

## 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 May 12, 2005 regarding Detailed Site Plan DSP-04080 for Ritchie Hill, the Planning Board finds:

1. **Request:** The subject application requests approval of a detailed site plan for rough grading and the installation of infrastructure.

2. **Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	I-3 and R-R	I-3 and R-R
Use(s)	Vacant	Rough grading and installed infrastructure
Acreage	101.83	101.83
Parcels	10	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 townhome 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.
6. **Design Features:** The proposed detailed site plan indicates existing and proposed contours and tree line, the limits of disturbance for the project, all primary management areas, Waters of the U.S., nontidal wetlands, existing 25-foot wetland buffers, and existing floodplain. The detailed site plan also divides the woodland to be cleared into four clearing areas. It indicates the total of 64.95 acres is divided into four clearing areas as follows:

Clearing Area Number	Acreage
1	55.58
2	8.80
3	0.34
4	0.23
Total	64.95

The detailed site plan also indicates that 13.42 acres of the existing woodland will be preserved in dedicated preservation areas (PA) numbered 1 and 2. Preservation Area 1 is to contain 2.85 acres and Preservation Area 2 is to contain 10.57 acres. Together, the total acreage in the preservation areas will be 13.42.

#### 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 and Section 27-270 addressing Order of Approvals.
  - a. The subject application is in conformance with the requirements of Sections 27-473 and 27-441, which governs 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 industrial zones, respectively..
  - c. As per Section 27-270(a)(3) and (4), approval of a preliminary plan of subdivision must occur prior to the approval of a detailed site plan.
8. **Preliminary Plan of Subdivision, 4-04184:** Preliminary Plan 4-04184 has not, to date, been approved by the Planning Board. It is scheduled for hearing on April 21, 2005, and is recommended for disapproval based on staff's inability to make a finding of adequate public facilities for transportation.
9. **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*.
10. **Woodland Conservation Ordinance:** The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site has a previously approved TCP. In comments dated April 11, 2005, the Environmental Planning Section stated they are able

to recommend approval of the Type II Tree Conservation Plan, TCPH/203/91-02 subject to conditions and, therefore, it can be said that the submitted plans are in general compliance with the Woodland Conservation Ordinance.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

**Historic Preservation**—At the time of this writing, the Historic Preservation Planning Section has not offered comment on the subject project.

**Archeology**—In comments emailed March 15, 2005, the staff archeologist stated that the subject property is near the site of the no longer extant Stansbury Grist Mill and that an unnamed branch of the Ritchie Branch is located on the subject property. She stated that Phase IA research is required to examine historic maps to determine if the property was part of a larger farm or plantation, to indicate slaves may have lived or been buried within the subject property. Further, the archeologist said that an intensive pedestrian walkover would be required as part of the Phase IA investigation, that the search should be for both historic and prehistoric sites and that the results of that investigation could be in a comprehensive letter report form. Lastly, she stated that if Section 106 requires a Phase I archeological investigation, that should be completed and the Phase IA then would not be required.

**Community Planning**—In a memorandum dated March 3, 2005, the Community Planning Division stated that the subject application is not inconsistent with the 2002 Approved General Plan Development Pattern policies for Developed Tier Corridors. In addition, they stated that though the subject application is not in conformance with the land use recommendations of the 1986 *Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B*, CB-65-2003 amended the residential and industrial zones use tables to permit retail uses generally permitted in the C-S-C Zone, in the R-R and I-3 Zones, under certain circumstances. Lastly, they stated that because the proposed development is located at a prominent location it should adhere to the 2002 General Plan design guidelines for the Developed Tier and the master plan's site design guidelines.

**Transportation**—At the time of this writing, the Transportation Planning Section has not offered comment on the subject project.

**Subdivision**—In comments dated February 3, 2005, the Subdivision Section stated that the property is the subject of Preliminary Plan 4-04184. The application is scheduled before the Planning Board on April 21, 2005. Development would be subject to conformance with requirements of that approval. They also cited the Order of Approvals contained in Section 27-270 that stated that approval of a preliminary plan of subdivision must precede approval of a detailed site plan.

