

R E S O L U T I O N

WHEREAS, Silver Hill Branch LLC is the owner of a 3.28-acre parcel of land known as Silver Hill Park, Parcel D, VJ 185@93 said property being in the 6th Election District of Prince George's County, Maryland, and being zoned C-S-C; and

WHEREAS, on January 24, 2001, Bohler Engineering filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-01007, 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 4-01007, Silver Hill Park for Parcels E and F with the following conditions:

1. Development of this subdivision shall be in accordance with the approved Stormwater Management Concept Plan #998005540
2. Prior to approval of the preliminary plat of subdivision the plan shall be revised:
 - a. To relable Lot 2 as Parcel E, and relable Lot 1 as Parcel F.
 - b. To delineate the denied access frontage along Old Silver Hill Road and Branch Avenue. The approved existing access locations are consistent with the access easements created pursuant to Section 24-128(b)(9).
 - c. To accurately reflect that the subject property is in the C-S-C Zone not the C-M Zone.
3. The final plat shall carry a note requiring all commercial structures be fully sprinkled in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County Laws.

4. Total development on Parcels E and F shall be limited as follows:
 - a. On proposed Parcel F, a 12-fueling position gas station with convenience store, or equivalent development which generates no more than 121 AM and 161 PM peak hour vehicle trips.
 - b. On proposed Parcel E, a 9,710 square foot retail building housing a drug store, or equivalent development which generates no more than 26 AM and 101 PM peak hour vehicle trips.

Development on either parcel of up to 5,000 square feet of additional gross floor area generating up to 10 AM and 10 PM peak hour trips shall not constitute a significant change in peak hour trip generation. Development in excess of that provided herein above shall require a new preliminary plat of subdivision with a new determination of the adequacy of transportation facilities.

5. Prior to the approval of permits for the expansion, reconstruction, or alteration, of existing or proposed development on Parcel E and Parcel F, to include the application for sign and/or fence permits, a Limited Detailed Site Plan shall be approved by the Planning Board or its designee for the reasonable implementation of the design guidelines set forth in the Adopted Master Plan for the Heights & Vicinity, dated January 2000, for this property. Improvements required shall be in proportion to the extent of work proposed. This requirement for site plan review shall not be in addition to any other site plan review process required, in which implementation of the master plan would occur.

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 inside the Capital Beltway on the south side of Old Silver Hill Road, north east of Branch Avenue, approximately 200 feet north of the intersection of Silver Hill Road and Branch Avenue, in Silver Hill.
3. Environmental - This site is not subject to the provisions of the Woodland Conservation Ordinance because the site is more than 40,000 square feet but has less than 10,000 square feet of woodland.

A review of the information available indicates that no streams, wetlands, 100-year floodplains, steep and severe slopes and slopes with highly erodible soils are found to occur on this property. No adverse off-site noise impacts have been identified which would limit the development of this property for the proposed commercial use. The soils found to occur on this property according to the Prince George's County Soil Survey

include the Beltsville Urban Land Complex series which pose no special problems for development. There are no rare, threatened or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources - Natural Heritage Program. There are no scenic or historic roads adjacent to this property. The sewer and water service categories are 3 and 3 respectively.

4. Community Planning - The resubdivision of existing Parcel D into two parcels is consistent with the master plan and SMA, but issues related to design need to be addressed. The recently approved master plan designated the commercial retail land use category for this property which constituted a change in land use from the service-commercial land use category. The master plan recommends that this site be redeveloped with a commercial-retail use to allow for retail-oriented commercial opportunities and to eliminate the potential for an inappropriate commercial use (automobile related use) in such a prominent location.

Furthermore, the master plan recommends specific design guidelines to enhance the Branch Avenue Gateway corridor. For example, appropriate buffering/screening elements should include continuous sight-tight fences, solid or masonry walls, and landscaping. Also, evergreen trees may be used in combinations with wrought iron picket-type fences as a buffering/screening element. Sidewalk treatments, such as brick or precast pavers and stamped concrete, should be used in high profile areas. Crosswalks in heavy pedestrian use areas should continue the use of the crosswalk treatment to accent the crosswalk.

A CVS drugstore was developed on exiting Parcel D (proposed Parcel E) prior to the rezoning. Consequently, the design guidelines recommended in the master plan were not applied. With the approval of the master plan and sectional map amendment on November 21, 2000, which changed the land use and zoning, the design guidelines for targeted gateway corridors of which Branch Avenue is one, should be applied in the development of this site. The following specific design guidelines apply to this site and are found on pages 47 and 48 of the master plan:

1. Appropriate buffering/screening elements should include continuous sight-tight fences, solid or masonry walls, and landscaping. Also, evergreen trees may be used in combinations with wrought iron picket-type fences as a buffering/screening element.
2. Walls or fences used as screens should be constructed of appropriate materials compatible with adjacent buildings.
- 3.

4. The use of barbed-wire or chain link fencing storage areas should be discouraged.
5. High-intensity, pole-mounted flood-lights should be limited to public parking lot areas.
6. Freestanding, pole-mounted signs are discouraged
7. Proposed signs should be compatible in design and color with the overall character of the building or development complex.
8. Sidewalks treatments, such as brick or precast pavers, bomanite and stamped concrete, should be used in high profile areas. Crosswalks in heavy pedestrian use areas should continue the use of the crosswalk treatment to accent the crosswalk.
9. Major street trees should be provided (30 feet on center) along both sides of all public rights-of-way where possible.

Although building permits were issued for both Parcels E and F prior to the approval and adoption of *The Heights & Vicinity Master Plan and Sectional map Amendment*, further development, alteration or expansion of development on Parcels E and F can be used to trigger the implementation of the Master Plan on this property. Reasonable transformation of this property in accordance with the Master Plan recommendations, where appropriate, can be required through the site plan review process.

A limited detailed site plan should not be required over and above any other site plan review process. For example the review of a departure from sign design standards should take into consideration the specific design guidelines contained in the master plan for signage on this property. If the applicant requires a special exception for a gas station, review for conformance to the master plan should occur at that

time. To require an additional site plan review process would be onerous on the applicant and would not provide any additional benefit.

5. Parks and Recreation - In accordance with Section 24-134(a) of the Subdivision Regulations, the proposed subdivision is exempt from the Mandatory Dedication of parkland requirement because the property is not a residential subdivision.
6. Trails - There are no master plan trail issues associated with this application.
7. Transportation - The subject property consists of approximately 3.29 acres of land in the C-S-C Zone. The subject property is located on the east side of MD 5 between MD 458 and Old Silver Hill Road. The site is occupied by an existing retail building, and a gas station is also under construction. The applicant proposes to subdivide the single parcel into two commercial lots. No additional development beyond that which exists or is under construction is proposed.

The transportation staff was initially unaware of the existing retail building and the other approved building, and requested a traffic study. Once the transportation staff determined that all development was duly approved, the staff waived its traffic study request, and no traffic study was provided by the applicant. 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 applicant proposes to subdivide an existing partially developed parcel into two separate commercial lots. Proposed Parcel E contains an existing 9,710 square foot retail building (drug store). Proposed Parcel F will contain a gas station with a 4,275 square

foot building and 12 fueling positions.

Because the existing development and the development under construction has been legally permitted on the property, the transportation staff believes that the proposed subdivision would generate no net trips as a result of creating the lot lines. There would be no resulting impact on traffic operations at the MD 5/Old Silver Hill Road intersection, which is the development's critical intersection, as a result of the subdivision.

Proposed Parcel F, with the 12 fueling position gas station and convenience store, would generate 121 AM and 161 PM peak hour vehicle trips. Proposed Parcel E, as currently developed with the 9,710 square foot retail building housing a drug store, generates an estimated 26 AM and 101 PM peak hour vehicle trips. The transportation staff would propose limiting development on each proposed lot to either the existing/planned uses or to permitted uses which would generate no more than the number of peak hour trips which are stated above.

The transportation staff has no comments on the site access or on-site circulation.

Right-of-way consistent with the Master Plan recommendations exists along MD 5, and no further dedication is required by this application.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

8. Schools - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised

January 2001) (CR-4-1998) and determined that the proposed subdivision is exempt from an APF test for schools because it is a Commercial use.

9. Fire and Rescue - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities in accordance with Section 24-122.01 of the Subdivision Regulations and concluded the following:
 - a. The existing fire engine service at Silver Hill Fire Station, Company 29 located at 3900 Silver Hill Road has a service response time of 0.47 minutes, which is within the 3.25 minutes response time guideline.
 - b. The existing ambulance service at Silver Hill Fire Station, Company 29 located at 3900 Silver Hill Road has a service response time of 0.47 minutes, which is within the 4.25 minutes response time guideline.
 - c. The existing paramedic service at Silver Hill Fire Station, Company 29 located at 3900 Silver Hill Road has a service response time of 0.47 minutes, which is within the 7.25 minutes response time guideline.
 - d. The existing ladder truck service at District Heights Fire Station, Company 26 located at 6208 Marlboro Pike has a service response time of 5.88 minutes, which is beyond the 4.25 minutes response time guideline.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines For The Analysis Of Development Impact On Fire and Rescue Facilities*. In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed above, the Fire Department recommends that all commercial structures be fully

sprinkled in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County Laws.

- 10 Police Facilities - The proposed development is within the service area for District IV- Oxon Hill. In accordance with Section 24-122.1(c)(1) of the Subdivision Regulations, the existing County's police facilities will be adequate to serve the proposed Silver Hill Park development. This police facility will adequately serve the population generated by the proposed subdivision.
- 11 Health Department - The Health Department has reviewed the proposed preliminary plat and has no comment.
12. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, #998005540, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.

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

Adopted by the Prince George's County Planning Board this 19th day of April 2001.

Trudye Morgan Johnson

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Executive Director

By Frances J. Guertin
Planning Board Administrator

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