

Attachment 1: CR-72-2023, Proposed Minor Amendment to the 2009 *Countywide Master Plan of Transportation*: Staff Report
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MINOR AMENDMENT TO THE 2009 COUNTYWIDE MASTER PLAN OF TRANSPORTATION – (CR-72-2023)

STAFF REPORT

The District Council, by Council Resolution CR-72-2023 adopted on July 18, 2023, initiated a Minor Amendment of the 2009 *Approved Countywide Master Plan of Transportation* (2009 MPOT) pursuant to the procedures described in Section 27-3502(i) of the County Zoning Ordinance, which provides for the Minor Amendment of approved area master, sector, and functional master Plans. The CR-72-2023 proposes to eliminate approximately 47.47 acres of land from the planned right-of-way of the interchange of US 301 (the planned F-10 freeway), MD 202 Extended (a master-planned expressway E-6), and MD 4, also known as Stephanie Roper Highway (master-planned freeway F-6), southeast of Upper Marlboro, as articulated in the 2009 MPOT and carried forward in the 2013 *Approved Subregion 6 Master Plan* (Subregion 6 Plan).

Staff notes that a full update of the 2009 MPOT was initiated by the County Council on September 21, 2021 with its adoption of CR-79-2021 and that this full update of the 2009 MPOT is underway at the time of this staff report.

BACKGROUND

Applicability: CR-72-2023 proposes to amend the facility recommendations and text of the 2009 *Approved Countywide Master Plan of Transportation*. Facility recommendations of the 2009 MPOT are amended and often replaced by recommendations in subsequent area Master, Sector, and Transit District Development Plans. In this particular case, the properties covered by this proposed minor amendment require amending the applicable area master plan, and the 2013 Subregion 6 Plan, which contains the master-planned freeway interchange that is the subject of the proposed minor amendment. This discrepancy can be addressed in the resolution of approval, if necessary.

Location: CR-72-2023 identifies the following properties as the subject of the proposed minor amendment:

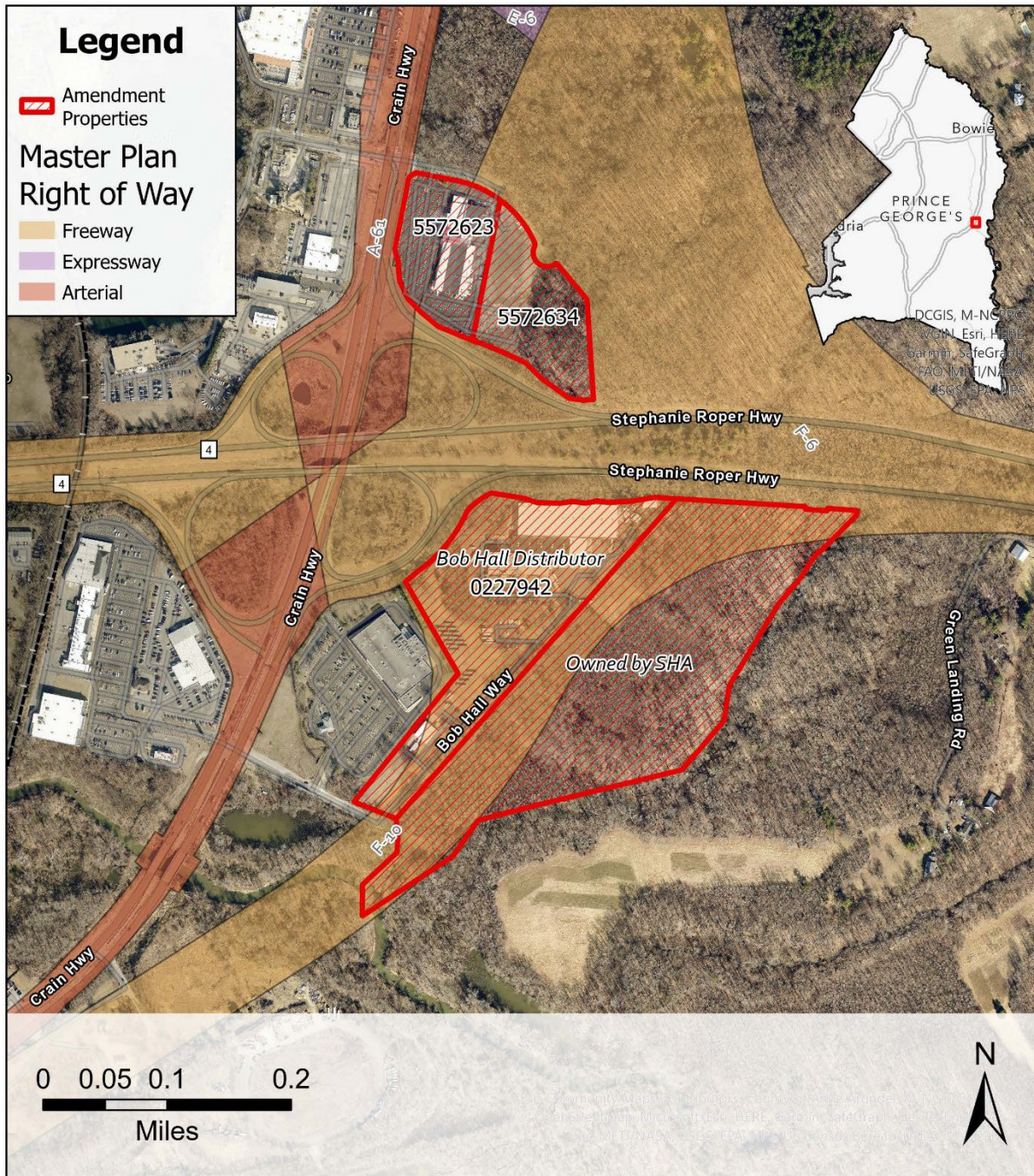
“approximately 10.71 acres of property known as Parcel “C” of the “Penn – 301 Industrial Center,” recorded among the land records of Prince George’s County in Plat Book 71, at Plat Book Page No. 23, and generally bounded by Crain Highway (US 301) on the west, Pennsylvania Avenue on the south, Chevy Drive along the north and east; approximately 15.711 acres of property known as Parcel “B-1” recorded among the land records of Prince George’s County in Plat Book NLP 103, at Plat Book Page No. 56, being generally bounded by Crain Highway (US 301) on the west, Pennsylvania Avenue on the north, Maryland Route 976-C along the south; and approximately 31.76 acres recorded among the land records of Prince George’s County in Liber 13481, at folio 699, being generally bounded by Crain Highway (US 301) on the west, Pennsylvania Avenue on the north, Maryland Route 976-C along the west.”

This corresponds to the following parcels:

Address	Tax Map and Grid	Tax Account	Description	Ownership
5300 Robert Crain Highway	102B2	5572623	5300 CRAIN LAND CONDO PHASE WEST UNIT 1	Institution
Robert Crain Highway	102B2	5572634	5300 CRAIN LAND CONDO PHASE EAST UNIT 2	Private
5600 SE Robert Crain Highway	102B2	0227942	PARCEL B-1	Private

There is no property information in the Planning Department's GIS system for the southeastern parcel associated with this minor amendment; however, the Maryland Department of Transportation (MDOT) State Highway Administration (SHA) has confirmed it is owned by the State of Maryland.

Map 1: Subject Properties



CR-72-2023 | Minor Amendment to the 2009 MPOT

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07/28/2023
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CR-72-2023 Minor Amendment to
2009 MPOT

The F-10 Freeway (US 301) Project

F-10 is the County's planning designation for a planned limited-access freeway to carry US 301 and MD 3 between Charles County and Anne Arundel County. The purpose of this freeway is to help alleviate traffic congestion and to carry ever-increasing passenger and freight traffic along the US 301 corridor, the primary alternate route to I-95 along the Eastern Seaboard between Richmond, Virginia and Wilmington, Delaware.

This facility was subject to several planning studies, most notably the US 301 Transportation Study (sponsored by the governor's office between 1993-1996), the US 301 Transportation Studies between 1998-2001, through which the current F-10 project received a federal record of decision for a Tier 1 Environmental Impact Statement,¹ the US 301 Access Control Study (1999), and the US 301 Waldorf Area Transportation Improvements Project (2006-2008). While the SHA has managed the planning phase of this project, staff does not presume the ultimate agency in charge of project completion, which could be either SHA, the Maryland Transportation Authority (MdTA), or another entity.