**Trails**—In a memorandum dated March 15, 2005, the senior trails planner stated that Ritchie-Marlboro Road is designated as a master plan trail corridor in the 1985 Equestrian

Addendum to the Adopted and Approved Countywide Trails Plan. More specifically, the planner stated that a Class II Trail is recommended along the subject section of Ritchie-Marlboro Road, connecting to the Chesapeake Beach Rail-Trail outside the Beltway and then to Walker Mill Regional Park. He noted that parts of the subject trail have been constructed and that the trail will provide safe pedestrian and bicycle access under the Capital Beltway. He also stated that the portion of Ritchie-Marlboro Road constructed as part of the new interchange includes an eight-foot sidewalk along the south side that has been continued along the subject site's Ritchie-Marlboro Road frontage. With respect to sidewalk connectivity, the senior trails planner would recommend that standard sidewalk be included along the subject site's frontage and along both sides of Hampton Park Boulevard, unless modified by the Department of Public Works and Transportation.

**Permits**—In revised comments dated March 23, 2005, the Permit Review Section asked the applicant to label all structures to be removed and noted that the proposed detailed site plan would be subject to any conditions attached to the approval of the preliminary plan of subdivision for the property that is currently in process.

**Environmental Planning**—In a memorandum dated April 11, 2005, the Environmental Planning Section stated:

1. The subject property was harvested using a clear-cut method within the last year. A Type II Tree Conservation Plan, TCPII/203/91 was originally approved for the timber harvest and this plan was revised in October of 2004. This TCPII covers a land area of 120.57 acres. The FSD submitted also covers 120.57 acres. The current acreage of the site has been revised to read 120.55 acres; however, the current application covers only 101.83 acres as illustrated with tables shown on the plan. The FSD was found to be in compliance with the Prince George's Woodland Conservation and Tree Preservation technical manual, except for minor revisions.

**Comment:** The FSD is in need of revisions per the Environmental Planning Section memo, for the Preliminary Plan of Subdivision, dated April 11, 2005.

2. 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 I Tree Conservation Plan was submitted and was found to require revisions. The TCPII must also be revised in conformance with the comments made on TCPI and to be in conformance with the Woodland Conservation Ordinance.

The TCPII needs to be revised to include all standard TCPII notes and to be in conformance with the TCPI.

**Recommended Condition:** Prior to certification of the Detailed Site Plan, the TCPII shall be revised as follows:

- a. Address all comments on the TCPI on the TCPII.

- b. Add standard TCPII notes.
  - c. Add to note regarding what areas are subject to Forest Conservation Plan reviewed by Department of Natural Resources.
  - d. When all the revisions have been completed, have the plan reviewed, sealed, signed and dated by a qualified professional who prepared the plan.
3. A stormwater management concept approval letter dated July 22, 2004, was submitted with the preliminary plan. The approval letter contains several conditions of approval. The DSP must reflect all the required information and facilities.

**Recommended Condition:** Prior to certification of the DSP, all required information and stormwater management facilities shall be shown on the DSP and the TCPII.

4. 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 comprise the Patuxent River Primary Management Area (PMA), which is to be protected to the fullest extent possible.

The PMA delineation is shown differently on the TCPI and the TCPII. At this time, it is not clear which delineation is correct. The TCPII must be revised to show the PMA delineation that is shown on the TCPI.

**Recommended Condition:** After the PMA delineation has been corrected on the TCPI, the TCPII shall be revised to reflect the correct PMA delineation. The note shall be revised to eliminate the words “jurisdictional determination” and replace them with “wetlands delineation.”

5. 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 or ADT 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 1,199 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.

**Recommended Condition:** Prior to the issuance of permits for any residential-type uses within the 65 dBA Ldn noise contour shown on the plans, noise impacts will be evaluated and addressed.

Outdoor activity areas will be mitigated to 65 dBA Ldn or less and interior areas shall be mitigated to 45 dBA Ldn or less.

**Department of Environmental Resources (DER)**—In revised comments dated February 16, 2005, DER stated that they had no objections to the project as shown for rough grading. However, they stated, that the ponds should be shown on the final detailed site plan.

**Fire Department**—In a memorandum March 28, 2005, the Prince George's County Fire Department offered comment on acceptable access to the site and fire hydrants including lack of gates, adequately designed roads and the need for fire lanes. In addition, they stated that every building in the proposed development must be provided with fire hydrants in a manner that no exterior portion of the building is located more than 500 feet from a fire hydrant..

