

R E S O L U T I O N

WHEREAS, Marlow Heights Branch, LLC is the owner of a 1.64-acre parcel of land known as Parcel G of the Silver Hill Industrial Center, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned Commercial Office (C-O); and

WHEREAS, on December 21, 2021, Marlow Heights Branch, LLC filed an application for approval of a Final Plat of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Final Plat of Subdivision, also known as Final Plat 5-21076 for Silver Hill Industrial Center, Parcel 1 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 January 6, 2022, for its review and action in accordance with the Land Use Article of the 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; and

WHEREAS, on January 6, 2022, the Prince George's County Planning Board approved 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 Final Plat of Subdivision 5-21076 with the following conditions:

1. Any residential development proposed on the subject property shall require a new preliminary plan of subdivision.
2. Total development within the subject property shall be limited to uses that would generate no more than 127 AM and 101 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.
3. In conformance with the 2009 *Countywide Master Plan of Transportation* and the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*, the applicant, and the applicant's heirs, successors and/or assignees shall provide:
 - a. A striped bicycle lane and appropriate signage along the property frontage of Beech Road, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.

- b. A striped bicycle lane and appropriate signage along the property frontage of MD 5 (Branch Avenue)
4. Prior to approval of the first building permit for the subject property, the applicant, and the applicant's heirs, successors, and/or assignees shall demonstrate that the following adequate pedestrian and bikeway facilities, as designated below, in accordance with Section 24-124.01 of the Prince George's County Subdivision Regulations (Required Off-Site Facilities), have (a) full financial assurances, (b) been permitted for construction through the applicable operating agency's access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate agency:

- a. Bicycle fix-it station, adjacent to the subject site, within the right-of-way.

Should the applicant be unable to obtain a permit for the above-listed required off-site facility, through no fault of the applicant's, the applicant shall provide alternative facilities (alternative off-site facilities) that provide a level of adequacy equal to the required off-site facility that could not be constructed from the below list of facilities and chosen by Prince George's County Department of Permitting, Inspections and Enforcement, prior to approval of the first building permit. The requirements of Section 24-124.01(g) shall also apply to all alternative off-site facilities, which are:

- a. A striped bicycle lane along Beech Road, between the 90-degree turn of Beech Road and MD 5 (Branch Avenue).
 - b. Bikeway signage along Beech Road, between the 90-degree turn of Beech Road and MD 5 (Branch Avenue).
5. Prior to approval of the first building permit for the subject property, the applicant, and the applicant's heirs, successors and/or assignees shall illustrate the location, limits, specifications, and details of the required on-site facilities necessary to meet pedestrian and bicyclist adequacy throughout the subject site on the submitted site plan. These facilities shall include:
 - a. Pedestrian and bicycle amenities including but not limited to exterior inverted U-bicycle racks, lighting, and trash receptacles.
 - b. Crosswalks crossing all vehicular access points and where pedestrians will cross vehicular traffic.
6. Prior to issuance of a use and occupancy permit, the applicant, and the applicant's heirs, successors, and/or assignees shall perform the following
 - a. Contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for the facility.

- b. Install and maintain automated external defibrillators (AEDs), in accordance with the Code of Maryland Regulations (COMAR) requirements (COMAR 30.06.01-05), so that any employee is no more than 500 feet from an AED.
- c. Install and maintain bleeding control kits next to fire extinguisher installation and no more than 75 feet from any employee.

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 with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is currently known as Parcel G of the Silver Hill Industrial Center, originally recorded in Plat Book 73-10, among the Prince George's County Land Records on December 19, 1969, and corrected in Plat Book 253-20 on November 18, 2019, and is located southwest of the interchange of Beech Road and MD 5 (Branch Avenue). Parcel G is 1.64 acres within the Commercial Office (C-O) Zone. On November 18, 2019, a plat of correction was recorded among the aforementioned land records, in accordance with Section 24-108(a)(1) of the Prince George's County Subdivision Regulations to correct a drafting or engineering error. A note was included on this plat stating that development or redevelopment of this property would be subject to the resubdivision requirements of Section 24-111(c) of the Subdivision Regulations, given its original platting, prior to October 27, 1970. Currently, the subject property is improved with an existing 3,375-square-foot vacant building, previously used as a bank. Detailed Site Plan DSP-19056 was approved for the subject property by the Prince George's County Planning Board on February 4, 2021 (PGCPB Resolution No. 2021-19). DSP-19056 proposes to raze the existing structure on the subject property and construct an eight-pump island gas station with 16 fuel stations and a food and beverage store.