Alignments, rights-of-way widths, interchange locations, and interchange configurations for F-10 were inserted in the County's Master Plan of Transportation by the County Council in their approval of the 1991 *Approved Master Plan for Bowie-Mitchellville-Collington and Vicinity*, the 1993 *Approved Subregion 5 Master Plan*, and the 1993 *Approved Master Plan for the Subregion VI Study Area*. The 2009 MPOT incorporated the most recent planned alignment, rights-of-way widths, interchange locations, and interchange configurations for F-10 as determined by the 1999 *US 301 Access Control Study* and the *US 301 Waldorf Area Transportation Improvements Project*, and 2013 Subregion 6 Plan carried forward these recommendations for F-10 within Subregion 6, which includes the subject interchange.

MDOT owns 22.06 acres north of MD 4 and 28.58 acres south of MD 4; this southern property is subject to this minor amendment. The purpose of MDOT ownership is to construct F-10 and the subject interchange.

The current planned alignment, rights-of-way widths, interchange locations, and interchange configurations for F-10 north of Planning Subregion 6 were approved by the County Council in their approval of the 2022 *Bowie-Mitchellville and Vicinity Master Plan*. It is staff's expectation that the alignment, rights-of-way widths, interchange locations, and interchange configurations for the remainder of F-10 within Planning Subregions 5 and 6 will be established in the ongoing update to the Master Plan of Transportation, anticipated for approval in 2025.

¹ This level of environmental clearance is a significant step, but further analysis, and possible realignment and re-design, may be necessary prior to construction.

The State Highway Administration’s Stated Positions on the F-10 Project

SHA’s US 301 South Corridor Transportation Study will determine the next steps for planning, engineering, and construction of the F-10 facility. To date, MDOT has spent \$45,008,000 on right-of-way acquisition and \$10,749,000 on project planning for this effort. The project is identified in the FY 2023-2028 Consolidated Transportation Program (CTP) as “on hold.” The 2023-2028 CTP states that SHA projects 130,100 annual average daily traffic in the US 301 corridor by 2042. While this project has experienced delays, its construction is critical to Prince George’s County, not only to alleviate spot congestion in this corridor but to increase accessibility for residents and businesses in the corridor to regional destinations.

On October 4, 2021, the SHA Regional and Intermodal Planning Division submitted testimony to the Prince George’s County Council on the Preliminary Bowie-Mitchellville and Vicinity Master Plan that stated “MDOT SHA’s planning efforts support the draft plan’s intent to transform US 301...into a limited access freeway to address congestion in the corridor.” This testimony states that the US 301/MD 197 Upgrade/Widening Project “is a breakout project of the larger US 301 South Corridor Transportation Study and design of which was placed on hold in 2008, proposed to reconstruct US 301 as a six-lane access-controlled freeway.”²

On February 9, 2023, the SHA Regional and Intermodal Planning Division informed the Planning Department that the subject interchange “is still planned” for the area covered by this minor amendment, that “the [subject] interchange should remain in the MPOT”, and that the project is “on hold awaiting funding to complete planning and subsequent phases”.³

On February 17, 2023, the SHA Office of Real Estate informed the Planning Department that “the Office of Real Estate is not looking to sell any land at or near this interchange at the present time.”⁴

On September 18, 2023, MDOT indicated to Planning Department staff that the project was being removed from the FY 2024-2029 CTP as a cost-saving measure. Staff anticipates further coordination with MDOT, SHA, and if necessary, MdTA, in the coming months to identify a path forward and a consensus plan for advancing this project.

Previous Amendments Relevant to the Countywide Master Plan of Transportation within Subregion 6

Amendment	Date	Subject
CR-82-2013	July 24, 2013	Amended facility recommendations and added text recommendations to the MPOT within Subregion 6, through approval of the 2013 <i>Approved Subregion 6 Master Plan</i> .
CR-26-2014	May 6, 2014	Removed 10.71 acres of property from the subject interchange, through approval of Plan Prince George’s 2035 (Plan 2035).

² Letter, Baker to Berlage, October 4, 2021, forwarded by Planning staff to the Clerk of the Council as testimony for the Preliminary Bowie-Mitchellville and Vicinity Master Plan Joint Public Hearing.

³ Email, Rodgers to Hancock, February 9, 2023.

