PGCPB No. 06-219(A) File No. 4-05113

A M E N D E D R E S O L U T I O N

WHEREAS, GKG Partnership is the owner of a 72-acre parcel of land known as Parcels 170, 175, 176, 185, 239, 240 and 290, Tax Map 82 in Grid E-2, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on April 17, 2006, J. P. Squared Development, LLC. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 4 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05113 for D'Arcy Park North was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on September 21, 2006, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on September 28, 2006, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, by letter dated October 26, 2006, the applicant requested a reconsideration of Condition 21a associated with the original approval; and

*WHEREAS, on March 25, 2010, the Planning Board approved the request for reconsideration based on the on the limited scope of the revised average daily trips attributed to the property, and changes to the cost allocation table (CR-66-2010); and

*WHEREAS, on March 10, 2011, the Planning Board heard testimony regarding the reconsideration.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/22/06), and further APPROVED Preliminary Plan of Subdivision 4-05113, D'Arcy Park North for Parcels *[~~a~~] A through D with the following conditions:

*Denotes Amendment
Underlining indicates new language
[Brackets] and ~~strikethrough~~ indicate deleted language

1. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to reduce the impact associated with the road crossing identified on exhibit #9. Impacts

identified on exhibits #10 and #11 shall be eliminated. All stormwater management ponds shall be designed with no impacts to the PMA with the exception of necessary outfalls.

2. Prior to signature approval of the preliminary plan, the TCPI shall be revised to identify all proposed lots and parcels for the site and all proposed stormwater management facilities and outfalls.

3. Prior to the issuance of any grading permit, which impact the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.

4. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Primary Management Area, and be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

   "Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

5. Prior to signature approval of the preliminary plan, TCPI shall be revised as follows:

   a. Revise note 1 to reference the Preliminary Plan number.

   b. Revise note 6 to reference the approved Stormwater Management Concept number.

   c. Have the plans signed and dated by the qualified professional who prepared the plan.

6. All afforestation and associated fencing shall be installed prior to the issuance of the first building permit. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

7. The following note shall be placed on the Final Plat of Subdivision:

   “Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/22/06), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”

8. At the time of the detailed site plan, the TCPI shall be revised to identify the location of all proposed outdoor activity areas.

9. Prior to approval of the preliminary plan, a revised preliminary plan and TCPI shall be submitted that show the location of the unmitigated 65 dBA Ldn noise contour.

10. Prior to acceptance of the Detailed Site Plan package, it shall be inspected to ensure that it includes a Phase II noise study that states the proposed noise mitigation measures and to ensure that these measures are shown on the DSP. The Phase II noise study shall address all traffic related noise and aircraft related noise. This shall include, but not be limited to noise impacts associated with Andrews Air Force Base, I-95, and the master planned road. All outdoor activity areas shall be mitigated to 65 dBA Ldn or less and all interior residential areas shall be mitigated to 45dBA Ldn or less.

11. If a noise wall is proposed, that noise wall shall be located outside any woodland conservation areas.

12. Prior to the approval of building permits, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA or less.

13. The following note shall be placed on the Final Plat:

    "Properties within this subdivision have been identified as possibly having noise levels that exceed 65 dBA Ldn due to military aircraft overflights. This level of noise is above the Maryland designated acceptable noise levels for residential uses."

14. At the time of the detailed site plan, a soils study shall be submitted that clearly defines the limits of past excavation and indicates all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.

15. Prior to signature approval of the preliminary plan, copies of the approved Stormwater Management Concept plan and approval letter shall be submitted. The concept shall be reflected on all plans. The TCPI shall be revised to reflect the proposed stormwater management as shown on the approved Stormwater Management Concept plan.

16. In conformance with the Adopted and Approved Melwood-Westphalia Master Plan and the recently completed Westphalia Comprehensive Concept Plan, the applicant and the applicant's heirs, successors, and/or assigns shall provide the following:

    a. Construct the master plan Class II Trail along the subject site's entire east side of MC-634 (formerly A-66) within the minimum 80-foot right-of-way.

b. Provide standard sidewalks along both sides of all other internal roads, unless modified by DPW&T.

c. The draft Westphalia Sector Plan recommends that D'Arcy Road be designated as a Class III bikeway with appropriate signage. Because D'Arcy Road is a County right-of-way, the applicant, and the applicant's heirs, successors, and/or assigns shall provide a financial contribution of $210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders or wide outside curb lanes are encouraged.

d. Provide a standard sidewalk along the subject site's entire frontage of D'Arcy Road, unless modified by DPW&T.

17. The applicant, his successors, and/or assignees, shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, subject to the following:

a. Submission of three original, executed Recreational Facilities Agreements (RFA) to DRD for their approval three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

b. Submission to DRD of a performance bond, letter of credit, other suitable financial guarantee, or other guarantee in an amount to be determined by DRD within at least two weeks prior to applying for building permits.

18. The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.

19. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting in compliance with the standards outlined in the *Parks and Recreation Facilities Guidelines*, prior to approval of the detailed site plan.

20. A Type II tree conservation plan shall be approved in conjunction with the detailed site plan.

21. a. *[~~Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees, shall pay a pro-rata share of the cost of construction of an interchange at MD 4 and Old Marlboro Pike-Westphalia Road. The pro rata share shall be payable to Prince George's County (or its designee), with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be $1,893.94 per dwelling unit x (*Engineering News Record* Highway Construction Cost Index at the time of building permit application) / (*Engineering News Record* Highway Construction Cost Index for the second quarter 2006). Before this payment can be made, the Planning Board must adopt a resolution establishing the SCRP~~.]

<u>*Prior to the issuance of each building permit for the D'Arcy Park North development (4-05113), the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of CR-66-2010, pay to Prince George's County (or its designee) a fee of $1,241.28 per dwelling unit x (Engineering News Record (ENR) Construction Cost Index at time of payment)/(ENR Construction Cost Index for first quarter of 2006). Evidence of payment must be provided to the Planning Department with each building permit application.</u>

*[~~b. Prior the issuance of the first building permit, the above improvement shall have full financial assurances through either private money and/or full funding in the CIP.~~]

22. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency.

a. **At Sansbury Road/D'Arcy Road intersection (unsignalized)**

The applicant shall provide a separate left and right turn lanes for the D'Arcy Road approaches. Since these additional improvements will not lower the delay below 50 seconds in any given movement, and per the requirement of DPW&T, the applicant shall conduct a traffic signal warrant study and install a signal if deem to be warranted.

b. **Sansbury Road/Ritchie-Marlboro Road intersection**

The applicant shall provide the addition of a third westbound through lane on Ritchie Marlboro Road.

