

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on February 1, 2007 regarding Detailed Site Plan DSP-04080/02 for Ritchie Station Market Place (Ritchie Hill), the Planning Board finds:

1. **Request:** The subject application requests approval of minor revisions to the plans and the addition of 22.85 acres to the site.

2. **Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	I-3 and R-R	I-3 and R-R
Use(s)	Vacant	Integrated Shopping Center
Acreage	101.83	121.66
Parcels	6	6

3. **Location:** The site is in Planning Area 75A and Council District 6. More specifically, it is located on the south side of Ritchie-Marlboro Road, immediately west of the Capital Beltway (I-495/I-95).

4. **Surroundings and Use:** The subject property is bounded to the north by largely abandoned single-family detached dwellings; to the west by townhouse development; to the east by I-495; and to the south by industrial use.

5. **Previous Approvals:** The proposed site is the subject of Preliminary Plan 4-04184 and District Council Bill No. CB-65-2003. A stormwater concept approval was issued by the Department of Environmental Resources on July 22, 2004, and will be effective for three years, or until July 22, 2007. DSP-04080, a detailed site plan for infrastructure, was approved for the site on May 12, 2005. PGCPB Resolution No. 05-118 was adopted on June 2, 2006, formalizing the approval. In addition, Tree Conservation Plan II/203/91-01 was approved together with the detailed site plan for infrastructure that was approved for the subject property. In 1991, a TCP/II/203/91 was approved for the property. On March 30, 2006, the Planning Board approved DSP-04080/01 for a Sam's Club, retaining walls and a welcome center. Subsequently, on May 4, 2006, the Planning Board adopted Resolution 06-76, formalizing that approval. Such resolution was mailed to all listed parties of record on May 9, 2006. The project was subsequently called up and approved by the District Council on October 20, 2006, subject to conditions. On June 22, 2006, the Planning Board approved DSDS-634 for a 40-foot high freestanding sign for the project. On July 20, 2006, the Planning Board formalized that approval by adoption of resolution 06-156. Such resolution

was mailed out to all parties of record on July 25, 2006. The District Council subsequently elected to review the case on September 18, 2006, hearing and approving the case on October 30, 2006.

6. **Design Features:** The project proposes to add 19.83 acres (previously known as Parcel 7) to the northwestern corner of an already approved 101.83-acre site, with a commensurate expansion to the grading plan and resulting total acreage of 121.66. The proposal does not affect the proposed use of the subject site as an integrated shopping center nor the amount of square footage currently approved on the site for a Sam's Club.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the I-3 and R-R Zones and the site plan design guidelines of the Zoning Ordinance.
  - a. The subject application is in conformance with the requirements of Sections 27-473 and 27-441, which govern respectively the permitted uses in the industrial and residential zones. The proposal is a permitted use in the I-3 and R-R Zone as amended by CB-65-2003 to allow the proposed use in the I-3 Zone.
  - b. The proposal is also in conformance with the requirements of Section 27-474 and 27-442, Regulations, regarding additional regulations for development in industrial and residential zones, respectively..
8. **Preliminary Plan of Subdivision 4-04184:** Preliminary Plan 4-04184 was approved for the site on May 12, 2005. Resolution No. 05-115, formalizing that approval, was adopted on July 14, 2005. In their comments, dated December 21, 2006, the Subdivision Section stated that this approval was for Phase I and did not impact the subject property.
9. **Preliminary Plan of Subdivision 4-05133:** In their comments dated December 21, 2006, the Subdivision Section stated that Condition 2 of that approval requires a Type II tree conservation plan be approved together with the detailed site plan. The Environmental Planning Section, in their memorandum dated January 12, 2007, recommended approval of a TCPII/203/91-03, subject to conditions. Should the Planning Board approve the Type II tree conservation plan together with the detailed site plan as recommended, this condition would be fulfilled.
10. **Detailed Site Plan DSP-04080 and Detailed Site Plan DSP-04080/01:** Staff has reviewed the subject project against the requirements of the approval of Detailed Site Plans DSP-04080 and DSP-04080/01 and found the project to be substantially in conformance.
11. **Council Bill CB-65-2003:** Staff has reviewed the subject project against the requirements of Council Bill No. CB-65-2003 and found the project to be substantially in conformance.
12. **Landscape Manual:** The proposed development is subject to the requirements of Section 4.2

Commercial and Industrial Landscaped Strip requirements, 4.3 Parking Lot Requirements and 4.7 Buffering Incompatible Uses.

The Urban Design staff reviewed the proposed landscape plan and found that the submittals are in general compliance with the applicable sections of the *Landscape Manual*.

13. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site has a previously approved TCP. A Type II tree conservation plan was submitted and is being recommended for approval subject to conditions. Therefore, it may be said that the subject project is in conformance with the requirements of the Woodland Conservation Ordinance.
14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. **Subdivision**—In a memorandum dated December 21, 2006, the Subdivision Section stated the following:

“This property is a part of a 121.66 acre site intended to be developed in a comprehensive manner as a retail shopping center. In 2003, the County Council enacted Council Bill 65-2003 (and then in CB-19-2005) amending the residential, commercial, and industrial zone use tables to permit retail uses, generally permitted in the C-S-C Zone, in the R-R, I-1, and I-3 Zones in certain circumstances. Also required by CB-65-2003 is the approval of a detailed site plan in accordance with Part III, Division 9, of the Zoning Ordinance and restricts the amount of R-R zoned land to no more than 20 percent. In general, the site must be a minimum of 80 acres and be located inside and on the Capital Beltway.

“The subject of this preliminary plan is known as Phase II (19.83 acres) of the Ritchie Station Marketplace, not including the 3.02-acre outparcel. The entire Marketplace comprises approximately 121.66 acres and is located inside and on the Capital Beltway in the southwest quadrant of its intersection with Ritchie Marlboro Road. Phase I (101.83 acres) was approved pursuant to Preliminary Plan 4-04184 (PGCPB Resolution No. 05-115). Subsequent to that approval the applicant has obtained approval of Detailed Site Plan DSP-04080 (PGCPB Resolution No. 05-118) for Phase I. That DSP is based on an overall concept for the entire 121.66 acres. In fact, the traffic study submitted by the applicant in support of Preliminary Plan 4-04184 proposed a maximum of one million square feet of gross floor area, which included a proposed total cap on the development of the entire 121.66 acres of the Ritchie Station Marketplace, Phase I (4-04184) and Phase II (4-05133). Of the 121.66 acres of the overall concept for the Ritchie Station Marketplace, approximately 78 percent of the site is zoned I-3; 3 percent is zoned I-1; 3 percent is zoned C-S-C; and 15 percent is zoned R-R (abandoned roads equal roughly 1 percent). The lotting pattern shown on the DSP is

consistent with that reflected on the approved preliminary plan. The status of the subdivision-related conditions is summarized below:

**“4-04184**

“This approval was for Phase I and did not impact the subject property.

**“4-05133**

“Condition 2 of this approval requires that a Type II tree conservation plan shall be approved with the detailed site plan.”

Since the subject application is not impacted by preliminary plan of subdivision 4-04184 and a Type II tree conservation is being approved together with the subject detailed site plan, it may be said that the plan complies with the subdivision-related conditions at this time.

- b. **Permits**—In a writing offered prior to December 8, 2006, the Permit Review section stated that they had no comments on the subject revision.
- c. **Environmental Planning**—In a writing received by Urban Design Section staff on January 12, 2007, the Environmental Planning Section offered the following:

“The subject property was harvested using a clear-cut method within the last three years. A Type II Tree Conservation Plan, TCPII/203/91, was originally approved for the timber harvest and this plan was revised in October 2004. The TCPII and the forest stand delineation (FSD) then covers a land area of 120.57 acres, however, the application covers only 101.83 acres as was illustrated with tables shown on the plan. Subsequent review of Preliminary Plan 4-05133 reflects the current acreage of the site to read 124.68 acres in compliance with TCPI/100/04-01. An FSD was submitted for the site and was found to have addressed the criteria for the FSD in accordance with the Prince George’s Woodland Conservation and Tree Preservation Technical Manual.

“The property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the site has a previously approved TCP. A Type II tree conservation plan was submitted and was found to require minor revisions prior to certificate approval. The Type II tree conservation plan as submitted is in conformance with the revised TCPI.

“The TCPII needs to be revised to remove the signatures and dates from the approval signature block and be replaced with names and dates typed and provide a blank space for the 02 revision because this has not yet been approved.

“A stormwater management concept approval letter (6076-2001-00) dated July 22, 2004, was submitted with the preliminary plan. Requirements for stormwater management will

be met through subsequent reviews by the Department of Environmental Resources.

“The Subdivision Ordinance requires the protection of streams, 50-foot stream buffers, wetlands, 25-foot wetland buffers, 100-year floodplain, adjacent areas of slopes in excess of 25 percent, and adjacent areas of slopes between 15 and 25 percent with highly erodible soils. When a property is located within the Patuxent River watershed these features, along with areas of special wildlife habitat, compose the Patuxent River primary management area (PMA), which is to be protected to the fullest extent possible.

“The PMA delineation as submitted is shown correctly on both detailed site plan and the TCPII and in compliance with the TCPI.

“Noise is a consideration in the review of this proposal due to proximity of the subject property to I-95, the residential portion of the subject property. Because the site is zoned I-1 and the uses proposed are not residential in nature, it is not likely that the noise levels generated will be above the state noise standards for these uses. Based on projected traffic (average daily traffic projected 10 years) data supplied by the State of Maryland, the Environmental Planning Section noise model has projected that the 65 dBA (Ldn) noise contour is located 1199 feet from the centerline of the roadway.

“The plans as submitted show the 65 dBA (Ldn) noise contour as required. No further action is required at this time with regard to noise contour delineation.”

Conditions recommended by the Environmental Planning Section regarding revisions to the Type II tree conservation plan and measures to be taken to insure acceptable interior and exterior noise levels have been included in the recommendation section of this report.

- d. **District Heights**—On January 4, 2007, the Town of District Heights verbally informed staff that they did not wish to offer comment on the subject project.
15. The proposed project fulfills the requirements of Section 27-285(b) of the Zoning Ordinance, i.e., that the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of the Prince George’s County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George’s County Code, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/203/91/03) and further APPROVED Detailed Site Plan DSP-04080/02 for the above-described land, subject to the following conditions:

1. Prior to certification of the Detailed Site Plan, the TCP II shall be revised as follows:
  - a. Remove original signatures and dates from the signature approval block and replace them

with the names and dates typed and provide a blank space for 02 revision;

- b. When all the revisions have been completed, have the plan reviewed, signed and dated by the qualified professional who prepared the plan.
- 2. Prior to the issuance of permits for any residential-type uses within the 65 dBA Ldn noise contour shown on the plans, noise impacts shall be evaluated and addressed. Outdoor activity areas shall be mitigated to 65 dBA Ldn or less and interior areas shall be mitigated to 45 dBA Ldn or less.
- 3. Prior to signature approval of the subject detailed site plan, the plans shall be revised to eliminate Outparcel 1, measuring 3.02 acres, from the scope of the subject project.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with the District Council of Prince George=s County within thirty (30) days following the final notice of the Planning Board=s decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, February 1, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of February 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

RBC:FJG:RG:bjjs