The property was legally subdivided according to the law in existence at the time of such division, and the present owner does not desire to change the relationship between a lot and the street shown on the record plat, or between one lot and another. However, Section 24-111(c) requires all final plats of subdivision approved prior to October 27, 1970, to be resubdivided unless meeting one of the exemption criteria outlined in Section 24-111(c)(1) through (4). The proposed development on the subject property does not meet any of these exemptions and therefore, is required to be resubdivided. Section 24-111(c) provides that a final plat submitted for resubdivision without modifications shall be approved by the Planning Board if it is found that adequate public facilities exist or are programmed for the area within which the subdivision is located, as defined in Divisions 3 and 4 of Subtitle 24 of the Prince George's County Code.

The applicant has submitted this final plat application, in accordance with the requirements of Section 24-111(c). The subject site is designated as Parcel 1 on the subject final plat of resubdivision. Adequate public facilities were found to exist based on the findings and conditions set forth below.

3. **Setting**—The property is located on Tax Map 88 in Grids E-3 and E-4, in Planning Area 76A. To the north, the subject property is bound by MD 5, with vacant land in the Reserved Open Space (R-O-S) and Development District Overlay Zones beyond; to the west by vacant property in the R-O-S Zone and property containing a mini storage warehouse in the Light Industrial (I-1) Zone; to the south by property containing a mini storage warehouse in the I-1 Zone; and to the east by Beech Road, with vacant land in the C-O Zone beyond.
4. **Development Data Summary**—The following information relates to the subject final plat of subdivision application.

	EXISTING	APPROVED
Zone(s)	C-O	C-O
Use(s)	Commercial	Commercial
Acreage	1.64	1.64
Lots	0	0
Parcels	1	1
Variance	No	No
Variation	No	No

5. **Bicycle and Pedestrian**—Parcel 1 is subject to DSP-19056, with no conditions of approval included that relate to transportation and is within the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* (sector plan) area.

Master Plan and Adequate Public Pedestrian and Bikeway Facilities Review

The subject site fronts Beech Road and MD, 5 which are designated as master-planned bicycle lane facilities. The Complete Streets element of the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) reinforces these recommendations and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

Policy 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

The master plan bicycle lanes shall be striped and appropriate signage shall be provided along the property frontages of Beech Road and MD 5, unless modified with written correspondence by the operating agencies. These facilities should be designed consistent with the 2012 *AASHTO Guide*

for the Development of Bicycle Facilities. These master plan facilities support the Complete Streets policies above.

This development is also subject to the sector plan, which includes the following recommendations regarding the accommodations of pedestrian and bicycle facilities (page 99):

- **Provide pedestrian amenities that include trash receptacles, benches, and bus shelters.**
- **This plan recommends a high-quality walking and bicycling environment. The new environment will contain “friendly” infrastructure, trip-beginning, and end facilities such as bicycle parking, well-planned integration with other transport modes... (page 120)**

Pedestrian and bicycle facilities, such as bicycle parking, crosswalks, and direct sidewalk connections to proposed buildings shall be provided with the development of the subject property. These amenities and facilities will support a pedestrian and bicycle friendly environment, as recommended by the sector plan and MPOT. It is noted that these improvements are shown on the current approved DSP for the site.

Adequate Pedestrian and Bikeway Facilities Required in County Centers and Corridors

The subject property is in the Branch Avenue Corridor and is subject to Section 24-124.01 of the Subdivision Regulations and the “Transportation Review Guidelines, Part 2”. The cost cap for the proposed development’s off-site facilities, adjusted for inflation, is \$2,241. The applicant has proffered a bicycle fix-it station, adjacent to the site and within the right-of-way along Beech Road, to fulfill the off-site facilities requirement. If a bicycle fix-it station is not feasible, the applicant has proffered a striped bicycle lane or shared use signage along Beech Road as possible facilities to fulfill these requirements. The required off-site facilities reflect the minimum facilities necessary for adequacy in the area surrounding the subject property, pursuant to Section 24-124.01(b), and the proffered facilities will contribute to meeting pedestrian and bicycle adequacy.

