

R E S O L U T I O N

WHEREAS, Ritchie Road LLC is the owner of a 1.41-acre parcel of land known as Ritchie Center, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned I-1; and

WHEREAS, on November 5, 2001, Ritchie Road LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-01093 for Ritchie Center 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 24, 2002, 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 January 24, 2002, 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/34/02), and further APPROVED Preliminary Plan of Subdivision 4-01093, Ritchie Center for Parcel AC@ with the following conditions:

1. At time of final plat, the PMA shall be placed in a conservation easement. The conservation easement shall be described by bearings and distances and be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

2. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/34/01). The following note shall be placed on the Final Plat of Subdivision:

ADevelopment is subject to the restrictions shown on the approved Type I Tree

Conservation Plan (TCPI/34/01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply is a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy. @

3. A Type II Tree Conservation Plan shall be approved prior to issuance of any building or grading permits.
4. Prior to signature approval of the preliminary plan the applicant shall demonstrate that the stormwater management plan has been approved by the Department of Environmental Resources.
5. Development of this subdivision shall be in accordance with Stormwater Management Concept Plan #14622-2001.
6. Prior to signature approval the preliminary plan shall be revised:
 - a. To show the Patuxent River Primary Management Area Preservation Area.
 - b. To refer to the approved stormwater management plan number and approval number.
 - c. To label the property as Parcel C.
7. All commercial structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.
8. Total development within the subject property shall be limited to a 10,000-square-foot commercial building used as a general office building, or equivalent development which is permitted within the I-1 Zone which generates no more than 20 AM or 19 PM peak hour vehicle trips. Development of up to 2,500 additional square feet of commercial space shall not constitute a significant change in trip generation. Any development other than that identified herein above shall require an additional Preliminary Plan of Subdivision with a new determination of the adequacy of transportation facilities.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/34/01

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.
1. The property is located on the west side of Ritchie

Road, approximately 800 feet north of its intersection with Walker Mill Road.

3. EnvironmentalCThis property was previously reviewed by the Environmental Planning Section as TCPII/95/90. Development utilizing the TCPII/95/90 approval never occurred. The development proposed differs significantly from that development proposed under TCPII/95/90. Therefore, a new TCPI was required. TCPI/34/01 has been submitted with this application and is recommended for approval

The site is 1.41 acres in size and is encumbered by a floodplain easement (L.7699, F.329) and severe slopes on the western portion of the property. There are no streams or wetlands on this site and no rare, threatened, or endangered species have been identified on this site at this time. The site is located in the Southwest Branch watershed, which is a tributary of the Patuxent River. The soils found to occur on this property, according to the Prince George=s County Soil Survey, include the Donlonton and Collington fine sandy loams. Neither of these soils are considered problematic for development. No Marlboro Clay has been identified on this site. No noise impacts which would limit development of this property for this use have been identified. This site is located in sewer and water categories S-3 and W-3. No cemeteries or scenic and historic roads are affected by this application.

This site is within the Patuxent River watershed and the Patuxent River Primary Management Area (PMA) should be indicated on the preliminary plan. The PMA on this site includes the 100-year floodplain and severe slopes. The PMA on this site is within a proposed tree save area.

4. Community PlanningCThe subject property is within the limits of the 1985 *Approved Master Plan for Suitland-District Heights and Vicinity*, in Planing Area 75B. The Master Plan recommends that the subject property be developed for employment use. The proposed subdivision is consistent with the land use recommendations contained in the Master Plan.
5. Parks and RecreationCIn accordance with Section 24-134(c) of the Subdivision Regulations the proposed subdivision is exempt from the requirements of mandatory dedication of parkland because the proposed use is a nonresidential use.

6. TrailsCThere are no master plan issues associated with this application.
7. TransportationCThe applicant has not prepared a traffic impact study nor was one required by the transportation staff given the applicant=s desire to develop approximately 10,000 square feet of general office space. Generally traffic studies are only required when a proposed development will generate more than 50 trips. However, the applicant did conduct peak hour traffic counts in December 2001 at the nearest major intersection. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Staff Analysis of Traffic Impacts

The application is a plan for an industrial subdivision consisting of 10,000 square feet of general office space. The proposed development would generate 20 AM (2 in, 18 out) and 19 PM (4 in, 15 out) peak hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. In consideration of area roadway improvements which are currently under construction, the site was analyzed using the following trip distribution:

Ritchie Road from the north: 30%
Walker Mill Road from the west: 15%
Ritchie Road from the south: 5%
Ritchie Marlboro Road from the east: 50%

The traffic generated by the proposed plan would impact the intersection of Ritchie Road and Walker Mill Road. The intersection is signalized. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined Level-of-Service D (LOS D) as the lowest acceptable operating condition for signalized intersections on the transportation system. Existing conditions at the critical intersection in the AM peak hour are Level-of-Service (LOS) A, with a critical lane volume (CLV) of 820. In the PM peak hour, operating conditions are LOS A with a CLV of 968. Therefore, the critical intersection has been found to be operating acceptably, at LOS D or better, in both peak hours.

