

**ADVISORY PLANNING BOARD  
REPORT TO COUNCIL**

**REPORT NO. 2012-5  
July 3, 2012**

**SUBJECT:** Reconsideration of Conditions for Transportation Improvements Required as a Condition of Approval of the Conceptual Site Plan and Preliminary Plan of Subdivision for Greenbelt Station

**BACKGROUND:** As a condition of approval of the Conceptual Site Plan for Greenbelt Station (north and south cores) (CSP-01008/01, PGCPB No. 06-32), and the Preliminary Plan of Subdivision for Greenbelt Station (north and south cores) (4-01026), conditions were imposed which required that the developer construct certain road improvements. These road improvements were necessary to mitigate the traffic impacts which were projected to occur as a result of the development of Greenbelt Station.

Traffic impact studies calculate the volume of automotive traffic on the road network at a future date. These studies consider existing traffic volumes (background traffic), and traffic volume anticipated as a result of approved but not yet constructed development (pipeline traffic). To these numbers is added a growth factor, which accounts for increases in traffic associated with regional growth. The growth factor is determined through evaluation of actual traffic growth over time. This growth factor is added for every year projected through the study. A growth factor of 1% per annum was used for the Greenbelt Station traffic studies.

The existing, pipeline and annual growth traffic impact numbers are combined to arrive at baseline numbers from which the impact associated with the proposed development is added and evaluated. The new development is typically phased in over a period of years, so the impact on the existing road network could increase over time. In other words, a road network that has capacity to absorb the early stages of a proposed development may not have the capacity for the new traffic by the time the proposed development is complete. Transportation improvements required of a new development may be triggered at different growth or development thresholds. For this reason, it is common to see required transportation improvements listed in phases.

A critical part of a traffic impact study are the assumptions imbedded in the study regarding directional split of the traffic at different intersections, modal assignments (number of trips by car, bus, bicycle, pedestrian and rail), trip reduction associated with ride sharing, flexible work schedules, transit enhancements, etc... All of these assumptions will impact the conclusions in the traffic impact study. Therefore, review of these assumptions as part of the

evaluation of the traffic impact study is an important step of the development review process.

Traffic impacts are evaluated at intersections (both signalized and unsignalized). Intersections are studied because these are the choke points in a road system. The actual and projected operating characteristics of each intersection in the study area are measured based on the critical lane volume, which is the combination of conflicting movements at an intersection which has the highest total. This is the movement that takes the greatest amount of time to clear traffic.

The operating characteristics, present and future, of each intersection is reflected as a Level of Service (LOS). This level of service reflects the actual number of vehicle movements through the critical lanes of the intersection against the theoretical capacity of the intersection.

Level of service is represented by a letter of A to F. Level of service A reflects free flow conditions, where the volume of traffic through the intersection is much less than the capacity of the intersection. At level of service B, C and D, the intersection is still judged to be operating below its theoretical capacity. Levels E and F are generally considered failing levels of service. The traffic impact analysis evaluates the existing level of service for each intersection against the projected level of service as the new development advances. If the traffic impact would cause the level of service of any intersection to change to a level that is considered failure, the developer is typically required to provide whatever transportation and road system improvements necessary to reduce the critical lane volumes, and hence the level of service, back to acceptable operating conditions.

The foundation of the reconsideration case for Greenbelt Station is the level of service threshold that was used to determine if an intersection passed or failed the traffic impact analysis.

Prior to the passage of the Prince George's County General Plan in 2002, Prince George's County used level of service D as the pass/fail threshold for all intersection studies, regardless of the location in the county. With the adoption of the General Plan and the creation of development tiers in the county, the pass/fail thresholds for traffic impact studies was changed, depending on where in the county the proposed development was located. The most significant change was the level of service standard for areas within the Developed Tier was changed from LOS D to LOS E. This means that more traffic would be allowed on the streets and through the intersections in the Developed Tier than would be allowed elsewhere in the county.

Changing the level of service standard from D to E is one of the changes which helps implement Smart Growth strategies. A cornerstone of the Smart Growth program is to focus new development in areas where infrastructure currently

exists. By allowing additional traffic on the roads before triggering a requirement that a developer pay for transportation improvements, developers are not discouraged from building in the developed tier for fear of incurring costs for expensive road improvements.