⁴ Email, Kershner to Hancock, February 17, 2023.

The transportation facility recommendations of the 2009 MPOT within Planning Subregion 6 are amended by the 2013 *Approved Subregion 6 Master Plan*, approved by the County Council on July 24, 2013 (CR-82-2013).

CR-72-2023 refers to a prior amendment to the 2009 MPOT contained within CR-26-2014, the County Council's approval of *Plan Prince George's 2035*, the County's General Plan. In CR-26-2014, the Council resolved:

BE IT FURTHER RESOLVED that the F-10 project shall not include any right-of-way or other preservation of approximately 10.71 acres of property known as Parcel "C" of the "Penn – 301 Industrial Center," recorded among the land records of Prince George's County in Plat Book 71, at Plat Book Page No. 23, and generally bounded by Crain Highway (US 301) on the west, Pennsylvania Avenue on the south, Chevy Drive along the north and east.

CR-72-2023 references this amendment, stating "the aforementioned amendment to the General Plan resulted in a corresponding impact on the alignment of the future F-10 project through several properties as reflected in the 2009 Countywide Master Plan of Transportation." CR-72-2023 further states that the proposed minor amendment "serves as an administrative correction to the 2009 *Countywide Master Plan of Transportation*, which is needed to clarify the alignment of the F-10 project consistent with the approved General Plan for the County..."

EVALUATION

Staff reviewed and evaluated the minor amendment to the 2009 MPOT, for conformance to the requirements of Section 27-3502(i) of the Zoning Ordinance for a Minor Plan Amendment

Zoning Ordinance Compliance (Section 27-3502(i))

Compliance with Sec. 27-3502(i)(1)

Minor amendments of an Area Master Plan or Sector Plan, or Functional Master Plan may be initiated by the District Council upon adoption of a written resolution, or by the Planning Board with District Council approval by written resolution. At the time of initiation of a minor amendment process, a joint public hearing date shall be scheduled to occur within sixty (60) days. The same requirements in Section 27-3407, Scheduling of Hearings and Public Notice, that applied to the review and adoption of the plan shall apply to a minor amendment of the plan.

Comments: A joint public hearing was held on September 12, 2023, within the required time frame.

Compliance with Sec. 27-3502(i)(2)(A)

A minor plan amendment may be utilized to advance defined public objectives, and shall be limited to:

(A) A geographic area which is not more than fifty (50) percent of the applicable plan area, and not limited to a single parcel of land or landowner;

Comments: The proposed minor amendments meet the requirements of Sec. 27-3502(i)(2)(A). The geographic area of the proposed minor amendment is not more than fifty (50) percent of the applicable plan area, and not limited to a single parcel of land or landowner.

Compliance with Sec. 27-3502(i)(2)(B)

A minor plan amendment may be utilized to advance defined public objectives, and shall be limited to:

(B) Specific issues regarding public planning objectives;

Comments: CR-72-2023 focuses on a specific issue but is less clear about the applicable public planning objectives. However, staff and testimony identify a clear public planning objective that the proposed minor amendment may address pursuant to Sec. 27-3502(i)(2)(B): the reduction of conflicts between the master plan rights-of-way and existing businesses and institutions. The effect of the proposed minor amendment, in the short term, would be to permit the development of the property at 5600 SE Robert Crain Highway, and, if the business at that location were to acquire the existing MDOT right-of-way for F-10 lying east of this property, expansion of that business as permitted in its assigned Industrial, Employment (IE) Zone. A similar expansion opportunity is possible for the institutional property in the Commercial, General and Office (CGO) Zone north of MD 4 subject to this amendment.

Staff recommends adding language to the Planning Board’s resolution of adoption to more explicitly articulate the public planning objective of the minor amendment.

Compliance with Sec. 27-3502(i)(2)(C)

A minor plan amendment may be utilized to advance defined public objectives, and shall be limited to:

(C) An action to correct errors in the text or maps in the applicable plan.

Comments: Conformance to Sec. 27-3502(i)(2)(C) is not necessary because the proposed amendments will conform with Sec. 27-3502(i)(2)(B). The proposed minor amendments do not meet the requirements of Sec. 27-3502(i)(2)(A). CR-72-2023 states that “this minor amendment serves as an administrative correction to the 2009 *Countywide Master Plan of Transportation*, which is needed to clarify the alignment of the F-10 project, consistent with the approved General Plan for the County”.