23. Prior to the signature approval of the preliminary plan, the applicant shall:

a. Revise the preliminary plan to show "Road C" with a 60-foot right-of-way north of its intersection with Road A.

b. Dedicate right-of-way along Sansbury Road as shown on the preliminary plan.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

2. The property is located at the northeastern quadrant of the intersection of the Capital Beltway (I-495) and D'Arcy Road. It is developed with two single-family detached dwellings and has been extensively mined for sand and gravel. Abutting to the east and south are residences in the R-R and R-M-H Zones and the Little Washington Local Park (M-NCPPC). The Capital Beltway bounds the site to the north and west.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	**PROPOSED**
Zone	R-R	R-R
Use(s)	Vacant	Multifamily & Townhouses
Acreage	72	72
Lots	0	0
Outlots	0	0
Parcels	7	4
Dwelling Units:		
Single-Family	2	0
Multifamily	0	168
Townhouses	0	329
Public Safety Mitigation Fee		No

4. **Environmental**—The site is 71.92 acres, zoned R-R, and is located on the east side of the Capital Beltway (I-95) approximately 50 feet north of D'Arcy Road. Streams, wetlands, and 100-year floodplain occur on this site. The entire site drains into Ritchie Branch, a tributary of Southwest Branch watershed located in the Patuxent River Basin. According to the "Prince George's County Soils Survey," the principal soils on this site are in the Adelphia, Beltsville, Bibb, Croom, Fallsington, Galestown, Sandy Land, Sassafras, Westphalia, and Woodstown series. The site also contains sand and gravel pits from past mining operations. Marlboro clay does not occur in this area. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and

Prince George's Counties," December 1997, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated scenic or historic roads will be affected by the proposed development. The site is adjacent to the Capital Beltway (I-95), which is a source of traffic-generated noise. Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1998 by the Andrews Air Force Base, aircraft-related noise is significant. This property is located in the Developing Tier as reflected in the approved General Plan.

Natural Resources Inventory

An approved natural resources inventory, NRI/139/05, was submitted with the application. There are streams, wetlands, and 100-year floodplain on the property. The FSD indicates three forest stands totaling 21.72 acres. Stands A and B are associated with steep slopes, highly erodible soils, and waters of the U.S. Stand C is associated with hydric soils and is characterized with low species diversity.

According to the Green Infrastructure Plan, none of the property is in or near any regulated area, evaluation area or network gap. Based upon this analysis, the only area of significant woodland is associated with waters of the U.S, designated Stands A and B.

Streams, Wetlands and Regulated Features

Streams, wetlands, and 100-year floodplain associated with the Patuxent River Basin occur on the site. These sensitive environmental features are afforded special protection in accordance with Section 24-101(b)11 of the Subdivision Ordinance, which defines the Patuxent River primary management preservation area (PMA) and Section 24-130(b)(5) of the Subdivision Ordinance, which requires the protection of streams and the associated buffers composing the PMA. The plan should provide for the preservation of the stream and its associated buffer to the fullest extent possible.

Staff generally will not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), street crossings, and so forth, which are mandated for public health and safety; nonessential activities are those such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. If impacts cannot be avoided for essential development activities such as road crossings and the installation of public utilities, then a letter of justification is required at the time of preliminary plan submittal.

The site is located in an area designated in the master plan for "high density residential" uses. Because of this designation, it is appropriate for some impacts to be considered that might otherwise not be supported, in keeping with the provisions of the *Countywide Green Infrastructure Plan*. The subject property is not located within the green infrastructure network and is located in an area where a significant amount of built infrastructure already exists (roads, utilities, etc.).

The TCPI shows impacts to environmental features for the construction of road crossings and installation of public utilities and stormdrains, which are necessary for development. The plan also shows impacts for the creation of residential lots, which are not essential to development. These impacts should be removed. All three road crossings show impacts that are not directly associated with the road construction. These impacts skirt along the edges of the PMA adjacent to lots and appear to be necessary for lot construction only and not for construction of the road crossing itself. The impacts shown on the TCPI for the proposed road crossings can be further minimized and the impacts associated with the lot construction should be eliminated.

The preliminary plan and stormwater management concept plan indicate that Parcels C and D are proposed for stormwater management; however, the TCPI does not show these parcels or any associated stormwater management controls. Impacts for stormwater outfalls may be associated with the proposed stormwater management ponds potentially causing impacts that have not been identified to date. The TCPI needs to be revised to identify all proposed lots and parcels on the TCPI, and show all proposed stormwater management facilities and outfalls for the site.

The tree conservation plan shows several impacts to environmental features. A letter of justification, date stamped as received by the Environmental Planning Section on April 25, 2006, was reviewed. Below is a summary of the proposed PMA impacts.

Impact Number	Justification and Recommendation	Quantity of Impact Proposed
1-3	These impacts are necessary for the installation of a sewer line to connect to an existing line to provide water service to this portion of the site. Portions of impacts 1 and 3 are associated with a proposed road crossing and have been minimized to the fullest extent possible. Staff supports these impacts.	0.66 acre
4-6	These impacts are necessary for the installation of a storm drain that will safely convey water to the stream. Impacts 4 and 6 are associated with a proposed road crossing and have been minimized to the fullest extent possible. Staff supports these impacts.	0.51 acre
7	This impact is necessary for the construction of a road for access to a developable portion of the site. This impact has been minimized to the fullest extent possible. Staff supports this impact.	0.73 acre
8 and 9	This impact is necessary for the construction of a road for access to a developable portion of the site. Staff supports this impact.	0.54 acre (total impact area for 8 and 9)

9	This impact is necessary for the construction of a road for access to a developable portion of the site. This impact can be minimized by eliminating the excess grading for the adjacent lot. Staff supports this impact with conditions.	0.54 acre (total impact area for 8 and 9)
10 and 11	These impacts are for the creation of residential lots and are not essential for development. Staff does not support these impacts.	0.13 acre

Woodland Conservation

The site is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it has a previously approved Tree Conservation Plan, TCPII/78/92. A Type I Tree Conservation Plan, TCPI/22/06, has been reviewed as required. This 71.92-acre site has a woodland conservation threshold (WCT) of 13.90 acres, or 20 percent of the net tract area. The site has 19.55 acres of existing woodland, of which 2.17 acres are in the 100-year floodplain. The TCPI proposes the clearing of 9.11 acres of upland woodland, 0.60 acre of woodland within the floodplain, and 0.40 acre of woodland off-site. The woodland conservation requirement has been correctly calculated as 19.78 acres. The plan proposes to meet the requirement by providing 8.51 acres of on-site preservation, 6.35 of acres of on-site reforestation, and 4.92 acres of off-site mitigation.

