



City of Annapolis

Planning Commission
Department of Planning & Zoning
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October 15, 2020

To: Annapolis City Council
From: Planning Commission
Re: Findings for Ordinance O-19-19 (ZTA2020-004): Adequate Public Facilities (APF) – Auto Transportation Facilities

SUMMARY

This legislation proposes to set explicit standards for determining adequacy of existing roads and intersections within a certain distance from a proposed development project. The ordinance has been adopted as amended on second reader with some changes from the original, but is substantially similar to the ordinance first introduced in 2019.

RECOMMENDATIONS

The Planning Commission supports the intents and policies behind this legislation.

Good planning requires studies of the traffic impacts caused by new projects. The threshold for when a study is required must be made simple and clear. The required contents of any study must likewise be made simple and clear.

Two policies are enunciated in this legislation. One, this legislation sets a policy that clarifies when a traffic study is required and, two, it sets a policy that requires contributions by an applicant to mitigate the traffic impacts caused by the proposed project.

However, the legislation as originally proposed is over-specific, unnecessarily detailed, and, in some instances, unclear.

The Planning Commission's proposed rewrite of the legislation – as attached below – attempts to clarify the intended policies and to delegate to the Department of Planning & Zoning the job of issuing the detailed regulations to effect the policies.

The Planning Commission suggests that the policies underlying the proposed legislation be simply and clearly stated in the legislation and the Director of Planning & Zoning be directed to create the specific rules and regulations which will implement the policies as set by the City Council.

A suggested re-write follows:

TITLE 22 – ADEQUATE PUBLIC FACILITIES

Chapter 22.21 - REVIEW CRITERIA AND CERTIFICATION FOR AUTO TRANSPORTATION FACILITIES

22.21.010 - RESPONSIBILITY

THE DIRECTOR OF PLANNING AND ZONING SHALL BE RESPONSIBLE FOR REVIEW AND ASSESSMENT OF A PROPOSED PROJECT WITH REGARD TO THE ADEQUACY OF AUTO TRANSPORTATION FACILITIES. **THE DIRECTOR OF PLANNING AND ZONING SHALL BE RESPONSIBLE FOR ESTABLISHING THE CONTENTS AND METHODS OF TRAFFIC IMPACT ANALYSES. THE DIRECTOR OF PLANNING AND ZONING SHALL BE RESPONSIBLE FOR ESTABLISHING THE IMPROVEMENTS AS REQUIRED BY THE TRAFFIC IMPACT ANALYSES.** THE REVIEW, ~~AND~~ ASSESSMENT AND **DECISION TO REQUIRE IMPROVEMENTS** SHALL CONSIDER RECOMMENDATIONS OF THE DIRECTOR OF PUBLIC WORKS.

22.21.020 - GOAL.

THE GOAL OF ADEQUATE AUTO TRANSPORTATION FACILITIES IS TO ENSURE THAT ANY PROJECT MEETING THE APPLICABILITY CRITERIA IN SECTION 22.21.040 OF THIS CHAPTER THAT FAILS TO MEET THE ADEQUACY STANDARDS IN SECTION 22.21.050 OF THIS CHAPTER MITIGATES THE PROPOSED PROJECTS' IMPACT ON THOSE PUBLIC ROADS AND INTERSECTION FACILITIES.

22.21.030 - EXEMPTIONS.

THERE ARE NO EXEMPTIONS UNDER THIS CHAPTER FOR ANY PROPOSED PROJECTS.

22.21.040 – APPLICABILITY.

A. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS TITLE, A TRAFFIC IMPACT ANALYSIS SHALL BE REQUIRED WHEN:

1. A PROPOSED PROJECT IS EXPECTED TO GENERATE A NET OF 250 ADDITIONAL DAILY TRIPS OR MORE AS DETERMINED USING THE TRIP GENERATION RATES SET FORTH IN THE EDITION OF THE TRIP GENERATION MANUAL, PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE), IN EFFECT AT THE TIME OF FINAL ADMINISTRATIVE APPROVAL OF THE PROJECT APPLICATION; OR
- ~~2. THE FREQUENCY OF ACCIDENTS OR OTHER TRAFFIC SAFETY ISSUES WITHIN THE 150 FEET DISTANCE DESCRIBED IN 22.21.040.A.3 HAVE BEEN IDENTIFIED; OR~~
3. THE PROPOSED ENTRANCES OR EXITS FROM THE PROPOSED PROJECT ARE WITHIN 150 FEET FROM A STREET CLASSIFIED AS A LOCAL ROAD OR A HIGHER FUNCTIONAL CLASSIFICATION ON THE FUNCTIONAL CLASSIFICATION MAP AS SHOWN IN THE CITY'S COMPREHENSIVE PLAN

IN EFFECT AT THE TIME OF THE FINAL ADMINISTRATIVE APPROVAL OF THE PROJECT APPLICATION.

- B. THE APPLICANT FOR A PROPOSED PROJECT THAT MEETS ANY OF THE REQUIREMENTS IN 22.21.040.A SHALL SUBMIT A TRAFFIC IMPACT ANALYSIS IN ACCORDANCE WITH THE "POLICIES AND GUIDELINES FOR TRAFFIC IMPACT ANALYSIS FOR PROPOSED PROJECT IN THE CITY OF ANNAPOLIS" IN EFFECT OF THE DATE OF THE SUBMISSION OF THE APPLICATION.

22.21.050- STANDARDS.

- A. EXISTING CITY, COUNTY, AND STATE ROADS SHALL BE CONSIDERED ADEQUATE TO ACCOMMODATE THE TRAFFIC PROJECTED TO BE GENERATED BY THE PROPOSED PROJECT IF **THE GENERATED TRAFFIC MOVEMENT MEETS THE STANDARDS SET BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING.**

1. ~~A PROPOSED PROJECT THAT GENERATES AT LEAST 250 BUT NOT MORE THAN 400 TRIPS PER DAY ON THE EXISTING AND PROPOSED CITY, COUNTY, AND STATE INTERSECTIONS IN ALL DIRECTIONS WITHIN ONE QUARTER OF A MILE FROM EACH POINT OF ENTRANCE TO OR EGRESS FROM THE PROPOSED PROJECT ARE CAPABLE OF ACCOMMODATING A PROJECTED LEVEL OF SERVICE "D" AS DEFINED BY THE HIGHWAY CAPACITY MANUAL PUBLISHED BY THE TRANSPORTATION RESEARCH BOARD OF THE NATIONAL ACADEMY OF SCIENCES, AS AMENDED FROM TIME TO TIME.~~

THE DIRECTOR OF PLANNING AND ZONING SHALL ESTABLISH STANDARDS OF TRAFFIC MOVEMENT FOR PROJECTS GENERATING BETWEEN 250 AND 399 TRIPS PER DAY SUCH THAT INTERSECTIONS WITHIN ONE QUARTER MILE FROM ACCESS POINTS OF THE PROJECT SHALL NOT BE ANY WORSE THAN THEY WOULD BE WITHOUT THE PROJECT.

2. ~~A PROPOSED PROJECT THAT GENERATES MORE THAN 400 TRIPS PER DAY ON THE EXISTING AND PROPOSED CITY, COUNTY, AND STATE INTERSECTIONS IN ALL DIRECTIONS WITHIN ONE HALF OF A MILE FROM EACH POINT OF ENTRANCE TO OR EGRESS FROM THE PROPOSED PROJECT ARE CAPABLE OF ACCOMMODATING A PROJECTED LEVEL OF SERVICE "D" AS DEFINED BY THE HIGHWAY CAPACITY MANUAL PUBLISHED BY THE TRANSPORTATION RESEARCH BOARD OF THE NATIONAL ACADEMY OF SCIENCES, AS AMENDED FROM TIME TO TIME.~~

THE DIRECTOR OF PLANNING AND ZONING SHALL ESTABLISH STANDARDS OF TRAFFIC MOVEMENT FOR PROJECTS GENERATING MORE THAN 400 TRIPS PER DAY SUCH THAT INTERSECTIONS WITHIN

ONE HALF MILE SHALL NOT BE ANY WORSE THAN THEY WOULD BE WITHOUT THE PROJECT.