On-site pedestrian and bicycle adequacy facilities are also required, pursuant to Section 24-124.01(b). Detailed exhibits and a list of proposed facilities, such as benches, trash receptacles, bicycle parking, pedestrian scale lighting, etc., in addition to the striping of the master plan bicycle lanes along the property frontages of Beech Road and MD 5 are required. It is noted that the current approved DSP-19506 provides details of on-site pedestrian and bicycle facilities, including two inverted U-style bicycle racks, a trash receptacle, lighting, and crosswalks crossing all vehicular access points and where pedestrians will cross vehicular traffic, but does not provide the details on any benches or the striping of the master plan bicycle lanes along the property frontages of Beech Road and MD 5. Because adequate pedestrian and bicycle facilities are required with the approval of this application, in accordance with the Subdivision Regulations, all required facilities are conditioned as part of this approval regardless of their inclusion in the DSP, which may be subsequently amended or superseded with other development proposals.

The off-site pedestrian improvements proffered by the applicant will improve the overall multimodal network within the vicinity of the subject property by providing a bicycle fix-it station or a potential bicycle facility along Beech Road. These amenities and facilities will serve the nearby industrial uses and can encourage visitors by providing the facilities for alternative transportation. Pursuant to Section 24-124.01, there is a demonstrated nexus between the proffered required off-site facilities for the proposed development and nearby destinations and the off-site facilities are within the cost cap for this development.

Based on the findings presented above, adequate pedestrian and bicycle transportation facilities will exist to serve the resubdivision, as required under Section 24-111.

6. **Transportation**—The subject property is located within Transportation Service Area 1, as defined in the *Plan Prince George's 2035 Approved General Plan*. 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 procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections, a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

For all-way stop-controlled intersections, a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

Analysis of Traffic Impacts

This application is a plat of resubdivision for a plan that proposes commercial uses. The subject property contains an existing 3,375-square-foot vacant bank building and is proposed to be redeveloped with a 5,585-square-foot food and beverage store and gas station with 16 fueling pumps. The trip generation is estimated using trip rates and requirements in the "Transportation Review Guidelines, Part 1" (Guidelines) and Trip Generation Manual (Institute of Transportation Engineers). The table below summarizes trip generation in each peak hour that was used in reviewing traffic and developing a trip cap for the site:

Trip Generation Summary: 5-17026 Silver Hill Industries								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Convenience Market/ Gas Station	16 Fueling Stations/5,585	Sq. Ft.	264	265	529	210	211	421
<i>Pass-by (76% AM & PM)</i>			-201	-201	-402	-160	-160	-320
Total Trip Cap Recommendation			63	64	127	50	51	101

The traffic generated by the proposed development would impact the following intersections, interchanges, and links in the transportation system:

- MD 5 / Beech Road (signalized)
- Beech Road / Site Access #1 (unsignalized)
- Beech Road / Site Access #2 (unsignalized)

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic and lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 5/Beech Road	723	1095	A	B
Beech Road/Site Access #1*	-	-	-	-
Beech Road/Site Access #2*	-	-	-	-
*The subject site is unoccupied. Therefore, no existing traffic was calculated for these intersections.				

None of the critical intersections identified above are programmed for improvements with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program. In addition, through a review of nearby properties, it is found that no background developments, as defined by approved but unbuilt developments with valid preliminary plans of subdivision, final plats, or special exceptions, would impact the critical intersections. While no background developments were identified, the traffic study has included a 0.5 percent regional growth rate over a 6-year period, which resulted in the below background peak-hour volumes.

BACKGROUND PEAK HOUR TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 5/Beech Road	744	1129	A
Beech Road/Site Access #1*	-	-	-	-
Beech Road/Site Access #2*	-	-	-	-

*The subject site is unoccupied. Therefore, no peak-hour traffic was calculated for these intersections.

The following critical intersections identified above, when analyzed with total future traffic, as developed using the Guidelines including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 5/Beech Road	824	1198	A
Beech Road/Site Access #1*				
Westbound Left Turn	5.4*	5.2*	-	-
Northbound Approach	10.5*	11.1*		
Beech Road/Site Access #2*				
Westbound Left Turn	2.2*	1.8*	-	-
Northbound Approach	10.7*	11.7*		

*In analyzing two-way stop-controlled intersections, a three-step procedure is employed in which the greatest average delay in seconds for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standards. According to the Guidelines, all three tests must fail to require a signal warrant study.

The submitted plat shows a 70-foot right-of-way for the existing Beech Road and a variable right-of-way for MD 5. No additional right-of-way will be required for this site. The traffic analysis shows that all critical intersections will operate at acceptable levels of service. The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and the Maryland State Highway Administration (SHA) have reviewed the submitted traffic impact analysis (TIA) and recommend modification to the site's access, per the memorandum from DPIE dated August 18, 2021 (Giles to DiCristina), and from SHA dated August 16, 2021 (Rigby to Lenhart). It is recommended by DPIE that the applicant provide a by-pass lane or left-turn lane at the west access point (Intersection 3 in the TIA) to maintain all movements. In addition, both agencies recommend a right in/right out configuration at the east access point (Intersection 2 in the TIA). However, since the configuration of the access points does not have a bearing on the vehicular adequacy determination, any required improvements related to operational efficiency will be constructed at time of permitting, under the authority of the operating agencies. SHA also recommends a signal warrant study be provided if access is proposed via Old Branch Ave Service Road. However, the approved DSP-19056 nor this final plat of subdivision provide access along this service road. Any changes to access may necessitate

a revision to the DSP. The submitted application is acceptable, pursuant to Section 24-124 and the trip cap for the subject site shall not to exceed 127 AM and 101 PM peak-hour trips.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision, as required, in accordance with Section 24-111(c) and Section 24-124.

7. **Public Facilities**—In accordance with Division 3 of the Subdivision Regulations, water and sewerage, and police facilities are found to be adequate to serve the subject property, as outlined in a memorandum from the Special Projects Section, dated August 24, 2021 (Thompson to DiCristina), incorporated by reference herein. The proposed development is exempt from a review of school facilities because it is a nonresidential use. The adequacy of fire and rescue facilities requires additional discussion, as follows:

The subject property is served by the Silver Hill Fire/EMS Company 829, located at 3900 Old Silver Hill Road in Suitland. Per Section 24-122.01(d)(1)(A) of the Subdivision Regulations, a 5-minute total response time is recognized as the national standard for Fire/EMS response times. The 5-minute total response time arises from the 2020 Edition of the National Fire Protection Association (NFPA) 1710 Standards for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments. This standard is being applied to the review of nonresidential subdivision applications.

According to NFPA 1710, Chapter 3 Definitions, the total response time and travel time are defined, as follows:

3.3.53.6 Total Response Time—The time interval from the receipt of the alarm at the primary public safety answering point, to when the first emergency response unit is initiating action or intervening to control the incident.

3.3.53.7 Travel Time—The time interval that begins when a unit is en route to the emergency incident and ends when the unit arrives at the scene.

According to NFPA 1710, Chapter 4 Organization:

4.1.2.1—The fire department shall establish the following performance objectives for the first-due response zones that are identified by the authority having jurisdiction:

- a. Alarm handling time completion in accordance with 4.1.2.3 (4.1.2.3.1 The fire department shall establish a performance objective of having an alarm answering time of not more than 15 seconds for at least 95 percent of the alarms received, and not more than 40 seconds for at least 99 percent of the alarms received, as specified by NFPA 1221).
- b. 80 seconds turnout time for fire and special operations response and 60 seconds turnout time for EMS response.

- c. 240 seconds or less travel time for the arrival of the first engine company at a fire suppression incident.

The Silver Hill Fire/EMS Station Company 829 is the first due station per GIS. Using Google maps, it meets the 4-minute travel timeframe, however this cannot be confirmed by the Fire Department at this time. Therefore, prior to issuance of a use and occupancy permit, the applicant shall contact the Prince George’s County Fire/EMS Department to request a pre-incident emergency plan for the facility, install and maintain automated external defibrillators, in accordance with the Code of Maryland Regulations, and install and maintain hemorrhage kits next to fire extinguishers.

8. Referral and Comments from other Entities—The requested review of adequate public facilities was referred to DPIE and SHA, who had no objections to approval of the subject application.

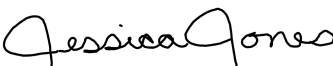
BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with Circuit Court for Prince George’s County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

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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 Bailey, seconded by Commissioner Washington, with Commissioners Bailey, Washington, Doerner and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, January 6, 2022, in Upper Marlboro, Maryland.

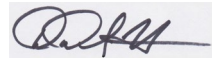
Adopted by the Prince George’s County Planning Board this 27th day of January 2022.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:SC:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner, M-NCPPC Legal Department, Date: January 11, 2022