Noise

The Capital Beltway (I-95) and Andrews Air Force Base have been identified as significant nearby noise sources. The noise levels for each source exceeds the state acceptable noise level for residential land uses. While CB-27-2005 provides for residential uses on this site, it is located such that noise impacts from both I-95 and Andrews Air Force Base will be substantial. While it is not possible to mitigate the noise impacts from the base in outdoor activity areas, indoor noise impacts from this source must be adequately addressed. The impacts from I-95 on both outdoor activity areas and interior areas must be mitigated. Noise from I-95 must be mitigated to 65 dBA Ldn or less in outdoor activity areas and noise from both sources must be mitigated to bring interior noise levels to 45 dBA Ldn or less.

A Phase I noise study, date stamped as received by the Environmental Planning Section on April 25, 2006, has been reviewed. According to the report, the unmitigated 65dBA Ldn ground level noise contour is estimated to be 1,650 feet from the centerline of I-95. Noise levels associated with I-95 are estimated to be as high as 75 dBA Ldn and noise from associated with Andrews AFB over-flights are estimated to be as high as 71 dBA Ldn. The combined aircraft and highway traffic levels were calculated to be as high as 76 dBA Ldn.

The preliminary plan and TCPI do not show the unmitigated 65 dBA Ldn noise contour and the locations of the outdoor activity areas are not identified. An exhibit was included in the submission showing the location of the unmitigated 65 dBA Ldn noise contour. Both plans must be revised to show the unmitigated 65 dBA Ldn contour based on this study.

Given the high levels of noise from multiple sources that will affect this subdivision, a noise attenuation barrier will be required for this site and the proposed structure must be shown on the TCPI. It will be considered conceptual as part of the preliminary plan review and shall be reviewed at time of detailed site plan for height, materials, and position in relation to the proposed residential structures.

Soils

According to the "Prince George's County Soils Survey," the principal soils on this site are in the Adelphia, Beltsville, Bibb, Croom, Fallsington, Galestown, Sandy Land, Sassafras, Westphalia, and Woodstown series; however, portions of the site were mined for sand and gravel after the publication of the "Prince George's County Soil Survey." Some of these soils may have developmental limitations.

Due to the unknown nature of the soils and the limitations associated with these areas, a soils report addressing the soil structure, soil characteristics, and foundation stability is required in order to allow analysis of the site with regard to the required findings of Section 24-131 of the Subdivision Regulations. The study shall at a minimum clearly define the limits of past excavation and indicate all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 in accordance with Council Resolution CR-21-2006 (December 2005 Cycle of Amendments, May 2, 2006), and will, therefore, be served by public systems.

5. **Community Planning**—The subject property is located in Planning Area 78/Employment Area 2 in the Sansbury community and is within the limits of the 1994 *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia (Planning Areas 77 and 78)*. As discussed below, the site is subject to numerous other approved and pending comprehensive planning documents:

1994 Melwood-Westphalia master plan

This application proposing high-density residential use does not conform to the recommendations of the 1994 master plan for industrial, public park, or low-density residential land uses at this location. The 1994 SMA map indicates that applications for the E-I-A Zone would conform to the industrial land use recommendations of the 1994 master plan.

CB-37-2005

The development concept for this property is based on the new land use pattern allowed by Council Bill CB-37-2005, which revised Zoning Ordinance Section 27-441(b), Footnote 79, to allow multifamily and townhouse development in the R-R Zone on property with surface mining or Class-3 landfill permits under circumstances that apply to this site. It is understood that the majority of the land in this application has active permits for surface mining or a Class-3 landfill.

2005 Westphalia Comprehensive Concept Plan (WCCP) Study

Recent development activities in the Westphalia area led to a 2005 planning study entitled the Westphalia Comprehensive Concept Plan (WCCP) study. This study evaluated a number of large, ongoing development applications and proposed a coordinated approach to implement the planned community concept advocated by the 1994 master plan, but at a substantially higher density. The subject property is one of the development proposals included in that study.

2006 *Westphalia Preliminary Sector Plan and Proposed Sectional Map Amendment*

The Westphalia sector plan and SMA was adopted by the Planning Board in July 2006 and reflects the planning concepts of the 2005 WCCP study. The adopted sector plan recommends the subject property primarily for high-density residential land use.

Residential Design Principles

The adopted sector plan contains the following design principles for development in residential areas that apply to the review of these subdivision applications, or to the detailed site plan to be submitted subsequently (pp. 17-18):

> **Design Principles**
>
> Residential Areas
>
> Cluster residences around shared amenities to form distinct neighborhoods with a sense of identity. Clusters should be defined and divided by green spaces.
>
> Develop neighborhoods to reflect the character of their location within Westphalia with closer areas being compact and more urban and fringe areas being more rural….
>
> Encourage preservation of woods and fields by allowing smaller lot sizes and permitting usable shared green areas in the immediate neighborhood via cluster or conservation subdivision design techniques.
>
> Front residences onto, rather than backing them up to, parkways and other roads and onto stream valleys and other green areas that are over 80 feet wide.

Feature the same quality design and treatments on the exposed façades as on the front façade of highly visible residences on corner lots, and elsewhere.

Design single-family detached and attached homes and multifamily buildings so the mass of the living space and the front door dominates the front façade with garages hidden or subordinated to the main structure.

Construct garages so as not to visually dominate the first floor front facade or project beyond the main façade of residential buildings.

Design most of the buildings in a block to have the appearance of two habitable floors.

Arrange driveways so that cars are parked to the side or rear of the house or otherwise hidden from the street.

Provide rear alleys to have access to parking and garages for residences that are placed back-to-back.