~~B. IF THE RESULTS OF THE TRAFFIC IMPACT ANALYSIS ARE THAT THE INTERSECTIONS IN THE STUDY AREA WILL OPERATE BELOW LEVEL OF SERVICE (LOS) "D" WITH THE PROPOSED PROJECT IN THE YEAR OF COMPLETION AND THE INTERSECTIONS IN THE PROPOSED STUDY AREA WOULD NOT OPERATE AT OR BELOW LEVEL OF SERVICE "D" WITHOUT THE PROPOSED PROJECT, THE REQUIRED ROADWAY AND/OR INTERSECTION IMPROVEMENTS SHALL BRING THE LEVEL OF SERVICE TO AT LEAST A LEVEL OF SERVICE OF "D".~~

~~C. IF THE RESULTS OF THE TRAFFIC IMPACT ANALYSIS ARE THAT THE EXISTING INTERSECTIONS IN THE STUDY AREA OPERATE AT A LEVEL OF SERVICE "E" OR BELOW, OR IF THE TRAFFIC IMPACT ANALYSIS SHOWS THE INTERSECTIONS IN THE STUDY AREA ARE EXPECTED TO HAVE A LEVEL OF SERVICE OF "E" OR BELOW IN THE YEAR OF THE PROJECT'S COMPLETION WITHOUT THE PROPOSED PROJECT, THEN THE APPLICANT SHALL MITIGATE THE TRIPS GENERATED BY THE PROPOSED PROJECT.~~

IF THE TRAFFIC IMPACT ANALYSIS FINDS THAT INTERSECTIONS WITHIN THE STUDY AREA WILL MAKE THE INTERSECTIONS WORSE, THE APPLICANT SHALL BE RESPONSIBLE FOR MAKING THE IMPROVEMENTS NECESSARY TO RETURN THE INTERSECTIONS TO THE CONDITION OF TRAFFIC MOVEMENT HAD THE PROJECT NOT BEEN BUILT.

D. IF THE RESULTS OF THE TRAFFIC IMPACT ANALYSIS ARE THAT A PROJECT PROPOSAL IS SUBJECT TO MITIGATE THE TRIPS GENERATED FROM THE PROJECT, THEN THE APPLICANT SHALL CONSTRUCT THE IMPROVEMENTS AS REQUIRED BY THE DEPARTMENT OF PLANNING AND ZONING AND AS SUPERVISED BY THE DEPARTMENT OF PUBLIC WORKS.

E. THE DEPARTMENT OF PLANNING AND ZONING SHALL PREPARE A SCOPE OF SERVICES FOR THE TRAFFIC IMPACT ANALYSIS.

F. THE APPLICANT SHALL REMIT TO THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING SUFFICIENT FUNDS FOR THE COMPLETION OF THE TRAFFIC IMPACT ANALYSIS PLUS AN ADMINISTRATIVE FEE NOT TO EXCEED TEN PERCENT OF THE PROJECTED COST OF THE TRAFFIC IMPACT ANALYSIS. IF THE COST OF THE COMPLETION OF THE TRAFFIC IMPACT ANALYSIS EXCEEDS THE FUNDS THAT THE APPLICANT HAS REMITTED TO THE DEPARTMENT OF PLANNING AND ZONING, THE DIRECTOR SHALL WITHHOLD APPROVAL UNTIL THE APPLICANT REMITS FULL PAYMENT.

G. IF THE ROADWAY OR INTERSECTION THAT IS BEING CONSIDERED FOR MITIGATION IS OWNED BY ANOTHER JURISDICTION, THE DIRECTOR OF

PLANNING AND ZONING SHALL ASK THE OTHER JURISDICTION TO PROVIDE COMMENTS ON THE IMPACT OF THE PROPOSED PROJECT, AND THE DIRECTOR SHALL CONSIDER ANY COMMENTS PROVIDED IN MAKING A DETERMINATION OF WHETHER THE MITIGATING IMPROVEMENTS PROPOSED BY THE APPLICANT ARE SUFFICIENT TO MEET THE STANDARDS FOR TRAFFIC MOVEMENT AS ESTABLISHED BY THE DIRECTOR OF PLANNING AND ZONING.

- H. CAPITAL PROJECTS WITH 100% OF THE CONSTRUCTION COSTS APPROPRIATED IN THE CITY OR COUNTY'S CAPITAL BUDGET OR APPROVED FOR CONSTRUCTION IN THE CURRENT YEAR STATE CONSOLIDATED TRANSPORTATION PROGRAM MAY BE UTILIZED IN THE TRAFFIC ANALYSIS. NECESSARY IMPROVEMENTS IDENTIFIED IN THE TRAFFIC IMPACT ANALYSIS TO MEET THE LEVEL OF SERVICE STANDARDS IN 22.21.050.A SHALL BE PROVIDED BY THE APPLICANT.

The recommendation was approved with a vote of 5 to 0.

Adopted this 15th day of October, 2020

A handwritten signature in black ink, appearing to read "Ben Sale", written over a horizontal line.

Ben Sale, Chair