As stated above, the language in CR-26-2014 does not explicitly establish an alignment for the F-10 project, it simply eliminates a corner of a master-planned interchange. Updating the text and maps of the MPOT (and by extension, the 2013 Subregion 6 Plan) to reflect the action taken by the Council in CR-26-2014 is an administrative correction that the Planning Director can make, pursuant to standard administrative correction procedures; a minor amendment to the MPOT (and the 2013 Subregion 6 Plan) is not necessary. See Attachment 2: Administrative Correction No. 2023-07: Administrative Correction to the 2013 *Approved Subregion 6 Master Plan* and the 2009 *Approved Countywide Master Plan of Transportation*.

The remainder of the minor amendments to remove additional properties from the planned right-of-way of F-10 do not address any errors in the applicable plans. They are new policy proposals that address the public planning objective staff identifies above, pursuant to Section 27-3502(i)(2)(B).

Compliance with Sec. 27-3502(i)(3)(A)

In no instance, however, shall a minor amendment process be used to:

(A) Rezone any land;

Comments: The proposed minor amendments meet the requirements of Sec. 27-3502(i)(3)(A); they do not rezone any land.

Compliance with Sec. 27-3502(i)(3)(B)

In no instance, however, shall a minor amendment process be used to:

(B) Change a General Plan center designation;

Comments: The proposed minor amendments meet the requirements of Sec. 27-3502(i)(3)(B); they do not change a General Plan center designation.

Compliance with Sec. 27-3502(i)(3)(C)

In no instance, however, shall a minor amendment process be used to:

(C) Make any amendment that would require major transportation or public facilities analysis or revised water and sewer classification;

Comments: Standing on their own, the proposed minor amendments, as drafted in CR-72-2023, do not meet the requirements of Sec. 27-3502(i)(3)(C).⁵ However, the level of major transportation analysis necessary to revise the location of this proposed right-of-way *is* within the scope of the current, ongoing replacement of the 2009 MPOT. Therefore, the proposed minor amendments do not require major transportation or public facilities analysis. The analysis is underway in the parallel effort to replace the 2009 MPOT.

The proposed minor amendments do not require a revised water and sewer classification.

Compliance with Sec. 27-3502(i)(3)(D)

In no instance, however, shall a minor amendment process be used to:

(D) Amend the County's growth boundary.

Comments: The proposed minor amendments meet the requirements of Sec. 27-3502(i)(3)(D); they do not change the County's growth boundary.

Compliance with Sec. 27-3502(i)(4)

The Resolution initiating a minor amendment shall set forth the objectives required in paragraph 27-3502(i)(3) above, and specify the purpose and scope of the proposed amendment, and identify the date of the joint public hearing on the amendment.

⁵ The location of the F-10/MD 4/MD 202 interchange was the result of several years of planning and engineering analysis, at considerable cost. Deleting portions of the MPOT right-of-way that reflects that extensive analysis necessitates a similar level of effort to truly realign F-10 and re-design, at least to a planning scale, an interchange that involves two limited-access freeways (US 301 and MD 4) with 55-mile-per-hour or greater design speeds. The Council's prior action in CR-26-2014 to delete a portion of a master-planned right-of-way has no relevance to this finding.

From a traffic planning and engineering standpoint, moving a complex freeway interchange that has been designed to reflect the geometric requirements of such a facility requires a major transportation analysis far beyond the scope of a minor plan amendment. To achieve the appropriate geometric design of such an interchange would require realigning F-10 for potentially several miles, which would have considerable environmental impact, especially on the Western Branch of the Patuxent River watershed. Property owners within the existing F-10 right-of-way have been aware of the presence of this master-planned freeway and its interchanges for approximately 30 years (indeed, this duration of time coupled with a lack of construction progress is an impetus for the proposed minor amendments). Moving the freeway to the east and re-designing the interchange with MD 4 and MD 202 will present new, previously unconsidered impacts to different property owners.

Comments: The proposed minor amendments require additional clarification to better comply with Sec. 27-3502(i)(3). As stated above, the objectives of the proposed minor amendments should be articulated clearly.