Comment: Land use types and quantities are not specified for each site in the adopted sector plan, but calculations were included in the 2005 WCCP study appendices that reflected development proposals and estimates for undeveloped properties in the study area to determine overall development potential, public facility needs and transportation network demands. The tables and maps in WCCP Appendix V—Land Use Development Estimates, includes the property subject to these applications in land bay "RRR-23", which estimates 1,100 dwelling units (page 4 of 12 in Appendix V). These applications generally conform to that development concept.

The orientation of lots and buildings toward public streets, with parking located to the rear of side of buildings, generally conforms to the design concepts of the adopted plan. Building design and architecture issues need to be addressed during review of detailed site plans.

Gateways

The adopted sector plan policies and strategies (p. 17) promote the development of gateways at key intersections into the Westphalia Sector Plan area, including D'Arcy Road at the Capital Beltway on application 4-05113, as follows:

Strategies

Ensure designated gateways, including main street village gateway areas, are designed to include, but not be limited to, the following design elements that will help define the site and make the place inviting and safe:

Landmark elements such as entrance signage, artwork, water features, or timepiece.

Landscape design including both softscape and hardscape.

Resting and recreation facilities and other amenities, as appropriate.

Comment: This issue is not addressed in application 4-05113; it should be addressed during detailed site plan review.

2002 *Prince George's County Approved General Plan*

The 2002 General Plan locates the property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. These applications (there is a companion application, 4-05116—D'Arcy park North) are not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

6. **Parks and Recreation**—Staff of Department of Parks and Recreation (DPR) has reviewed the submitted subdivision plans and made the following findings in accordance with Section 24-135(b) of the Subdivision Regulations.

   The applicant, his successors, and/or assignees, should provide adequate private recreational facilities on site in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines.*

   The preliminary plan shows several areas for private recreational facilities. The limits of the private recreational facility shall be reviewed by the Urban Design Section of the Development Review Division (DRD) for adequacy and property siting through a detailed site plan as set forth in the conditions of approval.

7. **Trails**—There is one master plan trail issue identified in the Melwood-Westphalia master plan and SMA that impacts the subject site. A Class II trail is recommended along Presidential Parkway extended (A-66 in 1994 master plan, MC-634 in draft sector plan). The draft Westphalia Sector Plan and SMA has reaffirmed this recommendation. This trail has been completed along the north\east side of Presidential Parkway where the road has been completed west of Woodyard Road (see photo). Staff recommends that the trail be completed along the east side of this road (MC-634) where it crosses each portion of the subject site, both north and south of D'Arcy Road. Staff supports this trail as indicated on the street section for Road A.

The draft Westphalia Sector Plan also designates D'Arcy Road as a master plan bikeway corridor (see Map 8). Currently, D'Arcy Road is open section with no sidewalks outside the Beltway, although inside the Beltway it has curbs, gutters, and standard sidewalks. Staff recommends that the bikeway be accommodated through the provision of two "Share the Road with a Bike" signs and standard sidewalks along D'Arcy Road. Paved shoulders or wide outside lanes should be considered at the time of road resurfacing or road improvement to safely accommodate bicycle traffic.

Sidewalk Connectivity:

Due to the density of the subject site and the desire for walkable communities expressed during the Westphalia Charrette, staff recommends the provision of standard sidewalks along both sides of all internal roads. In keeping with this, staff also recommends sidewalks along D'Arcy Road.

8. **Transportation**— The applicant prepared and submitted to staff a traffic impact study dated February 10, 2006. However, due to procedural issues pertaining to the applicant's proposed transportation facilities mitigation plan (TFMP), the study was deemed to be unacceptable to staff and a revised study using the appropriate methodology was requested. The applicant then provided a May 3, 2006, revised study that was acceptable to staff and was subsequently sent on referral (on May 10, 2006) to both the County Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA).

Subsequent to staff's receipt and acceptance of the May 3, 2006, revised study, there have been additional applications that have obtained preliminary plan approval by the Planning Board and are now considered background developments. Included among those approved developments is the Smith Home Farm Preliminary Plan (4-05080), which was approved on July 27, 2006. The Smith Home Farm preliminary plan proposes a mixed-used development, including over 3,600 residential dwelling units and 170,000 square feet of commercial development. Given the size

and proximity of the Smith Home Farm development to the subject property, and the fact that some or all of the intersections within the subject application's study could be affected by traffic from the Smith Home Farms development, the applicant was requested to revise the study yet again, to reflect the impact caused by these approved background developments.

On September 8, 2006, staff received an electronic (PDF) copy of an addendum to the original traffic study. In this addendum, the study analyzed all of the intersections within the study area, but this time including the Smith Home Farm approved subdivision as part of the background development. As of this writing, however, comments from SHA and DPW&T (based on this recent addendum) have not been received. The findings and recommendations outlined below are based upon a review of all materials received and analyses conducted by the staff, are consistent with the guidelines.

All of the analyses presented in the traffic impact studies (original and revised) are based on the traffic generated by both the subject application and the D'Arcy Park South (4-05116) preliminary plan application. *[~~Both sites have common ownership and are likely to be heard on the same Planning Board date.~~] The analyses and findings presented in this memorandum are similar for each site.

Traffic Impact Study

The September 8 traffic impact study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Sansbury Road/Ritchie Marlboro Road	C/1203	A/926
Sansbury Road/D'Arcy Road **	B/11.1 secs.	B/11.1 secs.
Westphalia Road/D'Arcy Road **	B/11.8 secs.	B/10.0 secs.
Westphalia Road-Old Marlboro Pike/MD 4	D/1361	**F/1837**
I-95 @ Ritchie Marlboro Road/ SB Ramps Round-about **	A/6.7 secs.	A/5.8 secs.
I-95 @ Ritchie Marlboro Road/ NB Ramps Round-about **	A/8.0 secs.	A/5.6 secs.
** Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E" which is deemed acceptable corresponds to a maximum delay of 50 seconds/vehicle. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the *Guidelines.* All results in **boldface** represent failing levels.		

The traffic study also identified 18 background developments whose impact would affect some or all of the study intersections. Additionally, a growth rate of one percent per year (between 2005 through 2012) was applied to the existing traffic counts along MD 4. A growth rate of two percent per year was applied to the through traffic along Ritchie-Marlboro Road. A second analysis was done to evaluate the impact of the background developments on existing infrastructure. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Sansbury Road/Ritchie Marlboro Road	**F/1706**	D/1300
Sansbury Road/D'Arcy Road **	C/31.5 secs.	B/67.1 secs.
Westphalia Road/D'Arcy Road **	C/24.7 secs.	C/22.6 secs.
Westphalia Road-Old Marlboro Pike/MD 4	**F/2363**	**F/2540**
I-95 @ Ritchie Marlboro Road/ SB Ramps Round-about **	A/7.6 secs.	A/10.6 secs.
I-95 @ Ritchie Marlboro Road/ NB Ramps Round-about **	B/11.8 secs.	C/17.8 secs.

Using the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, the study has indicated that the proposed developments of both D'Arcy Park North and D'Arcy Park South combined would consist of 344 condominium units and 712 townhouse units. Collectively, these units will be adding 677 (134 in; 543 out) AM peak-hour trips and 773 (505 in; 271 out) PM peak-hour trips at the time of full build-out. An analysis of total traffic conditions was done, whereby the impact of both of the proposed developments was evaluated. The results of that analysis are as follows:

TOTAL CONDITIONS (**both developments combined**)		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Sansbury Road/Ritchie Marlboro Road	**F/1868**	D/1410
Sansbury Road/D'Arcy Road **	**F/999+ secs.**	**F/999+ secs.**
Westphalia Road/D'Arcy Road **	C/40.5 secs.	C/58.8 secs.
Westphalia Road-Old Marlboro Pike/MD 4	**F/2441**	**F/2547**
I-95 @ Ritchie Marlboro Road/ SB Ramps Round-about **	A/8.7 secs.	A/34.1 secs.
I-95 @ Ritchie Marlboro Road/ NB Ramps Round-about **	B/12.5 secs.	C/54.3 secs.
D'Arcy North @ Sansbury Road (site access) **	C/21.8 secs.	D/26.4 secs.
D'Arcy North @ D'Arcy Road (site access) **	B/10.9 secs.	B/11.1 secs.
D'Arcy South @ D'Arcy Road (site access) **	B/11.3 secs.	B/11.8 secs.

The results shown in the table above have indicated that there are three intersections that would operate unacceptably under total traffic conditions. To address those inadequacies, the following improvements were proposed in the traffic study:

1. **Sansbury Road/D'Arcy Road intersection (unsignalized)**

Given the failing LOS projected for this intersection under total traffic, the applicant proposes a provision of separate left and right turn lanes for the D'Arcy Road approaches in addition to a realignment of the intersection. Recognizing that with these improvements, the intersection would still operate with delays above the 50-second threshold, the applicant examined the possibility of signalization as well as an "all way stop" condition. The study concluded that the implementation of an "all way stop" control would result in LOS of B (13.9 secs) during the AM peak hour and B (14.88 secs) during the PM peak hour.

2. **Sansbury Road/Ritchie-Marlboro Road intersection**

The applicant proposes the addition of a third westbound through lane on Ritchie-Marlboro Road. With this improvement in place, the intersection is projected to operate with a LOS/CLV of D/1374 during the AM peak hour, and D/1410 during the PM peak hour

3 **MD 4/Westphalia Road intersection**.

Because this intersection is located within the MD 4 corridor, where the use of mitigation (CR-29-1994) is allowed, the applicant has proffered a transportation facilities mitigation plan (TFMP) at the intersection to meet the mitigation critical lane criteria. Specifically, the applicant is proposing to provide the following lane configuration:

Northbound approach (Old Marlboro Pike)

- Double left turn lanes
- One exclusive through lane
- One exclusive right turn lane

Southbound approach (Westphalia Road)

- Double right turn lanes
- One exclusive through lane
- One exclusive left turn lane

Eastbound Approach (MD 4 *from* the Beltway)

- Double left turn lanes
- Three exclusive through lanes
- One exclusive right turn lane

Westbound Approach (MD 4 *towards* the Beltway)

- One left turn lane
- Four exclusive through lanes
- One exclusive right turn lane

With these improvements in place, the projected LOS/CLV would be F/1749 during the AM peak hour and F/1778 during the PM peak hour. The traffic study further indicates that the above improvements would mitigate 887 percent of the site-generated trips added in the AM peak and 10,985 percent of the PM site-generated peak hour trips. With all of the improvements cited above for the three referenced intersections, the traffic study concluded that the subject property (and the companion D'Arcy Park South application) meets the CLV criteria for a TFMP.

Staff Review and Comments

Upon review of the applicant's traffic study (including the addendum received on September 8, 2006) staff does not totally concur with its findings and conclusion.

In addition to the planning staff, the May 3, 2006, study was reviewed by two other agencies, the State Highway Administration (SHA) and the Department of Public and Transportation (DPW&T). It is worth noting, however, that the supplemental study (addendum), which includes analyses of the affected intersections with the Smith Home Farm development being part of the background developments, was sent out on referral to the agencies on Monday September 11, 2006. It is customary to allow for a 30-day review window when either the SHA or the DPW&T review is being sought. Given the fact that the supplemental study was submitted to staff 13 days prior to the Planning Board hearing, it appears unlikely that a complete review of the supplemental material by either agency can be accomplished within the compressed timeframe.

DPW&T did offer comments based on the original traffic study as sent out on referral. In their review of the applicant's (May 10, 2006) traffic study, the DPW&T does not support the proposed "all way stop" condition at the Sansbury Road/D'Arcy Road intersection. In a June 6, 2006, memorandum to staff (Issayans to Burton) Mr. Issayans, the county's chief traffic engineer, expressed his disapproval for such a condition. Further discussion between staff and DPW&T revealed operational problems as the main reason for the agency's disapproval. Mr. Issayans suggested, however, that the geometry of the intersection be reconfigured in order to enhance sight distance and overall operation. A complete signal warrant analysis was also being required of the applicant. Other comments by DPW&T dealt with operational issues that go beyond the purview of the Planning Department and the Planning Board.

The issues regarding the adequacy of the intersection of MD 4 and Westphalia Road/Old Marlboro Pike are numerous and rather complex. Both the initial traffic study provided by this applicant, as well as the supplemental traffic study, indicated that the intersection fails under existing traffic, background traffic, and site-generated traffic. The applicant has demonstrated that with the provision of specific geometric improvements to the intersection, the intersection could be made to operate adequately, pursuant to the provisions outlined in the mitigation guidelines (CR-29-1994) and Section 24-124(a)(6). One such provision, however, is that any improvement

proffered as part of a mitigation package must be approved by the agency that has jurisdiction for that transportation facility. As of this writing, staff has not received any correspondence from SHA affirming their approval for the geometric improvements cited earlier.