In 2005 when the Prince George's Planning Board approved the Preliminary Plan of Subdivision for Greenbelt Station, the traffic impact study submitted and approved utilized level of service D, and not level of service E as defined in the General Plan.

In 2006 when the Prince George's Planning Board approved the Conceptual Site Plan for Greenbelt Station, the finding indicated that the traffic impact study utilized level of service E. However, the actual conditions described in the Planning Board's approval were based on level of service D as reflected in the approval of the Preliminary Plan of Subdivision.

As the result of utilizing a level of service D versus E, two road improvements were required which otherwise would not have been required. The two improvements required under LOS D, but not E are:

*Phase I, condition i – MD 193/Rhode Island Avenue: Construct a second left-turn lane along the southbound Rhode Island Avenue approach. Construct a third westbound through lane beginning east of the intersection and extending west to the northbound US 1 ramp. Modify signals and pavement markings as needed.*

*Phase II, condition ii – MD 193/62<sup>nd</sup> Street: Construct a second northbound approach lane (within the existing right-of-way). Modify traffic signal and pavement markings as needed.*

The recalculation of the traffic impact study based on LOS E versus D utilized the original data, assumptions and projections from that study. The only thing that changed was the calculation of level of service.

The Prince George's County Planning Board may consider requests for reconsideration of previously considered agenda items when the Planning Board finds that an error in reaching the original decision was caused by fraud, surprise, mistake, inadvertence of other good cause. The applicant in this case is requesting that the Prince George's County Planning Board (PGCPB) reconsider their CSP and PPS approvals, limited to transportation findings and conditions, based on an error in the findings that utilized level of service D instead of level of service E as defined in the 2002 General Plan.

Procedurally, reconsideration requests must be filed within 14 days of the final decision, so the applicant must also request a waiver of Planning Board rules.

The issue before the Advisory Planning Board consists of three parts:

1. Does the city support the request for waiver of Planning Board rules to allow reconsideration of CSP-01008/01, PGCPB No. 06-32 and PPS-4-01026?
2. Does the city support the reconsideration of CSP-01008/01, PGCPB No. 06-32 and PPS-4-01026 for the purpose of correcting transportation findings and conditions to apply Level of Service E versus Level of Service D, as was utilized in the original approvals?
3. Does the city concur with revisions to conditions for CSP-01008/01, PGCPB No. 06-32 and PPS-4-01026 for the purpose of removing conditions for improvements to MD 193 at Rhode Island Avenue, and MD 193 at 62<sup>nd</sup> Street? Is removal of these conditions justified based on a mistake in the original traffic study which utilized level of service D instead of level of service E, as defined in the 2002 General Plan?

**ANALYSIS:** The procedures for the preparation of traffic impact studies as adopted by the Prince George's County Planning Board defines how traffic studies are prepared, how the scope of the study area is determined, and what the performance thresholds will be based on the appropriate level of service. The 2002 General Plan dictates that the level of service standard to be used in the Developed Tier for traffic impact studies will be LOS E. When evaluating the impact of proposed development on the road network, mitigation of impacts is only required when the critical lane volume, with the new development exceeds the LOS E threshold.

Prior to the adoption of the 2002 General Plan, an intersection determined to function at over level of service D (1450 maximum critical lane volume/hour) failed. Based on level of service E as the threshold, the critical lane volume/hour (CLV) maximum is 1600. When the traffic study for Greenbelt Station utilized LOS D, three (3) intersections were found to have a CLV greater than 1450 during the AM peak, and four (4) intersections were found to have CLV greater than 1450 during the PM peak. Utilizing LOS E as the standard (1600 CLV), one (1) intersection is found to have a CLV greater than 1600 in the AM peak, and two (2) intersections have a CLV greater than 1600 in the PM peak.

Utilizing the correct level of service E as the basis in testing adequacy of road facilities, the failing intersections are MD 193 at Greenbelt Road (PM CLV of 1647) and MD 201 at Sunnyside Avenue (AM CLV of 1884; PM CLV of 2006). Mitigation of traffic impacts of these intersections is required. When the incorrect standard of LOS D was used, two additional intersections failed – MD 193 at Rhode Island Avenue and MD 193 at 62<sup>nd</sup> Street.

The issue before the Board, and ultimately before the City Council, consists of three parts – waiver of the time period to file a reconsideration, request to reconsider, and merits of the reconsideration. Each of these parts will be addressed.

