

R E S O L U T I O N

WHEREAS, Said Zaatra is the owner of a 1.23-acre parcel of land known as Parcels 23 and 29, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned C-M; and

WHEREAS, on October 6, 2003, John Zaatra filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for one lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03097 for 4011 Silver Hill Road Property 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 February 26, 2004, 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 February 26, 2004, 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 Plan of Subdivision 4-03097, for Lot 1 with the following conditions:

1. Prior to signature approval of the preliminary plan, a stormwater management concept plan shall be approved; the approval letter shall be submitted for the file; and the approval number and date shall be added to notes on the preliminary plan.
2. The site access to Silver Hill Road shall be a limited right-in/right-out access driveway in accordance with the SHA standards.
3. The total development within the subject property shall be limited to 7,200 gross square feet (GSF) of commercial retail and 7,500 GSF of commercial warehouse use, or equivalent development, which is permitted and generates no more than 9 peak-hour vehicle trips during AM or PM peak hour.
4. Prior to the issuance of grading permits, the applicant, his heirs, successors and/or assignees shall have the scrap tires on the property hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt for the tire disposal shall be submitted to the Health Department prior to issuance of grading permits.

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 on the south side of Silver Hill Road, approximately 500 feet east of St. Barnabas Road.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	C-M	C-M
Uses	Vacant	Service Commercial and Warehouse
Acreage	1.23	1.23
Lots	0	1
Parcels	2	0
Square footage	0	14,700

4. **Environmental**—The Environmental Planning Section has reviewed a “revised” simplified forest stand delineation for the above-referenced project stamped as received November 17, 2003, and recommends approval of the Preliminary Plan (4-03097) subject to one condition. The Environmental Planning Section has no records of previous applications for this property. This plan proposes the subdivision of three lots into one parcel in the C-M zone.

Site Description

This 1.24-acre site is located northeast of the intersection of Silver Hill Road (MD 458) and Saint Barnabas Road (MD 414). A review of the information available indicates that streams, wetlands, wetland buffers, 100-year floodplain, and steep slopes do not occur on the subject property. The soils, according to the Prince George's County Soil Survey, are predominantly in the Matapeake, Woodstown and Sassafras series. These soils generally exhibit slight to moderate limitations to development due to steep slopes, seasonally high water table, and impeded drainage. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity. According to available information, Marlboro clay is not found to occur on this property. There are no designated scenic and historic roads adjacent to this property. This property is located in the Henson Creek watershed of the Potomac River Basin and in the Developed Tier as reflected in the adopted General Plan.

Environmental Review

In a previous referral the Environmental Planning Section stated that the site was subject to woodland conservation based on aerial photos. A revised simplified forest stand delineation (FSD) submitted with the review package indicates that the property was found clear of any qualifying woodland. This plan was supposedly revised, according to the revision box; however, the qualified professionals signature and date were not changed. A site visit by staff on December 8, 2003, confirmed the applicant findings that less than 10,000 square feet of woodland exist. A tree conservation plan is not required

Lots 23 and 29 of the subject property have letters of exemption dated July 25, 2003; however, because Parcel D does not have a letter of exemption, a letter is required for the entire site prior to permits. The exemption letters submitted for Lots 23 and 29 are not valid due to the submittal of the preliminary plan of subdivision. Although the gross tract area of the property is greater than 40,000 square feet, the entire site is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there are less than 10,000 square feet of existing woodland. A letter of exemption from the Woodland Conservation Ordinance should be obtained from the Environmental Planning Section prior to application for any building permit or grading permit. This letter of exemption will cover the entire combination of parcels.

Water and Sewer Categories

The property is in water category W-3 and sewer category W-3; it will be served by public systems.

5. **Community Planning**—The property is in Planning Area 76A/Silver Hill-Morningside community. It is located in the Developed Tier in the 2002 General Plan. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

The Heights and Vicinity master plan (2000) recommends Commercial-Service land use for the property. The property was retained in the C-M Zone through the Council approval of The Heights sectional map amendment in 2000. The application is in conformance with the land use recommendations of The Heights and Vicinity master plan.

6. **Parks and Recreation**—The proposed subdivision is exempt from the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations because it is in a nonresidential zone and no dwelling units are proposed.
7. **Trails**—There are no master plan trails issues associated with this application. The existing sidewalk along Silver Hill Road will accommodate pedestrian movement.
8. **Transportation**—The application is a proposal for a commercial development project that will consist of combining two parcels of land into one lot and the proposed development will consist of approximately 7,200 gross square feet (GSF) of commercial retail and 7,500 GSF of commercial warehouse use. The proposed development would generate 9 AM and 9 PM peak-hour vehicle trips as determined using "Guidelines for the Analysis of the Traffic Impact of Development

Proposals.”

The subject property is located within the Developed Tier, as defined in the approved General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better.

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

No traffic data was requested of the applicant because staff has recent traffic counts along area roadway links deemed to be appropriate for use in this application. The traffic generated by the proposed preliminary plan would impact the signalized intersection of Saint Barnabas Road and Silver Hill Road.

A review of these data shows that under existing conditions, with background development added, the intersection would operate LOS E or better during either peak hour.

Under total future traffic as developed using the guidelines, adding the impact of the proposed development, this critical intersection was found to be operating at levels of service better than E with CLVs below 1,600. Therefore, the staff has determined that the critical intersection operates acceptably.

The site’s sole access is from Silver Hill Road, a master-planned arterial highway. Section 24-121 of the Subdivision Regulations prohibits direct access onto arterial highways. To allow such access, a variation is required. The applicant filed the variation request and it has been reviewed by staff. Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests. Staff supports the variation to allow access to Silver Hill Road in this case and makes the following findings

- A. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.** One of the purposes of limiting access to an arterial is to enhance public safety, health and welfare. In this case, only one access point has been requested and no site distance problems have been identified. Staff recommends limiting the access point to a right-in/right-out only access. This will enhance safety at the site entrance.
- B. **The conditions of which the variation is based are unique to the property for which**

the variation is sought and are not applicable generally to other properties. This is a unique situation because without the variation, no access would be granted and the property would be denied development rights. The applicant is attempting to develop an old deed parcel and the variation is necessary to accomplish that.

- C. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** This will not result in a violation of other applicable laws, ordinances or regulations.
- D. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.** The applicant would suffer a particular hardship if the strict letter of the regulations were followed since access would be denied altogether. This would deny the property owner access and, therefore, use of the property.

Based on these findings, 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 conditions limiting development to that proposed and requiring access to be constructed to state standards.

- 9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003. The proposed subdivision is exempt from the adequacy test for schools because it is a commercial use.
- 10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road, has a service travel time of 0.52 minutes, which is within the 3.25-minute travel time guideline.
 - b. The existing ambulance service at Silver Hill Fire Station, Company 29, has a service travel time of 0.52 minutes, which is within the 4.25-minute travel time guideline.
 - c. The existing paramedic service at Silver Hill Fire Station, Company 29, has a service travel time of 0.52 minutes, which is within the 7.25-minute travel time guideline.
 - d. The existing ladder truck service District Heights Fire Station, Company 26, located at 6208 Marlboro Pike, has a service travel time of 4.16 minutes, which is within the 4.25-minute travel time guideline.

These findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* (1990) and the “Guidelines for the Analysis of Development Impact on

Fire and Rescue Facilities.” The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance, ladder truck and paramedic services.

11. **Police Facilities**—The proposed development is within the service area for Police District IV-Oxon Hill. The Planning Board’s current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed 4011 Silver Hill Road property development.
12. **Health Department**—The Health Department noted the presence of a “significant amount of domestic trash,” including household appliances and furniture and other debris, including several discarded tires. It is expected that this debris will be removed during the grading process. However, the tires should be removed prior to the issuance of the grading permits. The tires must be hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt for the tire disposal must be submitted to the Health Department prior to issuance of grading permits.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan has not yet been approved. To ensure that development of this site does not result in on-site or downstream flooding, a stormwater management concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan, or any revisions thereto.
14. **Cemeteries**—There are no known cemeteries on or adjoining the property. However, the applicant should be aware that if burials are found in the course of development, all activity must stop in accordance with state law.
15. **Public Utility Easement**—The preliminary plan correctly shows the required ten-foot-wide public utility easement. This easement will be included on the final plat.

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.

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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 Vaughns, with Commissioners Eley, Vaughns, Squire, and Hewlett voting in favor of the motion, and with Commissioner Harley absent at its

regular meeting held on Thursday, February 26, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of March 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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