In a related matter, the applicants for the recently approved Smith Home Farm Preliminary Plan of Subdivision (4-05080) are pursuing plans for the funding and construction of a grade-separated interchange to replace the current at-grade intersection of MD 4 and Westphalia Road. This improvement is necessary, since it was the basis on which a finding of adequacy was determined for the Smith Home Farm. While such an interchange would create enough capacity to serve the Smith Home Farm development, it would also create excess capacity that would benefit other developments including the subject property. The funding of such a project can be very costly, and understandably, the developers of said project are pursuing an avenue through which some of the cost can be reimbursed.

One such avenue is called the surplus capacity reimbursement procedure (SCRP). Section 24-124(a)(4) and allows for the developer (providing the initial capital) to be reimbursed in part by other developers for the creation of excess capacity. Section 24-124(b) also allows subsequent developers to receive Planning Board approval with a condition to pay a pro-rata share of the MD 4/Westphalia Road interchange, rather than a condition requiring the construction of the interchange. The applicant for the Smith Home Farm has accepted a condition to construct the interchange and must bond it, obtain permits for it, and schedule it for construction prior to the release of the initial building permit. At that point, the Planning Board would be able to establish a resolution establishing the SCRP for the MD 4/Westphalia Road interchange. In order to ensure compliance with Section 24-124(a)(4), it will be necessary for this to occur prior to other developments paying the pro-rata share and moving into the building permit stage of development. To date, the applicant for the Smith Home Farm has provided no firm timetable for completing the needed bonding so that the SCRP can be formally established.

Transportation Staff Findings

The application analyzed is two preliminary plans of subdivision for residential development (D'Arcy Park North and D'Arcy Park South combined) consisting of 344 condominium units and 712 townhouse units. Collectively, these units will be adding 677 (134 in; 543 out) AM peak-hour trips and 773 (505 in; 271 out) PM peak-hour trips at the time of full build-out. The traffic generated by the proposed preliminary plans would impact the following intersections:

- Sansbury Road/Ritchie Marlboro Road
- Sansbury Road/D'Arcy Road (unsignalized)
- Westphalia Road/D'Arcy Road (unsignalized)
- Westphalia Road-Old Marlboro Pike/MD 4
- I-95 @ Ritchie Marlboro Road/ SB Ramps Round-about
- I-95 @ Ritchie Marlboro Road/ NB Ramps Round-about

None of the intersections identified above is 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.

The subject property is located within the Developing Tier as defined in the *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.

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.

The following intersections, when analyzed with the total future traffic as developed using the guidelines, were not found to be operating at or better than the policy service level defined above:

TOTAL CONDITIONS (**both developments combined**)		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Sansbury Road/Ritchie Marlboro Road	**F/1789**	D/1416
Sansbury Road/D'Arcy Road (unsignalized)	**F/112 secs.**	**F/91.1 secs.**
Westphalia Road-Old Marlboro Pike/MD 4	**F/1957**	**F/2239**

The applicant will be required to provide the following improvements to the intersections in consideration of the findings above:

1. **Sansbury Road/D'Arcy Road intersection (unsignalized)**

The applicant shall provide a separate left and right turn lanes for the D'Arcy Road approaches. Since these additional improvements will not lower the delay below 50 seconds in any given movement, and per the requirement of DPW&T, the applicant conduct a traffic signal warrant study.

2. **Sansbury Road/Ritchie Marlboro Road intersection**

The applicant proposes the addition of a third westbound through lane on Ritchie Marlboro Road. With this improvement in place, the intersection is projected to operate with a LOS/CLV of D/1374 during the AM peak hour, and D/1410 during the PM peak hour.

*[~~3. **MD 4/Westphalia Road intersection.**~~

~~The applicant proposes the following lane configuration:~~

~~**Northbound approach (Old Marlboro Pike)**~~

- ~~Double left turn lanes~~
- ~~One exclusive through lane~~
- ~~One exclusive right turn lane~~

~~**Southbound approach (Westphalia Road)**~~

- ~~Double right turn lanes~~
- ~~One exclusive through lane~~
- ~~One exclusive left turn lane~~

~~**Eastbound Approach (MD 4 *from* the Beltway)**~~

- ~~Double left turn lanes~~
- ~~Three exclusive through lanes~~
- ~~One exclusive right turn lane~~]

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***[~~Westbound Approach (MD 4 *towards* the Beltway)~~**

- ~~One left turn lane~~
- ~~Four exclusive through lanes~~
- ~~One exclusive right turn lane~~

~~With these improvements in place, the projected LOS/CLV would be F/1749 during the AM peak hour and F/1778 during the PM peak hour. The traffic study further indicates that the above improvements would mitigate 887 percent of the site trips added in the AM peak and 10,985 percent of the PM peak hour trips. Therefore, the proposed mitigation at MD 4 and Westphalia Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.~~

~~Although the applicant's proposed TFMP has met the mathematical threshold, as of this writing, staff has not received any comments from SHA approving the proposed TFMP. One of the requirements of a TFMP pursuant to the guidelines is that the review agencies must be given 30 days from the date of circulation to review. The guidelines also require affirmation from the review agencies that the proposed geometric improvements are in accordance with the agencies' standards. Because the TFMP was sent on referral to SHA on September 11, 2006, SHA did not have enough time to respond to staff's request as of the date of this memorandum, and consequently, the applicant's TFMP cannot be considered as being valid at this time.~~

~~Aside from an affirmation by the permitting agency, the applicant's Transportation Facilities Mitigation Plan (TFMP) is not appropriate for consideration based on the fact that there is currently a proposal for an alternative improvement that will be fully funded and provide for adequate transportation facilities. As mentioned previously, the developers for the Smith Home Farm are in the process of having design plans prepared for an interchange at the MD 4-Westphalia Road intersection. During the July 27, 2006 Planning Board hearing for the Smith Home Farm preliminary plan, staff prepared and presented a set of findings, outlining the basic groundwork for the creation and implementation of a Surplus Capacity Reimbursement Procedure (SCRP) for the proposed interchange. Specifically, the findings identified:~~

- ~~Scope of the improvement~~
- ~~Cost of improvement~~
- ~~Total capacity of the improvement~~
- ~~Capacity associated with the Smith Home Farm (SHF) development~~
- ~~Excess capacity (total capacity less SHF capacity)~~
- ~~Formulation for pro-rata contribution for SHF~~
- ~~Formulation for pro-rata contribution for subsequent development(s)~~]

