

PGCPB No. 01-61

File No. 4-01006

R E S O L U T I O N

WHEREAS, Bernard D. Walker is the owner of a 3.6-acre parcel of land known as Walker Pontiac Subdivision, Lots 4 and 5 recorded at VJ 162 @72 said property being in the 7th Election District of Prince George's County, Maryland, and being zoned C-M; and

WHEREAS, on January 17, 2001, Bernard D. Walker filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 1 lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-01006, Walker Pontiac, 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 March 29, 2001, 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 March 29, 2001, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

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 Preliminary Plat of Subdivision 4-01006, Walker Pontiac for Lot 6 with the following conditions:

1. Prior to the issuance of any grading or building permits for Lot 6, a Detailed Site Plan shall be approved by the Planning Board to address the recommendations of the 1991 Bowie-Collington Master Plan.
2. Total development within Lots 1 through 6 of the Walker Pontiac subdivision shall be limited to 54,200 square feet of car dealership space, along with related accessory facilities, or equivalent development which is permitted within the C-M Zone which generates no more than 120 AM and 152 PM peak-hour vehicle trips. Any development other than that identified herein above shall require a new preliminary plat of subdivision with a new determination of the adequacy of transportation facilities.
3. 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 with SHA and/or DPW&T, and (c) have a timetable for construction with SHA and/or DPW&T:
 - a. Intersection of US 301 and Mitchellville Road: Construct an exclusive right-turn

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lane along eastbound Mitchellville Road to southbound US 301. The width of the existing and proposed lanes shall be at least 12 feet. The length of the right-turn and the needed taper will be determined by DPW&T.

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 subject property is located along the west side of US 301, approximately 1,400 feet north of its intersection with Mitchellville Road/Queen Anne Bridge Road and approximately 2,100 feet south of its intersection with Mount Oak Road. The 3.6-acre site is bordered on the north, west and south by property in the C-M Zone. Approximately 350 feet to the west are single-family detached homes in the Amber Meadows Subdivision. To east in the median of US 301 are auto-related service-commercial uses.
3. Transportation Adequacy The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of 3.6 acres of land in the C-M Zone. The subject property is located on the west side of US 301 halfway between Mount Oak Road and Mitchellville Road. The site is occupied by an existing automobile dealership, a residence which is in use as an office, and a vehicle rental building. The applicant proposes to construct a second automobile dealership on the subject property.

As background, the current application is for a property which is part of a larger property that was subdivided as Preliminary Plat of Subdivision 4-91054. In its review of that case, the Planning Board concluded that a cap of 80 peak hour trips is appropriate for the site. This finding became Condition 4 of 4-91054, which indicates that Lots 1 through 5 shall not generate more than 80 peak hour vehicle trips. That subdivision also included Outparcel A, which is not under consideration at this time.

The applicant did submit a traffic study for the purpose of establishing adequate transportation facilities for the development of the proposed automobile dealership. This dealership, which is proposed for Lot 6 of the submitted plan, is the subject of Detailed Site Plan SP-01009. The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The traffic study was referred to and reviewed by the State Highway Administration (SHA) and the county Department of Public Works and Transportation (DPW&T). The comments of both agencies are attached. The study would have normally been referred to the City of Bowie. However, staff did ascertain that the city actually had the traffic study, which is dated January 2001, in hand during mid-January, and had given it extensive review. The city actually forwarded the study to

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M-NCPPC staff prior to the applicant providing it. Since the city had reviewed it in depth prior to their hearing, there was little reason for the transportation planning staff to perform the referral, since the purpose of the municipal referral is to give municipalities the opportunity to review the traffic impacts and comment upon them.

Traffic Impacts

The applicant proposes an automobile dealership of 34,364 square feet. The *Guidelines for the Analysis of the Traffic Impact of Development Proposals* provide very generalized trip rates for uses in the C-M Zone. The Sixth Edition of the Institute of Transportation Engineers' *Trip Generation Manual*, however, provides specific trip rates for this use. Under these trip generation rates, the automobile dealership would generate 62 trips during the AM peak hour and 78 trips during the PM peak hour. Of these trips, approximately 20 percent are assumed to be pass-by trips (already on US 301 in front of the site).