The error for which the applicant seeks correction and related modification of conditions for transportation improvements, are contained in both the Conceptual Site Plan (CSP-01008/01; PGCPB No. 06-32; approved 2006), and Preliminary Plan of Subdivision (4-01026; approved 2005)

PGCPB rules require that a request for reconsideration must be filed within 14 days of the original decision. Since this reconsideration has been filed well past the 14 day time frame, the applicant must request a waiver of PGCPB rules. As it is clear that there exists a mistake which justifies reconsideration, and this error was discovered last year, it is fair and reasonable to support the waiver request.

The Prince George's County Planning Board may reconsider a past action only when "*... the Board finds that an error in reaching the original decision was caused by fraud, surprise, mistake, inadvertence or other good cause ...*" There are two elements to the finding for reconsideration.

The first element to justify reconsideration is a finding of an error. In this case, the error is clear – decisions on traffic adequacy were based on the wrong level of service. The second element necessary for reconsideration is the cause for the error, which in this case appears to be a mistake. Based on the PGCPB rules, the criteria for granting a reconsideration are satisfied.

The final consideration relates to the merits of the case for the error and modification to conditions for approval. As was discussed above, when the traffic impact study utilized LOS D as the pass/fail threshold, four intersections were found to fail with the projected traffic impact from Greenbelt Station. When the traffic impact study was recalculated, using the same data and assumptions as the original study, and utilized LOS E as the pass/fail threshold, only two intersections were found to fail.

Based on this error, and a revision to the findings of adequacy, conditions contained in both the CSP and PPS for improvements to the intersection of MD 193 and Rhode Island Avenue, and MD 193 at 62<sup>nd</sup> Street, should be removed from the final approval for the referenced plans. The conditions for improvements to MD 201 at Sunnyside Road, and MD 193 at Greenbelt Road, should remain as conditions.

Since the error which has been alleged by the applicant and appears to be demonstrated, relates only to the traffic impact study, application of LOS D versus E, and impacts only two conditions road improvement conditions, discussion by the Advisory Planning Board was limited to these issues.

**RECOMMENDATION:** Based on a review of the original findings and decisions of the Prince George's County Planning Board on the Conceptual Site Plan and Preliminary Plan of Subdivision for Greenbelt Station, approved in 2006 and 2005 respectively; the policies for review of traffic impact studies adopted by the District Council in the 2002 General Plan; the Prince George's County Planning Board rules for reconsideration of prior Planning Board decisions; and discussion by city staff; the Advisory Planning Board finds that approval of the Conceptual Site Plan and Preliminary Plan of Subdivision for Greenbelt Station erred in basing findings of transportation adequacy on Level of Service D, instead of Level of Service E, as set forth in the General Plan. Further, the Board finds that this error serves as a basis for reconsideration of these approvals, for the limited and restricted purpose of amending conditions of approval for transportation adequacy; and that such amendment is limited to the elimination of conditions requiring improvements to MD 193 at 62<sup>nd</sup> Street, and MD 193 at Rhode Island Avenue. Finally, the Board finds that because there is an error in the findings of approval for the Greenbelt Station Conceptual Site Plan and Preliminary Plan of Subdivision, the applicant should be permitted to request reconsideration outside the 14 day time limit for filing a reconsideration request, as set forth by the PGCPB, and therefore a request for waiver of this time limit should be approved.

The Advisory Planning Board recommends the following:

1. The City Council support the request for waiver of Planning Board rules to allow reconsideration of CSP-01008/01, PGCPB No. 06-32 and PPS-4-01026.
2. The City Council support the reconsideration of CSP-01008/01, PGCPB No. 06-32 and PPS-4-01026 for the purpose of correcting transportation findings and conditions to apply Level of Service E versus Level of Service D, as was utilized in the original approvals.
3. The City Council concur with revisions to conditions for CSP-01008/01, PGCPB No. 06-32 and PPS-4-01026 for the purpose of removing conditions for improvements to MD 193 at Rhode Island Avenue, and MD 193 at 62<sup>nd</sup> Street, finding that removal of these conditions is justified based on a mistake in the original traffic study which utilized level of service D instead of level of service E, as set forth in the 2002 General Plan.

Respectfully submitted,

George Branyan  
Chair

This report was adopted by a vote of 5-0.