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*[~~Based on the findings adopted by the Planning Board (PGCPB 06-64(A)) for The Smith Home Farm, the following represents the methodology for computing the pro-rata amount for this application:~~

~~**Pro-Rata Share for Subject Development:**~~

~~This analysis covers both the D'Arcy Park North and South plans totaling 712 townhouses and 344 condominiums within the area of the SCR improvement. It is determined that 42.5 percent of site traffic would use the MD 4/Westphalia Road intersection, with 25 percent destined for the Beltway south of MD 4, 5 percent for MD 4 inside the Beltway, 10 percent for Old Marlboro Pike, and 2.5 percent for MD 4 outbound. Trips are assigned as shown on Attachment G provided with is report (keeping in mind that traffic heading south along the Beltway or inside the Beltway cannot use the on-ramp to get onto MD 4), and total traffic is shown on Attachment H also provided with this report. The following results are determined:~~

~~Westphalia Road/service road: AM CLV – 851; PM CLV – 829 Average 840~~
~~Old Marlboro Pike/MD 4 EB ramps: AM CLV – 710; PM CLV – 890 Average 800~~
~~Service road/MD 4 WB ramps: AM CLV – 784; PM CLV – 771. Average 778~~
~~D'Arcy Park (North & South)~~
~~Interchange traffic statistic: 805.83~~

~~Change in traffic statistic = D'Arcy – SHF~~
~~Change in traffic statistic = 805.83 – 744.5 = 61.33~~

~~Share = Change/Created Capacity~~
~~Share = 61.33/792.17 = 0.0774~~

~~Allocated Cost = Allocable Cost * Share~~
~~Allocated Cost = 25,840,000 * 0.0774 = $2,000,000~~
~~Cost per dwelling unit: $2,000,000/1,056 = $1,893.94~~

~~With the approval of the Smith Home Farm preliminary plan, and~~

~~a. The establishment of SCR improvement in accordance with Section 24-124; and~~

~~b. A methodology for computing the pro-rata payment associated with this improvement, subsequent developments; including the subject property could use this finding and methodology as a means of finding adequacy at the MD 4/Westphalia Road intersection.~~]

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*[~~In making this recommendation, all parties must be aware that subsequent action will be needed by the Planning Board to establish a SCRP at this location. This would be done by resolution at a later date only after the improvement is bonded and permitted. Any subsequent developments seeking to utilize the SCRP prior to the passage of the SCRP resolution by the Planning Board must receive a condition that requires passage of the resolution establishing the SCRP and securing of the interchange funding prior to issuance of building permits.~~]

*The purpose of this reconsideration is to allow the applicant (with oversight and concurrence from staff) an opportunity to reevaluate the traffic impact of the proposed developments on the intersection of MD 4 and Westphalia Road-Old Marlboro Pike in accordance with the provisions of CR-66-2010. The reevaluation would be based on the 2006 traffic analysis that was the basis for the previous approvals; however, a new trip assignment would be utilized based upon the separate locations and development activity proposed on the D'Arcy Park North and South properties.

*Background

*On September 28, 2006, the Prince George's County Planning Board approved Preliminary Plan of Subdivision 4-05113 for the D'Arcy Park North Property and Preliminary Plan of Subdivision 4-05116 for the D'Arcy Park South Property. Based on information outlined in PGCPB 06-219 and PGCPB 06-220, the preliminary plans were approved with several transportation-related conditions, including the following (Condition 21 of Preliminary Plan 4-05113 and Condition 19 of Preliminary Plan 4-05116):

*a. *Prior to the issuance of each building permit, the applicant, his heirs, successors and/or assignees, shall pay a pro-rata share of the cost of construction of an interchange at MD 4 and Old Marlboro Pike-Westphalia Road. The pro rata share shall be payable to Prince George's County (or its designee), with evidence of payment provided to the Planning Department with each building permit application. The pro rata share shall be $1,893.94 per dwelling unit x (Engineering News Record Highway Construction Cost Index at the time of building permit application /(Engineering News Record Highway Construction Cost Index for the second quarter 2006). Before this payment can be made, the Planning Board must adopt a resolution establishing the SCRP.*

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*b. *Prior the issuance of the first building permit, the above improvement shall have full financial assurances through either private money and/or full funding in the CIP.*

*It is worth noting that all of the analyses presented in the traffic studies (for both preliminary plans of subdivision) were based on the traffic generated by the combined development proposed in both preliminary plans. Given the common ownership of the two properties, and the likelihood that both plans would be heard on the same Planning Board date, staff agreed to the applicant's request to have both plans evaluated by a single traffic study. Because the analyses and findings made by staff were derived from the use of the same traffic study, the transportation-related conclusions and conditions of approval were the similar for both developments.

*Westphalia Public Facility Financing and Improvement Program (PFFIP) District Cost Allocation Table per CR-66-2010 (Revised 02/22/2011)

*On October 26, 2010, the County Council approved CR-66-2010, establishing a Public Facility Financing and Improvement Program District for the financing and construction of the MD 4/Westphalia Road interchange. Pursuant to CR-66-2010, staff has created a cost allocation table that allocated the estimated $79,990,000 cost of the interchange to all of the properties within the PFFIP District based on the proportion of average daily traffic contributed by each development to the total contributed by all of the developments in the District.

*In the preparation of that table, staff had originally assigned 3,360 average daily trips (ADT) from the D'Arcy Park North and D'Arcy Park South developments combined to the Westphalia Road-MD 4 intersection. That ADT total was derived based on applying a distribution (and assignment) of 42.5 percent to the 7,908 ADT total site trip generation for the two properties combined. For the pending reconsideration request, rather than evaluating the traffic for the combined developments, staff will evaluate the traffic of each development based on a traffic reassignment that is most likely to be utilized by the residents of that particular development.