A review of background development in the area was conducted by staff, and eight significant approved but unbuilt developments were identified in the immediate area. There are significant improvements to roadways in the area which are funded in either the county Capital Improvement Program or the state Consolidated Transportation Program. These include the I-95/I-495/Ritchie Marlboro Road interchange and an extension of Walker Mill Road which will connect existing Walker Mill Road at Ritchie Road directly to that interchange, creating a four-way intersection at the critical intersection. All improvements are currently under construction. Staff has considered the impact of all approved developments, along with the reassignment of existing traffic within the critical

intersection and some diversion of traffic into the intersection from MD 214 to the north. Background traffic conditions at the critical intersection are estimated to be LOS D with a CLV of 1,307 in the AM peak hour, and LOS B with a CLV of 1,100 in the PM peak hour.

Site traffic trip generation and trip distribution assumptions are noted herein. Total traffic conditions at the critical intersection would be LOS D with a CLV of 1,316 in the AM peak hour, and LOS B with a CLV of 1,105 in the PM peak hour. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined Level-of-Service D (LOS D) as the lowest acceptable operating condition on the transportation system. The critical intersection has been found to be operating acceptably, at LOS D or better, in both peak hours with the proposed development of the subject property and all assumed future changes.

The estimate of 10,000 square feet of general office space was provided by the applicant by means of a note on the preliminary plan. As the adequacy finding is based upon this information, the subject development will be capped on the trips associated with this development quantity and type. Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions.

8. Schools CThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and concluded that the subdivision is exempt from APF test for schools because it is a commercial use.
9. Fire and Rescue CThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:
 - a. The existing fire engine service at Ritchie Fire Station, Company 37, located at 1415 Ritchie-Marlboro Road, has a service response time of 0.76 minutes, which is within the 3.25-minute response time guideline.
 - b. The existing ambulance service at Seat Pleasant Fire Station, Company 8, located at 6305 Addison Road, has a service response time of 4.73 minutes, which is beyond the 4.25-minute response time guideline.
 - c. The existing paramedic service at Kentland Fire Station, Company 46, located at 10400 Campus Way South, has a service response time of 5.30 minutes, which is within the 7.25-minute response time guideline.
 - d. The existing ladder truck service at District Heights Fire Station, Company 26, located at 6208 Marlboro Pike, has a service response time of 6.07 minutes, which is within the 4.25-minute response time guideline.

- e. The existing ambulance service located at Seat Pleasant, Company 8, is beyond the recommended response time guideline. The nearest fire station Ritchie, Company 37, is located at 1415 Ritchie-Marlboro Road, which is 0.76 minutes from the development. This facility would be within the recommended response time for ambulance service.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

In order to alleviate the impact on fire and rescue services due to the inadequate service discussed above, the Fire Department recommends that all commercial structures be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.

10. Police FacilitiesCThe proposed development is within the service area for Police District III-Landover. In accordance with Section 24-122(c) of the Subdivision Regulations, the existing county's police facilities will be adequate to serve the proposed Ritchie Center development. This police facility will adequately serve the population generated by the proposed subdivision.
11. Health DepartmentCThe Health Department offered no comments.
12. Stormwater ManagementCThe Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is not required. A Stormwater Management Concept Plan, #14622-2001, has been submitted but was disapproved. To ensure that development of this site does not result in on-site or downstream flooding, approval of a stormwater management plan should be required prior to signature approval of the preliminary plan. Development must be in accordance with that approved plan.
13. VariationCSection 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. The subject property has frontage on and proposes direct vehicular access to Ritchie Road.

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 a proposed arterial in this case based on 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.** Ritchie Road is a

county facility. Road improvements along the properties frontage will be required in accordance with the County Road Ordinance, Department of Public Works and Transportation's Specifications and Standards, and the Americans with Disabilities Act. The granting of the variation will not alleviate the necessity for compliance with these codes established to promote the public safety, health and welfare. The granting of the variation will not be injurious to other properties.

- 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.** The abutting developed I-1-zoned sites along the west side of Ritchie Road, north of Walker Mill Road, at this location all have frontage on Ritchie Road and all have direct vehicular access to Ritchie Road except the subject site, which makes the property unique to the other properties in this vicinity.
 - c. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** The approval of a variation 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 is followed since Ritchie Road provides the only location for access to the site. If the variation was denied the site would have no vehicular access and could therefore be unbuildable.
1. The site is approximately 1.41 acres, zoned I-1, and is vacant. The applicant proposes to consolidate existing Parcels A and B, which were subdivided in Plat Book WWW 77 @ 54, recorded in 1969. Section 24-111(c) of the Subdivision Regulations requires that a final plat of subdivision approved prior to October 27, 1970, be resubdivided prior to the issuance of a building permit if the total development proposed exceeds 5,000 square feet in certain circumstances. The applicant is proposing the construction of a 9,600-square-foot building.

The subject property has frontage on Ritchie Road, an existing 120-foot right-of-way. Road dedication occurred in 1969 when this

property was originally subdivided. Dedication was consistent with the ultimate right-of-way of Ritchie Road, an arterial roadway. The applicant proposes direct vehicular access onto Ritchie Road. A variation to Section 24-121(a)(3) of the Subdivision Regulations is required for direct vehicular access onto an arterial roadway, as discussed further in the variation section of the report.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Scott, seconded by Commissioner Lowe, with Commissioners Scott, Lowe, Eley, Brown, and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 24, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of February 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WSC:pch