

R E S O L U T I O N

WHEREAS, PB & J LLC. is the owner of a 4.48-acre parcel of land known as Parcels 122, 123 and 197, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned M-X-T; and

WHEREAS, on November 1, 2007, Peter Herring filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 3 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07057 for PB&J Property was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on April 3, 2007, 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 April 3, 2007, 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/031/07), and further APPROVED Preliminary Plan of Subdivision 4-07057, PB&J Property, including a Variation from Section 24-121(a)(3) for Lots 2 and 3 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Locate existing water and sewer lines.
  - b. Provide reference that development is subject to CSP-07002.
  - c. Provide a note that a variation was approved to Section 24-121(a)(3) for direct vehicular access to Ritchie Marlboro Road and the restrictions of that approval.
  - d. Add a note that a raze permit is required to remove the existing structure, and that the well and septic systems must be properly abandoned before the release of the grading permit.

2. A Type II tree conservation plan shall be approved with the detailed site plan.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan, 38441-2006-00, and any subsequent revisions.
4. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of a detailed site plan proposing such use.
5. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
6. Prior to the approval of the detailed site plan (DSP) the applicant shall submit evidence that the access easement (Liber 17192 Folio 049) dated April 7, 2003, that encumbers Lot 3 to serve Parcel 140 to the east has been abandoned. If the applicant is unable to obtain the abandonment, the DSP shall delineate the full extent of the easement and ensure uninterrupted access to Parcel 140. The layout shall be designed so that there will be no vehicular or pedestrian conflict between the development on Lot 3 and the use of the easement by the owners of Parcel 140.
7. The final plat shall carry a note that direct vehicular access to Ritchie Marlboro Road from Lot 1 is denied, and that direct vehicular access from Lots 2 and 3 to Ritchie Marlboro Road combined shall be limited to two and are authorized pursuant to Section 24-121(a)(3) of the Subdivision Regulations. All other access shall be denied along Ritchie Marlboro Road. The existing access easement (Liber 17172 folio 049) serving Parcel 140 to the east shall be included when counting the total number of authorized points of access to Ritchie Marlboro Road for Lots 2 and 3 unless abandoned.
8. The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 207 AM and 269 PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require an additional preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
9. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency

a. **Sansbury Road/D'Arcy Road intersection**

Provide a separate left and right turn lanes for the D'Arcy Road approaches. Since these additional improvements will not lower the delay below 50 seconds in any given movement, and per the requirement of DPW&T, the applicant shall conduct a traffic signal warrant study and install a signal if deemed to be warranted AND approved by DPW&T.

b. **Ritchie Marlboro Road/White House Road intersection**

Provide the following improvements:

- Northbound approach: two left-turn lanes and a shared left-through-right lane

c. **Sansbury Road/Ritchie Marlboro Road intersection**

- Provide a third eastbound and westbound through lane

10. The final plat shall carry a note that access to Sansbury Road from this site shall be limited to a right-in/right-out only.
11. Prior to the issuance of grading permits the applicant shall demonstrate that any abandoned well and 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.
12. Prior to signature approval of the preliminary plan, the Type I Tree Conservation Plan, TCPI/031/07, shall be revised as follows:
  - a. Label any proposed retaining walls. Provide heights and at least ten feet of cleared area on both sides for construction.
  - b. Show the specimen trees to be removed by placing an "x" over those to be removed.
  - c. The note on the TCPI shall be revised to state only, "Potential 30-foot drive aisle for future access to the south." The rest of the note shall be removed.
  - d. Have the revised plans signed and dated by the qualified professional who prepared them.
13. The following note shall be placed on the final plat of subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/031/07), 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 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 George's County Planning Department."
14. Prior to submittal of the detailed site plan for this property the applicant shall demonstrate that the

existing house on the subject property has been photographed and recorded on the Maryland Inventory of Historic Properties form. The documentation shall be submitted to staff of the Historic Preservation and Public Facilities Planning Section.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located in the southeast quadrant of the intersection of Ritchie Marlboro Road and Sansbury Roads, east of the Capital Beltway (I-495) in the Westphalia community.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING	PROPOSED
	M-X-T Single-family dwelling	M-X-T 20,000–30,000 sq. ft. of commercial/retail
Acreage	4.48	4.48
Lots	0	3
Parcels	3	0
Dwelling Units:		
Detached	1 (to be razed)	0

4. **Environmental**—The Environmental Planning Section has reviewed the above-referenced preliminary plan and Type I tree conservation plan stamped as received on December 19, 2007. A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on the property. The soils found to occur on this site according to the Prince George's County Soil Survey are in the Adelphia, Collington, Monmouth, Rumford, Sandy, and Westphalia soil series. According to available information, Marlboro clay does not occur on this property. 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 in the vicinity of this property, which is located in the Southwest Branch watershed of the Patuxent River basin.

The subject property is located in the area included in the Westphalia approved sector plan and sectional map amendment. The plan contains no specific environmental recommendations for this site. The subject site is not within the designated network of the *Countywide Green Infrastructure Plan*.

A signed natural resources inventory (NRI/120/06), which included a detailed forest stand

delineation (FSD), was submitted with the application. The FSD report describes one mature forest stand totaling 2.42 acres dominated by yellow poplar and sweetgum.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type I tree conservation plan has been submitted and was reviewed.

This property contains a total of 2.42 acres of upland woodlands. The woodland conservation threshold has been correctly calculated at 0.67 acres, or 15 percent, of the net tract based on the current zoning. The total woodland conservation requirement has been correctly calculated at 1.42 acres. The plan proposes to meet the requirement by providing 0.36 acre of woodland preservation on-site and 1.06 acres of off-site mitigation. Woodland preservation is focused along the southern boundary of the site in a location of a possible future connection to the property to the south. It should be noted that if the treatment of the woodland preservation area shown on the plans is proposed to change in the future, the approved TCPI for this site must be revised; or if the project has proceeded to the TCPII phase, the approved TCPII shall reflect any proposed changes.

The TCPI, as submitted, requires some revisions. The TCPI should show the limits of disturbance and should include the symbol in the legend and provide at least ten feet of clearing behind retaining walls. It appears that this project may be phased and therefore the applicant should provide a lot-by-lot table stating the area of each lot, woodland existing, woodland to be cleared, and woodland preserved.

This property is located on the south side of Ritchie Marlboro Road, a master plan arterial roadway that has been identified as a transportation-related noise generator. The Environmental Planning Section noise model predicts the unmitigated 65 dBA Ldn noise contour to be approximately 155 feet from the centerline of Ritchie Marlboro Road. However, no residential uses are proposed so the noise levels are acceptable for the proposed commercial use and noise mitigation is not required.

### **Water and Sewer Categories**

The water and sewer service categories are W-4 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and will therefore be served by public systems.

5. **Community Planning**—The 2002 General Plan locates this property in the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier because the proposed development calls for three lots in an area of mixed-use activity.

The property is within the limits of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, in Planning Area 78 in the Westphalia and vicinity community. The sectional map amendment rezoned the subject property from the R-A to the M-X-T Zone. The property is located in a designated mixed-use activity center at the northern gateway to the sector plan area along Sansbury Road and Ritchie Marlboro Road. This portion of the mixed-use center is recommended for commercial land uses at the north end of a “main street” along Sansbury Road. The design principles for the mixed-use activity centers, which were approved in the 2007 Westphalia sector plan and SMA, promote development of distinct residential and neighborhood commercial activity centers designed around a main-street theme and anchored by shared amenities. Main-street character and accompanying pedestrian orientations can most effectively be achieved along Sansbury Road, not Ritchie Marlboro Road, which is a designated arterial facility.

This application generally conforms to the retail/commercial land use pattern recommended for this portion of the mixed-use activity center at Sansbury and Ritchie Marlboro Roads by the 2007 approved Westphalia sector plan and SMA (CR-2-2007) land use policies. Development on this site will be subject to the review of a detailed site plan that will evaluate the site for conformance to the plan design principles for a pedestrian-oriented, main-street development character along Sansbury Road and connectivity with development on adjacent properties within the activity center. The review of the detailed site plan should ensure the ability for the connectivity between the subject site and Parcel 195 (Ritchie Baptist Church) to the south. The development of Parcel 195 would include primary access to Sansbury Road and secondary or accessory access to the access easement being provided within the subject site, pursuant to Section 24-128(b)(9). The gateway design features will be determined during review of the of the detailed site plan.

An illustrative concept plan and illustrative site development plan were submitted to the public record of the Westphalia sector plan as Exhibit 19 for the entire mixed-use activity center, which includes the subject property at Sansbury and Ritchie Marlboro Roads. Pursuant to approval of Council Bill CB-78-2006, master plan design guidelines or standards and referenced exhibits in the public record are important conceptual site planning tools to establish criterion for certain plans and SMAs approved after October 1, 2006, such as Westphalia. The lot pattern proposed by this preliminary subdivision application generally conforms to the lot pattern illustrated by Exhibit 19. The type, placement and design of commercial uses on the proposed lots and compliance with sector plan design principles and guidelines will be addressed during review of conceptual (CSP-07002) and detailed site plan applications.

6. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, this subdivision is exempt from the requirements of mandatory dedication of parkland because it consists of nonresidential development.
7. **Trails**—The preliminary plan was reviewed for conformance with the Countywide Trails Plan and/or the appropriate area master plan in order to provide the master plan trails. The master plan trail proposed along Ritchie Marlboro Road has been completed in the vicinity of the subject site through the recent interchange improvements made by SHA. This trail has been implemented as

an eight-foot-wide concrete sidewalk along the frontage of the subject property. The sidewalk provides access along Ritchie Marlboro Road through the interchange.

A master plan trail/bikeway has also been implemented along the subject site's frontage of Sansbury Road. This trail/bike facility has also been implemented as an eight-foot-wide sidewalk along the frontage of the subject property. The approved Westphalia sector plan designates Ritchie Marlboro Road as a master plan trail corridor and Sansbury Road as a master plan bikeway. No additional improvements are necessary along these frontages. Further review of the internal pedestrian circulation will be addressed at the time of detailed site plan for this site.

It should be noted that the former Chesapeake Beach Railroad right-of-way (Parcel 197) is located along the southern edge of the subject site. This former right-of-way crosses under the current Ritchie Marlboro Road and Capital Beltway interchange. Because of this, the existing side path/wide sidewalk along Ritchie Marlboro Road will be utilized as the trail alignment along this corridor. This sidewalk includes curb cuts and crosswalks and safely negotiates pedestrians and cyclists through the interchange. No recommendations are made regarding this trail.

There are no master plan trail recommendations at this time. Internal pedestrian connections will be evaluated at the time of detailed site plan.

8. **Transportation**—The Transportation Planning Section has reviewed the preliminary plan of subdivision application referenced above. The subject property consists of three lots totaling approximately 4.48 acres of land in the M-X-T Zone. The property is located in an area generally bounded by Ritchie Marlboro Road to the north and Sansbury Road to the west. The applicant proposes to develop the three lots with a gas station, a convenience store, and a retail store.

The analysis contained in this staff report replaces all previous analysis pertaining to transportation findings and recommendations for the subject application. The findings and recommendations contained herein are based on the most recent information obtained from the reviewing agencies, as well as additional traffic analyses that supplement the original September 25, 2007, traffic study.

The applicant (in a joint effort with the developer of the adjacent property—Westphalia Row; CSP-07001) prepared a traffic impact study dated September 25, 2007, in accordance with the methodologies in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.” The study has been referred to the County Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA). The findings and recommendations outlined below are based upon a review of all materials received and analyses conducted by the staff and are consistent with the guidelines. It is worth noting that all of the analyses presented in the study are based on the traffic generated by both the subject application and the adjacent Westphalia Row property. Both applications are located on either side of Sansbury Road, will impact the same transportation facilities, and consequently, are recommended to receive the same off-site transportation conditions.

## TRAFFIC IMPACT STUDY

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

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road & Sansbury Road	C/1,171	A/915
Ritchie Marlboro Road & White House Road	B/1,072	A/727
* Sansbury Road & D'Arcy Road (unsignalized)	B/12.6 sec.	B/12.2 sec.
*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 1,450 or less is deemed acceptable as per the guidelines		

The traffic study identified 18 background developments whose impact would affect some or all of the study intersections. Additionally, a growth rate of 1.5 percent per year (through 2010) 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:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road & Sansbury Road	F/1,736	E/1,515
Ritchie Marlboro Road & White House Road	E/1,476	B/1,012
Sansbury Road & D'Arcy Road	F/947 sec.	F/538 sec.

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 proposed development, based on the above-mentioned uses, would generate a net total of 207 (106 in, 101 out) AM peak-hour trips, and 269 (133 in, 136 out) PM peak-hour trips. Using these site-generated trips, an analysis of total traffic conditions was done, and the following results were determined:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
Ritchie Marlboro Road & Sansbury Road <i>With Improvements</i>	F/1,834 D/1,373	E/1,665 C/1,286
Ritchie Marlboro Road & White House Road <i>With Improvements</i>	E/1,512 C/1,313	B/1,043 A/994
Sansbury Road & D’Arcy Road	F/999 sec.	F/635 sec.
Ritchie Marlboro Road @ PB&J (west)	B/11.1	E/35.8
Ritchie Marlboro Road @ PB&J (east)	B/11.1	E/36.1
Sansbury Road @ PB&J	C/19.2	C/18.9
Sansbury Road @ Westphalia Row	C/22.6	E/48.0

The results shown in the table above have indicated that there are three intersections that would operate unacceptably under total traffic conditions. To address those inadequacies, the following improvements were proposed in the traffic study:

a. **Sansbury Road/D’Arcy Road intersection (unsignalized)**

Given the projected delay in excess of 50 seconds, the applicant proposes a traffic signal warrant study for this intersection.

b. **Sansbury Road/Ritchie Marlboro Road intersection**

The applicant proposes the addition of a third eastbound and westbound through lane on Ritchie Marlboro Road. With this improvement in place, the intersection is projected to operate with a LOS/CLV of D/1,373 during the AM peak hour and C/1,286 during the PM peak hour.

c. **Ritchie Marlboro Road/White House Road intersection**

Provide the following improvements:

- Southbound approach: A right turn lane and a shared through-left lane
- Eastbound approach: A left turn lane, two through lanes, and a right turn lane
- Westbound approach: A left turn lane, one through lane, and a shared through-right turn lane
- Northbound approach: two left turn lanes and a shared left-through-right lane

With all of the improvements cited above, the original traffic study concluded that the development of the site as proposed would satisfy traffic adequacy.

Upon review of the applicant's traffic study, staff agrees with its overall conclusion regarding the road system being able to accommodate the proposed development. While the Department of Public Works and Transportation (DPW&T) is also in general agreement with the study's conclusions, in its November 16, 2007, letter to staff (Issayans to Burton), it has stated that it would not permit two separate median breaks along Sansbury Road for the Westphalia Row and the PB&J properties. In light of DPW&T's position on median openings, the subject property would be limited to a right-in/right-out access along Sansbury Road.

Regarding the proposed access to Ritchie Marlboro Road, the applicant has filed a variation request pursuant to Section 24-121(a) (3) based on Ritchie Marlboro being an arterial road. Given the fact that proposed Lots 2 and 3 have frontage on Ritchie Marlboro Road only, staff is in general support of this variation request. DPW&T, in its September 26, 2007, letter to staff (*Abraham to Lindsay*), also supports this request.

While the details of on-site circulation within (and between) the proposed three lots will be fully addressed at the time of a detailed site plan, staff would recommend that no access from Lot 1 should be allowed on Ritchie Marlboro Road, given its proximity to the Sansbury Road intersection

Subsequent to the November 16, 2008, letter from DPW&T, staff has received additional correspondence between DPW&T and the traffic consultant in which assumptions at the Ritchie Marlboro Road/White House Road intersection have modified. Specifically, since the northern leg of that intersection already exists, no additional improvements to and from that northern leg will be required.

The State Highway Administration (SHA), in its November 8, 2007, letter to staff (Foster to Foster), concurred with the study's conclusions, pending the implementation of the applicant's proffered improvements.

It is worth noting that the applicant did provide staff with a supplemental traffic study on February 4, 2008. The purpose of the supplemental study was to evaluate the impact of the

proposed development on the roundabouts at Ritchie Marlboro Road and the Beltway (I-95/I-495). However, at the March 20, 2008, Planning Board hearing, the Planning Board amended the guidelines, which affected the way in which critical intersections are determined. Specifically, under the amended guidelines, roundabouts located within interstate highway interchanges are excluded from any study area defined in a traffic study. Consequently, this amendment to the guidelines obviates the need for any further analysis of the roundabouts at Ritchie Marlboro Road and the Beltway.

## **FINDINGS**

The proposed development would generate 207 AM and 269 PM peak-hour vehicle trips as determined using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

The traffic generated by the proposed preliminary plan would impact the following intersections:

- a. Sansbury Road and D’Arcy Road
- b. Ritchie Marlboro Road and Sansbury Road
- c. Ritchie Marlboro Road and White House Road

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 or the Prince George's County Capital Improvement Program.

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

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 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.

The following intersections, when analyzed with the total future traffic as developed using the guidelines, were not found to be operating at or better than the policy service level defined above:

- a. Sansbury Road and D'Arcy Road
- b. Ritchie Marlboro Road and Sansbury Road
- c. Ritchie Marlboro Road and White House Road

The applicant has agreed to provide the following improvements to the intersections, in consideration of the above:

- a. Sansbury Road/D'Arcy Road intersection (traffic signal warrant study)
- b. Sansbury Road/Ritchie Marlboro Road intersection—add third through lane in each direction on Ritchie Marlboro Road
- c. Ritchie Marlboro Road/White House Road intersection
  - (1) Southbound approach: Provide a right turn lane and a shared left-through lane
  - (2) Eastbound approach: Provide a left turn lane, a right turn lane, and two through lanes
  - (3) Westbound approach: Provide a left turn lane, a through lane, and a shared through-right turn lane
  - (4) Northbound approach: Provide two left turn lanes and shared left-through-right lane

All of the intersections identified above, when analyzed with the improvements identified and total future traffic as developed using the guidelines, were found to be operating at or better than the policy service level.

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.

- 9. **Schools**—There are no residential dwelling units proposed and therefore there are no anticipated impacts on schools.
- 10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance and found the following:

The existing engine service at Ritchie Road Fire Station, Company 37, located at 1415 Ritchie Marlboro Road, has a service travel time of 2.08 minutes, which is within the 3.25-minute travel time guideline.

The existing paramedic service at Kentland Fire Station, Company 46, located at 10400 Campus Way South, has a service travel time of 4.86 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Marlboro Fire Station, Company 45, located at 7710 Croom Road has a service travel time of 9.49 minutes, which is beyond the 4.25-minute travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service, an automatic fire suppression system should be provided in all new buildings proposed in this application unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

The existing ladder truck service located at Kentland Company 33 is beyond the recommended travel time guideline. The nearest fire station, Ritchie Marlboro Company 37, is located at 1415 Ritchie Marlboro Road, which is 2.08 minutes from the development. This facility would be within the recommended travel time for ladder truck service if an operational decision to locate this service at that facility is made by the county.

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*.

11. **Police Facilities**—The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future county residents. The plan includes planning guidelines for police facilities as station space per capita: 141 square feet per 1,000 county residents.

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There are 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the latest county population estimate is 825,520. Using the standard of 141 square feet per 1,000 residents, 116,398 square feet of space for police facilities are needed. The current amount of space available, 267,660 square feet, is above the guideline. The proposed development is within the service area for Police District II, Bowie.

12. **Health Department**—The Environmental Engineering Program Section with the Department of Environmental Resources notes that a raze permit must be obtained through the Department of Environmental Resources prior to the removal of any existing structures. 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 placed on the preliminary plan that requires that the structure is to be razed and the well and septic systems properly abandoned before the release of the grading permit.

13. **Stormwater Management**—The Department of Public Works and Transportation, Office of Engineering has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #38441-2006-00, 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, which proposes an underground storage system.
14. **Historic**—A Phase I archeological survey is not recommended. 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. According to tax assessor records, the existing house on the property was built in 1935. This house appears in the 1938 aerial photographs. Although it is unlikely that significant archeological deposits will be found on the property and no archeological survey is requested, the house should be photographed and recorded on a Maryland Inventory of Historic Properties form by an architectural historian and the documentation, sent to historic preservation staff.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act 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.

15. **Variation**—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.

The subject property has frontage on and proposes direct vehicular access via Ritchie Marlboro Road for Lots 2 and 3, which is an arterial roadway, and Sansbury Road for Lot 1, which is proposed as a 100-foot right-of-way along the property's frontage. Sansbury is proposed as a "main street" in the approved 2007 Westphalia sector plan and sectional map amendment, and the Department of Public Works and Transportation (DPW&T) is limiting access to right-in and right-out for this site (Lot 1).

Section 24-113 of the Subdivision Regulations sets forth the required findings for approval of variation requests (in **bold**). Staff supports the variation to allow access to a proposed arterial in this case and makes the following findings:

**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 the applicant not being able to appropriately develop this property.

- a. **That the granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property.** One of the purposes of limiting access to an arterial is to enhance public safety, health and welfare. Due to the limited right-in and right-out access to Sansbury Road and the requirement for a median along the property's frontage on Sansbury Road, adequate circulation for the development proposed necessitates direct access to Ritchie Marlboro Road. The applicant requested and staff recommends that direct access be limited to right-in/right-out for the two access points serving the site (Lots 2 and 3); Lot 1 is to be served via Sansbury Road. Staff recommends that the applicant record an ingress and egress and parking easement to provide for cross pedestrian and vehicular circulation to be reflected on the final plat. The details of the circulation will be determined with the review of the detailed site plan (DSP).
- 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 intersection of Sansbury Road and Westphalia Road is designated by the 2007 approved Westphalia sector plan as one of nine gateways into Westphalia. It is proposed as the location of a mixed-use village center and was rezoned to M-X-T as a part of that plan. The type and amount of development proposed on this site is unique within the sector plan in its location and its commercial uses and is intended to support a mixed-use main street community that was envisioned by the sector plan. This site is the main retail component serving the village center. Neither staff nor DPW&T supports a median opening on Sansbury Road at the site's entrance due to a median break proposed roughly 500 feet to the south to serve the Westphalia Row portion of the sector plan development, which is primarily residential; consequently, this access must be limited to a right in/right-out only. The lack of a median break would restrict access and on-site circulation without direct access to Ritchie Marlboro Road.
- c. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation.** The Department of Public Works and Transportation will require that the applicant obtain access permits if access to Ritchie Marlboro Road is permitted by the Planning Board. That permitting process will ensure that no other violation of any other applicable law, ordinance or regulation occurs.

- 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 property is unique to other surrounding properties in that it is rectangular in shape with limited frontage (260± linear feet) on Sansbury Road to the west, compared to the over 600± linear feet of frontage on Ritchie Marlboro Road. If access were denied from Lots 2 and 3, adequate circulation may not be provided, which could restrict the amount of development on the site and result in a hardship on the owner.
16. **Commercial Use**—Although the subject application is not proposing any residential development, the M-X-T Zone does permit residential development. Because there exist different adequate public facility tests and there are considerations for recreational components for residential subdivisions, a new preliminary plan should be required if residential development is to be considered on this site.
17. **Existing Access Easement Serving Parcel 140**—The subject property is encumbered by an existing recorded access easement (Liber 17172 Folio 049) serving abutting Parcel 140 to the east, zoned R-R. The driveway serving the existing dwelling on-site is also partially located within the easement benefiting Parcel 140 (the existing dwelling is to be razed). The applicant has indicated, but provided no evidence, that the owner of Parcel 140 (to the east) has agreed to abandon the access easement to allow for the development of the PB&J property as proposed. The preliminary plan labels the relocation of the sole access to Parcel 140 to be 65 feet to the east along Ritchie Marlboro Road onto Parcel 140.

In order to develop this site as proposed, the existing access easement serving Parcel 140 should be abandoned. The location of the new driveway apron will require the approval of the Department of Public Works and Transportation (DPW&T) for access onto Ritchie Marlboro Road. DPW&T in their referral dated November 29, 2007, state that the “[e]xisting driveway on Lot 3 needs to be removed or relocated outside Lot 3 limits and is to remain as a right-in and right-out only access.” DPW&T acknowledges that the apron will be relocated “outside” proposed Lot 3.

If the applicant is unable to demonstrate the concurrence for the removal of the access easement, the detailed site plan should be designed to ensure that the rights of the benefited property are not interrupted and there is appropriate separation between the residential access and the commercial use. In the event that the benefited property owner (Parcel 140) does not agree to the relocation (as discussed in the variation section of this report) the access will remain to serve Parcel 140. In the event that the Planning Board grants two points of access to the site from Ritchie Marlboro Road as requested by the applicant, the access easement serving Parcel 140 (Liber 17172 folio 049) to the east, unless abandoned, should be included when counting the total number of authorized points of access to Ritchie Marlboro Road. Section 24-121(a)(3) of the Subdivision Regulations does not distinguish between existing and proposed access to an arterial.

18. **Conceptual Site Plan (CSP-07002)**—At the writing of this staff report the conceptual site plan (CSP-07002) for this 4.48-acre site is scheduled before the Planning Board on January 10, 2007. The staff recommendation contains 11 conditions of approval, generally relating to the site design and layout, which will be reviewed at the time of detailed site plan. The proposed preliminary plan is not inconsistent with recommendations of the CSP.

An illustrative concept plan and illustrative site development plan were submitted to the public record of the Westphalia sector plan as Exhibit 19 for the mixed-use activity center at Sansbury and Ritchie Marlboro Roads, of which this application is a part, along with graphic illustrations (Perspectives of Sansbury Road and the Village Green). This application falls within “Block B” of the submitted illustrative site plan, which proposes 20,000–30,000 square feet of retail uses on the southeast corner of the intersection of Ritchie Marlboro and Sansbury Roads. The perspective of Sansbury Road shows a continuous, walkable streetscape with building frontages and sidewalks along the properties on Sansbury Road. This image depicts the type of pedestrian-friendly, mixed-use, main-street development envisioned by the sector plan.

The application does not clearly demonstrate how development or access will be coordinated with “Block C” on Exhibit 19 to the south. This potential connection is of key importance because it allows for future development to the south to be easily accessible to the subject property along an internal driveway instead of forcing all interaction between the subject property and the rest of the village center to take place via Sansbury Road. Connectivity is one of the goals for achieving the envisioned development patterns for the Westphalia sector plan area, particularly in activity center areas. Instead, the submitted CSP and preliminary plan show a woodland preservation area that could hinder coordinated access and shared development patterns between lots within this activity center. This is not consistent with mixed-use activity center development concepts or the development illustrations submitted to the record. The review of the detailed site plan should explore the provision for shared access to Parcel 195 to the south, which would encourage and support cross vehicular circulation as set forth in the sector plan, and remove what could be perceived as hurdles in the planning process to encourage property owners to implement a connection.

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 Cavitt, seconded by Commissioner Clark, with Commissioners Cavitt, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, April 3, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of April 2008.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:WC:bjs