**Department of Public Works and Transportation (DPW&T)**—In a memorandum dated March 9, 2005, the DPW&T stated that right-of-way dedication and frontage improvements in accordance with DPW&T's urban arterial road standards are required for Ritchie-Marlboro Road. Right-of-way dedication and frontage improvements in accordance with DPW&T's urban industrial road standards are required for Hampton Park Boulevard. In addition, right-of-way dedication and frontage improvements in accordance with DPW&T's Specifications and Standards are required for any proposed internal subdivision streets.

They also stated that any proposed master plan roadways that lie within the property limits must be addressed through coordination between The Maryland-National Capital Park and Planning Commission and DPW&T and may involve right-of-way reservation, dedication and/or road construction in accordance with DPW&T standards. In this regard, they noted that the proposed alignment and configuration of Hampton Park Boulevard does not agree with the master plan alignment for the roadway. Per the master plan, a uniform 120-foot right-of-way needs to be dedicated for Hampton Park Boulevard. A termination for Hampton Park Boulevard is proposed where a continuation to the abutting properties to the south and therefore revision of the plan is required.

They also mentioned that a full-width, 2-inch mill and overlay for all county roadway frontages, conformance with DPW&T street tree and light standards and sidewalks would be required. They noted that storm drainage systems and facilities are to be in accordance with DPW&T's and the Department of Environmental Resources' requirements. Lastly they noted that an access study and soils investigation report would be required of the applicant. Please note that compliance with DPW&T's requirements is generally accomplished through their separate permitting process.

**Soil Conservation**—In comments dated February 22, 2005, the Soil Conservation Service stated that the numerous 2:1 slopes created adjacent to property lines and/or natural resource areas by the plan will probably need to be benched and drainage provided. Further, they stated that there appears to be insufficient room for sediment controls or stormwater management on the site, a conceptual soil conservation and stormwater management plan might be in order prior to approval

of the detailed site plan. In closing, they noted that the proposed grading concept plan would most likely result in impacts to buffers.

**Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated January 14, 2005, WSSC stated that, although existing WSSC facilities are located on the site, a water extension would be required. Also, they suggested that the applicant submit an on-site plan review package and contact the Development Services Center and Permit Services Unit at the WSSC. Lastly, they suggested that the applicant contact the appropriate WSSC representative regarding Project #DA4123Z05, an unapproved project on the subject site and that the applicant refer to Subdivision Review Committee comments made at the January 3, 2005, meeting regarding Preliminary Plan of Subdivision 4-04184.

12. As required by Section 27-285(b), 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 (TCP/II/203/91-02) and further APPROVED Detailed Site Plan DSP-04080 for the above-described land, subject to the following conditions:

1. Prior to signature approval, the applicant shall revise the detailed site plan or submit the additional documentation as follows:
  - a. Indicate the retention stormwater management ponds as planned and approved on stormwater concept plan #6076-2001 or as otherwise revised.
  - b. Provide a standard sidewalk along the subject site's frontage on Ritchie Road Spur, unless modified by the Department of Public Works and Transportation.
  - c. Provide a standard sidewalk along both sides of Ritchie Station Court within the subject site, unless modified by the Department of Public Works and Transportation.
  - d. Label buildings on site that are to be removed.
  - e. Applicant shall submit a comprehensive letter report containing the results of a Phase IA archeological study searching for prehistoric and historic sites on the property. This process should involve the examination of historic maps to determine if the property was part of a larger farm or plantation, an indication of whether slaves may have lived or been buried on the subject site and an intensive pedestrian walkover of the site. If Section 106 requires a Phase I archeological investigation, that should be completed and the Phase IA would not be required.

2. Prior to certification of the Detailed Site Plan the TCPII shall be revised as follows:
  - a. Address all comments on the TCPI and TCPII.
  - b. Add standard TCP II notes.
  - c. Add a note regarding what areas are subject to Forest Conservation Plan reviewed by the Department of Natural Resources.
  - d. When all revisions have been completed, have the plan reviewed, sealed, signed and dated by a qualified professional who prepared the plan.
  - e. To indicate the retention stormwater management ponds as planned and approved on stormwater concept plan #6076-2001 or as otherwise revised.
  - f. After the PMA delineation has been corrected on the TCPI, the TCPII shall be revised to reflect the correct PMA delineation. The note shall be revised to eliminate the words “jurisdictional determination” and replace them with “wetlands delineation.”
3. Prior to the issuance of permits for any residential-type uses within the 65 d/BA Ldn noise contour shown on the plans, noise impacts will 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.

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.



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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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, May 12, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of June 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:RG:rmk