The transportation staff has determined that the following intersections are to be considered critical intersections for the subject property:

- \$ US 301 and Mount Oak Road (unsignalized)
- \$ US 301 and Mitchellville Road/Queen Anne Bridge Road (signalized)

The staff concedes that the intersection of US 301 with the median break just north of the subject property should have been analyzed as a critical intersection, as that location would serve traffic on northbound US 301 seeking to enter the site. However, the staff did not fully understand the location of the site when the study was scoped, and did not include this intersection. However, the impact of the site on this median break would be 18AM and 12PM peak hour trips. It is uncommon for staff to analyze median having this level of impact. Furthermore, the State Highway Administration did not believe this intersection was critical at the time of scoping, nor did State Highway Administration comment when the study was reviewed. Therefore, staff determined that the median break was not critical.

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The existing conditions at the intersections within the study area for this application are summarized below:

EXISTING CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301/Mitchellville Road/Queen Anne Bridge Road	1,153	1,436	C	D
US 301 southbound/Mount Oak Road	20.4*	20.6*	--	--

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the *Guidelines*, an average vehicle delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside of the range of the procedures, and should be interpreted as excessive.

A suggestion was made during the hearing that the counts at the two critical intersections were not consistent. However, both counts were done by the State Highway Administration - but on different dates. Therefore, staff determined that the counts at both critical intersections were acceptable.

A review of background development in the area was conducted by the applicant. The area was studied extensively three years ago during the review of Preliminary Plat of Subdivision 4-98006 for Amber Ridge. While the transportation staff mostly agrees with the background traffic scenario presented by the applicant, there are three issues:

- a. It is not completely clear that the applicant must count Amber Ridge as a part of background development because the District Council, on appeal, reversed the Planning Board's action concerning mitigation in that case.
- b. The eastbound right-turn lane that has been proposed by the traffic consultant as a mitigation improvement would need to be bonded for construction by the developer of Mill Branch, Preliminary Plat of Subdivision 4-92001. This right-turn lane has not been constructed, and SHA has indicated that the bond has been closed out. During the hearing for Amber Ridge in 1998, the transportation staff and the City of Bowie testified that the eastbound right-turn lane had been bonded and would be constructed by others, and at that time that testimony was the best information available to staff. At this time, however, the eastbound right-turn lane does not meet the three criteria which would make it eligible to be counted as a part of the background traffic network. These criteria are that the improvement be (1) bonded or otherwise financially guaranteed; (2) permitted; and (3) have an agreed-upon schedule for construction. The bond has been closed out, SHA has not issued a permit for construction of the right-turn lane, and there is no schedule for its construction. Therefore, the transportation staff

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finds that an eastbound right-turn lane along Mitchellville Road approaching US 301 is not a part of the background scenario, and is eligible to be considered by the applicant in meeting adequacy requirements.

- c. There has been some question of whether DPW&T is constructing this right-turn lane as a part of the Capital Improvement Program project along Mitchellville Road. The transportation staff has confirmed with Mr. Erv Beckert of DPW&T (who has discussed the question with others at DPW&T) that, lacking a commitment by the applicant to construct the right-turn lane, it will not be built by DPW&T.

The traffic study includes a growth rate of three percent per year along US 301 to account for growth in through traffic. No roadway improvements within the study area are currently funded in capital programs for construction. Background traffic conditions (existing plus growth in through traffic plus traffic generated by background developments) are summarized below:

BACKGROUND CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
US 301/Mitchellville Road/Queen Anne Bridge Road	1,254	1,776	C F
US 301 southbound/Mount Oak Road	22.6*	25.5*	-- --
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , an average vehicle delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside of the range of the procedures, and should be interpreted as excessive.			