*Based on the approved DSP-06080 and DSP-06079 approved subsequent to the above noted preliminary plans, the following represents the current breakdown for both properties regarding total development and daily traffic generation:

	Townhome Units	Condominium Units	Total	Total ADT	
D'Arcy Park North	329	168	497	3,724	47%
D'Arcy Park South	380	176	556	4,184	53%
Total	709	344	1,053	7,908	100%

*The following represents the trip distribution as presented in the original traffic study:

Orientation	Percentage
Beltway north	35
Ritchie Marlboro Road (west of Beltway)	5
Ritchie Marlboro Road (east of Sansbury Road	5
D'Arcy Road west	10
Westphalia Road east	2.5
MD 4 (west of Beltway towards Washington DC)	*5*
MD 4 (east towards Upper Marlboro)	*2.5*
Beltway south	*25*
Old Marlboro Pike (south)	*10*
Total	100

*Upon closer examination of the trip distribution and trip assignment as identified in the 2006 traffic study, between 31% and 42.5% of the combined traffic would be expected to pass through the intersection of MD 4 and Westphalia Road. In trying to evaluate the two properties separately, it has become apparent to staff that there are multiple assignments that could be proposed for each property. The general location of these properties relative to various types of transportation facilities is an important consideration is assigning future traffic. For those residents within the North and South developments whose destination is south of the Beltway and/or inside the Beltway, the following two likely options are available:

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*1. *The local roadways option* – this option could involve the use of Sansbury Road, D'Arcy Road, Westphalia Road and eventually MD 4 and on to the MD 4 interchange with the Beltway. At that point, the driver could proceed ahead towards their western destination, or they could take the ramp at the interchange and proceed toward the Beltway south. This "local" path is measured as approximately 2.65 miles in length.

*2. *The freeway option* – This path would involve Sansbury Road, a left turn onto Ritchie Marlboro Road, a left turn at the second roundabout with the southbound ramp to the Beltway. From this point the driver could proceed on the Beltway towards Virginia, or exit at the interchange at MD 4 and on to the destination inside the Beltway. This "freeway" path is approximately 3.7 miles of which two miles are along the Beltway.

*To evaluate the most likely path that a traveler from either development would choose, the applicant retained a traffic expert who has prepared an empirical analysis for this reconsideration. In the 2006 traffic analysis, 11.5% of the total traffic from both properties was oriented to the Beltway-Ritchie-Marlboro Road interchange. One of the key assumptions that were presented in the recent traffic analysis that was prepared for this reconsideration was that 11.5% of the total combined traffic would come exclusively from the D'Arcy Park North property. This number represents the difference in assignment between traffic passing through the intersection of MD 4-Westphalia Road and the MD 4-Beltway interchange. Considering travel distance, travel times and general congestion, this assumption appears to be justified given the location of the D'Arcy Park North property and its proximity to the Beltway compared to the location of the D'Arcy Park South property. Regarding other assignments through the intersection of MD 4-Westphalia Road, the traffic analysis apportioned the traffic from the two properties in a manner that is proportional to the relative size of each development. Based on these assumptions, the applicant's traffic analysis concluded that 8.5% of the traffic from the D'Arcy Park North development would pass through the MD4-Westphalia Road intersection, while 22.5% of the traffic will come from the D'Arcy Park South development.

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Orientation	Distribution	New Assignment Westphalia Road @ MD 4	
		D'Arcy South	D'Arcy North
MD 4 (east towards Upper Marlboro)	*2.5%*	*1.3%*	*1.2%*
Beltway south + MD 4 (west of Beltway)	*30%*	*15.9%*	*2.6%*

Old Marlboro Pike (south)	*10%*	*5.3%*	*4.7%*
Total percentage	42.5%	22.5%	8.5%
Total ADT for cost allocation		7,908 x 22.5% = 1,779	7,908 x 8.5% = 672

*In review of the applicant's analyses, staff concurs with the assumptions and conclusion.

*PFFIP Cost Allocation Update

*As a result of the revised ADTs attributed to the two properties previously discussed, it will be necessary to reflect these changes by modifying the cost allocation table.

Transportation Staff Conclusions

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with conditions consistent with the above findings.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003, and CR-23-2003 and concluded the following.

Finding

Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	497 sfd	497 sfd	497 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	119.28	29.82	59.64
Actual Enrollment	3,965	7,218	10,839
Completion Enrollment	176	112	223
Cumulative Enrollment	938.64	235.92	472.92
Total Enrollment	5,198.92	7,595.74	11,594.56
State-Rated Capacity	4,140	6,569	8,920
Percent Capacity	125.58	115.63	129.98

Source: Prince George's County Planning Department, M-NCPPC, December 2005

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: $7,000 per dwelling if a building is located between I- 495 and the District of Columbia; $7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or $12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are $7,671 and $13,151 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003, CB-31-2003, and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Forestville, Company 23, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities—**The preliminary plan is located in Police District IV. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on April 17, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-02/05/06	10.00	22.00
Cycle 1			
Cycle 2			
Cycle 3			

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on March 5, 2006. Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and has the following comments to offer.

1. Submit, as soon as possible, a detailed summary of the previous sand and gravel operation (years of operation and extent of excavation/backfill) so this office can determine whether an environmental site assessment and testing will be required prior to preliminary plan approval.

2. The Health Department reminds the applicant that raze permits are required prior to demolition of any structure on the site. The Health Department also noted that wells and septic systems to be abandoned must be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan has been submitted but not yet approved. Prior to signature approval of the preliminary plan the applicant should submit copies of the approved stormwater concept plan and letter to the Environmental Planning and Subdivision Sections and indicate the approval

date on the preliminary plan. Development must be in accordance with that approved plan to ensure that development of this site does not result in on-site or downstream flooding.

14. **Historic**— Phase I archeological survey was completed for the above-reference property. Four copies of a revised final report, "A Phase I Archaeological Survey of the D'Arcy Road Property Prince George's County, Maryland Preliminary Plans 4-05113 and 4-05116," were submitted to staff on April 12, 2006. No archeological sites were identified and no further archeological work is required by the county.

Section 106 review may require archeological survey for state or federal agencies, however. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when federal monies, federal properties, or federal permits are required for a project.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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*[~~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 Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns and Parker voting in favor of the motion, and with Commissioners Clark and Squire opposing the motion at its regular meeting held on~~ Thursday, September 28, 2006~~, in Upper Marlboro, Maryland.~~

~~Adopted by the Prince George's County Planning Board this 26th day of October 2006~~.]

*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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, March 10, 2011, in Upper Marlboro, Maryland.

*Adopted by the Prince George's County Planning Board this 28th day of April 2011.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Acting Planning Board Administrator

PCB:JJ:WC:arj

*Denotes Amendment
Underlining indicates new language
[Brackets] and ~~strikethrough~~ indicate deleted language