

R E S O L U T I O N

WHEREAS, Mid-Atlantic Real Estate Investment, Inc. is the owner of a 5.51-acre parcel of land known as part of Lot 46 (BDS 1@46), recorded in land records in 1901, and Lots 63 and 64 (NLP 109@63) recorded in land records in 1981, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned M-U-T-C; and

WHEREAS, on January 9, 2009, Mid-Atlantic Real Estate Investment, Inc. filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-08051 for Suitland Gateway 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 May 21, 2009, 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 May 21, 2009, 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 the Type I Tree Conservation Plan (TCPI/002/09), and further APPROVED Preliminary Plan of Subdivision 4-08051, Suitland Gateway, including a Variation from Section 24-121(a)(3) for Parcel A with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Remove proposed structures from the plan.
  - b. Reference the variation and indicate limits on access as approved by the Planning Board.
2. Development of this site shall be in conformance with the Stormwater Management Concept Plan 41659-2008-00 and any subsequent revisions.
3. At the time of final plat, the applicant shall dedicate a ten-foot public utility easement along the public rights-of-way as delineated on the approved preliminary plan of subdivision, unless

applicant provides a letter from the applicable utility companies and SHA (for Silver Hill Road), stating that the ten-foot public utility easement will not be required of the Applicant.

4. Prior to the issuance of grading permits, the applicant shall demonstrate that any abandoned well or septic system has been pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department.
5. Prior to the approval of the final plat, the applicant shall demonstrate that all the standing structures on the property shall be recorded together on a Maryland Inventory of Historic Properties form. The form shall include representative interior and exterior photographs and a site plan locating all buildings.
6. The applicant and the applicant's heirs, successors and/or assignees shall submit three (3) original Recreational Facilities Agreements (RFA) to the Development Review Division (DRD) for construction of recreational facilities on-site for approval prior to the submission of final plats. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
7. The applicant and the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities, prior to the issuance of building permits. The recreational facilities to be required shall be determined with the full review of the permit site plan.
8. Prior to the approval of permits, at the time of permit site plan review, an illustrative detail of the proposed green roof areas shall be provided. A planting detail for the green roofs shall also be submitted.
9. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/002/09). The following note shall be placed on the Final Plat of Subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/002/09) and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince Georges County Planning Department.”
10. Prior to the approval of building permits, at the time of permit site plan review, the applicant shall submit a certification by a professional engineer with competency in acoustical analysis that residential development building shells within prescribed noise corridors have been designed to reduce interior noise levels to 45 dBA Ldn or less.

11. The final plat shall carry a plat note that lot line adjustments involving Parcel B shall not result in additional buildable parcels without a new preliminary plan of subdivision. Parcel B is for the sole purpose of creating the opportunity for additional access to Park Lane to the south for Parcel A (WWW 77@19).
12. Prior to the approval of building permits, at the time of permit site plan review, as determined appropriate through the review, the applicant shall:
  - a. Provide or maintain a standard sidewalk across the subject site's entire frontage of Silver Hill Road and Park Lane unless modified by DPW&T.
  - b. Provide raised crosswalks at key locations.
  - c. Provide at least two bicycle parking racks on-site.
  - d. Provide sidewalk details and curb ramp details.
  - e. Reduce surface parking if feasible.
  - f. Increase sidewalk widths where possible and/or remove any sidewalk barriers.
13. Any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval.
14. The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 169 AM and 290 PM peak-hour trips.
15. The plan must show a minimum of 60 feet from the existing centerline dedication for Silver Hill Road, and a minimum of 25 feet dedication from the existing centerline along Park Lane South.
16. Prior to the issuance of any building permits within the subject property, the following improvements shall be reflected on permit plans and (a) have full financial assurances, (b) have been permitted for construction and/or operation through the operating agency's (access) permit process, and (c) have an agreed-upon timetable for construction and/or operation with the appropriate operating agency:

- a. **Circulating Private Shuttle Bus**

In connection with the proposed development, the applicant and the applicant's heirs, successors and assignees, are required per DPW&T requirements and concurrence, provision and operation of a neighborhood circulator bus service that will travel to and from the subject site and with stops at major multifamily residential neighborhoods along Silver Hill Road south of Pennsylvania Avenue (MD 4), en-route to Suitland Metro Station. This service at minimum shall consist of two 30

person-capacity minibuses with service frequency of no more than 15 minutes in each direction to and from the Suitland Metro Station and the subject site over a six-hour period per day (three hours during the AM peak period, three hours during the PM peak period).

**b. Bus Shelter**

The applicant shall provide for private bus shelter on site. Additionally, there are 2 existing WMATA bus stops within close proximity to the site, located on the south side of Silver Hill Road. At either one of these sites, the applicant shall provide for an all-weather bus shelter improved with a bench, trash, bin, and schedule pursuant to WMATA's current existing standards, unless WMATA declines to accept the shelter.

**c. Bicycle Racks**

Provision of bicycle racks.

**d. Sidewalks**

The provision of a eight-foot-wide sidewalk per SHA standards along Silver Hill Road, separated from travel lanes by a landscape strip of at least six feet in width (page 30-MUTC Plan), and provision of a sidewalk per DPW&T standard along Park Lane South to Sunset Lane, and along the entire length of the existing driveway west (Parcel B) of the subject site, and is extended to Park Lane South. All proposed driveways and shall be improved with sidewalks.

**e. Site Access Driveways**

The provision of a limited in-bound only access driveway per SHA standards, which physically prevents any site traffic using this point to exit the site.

The provision of a full access driveway opposite of existing Brook Drive along Silver Hill Road, per SHA standards with two outbound and one inbound lanes, and associated modification to the existing traffic signal plus the provision of adequate left-turn lane along westbound Silver Hill Road per SHA standards and requirements.

The provision of an access drive way along Park Lane South per DPW&T standards, west of its intersection with Sunset Lane along the southern property line.

Extension of the existing driveway serving the office building located directly west of subject site to intersect with Park Lane South per DPW&T Standards, and within the proposed Parcel B, as well as the provision of vehicle turn-around at the end of Park South Lane per DPW&T standards and within the available rights-of-way for Park south Lane.

17. A Type II Tree Conservation Plan shall be approved at the time of review of the permit site plan.

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. Proposed Parcel A and B are located on the south side of Silver Hill Road, west of its intersection with Sunset Lane.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	M-U-TC	M-U-TC
Use(s)	Residential	Mixed-use
Acreage	5.51	5.51
Lots	3	0
Parcels	0	2
Dwelling Units:		
Multifamily Apartments	0	271
Single-family Dwellings	2	0
Retail/Commercial	0	26,500 square feet
Public Safety Mitigation Fee		No

4. **Environmental**—The preliminary plan of subdivision and the Type I Tree Conservation Plan, TCPI/002/09 for Suitland Gateway, stamped as received on March 18, 2009, have been reviewed. The Environmental Planning Section previously reviewed Natural Resource Inventory NRI-059-08 for this site.

A majority of the site drains into Henson Creek in the Potomac River watershed. A small portion of the northern part of the site drains into Oxon Run, also within the Potomac River watershed. The predominant soil types found to occur on this property according to the *Prince George's County Soil Survey* are in the Bibb and Sassafras series. According to the NRI, there are no streams, non-tidal wetlands, floodplain, steep slopes, and severe slopes on the site. Silver Hill Road is currently an arterial roadway generally regulated for noise. 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 of this property. There are no designated scenic and historic roads adjacent to this property. The site is not within the designated network of the 2006 *Approved Countywide Green Infrastructure Plan*. This property is located in the Developed Tier as delineated on the 2002 *Prince George's County Approved General Plan*.

### **Master Plan Conformance**

The subject site is located in the 2006 Approved Suitland Mixed-Use Town Center Development Plan. The only significant environmental concern addressed in this sector plan is the use of low impact development (LID) techniques to address water quantity and quality control for the site. Page 26 of the plan states:

#### **Stormwater Management**

- 1. Low-impact development techniques, as contained in the current version of the design manual, “Low-impact Development Design Strategies: An Integrated Design Approach,” as published by the Prince George’s County Department of Environmental Resources, shall be used on all sites as the primary method of collecting and/or treating stormwater.**

A conceptual low-impact development plan, stamped as received on March 18, 2009, has been submitted. The plan proposes two areas for the creation of green roofs. Several bioretention areas, sand filters, and filter strips are proposed throughout the development, and the main pedestrian area of the proposed development will be constructed with permeable pavers to provide some infiltration on the site. A majority of the runoff volume will be controlled by two underground facilities. This proposal is in conformance with the approved stormwater concept plan, which lists structural bioretention, structural sand filters, and structural filters as the intended water quality control measures for this site.

#### **Countywide Green Infrastructure Plan Conformance**

The site is not within the designated network of the Countywide Green Infrastructure Plan.

#### **Environmental Review**

The site has a signed Natural Resource Inventory (NRI/059/08) that was included in the preliminary plan submittal. The site contains one stand of woodland totaling 1.62 acres and is dominated by walnut, cherry, and mixed oaks. Six specimen trees were identified on the site.

This stand has low priority retention due to the lack of environmental features and abundant presence of invasive species, which were described as covering the entire forest floor. All woodland conservation should be met off-site. No further information regarding the NRI is necessary.

The site is subject to the Prince George’s County Woodland Conservation and Tree Preservation Ordinance because the gross tract area of the property is greater than 40,000 square feet, and there are more than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan (TCPI/002/09) has been submitted and reviewed.

The woodland conservation threshold for this site is 0.83 acres and the total requirement based on the proposed clearing is 2.18 acres. This requirement is proposed to be met with 2.20 acres of off-site mitigation. Off-site mitigation is acceptable for this site because the on-site woodlands are not desirable for preservation due to the extensive presence of invasive species and the mixed-use concept on this site results in a design that does not allow for on-site conservation. Development of this subdivision should be in conformance with an approved Type I Tree Conservation Plan (TCPI/002/09).

According to the *Prince George's County Soil Survey*, the soils found to occur on the site are in the Bibb and Sassafras series. This information is provided for the applicant's benefit. No further action is needed as it relates to this preliminary plan review. A soils report may be required by the county during the permit review process. If residential basements are proposed then a soils report will be required by the county pursuant to County Bill CB-94-2004.

Silver Hill Road is classified as an arterial roadway that is regulated for noise impacts. The proposed use includes multifamily residential units. According to the Environmental Planning Section's noise model, the unmitigated 65 dBA Ldn noise contour is approximately 247 feet from the centerline of Silver Hill Road. The submitted plan correctly shows the location of the unmitigated 65 dBA Ldn ground level noise contour. Based on this measurement, the areas of the proposed buildings fronting Silver Hill Road are impacted by noise levels above the state standard of 45 dBA Ldn. The proposed community center and swimming pool are shown behind the proposed multifamily building and would be shielded from noise impacts with the development of that building.

Because there are no other outdoor activity areas requiring mitigation, no further information regarding impacts to outdoor activity is required unless the design changes. For interior noise, the residential portion of the proposed multifamily buildings should be designed to mitigate indoor noise levels to below the state standard of 45 dBA Ldn or less. At the time of permit site plan review, the applicant should submit a certification by a professional engineer with competency in acoustical analysis that residential development building shells within prescribed noise corridors have been designed to reduce interior noise levels to 45 dBA Ldn or less.

5. **Community Planning**—The 2002 *Prince George's County Approved General Plan* locates this property in the Developed Tier, and a designated Regional Center. One of the visions for the Developed Tier is to create a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.

The vision for the Centers in the Developed Tier is a concentration of mass transportation. This makes it desirable to plan development that generates enough commuter and pedestrian traffic to produce sufficient ridership. The Centers in the Developed Tier should be developed at sufficient intensities with integrated mixed-land uses and to sustain existing bus service and create additional opportunities for more walking, biking, or drive-to-transit opportunities (2002 Prince George's County Approved General Plan, p. 43). The preliminary plan proposes a mix of land uses and

intensities, as more fully described in Finding No. 3 above, which are consistent with the recommendations of the General Plan.

This property is also located within the Approved Suitland Mixed-Used Town Center Development Plan, in Planning Area 75A. The land use recommendation is for mixed-use transit oriented retail, office and residential uses. The sectional map amendment rezoned the property from the Commercial Office (C-O) to Mixed Use Town Center (M-U-T-C) Zone. The mix of land uses and intensities proposed with this preliminary plan are consistent with the Approved Suitland Mixed-Used Town Center Development Plan Suitland mixed use town center development plan.

This project is the first major mixed-use development project proposed since the Suitland M-U-T-C Development plan was approved in 2006 to encourage flexibility in land uses within a defined area in Suitland to create active, economically viable settings in which to live and work. A set of local design standards and guidelines have been established as part of the M-U-T-C development plan to ensure that new development meets this intent. All development must meet these design standards which address site design, building design, public spaces (particularly the streetscape) and parking and loading standards. Of particular concern is the proposed parking garage which fronts on Park Lane at the rear of the property across from existing residential development. Attractive design and landscaping should be incorporated into the final building plans to ensure adequate transition between the two uses.

This property is classified in the plan as appropriate for Boulevard development. The buildings as approved will be six-stories high, a height that is appropriate for development along the boulevards. "The land use mix reflects a neighborhood service center surrounded by new residential development" (2006 Approved Suitland Mixed-Use Town Center Development Plan, p. 16) This property is on the edge of the boulevard development area which makes it an appropriate area to have a mixed-use development that is predominantly residential with commercial uses on the ground floor.

The development has frontage on Silver Hill Road which is considered to be part of the public realm. The building frontage along this road should plan street-level uses that are related directly to pedestrians, encourage a permeable storefront to enhance natural surveillance, and use high quality paving, lighting, and other landscape elements (2006 Approved Suitland Mixed-Use Town Center Development Plan , pgs. 19-20).

The M-U-T-C plan requires that all new development to be reviewed by the Suitland Mixed-Use Town Center Design Review Committee. The Design Review Committee is advisory to the Prince George's County Planning Board and assisted by staff from the Planning Departments Community Planning Division. Building permits for this development will be reviewed by the design review committee to ensure that the development meets the Suitland M-U-T-C Development Plan's goal and design principles, standards and guidelines (2006 Approved Suitland Mixed Use Town Center Development Plan, p. 51).

6. **Department of Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the applicant should provide adequate, private recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The amount and type should be reviewed with the permit site plan prior to permits.
7. **Trails**—There are no master plan trails issues identified in either the May 1985 *Approved Master Plan for Suitland-District Heights and Vicinity, (Planning Areas 75A and 75B)* or the 1985 Equestrian Addendum to the Approved Countywide Trails Plan that impact the subject application.

The applicant is proposing a mixed-use, residential and commercial/retail operation. Silver Hill Road currently contains standard sidewalks. The site is not far from the Metro, so sidewalk connections are important. At the time of permit site plan review the applicant should include bicycle parking. Because the site is close to a Metro station, the applicant should provide bicycle parking on-site.

8. **Transportation**—The findings contained herein are based on the most recent information obtained from the reviewing agencies, as well as additional traffic analyses that supplement the original January 31, 2009, traffic study submitted by the applicant.

In accordance with the Approved Suitland Mixed-Used Town Center Development Plan (Plan), the applicant proposes to develop the subject property with a mix-use development consisting of 271 multi-family residential apartment units, and 26,500 square feet of commercial retail uses in a small multiuse shopping center setting.

The applicant's original traffic impact study dated January 31, 2009, which was prepared in accordance with the methodologies in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals" (Guidelines) analyzed two parcels of land, one located on north side of Silver Hill Road and another along the south side of Silver Hill Road. The submitted preliminary plan of subdivision is limited only to the southern parcel. A preliminary plan of subdivision has not been submitted and will be required for the northern property. The applicant submitted a revised a traffic study dated May 5, 2009. The revised study which again was prepared in accordance with the methodologies in the Guidelines, evaluated the traffic associated only with the southern parcel. Due to limited review time, only the original traffic study, considering more traffic than would be generated was referred to the County Department of Public Works and Transportation (DPW&T), and the State Highway Administration (SHA). The findings outlined below are based upon a review of all materials received and analyses conducted consistent with the Guidelines.

### **Development Summary**

The application is a preliminary plan of subdivision for approximately 5.51 acres of land in the M-U-T-C Zone, for a proposed development consisting of 271 multifamily residential apartment units, and 26,500 square feet of commercial retail uses. The applicants traffic study indicated 200

square feet more of commercial retail uses, but clarified that the proposal is in fact for 26,500. The proposed development would generate a total of 212 (70 in, 142 out) AM peak-hour trips, and 481 (265 in, 216 out) PM peak-hour trips. Nearly 60 percent of retail traffic is pass-by trips. Therefore, the proposed development is generating only 169 (44 in, 125 out) new AM peak-hour trips, and 290 (170 in, 121 out) new PM peak-hour trips, as determined using the Guidelines.

The traffic generated by the proposed preliminary plan would impact the following (six) existing intersections:

- MD 4 (Pennsylvania Ave.) / MD 458 (Silver Hill Rd.)—signalized
- MD 458 / Brooks Drive—signalized
- MD 458 / MD 218 (Suitland Avenue)—signalized
- MD 458 / Sunset Lane—unsignalized
- MD 458 / Existing driveway for adjoining office—unsignalized
- MD 458 / Porter Avenue—unsignalized

None of the intersections identified above is programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program (CTP) or the Prince George's County Capital Improvement Program (CIP).

The subject property is located within the Developed Tier, as defined in the 2002 *Prince George's County Approved General Plan*, and within the Approved Suitland Mixed-Use Town Center. As such, the subject property is evaluated according to development requirements of the Approved Suitland Mixed-Used Town Center Development Plan, and the following standards relating to Developed Tier:

**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 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.

### **Traffic Impact Summary**

Pursuant to the scoping agreement, the traffic impact study identified the following six intersections as the ones on which the proposed development would have the most impact:

<b>EXISTING CONDITIONS</b>		
<b>Intersection</b>	<b>AM Peak Hour</b>	<b>PM Peak Hour</b>
	(LOS/CLV)	(LOS/CLV)
MD 4 (Pennsylvania Ave.) / MD 458 (Silver Hill Rd.)	B / 1029	D / 1332
MD 458 / Brooks Drive	A / 957	A / 922
MD 458 / MD 218 (Suitland Avenue)	B / 1029	D / 1332
** MD 458 / Sunset Lane	B / 15secs.	C / 16secs.
** MD 458 / Existing driveway for adjoining office	B / 11secs.	B / 13secs.
** MD 458 / Porter Avenue	C / 24secs.	C / 25secs.
**Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E" which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the Guidelines		

The traffic study identified five background developments, consisting of an additional 397 residential dwelling units, a 6,300-square-foot-church with a day care for maximum of 40 students, and 96,762 square feet of new commercial retail space, whose impact would affect some or all of the study intersections. Additionally, a growth rate of two percent per year for three years (through 2011) was applied to the existing traffic counts. A second analysis was done to evaluate the impact of the background developments on the existing infrastructure. The analysis revealed the following results:

<b>BACKGROUND CONDITIONS</b>		
<b>Intersection</b>	<b>AM Peak Hour</b>	<b>PM Peak Hour</b>
	(LOS/CLV)	(LOS/CLV)
MD 4 (Pennsylvania Ave.) / MD 458 (Silver Hill Rd.)	B / 1104	D / 1438
MD 458 / Brooks Drive	B / 1013	B / 1033
MD 458 / MD 218 (Suitland Avenue)	E / 1528	F / 1658
** MD 458 / Sunset Lane	C / 16secs.	C / 18secs.
** MD 458 / Existing driveway for adjoining office	B / 11secs.	B / 13 secs.
** MD 458 / Porter Avenue	C / 24 secs.	C / 25 secs.
**Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E" which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the Guidelines		

An analysis of the traffic data under "total" conditions represents a combination of background traffic and site-generated traffic. Using trip generation rates from the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," as well as the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 7<sup>th</sup> edition, the study has determined that the development, based on the proposed uses, would generate a total of 212 (70 in, 142 out) AM peak-hour trips, and 481 (265 in, 216 out) PM peak-hour trips. Since some of the trips allocated to retail uses (equates to 60 percent per the Guidelines), will not be new trips added to the area roadway. These are trips are pulled from the existing trips travelling along MD 458, which in the Guidelines they are referred to as pass-by-trips. As a result, the net new trips that would be generated by the proposed development on subject property would equal to 169 (44 in, 125 out) AM peak-hour trips, and 290 (170 in, 121out) PM peak-hour trips. Using these site-generated trips, an analysis of total traffic conditions was done, and the following results were determined:

<b>TOTAL CONDITIONS</b>		
<b>Intersection</b>	<b>AM Peak Hour</b>	<b>PM Peak Hour</b>
	(LOS/CLV)	(LOS/CLV)
MD 4 (Pennsylvania Ave.) / MD 458 (Silver Hill Rd.)	B / 1108	E / 1462
MD 458 / Brooks Drive	C / 1179	C / 1292
MD 458 / MD 218 (Suitland Avenue)	E / 1549	F / 1738
** MD 458 / Sunset Lane	C / 16secs.	C / 18secs.
** MD 458 / Proposed Driveway Entrance	N/A this is one way in-bound entrance.	
** MD 458 / Existing driveway for adjoining office	B / 11secs.	B / 13 secs.
** MD 458 / Porter Avenue	C / 24 secs.	C / 25 secs.
**Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E" which is deemed acceptable corresponds to a maximum delay of 50 seconds/car. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the Guidelines		

The results shown indicate that all six critical intersections except for the signalized intersection of Silver Hill Road with Suitland Road would operate acceptably under total traffic conditions.

To address the reported inadequacies for the intersection of Silver Hill Road with Suitland Road, and in lieu of proposing roadway widening, the applicants traffic consultant proposes strategies that would further promote the use of transit, pedestrian and bicycle modes within the general area, as well as to and from the subject site. This was done for the following two reasons:

- a. There are very limited rights-of-way available, which makes provision of any additional roadway widening highly unlikely, and
- b. The reliance on wider roads to improve mobility is not consistent with the Approved Suitland Mixed-Use Town Center (M-U-T-C) Development Plan accessibility goal which envisions provision of a multimodal transportation system consisting of roads, public transit (rail and bus), sidewalks, and bike trails and paths.

As a result, and in order to alleviate the reported inadequacy at the intersection of Silver Hill Road and Suitland Road, the provision of a neighborhood circulator bus service that will travel to and

from the subject site and stops at major multifamily residential neighborhoods along Silver Hill Road south of Pennsylvania Avenue (MD 4), en-route to Suitland Metro Station will be provided. This service at minimum should consist of two 30 person-capacity mini buses with service frequency of no more than 15 minutes in each direction to and from the Suitland Metro Station and the subject site over a six hour period per day (three hours during the AM peak period, three hours during the PM peak period).

Upon review of the applicant's traffic study, the road system is able to accommodate the proposed development. While the DPW&T, and SHA are also in general agreement with the study's conclusions, in their referral letters, several additional comments are cited related to the traffic impact associated with the northern parcel, which is not a part of the subject application, and therefore, are not relevant to the required adequacy finding for this application.

#### **Variation to Section 24-121(a)(3)**

Regarding the proposed two access locations to Silver Hill Road, the applicant has filed a Variation Request pursuant to Section 24-121(a)(3) based on Silver Hill Road being an arterial road. The approved design standards and development guidelines for the Approved Suitland Mixed-Use Town Center Development Plan envisions creation of a unique and successful town center with easy access to planned mixed use developments along Silver Hill Road.

Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads (**bold**):

**Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121(a)(3) could result in practical difficulties to the applicant that could result in inadequate access and circulation for the development proposed.

**The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

The applicant has revised the site access plan for the subject property, and is showing only one full access driveway across an existing and signalized median break and another limited right-in only point of access along the property's frontage on Silver Hill Road. In addition, the application has agreed to create a parcel (Parcel B), along the property's southwest corner, to extend the existing driveway to Park Lane south with an appropriate vehicle turn on Park Lane South, as well as constructing sidewalks along this driveway and along Park Lane South to Sunset Lane.

These improvements, proffered by applicant in support of their variation request for access to Silver Hill Road would greatly improve vehicular and pedestrian accessibility of residential neighborhoods located to the south of the subject site to Silver Hill Road. The site distances at the access locations including the access at Brooks Drive which is signalized are at the optimum locations for safety.

**The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The size and mixed-use nature of the proposed development, as described in Finding No. 3 above, distinguish this property from others in the area, especially considering the project has evolved from its own distinct Development Plan.

**The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

The variation to Section 24-121(a)(3) is unique to the Subdivision Regulations and is not regulated by any other law, ordinance or regulations. Therefore the granting of the variation will not violate and other code requirement.

**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 strict letter of these regulations is carried out;**

This is the first large scale development proposal within the Suitland Mixed-Use Town Center Planning Area. The parcel size is unique to the surrounding properties in that it can support the proposed redevelopment at such a large scale. In order to accommodate the development proposed numerous access points are necessary. The property has street frontage to the south and north which will allow for the appropriate distributions of trips generated by the mixed use development.

The Planning Board approves variations for two points of access to Silver Hill Road from Parcel A with conditions. While the details of on-site circulation will be fully addressed at the time of permit review, the access to Silver Hill Road from subject site should be limited only to these two access points (Variations 1 and 2) evaluated with this preliminary plan and that no access from subject site to the driveway serving the existing office space directly west of the site (Variation 3) should be allowed due to its poor sight distance on its approach to Silver Hill Road.

The applicant filed the variation request dated February 24, 2009. Variations 1 and 2 are described above; Variation 3 is no longer necessary because the applicant revised the preliminary plan to include Parcel B and no longer shows a connection to the abutting property to the west. Based on the proceeding findings the Planning Board approves the Variations to Section 24-121(a)(3).

**Transportation Conclusions**

Based on the preceding findings, the plan conforms to the required findings for approval of the preliminary plan of subdivision pursuant to Section 24-124 of the Subdivision.

- 9. **Schools**—The development has been reviewed for the impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and County Resolution CR-23-2003 and concluded the following:

**Impact on Affected Public School Clusters**

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	250 DU	250 DU	250 DU
Pupil Yield Factor	.16	.13	.14
Subdivision Enrollment	40	32.5	35
Actual Enrollment	32,255	9,888	16,168
Total Enrollment	32,295	9,920.5	16,203
State Rated Capacity	39,295	11,551	16,314
Percent Capacity	82.18%	85.88%	93.32%

*Source: Prince George's County Planning Department, M-NCPPC, April 2009*

At the time of the evaluation on the impact on school facilities the application indicated a proposal for 250 multifamily dwelling units. The proposal is now for 271 dwelling units.

Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling

if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority.(WMATA) CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,177 and \$14,019 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Planning Board finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02 of the Subdivision Regulations, County Bill CB-31-2003 and County Resolution CR-23-2003.

### **Nonresidential**

The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and concluded that the portion of this subdivision that is nonresidential is exempt from a review for schools because it is a nonresidential use.

10. **Fire and Rescue**—The subdivision plan has been reviewed for the adequacy of fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Regulations.

### **Residential**

It has been determined that this preliminary plan is within the required seven-minute response time for the first due fire station District Heights, Company 26, using the *Seven (7) Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

Pursuant to County Resolution CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A) and (B) of the Subdivision Regulations regarding sworn fire and rescue personnel staffing levels.

The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in County Bill CB-56-2005.

### **Nonresidential**

The existing engine service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike has a service travel time of 2.8 minutes, which is within the 3.25-minute travel time guideline.

The existing ambulance service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike has a service travel time of 2.8 minutes, which is within the 4.25-minute travel time guideline.

The existing ladder truck service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike has a service travel time of 2.8 minutes, which is within the 4.25-minute travel time guideline.

11. **Police Facilities**—The subject property is located in Police District III, Palmer Park.

**Residential**

The response time standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on January 9, 2009.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
March 2009	April/2008–March/2009	7 minutes	9 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standard of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met May 6, 2009.

The Police Chief has reported that the Police Department has adequate equipment to meet the standards stated in County Bill CB-56-2005.

Pursuant to County Resolution CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) of the Subdivision Regulations regarding sworn police personnel staffing levels.

**Nonresidential**

The police facilities test is performed on a countywide basis for nonresidential development in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George’s County Police Department and the latest population estimate is 825,520. Using the 141 square feet per 1,000 residents, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet, is above the guideline.

12. **Health Department**—Once the existing dwelling at 5100 Park Lane is vacated, the abandoned septic tank should be pumped out by a licensed scavenger and either removed or backfilled in place. The location of the septic system should be located on the preliminary plan.

A raze permit is required prior to the removal of any of the structures on site. A raze permit can be obtained through the Department of Environmental Resources (DER), Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structures being razed. A note should be included on the final plat that requires that the structures are to be razed and the septic system at 5100 Park Lane properly abandoned before the release of the grading permit.

13. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan 41659-2008-00 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. In addition to review by the DPW&T the *2006 Approved Suitland Mixed Use Town Center Development Plan* recommends the use of low-impact development techniques to manage stormwater as discussed further in the Environmental Planning Section of this report.

14. **Historic**—Phase I archeological survey is not required on this property located at the southwest quadrant of Silver Hill Road and Sunset Lane in Suitland, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. Modern construction has limited the potential of identifying archeological sites on the property. However, the applicant should be aware that there are three previously identified archeological sites, 18PR359, 18PR385, and 18PR427, located within a one-mile radius of the subject property. Site 18PR359 is a Late Archaic to Early Woodland short-term resource procurement site. Site 18PR385 is a late 19<sup>th</sup> to early 20<sup>th</sup> century structure. Site 18PR427 is a prehistoric lithic scatter and a mid-19<sup>th</sup> to early 20<sup>th</sup> century domestic site. In addition, there are three County Historic Sites, Ridgeway-Hagen House (76A-1), Suitland House (75A-21), and Suitland Parkway (76A-22), located within a one-mile radius of the subject property. Suitland Parkway is also listed in the National Register of Historic Places.

However, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or federal permits are required for a project.

In addition, according to tax records, the existing houses on the property were built in the 1940s and 1950s. Since all of these buildings are proposed to be demolished, they should be documented together on a Maryland Inventory of Historic Properties (MIHP) form, including representative interior and exterior photographs and a site plan locating all buildings. The completed form should be submitted to Historic Preservation Section for review and approval prior to final plat.

15. **Public Utility Easement (PUE)**—In accordance with Section 24-128(b)(12) for private roads, and 24-122(a) of the Subdivision Regulations, when utility easements are required by a public

utility company, the subdivider shall include the following statement in the dedication documents to be recorded with the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liner 3703 at Folio 748.”

The preliminary plan of subdivision correctly delineates a ten-foot public utility along the public rights-of-way as requested by the utility companies.

However, the applicant has indicated that providing the 10-foot PUE may impact their ability to conform to the design standards of the Suitland Mixed Use Development Plan. At the Planning Board hearing the applicant requested that if they were able to obtain the agreement from all affected utility companies and the SHA that they would not be required to reflect the standard 10-foot PUE on the final plat. The Planning Board granted the applicants request and Condition 3 was amended to provide that flexibility to the applicant. The PUE requested by the utility companies if at all will be required to be reflected on the final plat if it is in fact on site.

16. **Water and Sewer Categories**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan*, as adopted by County Resolution CR-91-2008, placed this property in Water and Sewer Category 3, Community System.

17. **Parcel B**—The applicant has proposed Parcel B to be conveyed to the abutting property owner to provide for the extension of an existing driveway which serves Parcel A (WWW 77@19) to the west. Parcel A to the west is improved with an office building which is currently occupied by the Prince George’s County Health Department. The existing driveway serving that property extends to Silver Hill Road, an arterial roadway at a location with poor sight distances, as indicated by the State Highway Administration (SHA). The property owner of the subject application is the property owner of abutting Parcel A. In a desire to improve circulation and opportunity for ingress and egress for the abutting property, the applicant has proposed Parcel B which will provide for the driveway serving Parcel A to extend from Silver Hill Road through to Park Lane to the south. Parcel B will be included in the site for development purposes for Parcel A (WWW 77@19) abutting to the west.

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 date of notice of 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 Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, May 21, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of June 2009.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:WC:bjs