This application proposes the additional development of 34,364 square feet of space for the purpose of new car sales on the subject property. The traffic study utilizes trip rates obtained from the *Trip Generation Manual*. The site would generate 62 AM peak-hour vehicle trips (45 in, 17 out) and 78 PM peak-hour vehicle trips (31 in, 47 out). Of these trips, the traffic study assumes that 80 percent are new trips and 20 percent are pass-by trips (i.e., already on the road). Therefore, the additional development proposed for the site would generate 50 AM (36 in, 14 out) and 63 PM (25 in, 38 out) new vehicle trips.

The pass-by trip rate merits a brief discussion because the original traffic study done for this site in 1991 assumed a 50 percent pass-by rate. There is no data to substantiate the rate at which an automobile dealership would draw existing traffic from the adjacent roadway as opposed to generating new vehicle trips. The 50 percent figure used in 1991 seems too high given that persons shopping for a car, taking a car in for service, or buying parts would not frequently conduct those activities while driving past the

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dealership en route to another destination. On the other hand, assuming some quantity of pass-by activity is appropriate, these types of consumer activities are sometimes planned because the dealership is Aon the way@ to another destination. For that reason, the staff believes that a 20 percent pass-by rate is probably a more realistic figure.

While the transportation staff generally agrees with the trip distribution used in the traffic study for the new trips, we disagree that all of the pass-by trips would be southbound along US 301. The staff has reanalyzed total traffic using an assumption of the following pass-by percentages:

AM: 60 percent southbound along US 301
40 percent northbound along US 301

Total traffic under future conditions without improvements is summarized below:

TOTAL TRAFFIC CONDITIONS - NO IMPROVEMENTS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301/Mitchellville Road/Queen Anne Bridge Road	1256	1783	C	F
US 301southbound/Mount Oak Road	23.2*	25.9*	--	--

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the *Guidelines*, an average vehicle delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside of the range of the procedures, and should be interpreted as excessive.

The analysis does suggest that there is an inadequacy at the signalized intersection of US 301 and Mitchelville Road/Queen Anne Bridge Road. The traffic study has identified a geometric improvement which would attempt to address transportation problems at this location. This improvement is the eastbound right-turn lane along Mitchellville Road as it approaches US 301 that was discussed earlier. This improvement is recommended by the applicant to mitigate the impact of the applicant's development in accordance with the provisions of Section 24-124(a)(6). This intersection is eligible for mitigation under the third criterion in the Guidelines for Mitigation Action, approved as CR-29-1994. The traffic study includes a transportation facilities mitigation plan (TFMP), and it has been circulated to SHA, the county Department of Public Works and Transportation (DPW&T), and the City of Bowie for comment. With this improvement, total traffic under future conditions is summarized below:

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TOTAL TRAFFIC CONDITIONS WITH MITIGATION IMPROVEMENTS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301/Mitchellville Road/Queen Anne Bridge Road	1172	1590	C	E
US 301southbound/Mount Oak Road	23.2*	25.9*	--	--

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the *Guidelines*, an average vehicle delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside of the range of the procedures, and should be interpreted as excessive.

The impact of the mitigation action at the intersection of US 301 and Mitchellville Road/Queen Anne Bridge Road is summarized as follows:

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
US 301 and Mitchellville Road/Queen Anne Bridge Road:				
Background Conditions	C/1254	F/1776		
Total Traffic Conditions	C/1256	F/1783	---	+7
Total Traffic Conditions w/Mitigation	C/1172	E/1590	---	-193

As the CLV at US 301 and Mitchellville Road/Queen Anne Bridge Road is between 1,450 and 1,813 during the PM peak hour, the proposed mitigation action must mitigate at least 150 percent of the trips generated by the subject property during this peak hour, according to the *Guidelines*. As the CLV at this intersection is less than 1,450 during the AM peak hour, it meets LOS D according to the *Guidelines*. The above table indicates that the proposed mitigation action would mitigate more than 150 percent of site-generated trips during the PM peak hour. Therefore, the proposed mitigation at US 301 and Mitchellville Road/Queen Anne Bridge Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts. Mitigation allows the applicant to mitigate 150 percent of the site trips in lieu of showing LOS D.

Comments received from DPW&T and SHA are attached. DPW&T and SHA both affirmed the proposed mitigation action.