In addition, the scope of the proposed minor amendments, as drafted in CR-72-2023, is incomplete. The proposed minor amendment attempts to amend the facility recommendations of the 2009 MPOT. These recommendations are amended by the 2013 Subregion 6 Plan. When development recommendations are evaluated for master plan conformance, pursuant to Section 24-4101 of the Subdivision Regulations, and/or master plan consistency (or substantial impairments to master plans) pursuant to Sections 27-3600-3619 of the Zoning Ordinance, and the applicable area master or sector plan was approved after November 17, 2009, the Planning Department and Planning Board are looking at the area master or sector plan, and not the text or maps of the 2009 MPOT, for the applicable transportation facility recommendations.

The end result of the approval of the proposed minor amendment, as drafted in CR-72-2023, is that staff would continue to evaluate development applications within Subregion 6 in the context of the transportation facility recommendations in the 2013 Subregion 6 plan, and not the 2009 MPOT. The 2013 Subregion 6 plan makes the following recommendations applicable to the area subject to the proposed minor amendments:

US 301 (Crain Highway): As it is a major link between Baltimore and Southern Maryland, this plan recommends the upgrade of Crain Highway to freeway status for its entire length, from Leeland Road to the Charles County line. Interchanges in Subregion 6 are planned at Leeland Road (MC-600 on Map 14), MD 4, and Rosaryville Road. Within Subregion 6, the US 301 freeway would use some portions of the existing US 301 alignment and would also include new segments off of the existing alignment. An arterial road (A-61) paralleling the freeway would provide local accessibility in the subregion (see Map 15).

MD 4 (Pennsylvania Ave): This plan recommends the upgrade of MD 4 to freeway status from I-495 to the Anne Arundel County line. Part of this upgrade is complete in Subregion 6, although interchange upgrades are still necessary to achieve freeway status. In particular, interchanges to replace at-grade intersections of MD 4 with Westphalia Road, Suitland Parkway, and Dower House Road have not been completed, and several existing interchanges, such as those at MD 223 and US 301, need to be upgraded.

MD 202 (Largo Road): This plan recommends that Largo Road be upgraded to a four- to six- lane expressway from I-495 to Upper Marlboro. As part of this upgrade, the segment of the road near Upper Marlboro (E6 on Map 15) would be relocated along the existing SHA right-of-way between Kent Drive and the proposed F-10. This relocation is necessary to make the connection to MD 4 within the proposed F-10/MD 4.

Table 10: Proposed Road Facilities: New Interchange at MD 4 and US 301 Relocated (F-10)

To best meet the requirements of Sec. 27-3502(i)(4), the resolution of adoption should be clear that both the 2009 MPOT and the 2013 Subregion 6 Plan are being amended; this can be addressed through a BE IT ALSO RESOLVED clause.

Compliance with Sec. 27-3502(i)(5)

Following the joint public hearing, the Board shall take action on the proposed minor plan amendment to adopt, adopt with amendments, remand, or disapprove the minor plan amendment.

Comments: Board action is anticipated within the required timeframes.

FINDINGS

The proposed minor amendments meet the requirements of Section 27-3502(i) with the addition of the following language in the resolution of adoption:

1. WHEREAS, the transportation facility recommendations of the 2009 *Approved Countywide Master Plan of Transportation* were amended by the 2013 *Approved Subregion 6 Master Plan*.
2. BE IT FURTHER RESOLVED that the public purpose of this minor amendment is to reduce the impacts from proposed rights of way on existing businesses and institutions within the planned rights-of-way of the F-10 (US 301)/F-6 (MD 4)/E-6 (MD 202) interchange.
3. BE IT FURTHER RESOLVED that this minor amendment also amends the recommendations of the 2013 *Approved Subregion 6 Master Plan* for the interchange of F-10 (US 301), F-6 (MD 4), and E-6 (MD 202).

Staff Recommendation: ADOPTION

Attachments:

1. October 4, 2021 letter from Matt Baker, SHA Regional and Intermodal Planning Division to Derick Berlage, Acting Deputy Planning Director.
2. February 17, 2023 e-mail from Dwayne Kershner, SHA Office of Real Estate to Crystal Saunders Hancock, Planner IV, Transportation Planning Section
3. February 9, 2023 e-mail from David Rodgers, SHA Regional and Intermodal Planning Division to Crystal Saunders Hancock, Planner IV, Transportation Planning Section