP-9902 (PGCPB Resolution No. 01-180), and CDP-9903 (PGCPB Resolution No. 01-181). The Preliminary Plan of Subdivision (PPS) (4-01032) was approved with conditions (PGCPB Resolution No. 01-178(C)) on September 6, 2001 and remains valid until December 31, 2013.

A transportation analysis was conducted with both the CDP's and PPS applications. At the MD 214/MD 193 and the MD 214/Church Road intersections, the applicant proposed the use of mitigation in accordance with Section 24-124(a)(6) of the Subdivision Regulations. Subtitle 24 indicates that consideration of certain mitigating actions is appropriate in accordance with the Guidelines for Mitigation Action and the requirements of Section 24-124. The applicant proposed to employ mitigation by means of criterion (e) in the Guidelines for Mitigation Action, which was approved by the District Council as County Council Resolution CR-29-1994 and the Planning Board pursuant to Section 24-124 of the Subdivision Regulations. In part and of note here, is that criterion (e) requires that the development "is within one-half mile of a bus stop having 15-minute headways or better and load factors of 100 percent or less." In order to use mitigation at the two critical intersections identified above which were failing under

total traffic conditions, the applicant proffered a private bus service, because a bus service did not exist within one-half mile. With the bus service in place by conditions of approval, the applicant was then able to propose mitigation for the development's impact on the critical intersections, which was approved. The use of mitigation in this case allowed the applicant to mitigate 100 percent of the subdivision's impact on the critical intersections, in lieu of making improvements to bring the failing critical intersections up to the required level-of-service. The level-of-service (LOS) standard is determined by analyzing the cumulative traffic impact on a critical intersection, which includes existing, background and total traffic conditions.

By letter dated June 8, 2012, Norman Rivera representing NVR Homes, Inc. and Toll Brothers Inc. through Prince Acquisition LLS, the contract purchaser of the remainder of the Oak Creek Club project, is reporting to the Planning Board on the status of the private bus service required as an element of the transportation analysis in the approval of the comprehensive design plan and preliminary plan of subdivision approvals. A condition of both CDP approvals requires that prior to the issuance of the 574th building permit "the applicant shall prepare and submit for Planning Board's (or its designee's) review an evaluation of the on-going funding, maintenance, operation and utilization of the bus service." The Prince George's County Maryland-National Capital Park and Planning Commission (M-NCPPC) has currently recommended approval of 623 building permits and placed on hold 42 permits pending this reporting to the Planning Board.

The conditions relating to the bus service are identical in the CDP's (although numbered differently) and are as follows:

- "36. The applicant shall file a bond or other suitable financial guarantee with the County Department of Public Works and Transportation (DPW&T) to operate a private bus service which will connect the subject property to the nearest Metrorail station. The service shall have the following parameters:

Service every 15 minutes during weekday AM and PM peak hours at a minimum.

Buses generally, operating along routes as proffered by the applicant during review of CDP-9902 and preliminary plan 4-01032. The final routing shall be determined at the time of Specific Design Plan review, and may be changed by future agreement with DPW&T

Buses having a capacity of 20 persons.

Other necessary services may be required. Final details of an agreement among DPW&T, the applicant and the Oak Creek homeowners association shall be approved by the Planning Board concurrent with approval of the initial Specific Design Plan. The timetable for bonding and initiating the service shall be determined at the same time. The agreement shall be in the form of a covenant that runs with the land in perpetuity and shall be recorded in the land records of Prince Georges County. It shall include an easement granting the public bus operating agency permanent access to all internal private streets for the provision of public transportation.

- "53. Prior to the approval of the first SDP for residential lots, the applicant shall submit for review by the Planning Board a Homeowners Association reserve fund analysis for the required private bus service to insure adequate funds for the bus maintenance and replacement.

- “54. Prior to the issuance of the 574th building permit for Oak Creek, the applicant shall prepare and submit for Planning Board's (or its designee's) review, an evaluation of the on-going funding, maintenance, operation and utilization of the bus service.
- “55. The applicant shall not utilize a diesel bus for purposes of providing private bus service.

The preliminary plan of subdivision (4-01032) includes the following condition relating to the bus service:

- “43. The applicant shall file a bond or other suitable financial guarantee with the County Department of Public Works and Transportation (DPW&T) to operate a private bus service which will connect the subject property to the nearest Metrorail station. The service shall have the following parameters:
  - “a. Service every 15 minutes during weekday AM and PM peak hours at a minimum.
  - “b. Buses generally operating along routes as proffered by the applicant during review of CDP-9902 and preliminary plan 4-01032. The final routing shall be determined at the time of Specific Design Plan review, and may be changed by future agreement with DPW&T.
  - “c. Buses having a capacity of 20 persons.

Other necessary services may be required. Final details of an agreement among DPW&T, the applicant and the Oak Creek Homeowners Association shall be approved by the Planning Board concurrent with the approval of the initial Specific Design Plan. The timetable for bonding and initiating the service shall be determined at the same time. The agreement shall be in the form of a covenant that runs with the land in perpetuity, and shall be recorded in the Land Records of Prince Georges County. It shall include an easement granting the public bus operating agency permanent access to all internal private streets for the provision of public transportation.”

The applicant submitted the required report by cover letter dated June 8, 2012 (Rivera to Adams), which includes an analysis of the funding, maintenance, operation and utilization of the Oak Creek Bus service. The service was initiated on January 3, 2011 and the report covers approximately 90 days of operations. The bus service was suspended on April 1, 2012.

- Regarding the submitted information, the staff would offer the following comments:
- Approximately ten riders per day (five riders each way), at a fare of six dollars per round trip, were served at a cost of approximately 400 dollars per day.
- The service connected the Oak Creek Club community with the Largo Town Center Metrorail Station during the AM and PM weekday peak hours. The service operated as a closed-door service between the community and the rail station.
- In the report, it is noted that the service was suspended on April 1, 2011 due to the large funding deficit that the service was incurring. It would appear that a point-to-point express transit service that does not attract even ten riders per day is not sustainable from a financial standpoint.

- The report could have identified if there were any maintenance or operational issues that affected service reliability. There was, in fact, a major snowstorm in late January 2011 and another snowfall in late March 2011, and it would have been helpful to know the impact of these events on the service.
- It would have been helpful, since the applicant has indicated an interest in eliminating the bus service requirement, if there had been some assessment on the part of the community about why the ridership was so low. Information regarding the difference in time between riding the Oak Creek bus service or driving to the Metrorail, and feedback on the departure times and pickup location convenience. The issue of low ridership on a newly-established service is an issue that is more comprehensive than this single service, and it may help inform future decisions.
- A limited traffic analysis was included, and several determinations were made. This analysis is not germane to a review of the bus service, and it was therefore not reviewed.
- PPS Condition 43 gave an expectation that the service would be every 15 minutes and would be routed through the community. The actual service was hourly, and operated to and from the Bowieville Mansion which is within the community on the east side of Church Road. Given the low ridership experienced, it may be attributable to some degree to the less frequent and less convenient service that was actually provided vis-à-vis the condition.
- It is not immediately clear whether improved frequency or improved convenience would have improved ridership to the extent that the service would have been financially sustainable. While more patrons may have used the bus service, it is unclear if additional buses and drivers may have been needed.

Based on the June 8, 2012 report (Rivera to Adams) submitted by the applicant, staff finds that the applicant meets the requirements of Conditions 54 and 45 of the District Council Orders approving Comprehensive Design Plans CDP-9902 and CDP-9903 respectively, to report to the Planning Board on the status of the Oak Creek bus service. This will now allow M-NCPPC to release building permits without any further action by the Planning Board.