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The City of Bowie has recommended disapproval of the application. The city's position cited traffic concerns. The city strongly opposed the use of mitigation at the US 301 and Mitchellville Road/Queen Anne Bridge Road intersection during the Amber Ridge hearing. Unlike the Amber Ridge subdivision, however, the transportation staff has not received a listing of specific concerns with the submitted traffic study, but has had several informal communications with city staff. Particularly regarding the US 301/Mitchellville Road/Queen Anne Bridge Road intersection, the city's main concern was the status of the improvements that would have been bonded by Mill Branch, and this memorandum addresses that issue.

The order issued by the District Council with regard to Amber Ridge cites several issues with the use of mitigation at the US 301/Mitchellville Road/Queen Anne Bridge Road intersection:

- a. The record was unclear about how the 640 new trips generated by the Amber Ridge project only contributed 57 units to the critical lane volume.
 - (1) The record was unclear about the length of the lanes proposed to be constructed under mitigation.
 - (2) The record did not show how the mitigation actions would have the projected effects at the intersection.
 - (3) The mitigation recommendation was made without benefit of accurate traffic counts.

The first and third points above are fully beyond the procedures employed by the transportation staff in preparing referrals and presentations for public hearings, and could be addressed by incorporating a reference to the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The District Council established where mitigation may be used by means of CR-29-1994, and that same body may determine where mitigation may not be used. The Guidelines for Mitigation Action also indicate that the recommendations of the operating agencies and any nearby municipalities will form the basis of the staff's recommendation regarding mitigation. The transportation staff would have preferred obtaining a more specific statement of the City of Bowie's concern with the mitigation plan. The city's opposition to the application on the basis of transportation gives the staff concern. However, the transportation staff is recommending approval of the mitigation action for three reasons:

- a. The mitigation proposal meets the criteria established under CR-29-1994, and has the concurrence of SHA, which has maintenance responsibility for US 301, and DPW&T, which has maintenance responsibility for Mitchellville Road.
- b. The mitigation proposal is a different proposal than the one rejected by the

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District Council in their review of Preliminary Plat of Subdivision 4-98006 and is therefore not restricted by the District Council's decision in that other case.

- c. Other than the question of whether the mitigation proposal was actually a bonded improvement being done by another developer, the transportation staff has not seen a specific statement of the City of Bowie's concern with the proposed mitigation action.

Earlier in this staff report, there was a brief discussion of whether Amber Ridge should have been counted as a part of background traffic given the District Council's action. Whether Amber Ridge is removed or left in the background traffic, the PM peak hour would indicate LOS F traffic operations, and the addition of the proposed development plus the proffered physical transportation improvement would not provide LOS D traffic operations.

In recommending approval, the transportation staff recommends that a trip cap condition consistent with the proposal should be adopted in addition to the proposed off-site improvement. No additional right-of-way to meet Master Plan needs is required from this property.

Transportation Staff Conclusions

The applicant has submitted a subdivision application and submitted a traffic study in support of that application. In order to achieve adequacy as required by Section 24-124, the traffic study has identified a geometric improvement which would attempt to address transportation problems at the development's critical intersection. This improvement, at the US 301 and Mitchellville Road/Queen Anne Bridge Road intersection, is recommended by the applicant to mitigate the impact of the applicant's development in accordance with the provisions of Section 24-124(a)(6). This intersection is eligible for mitigation under the third criterion in the Guidelines for Mitigation Action, approved as CR-29-1994.

An analysis by staff indicates that the proposed mitigation at US 301 and Mitchellville Road/Queen Anne Bridge Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts. Comments received from DPW&T and SHA have affirmed the proposed mitigation action.

Therefore, based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with the conditions established in the Recommendation section of this report.

4. Detailed Site Plan The original approval of Preliminary Plat of Subdivision 4-91054 required Detailed Site Plan approval for the two lots that comprise the subject application. That requirement should be continued, as previously established, with the approval of the

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subject application.

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.

* * * * *

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 Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, March 29, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of March 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk