

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 June 11, 2009 regarding Detailed Site Plan DSP-08043 for PB&J, the Planning Board finds:

1. **Request:** The subject application is for a detailed site plan for infrastructure for grading and utilities on 4.48 acres of land.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Single-family house	To remain vacant until future commercial uses are approved
Parcel(s)	2	2
Acreage	4.48	4.48
Dwelling Units	1 (to be razed)	0

3. **Location:** The subject property is located in the southeast corner of the intersection of Ritchie Marlboro Road and Sansbury Road, in Planning Area 78, Councilmanic District 6. It is within the Developing Tier. This intersection is designated by the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* as one of nine gateways into Westphalia. It is proposed as the location of a mixed-use village center.
4. **Surrounding Uses:** To the east of the subject property is a single-family home facing Ritchie Marlboro Road. To the south is property owned by the Ritchie Baptist Church, which is zoned M-X-T and is envisioned as a possible future component of the gateway village center. To the west, across Sansbury Road, is another component of the gateway village center, the Westphalia Row property. Across Ritchie Marlboro Road to the north, the subject property faces land owned by the Greater Morningstar Pentecostal Church.
5. **Design Features:** The 4.48-acre site has a somewhat irregular rectangular shape which comprises three lots. Approximately one half of the subject site is covered with existing woodlands where small pockets of open space are scattered throughout the site. Located along the northern edge of the property is the proposed Washington Suburban Sanitary Commission (WSSC) right-of-way (proposed sewer) extending onto Ritchie Marlboro and Sansbury Roads.

In the future, the applicant is expected to submit a subsequent detailed site plan to develop the property with commercial uses. The applicant envisions that the uses may include a pharmacy and service station, as well as a third commercial use such as a bank, restaurant, or retail store. The subject detailed site plan is solely for the purpose of grading and stabilizing the site and installing the water line onto the site.

6. **Previous Approvals:** The subject property was rezoned from the R-A (Residential-Agricultural) Zone to the M-X-T Zone in the 2007 Westphalia sectional map amendment. As part of this rezoning, the District Council approved the concept plan for development of the subject property and the neighboring properties to the west and south as an integrated, mixed-use development. This concept plan is illustrated in plan view, with illustrative perspective renderings in Exhibit 19 of the public record for the sectional map amendment, and is intended to serve as a vision to guide the development of the village center.

Conceptual Site Plan CSP-07002 was approved by the District Council on November 10, 2008.

The site is the subject of approved Preliminary Plan of Subdivision 4-07057; the resolution of approval (PGCPB Resolution No. 08-51) was adopted by the Planning Board on April 24, 2008. The preliminary plan remains valid until April 24, 2010.

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance and is found to be in compliance with those regulations.

Prince George's County Woodland Conservation Ordinance: The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance. Type I Tree Conservation Plan (TCPI/031/07) has been approved. The Environmental Planning Section recommends approval of Type II TCPII/021/09, and prior to certification of the DSP, the Type II tree conservation plan should be revised to conform with TCPI/031/07 by providing a woodland area to buffer the property to the south and the revised plan should be signed and dated by the qualified professional who prepared the plan.

The Requirements of Preliminary Plan of Subdivision 4-07057: The site is the subject of approved Preliminary Plan of Subdivision 4-07057. The DSP will be in conformance with applicable conditions of the preliminary plan if the conditions below are fulfilled.

Conceptual Site Plan CSP-07002: The DSP is in conformance with all applicable conditions of the approved conceptual site plan.

Required Findings for Detailed Site Plans and Conceptual Site Plans in the M-X-T Zone:

Section 27-546(d)

- (1) The proposed development is in conformance with the purposes and other provisions of this Division;**

The subject DSP is for grading and infrastructure only and does not show the details of the final development on the site, which will be provided on a future DSP. In accordance with Section 27-542(a)(2), the ultimate development on this site will implement the recommendation of the *Approved Westphalia Sector Plan and Sectional Map Amendment* by contributing to the creation of a compact, mixed-use community.

- (2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The ultimate uses proposed on the site are consistent with those envisioned on Exhibit 19 of the sector plan. The subject DSP is for grading and infrastructure only and does not show the details of the final development on the site, which will be provided on a future DSP.

- (3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The ultimate proposed development is intended to help catalyze adjacent community improvement and rejuvenation by providing convenience retail and services for the village center area. The subject DSP is for grading and infrastructure only and does not show the details of the final development on the site, which will be provided on a future DSP.

- (4) The proposed development is compatible with existing and proposed development in the vicinity;**

The subject DSP is for grading and infrastructure only and does not show the details of the final development on the site, which will be provided on a future DSP.

- (5) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The ultimate mix of uses, arrangement of buildings, and other improvements and amenities of the village center area will reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability. The subject DSP is for grading and infrastructure only and does not show the details of the final development on the site, which will be provided on a future DSP.

- (6) **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The applicant has not proposed a staged development.

- (7) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

This requirement will be evaluated in more detail at the time of the final detailed site plan. The subject DSP is for grading and infrastructure only and does not show the details of the final development on the site, which will be provided on a future DSP.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

This requirement will be assessed at the time of the final detailed site plan. The subject DSP is for grading and infrastructure only and does not show the details of the final development on the site, which will be provided on a future DSP.

8. **Landscape Manual:** The subject site will be required to comply with Section 4.2, Section 4.3, and Section 4.6 of the *Prince George's County Landscape Manual* when final design is submitted in a detail site plan.

9. **Planning Board Analysis:**

Historic Preservation: The Planning Board accepts that the applicant will adhere to the historic preservation conditions in Preliminary Plan 4-07057 and CSP-07002. The detailed site plan for three commercial lots in the M-X-T zone will have no effect on identified historic sites, resources, or districts.

Archeological: A Phase I archeological survey is not recommended for the PB&J Property. 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 extant 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.

Condition 14 of PGCPB Resolution No. 08-51 dated April 28, 2008 states that:

- 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 a Maryland Inventory of Historic Properties form. The documentation shall be submitted to staff of the Historic Preservation and Public Facilities Planning Section.**

This condition has not been fulfilled and will be carried over to this detailed site plan submission.

Community Planning: No major sector plan problems have been identified for this application which is limited to grading and infrastructure. The future DSP review for development on the site should ensure that all proposed buildings and landscaping will enhance the mixed-use village characteristics of the area and contribute to the site's critical role as a gateway marking the entrance into a community.

Transportation: The site plan conforms to the preliminary plan in lot layout. The ultimate development on the site is not proposed by this plan. Plans for its actual uses will be filed and reviewed in the future. Access plans will be reviewed in the future.

Subdivision: The site is the subject of approved Preliminary Plan of Subdivision 4-07057; the resolution of approval (PGCPB Resolution No. 08-51) was adopted on April 24, 2008. The preliminary plan remains valid until April 24, 2010. The resolution of approval contains 14 conditions. The following finding and condition relate to the review of this detailed site plan:

- Finding 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.

- Condition 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.**

This condition will be carried forward as a condition of the subject DSP.

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 the Maryland State Highway Administration (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.

Internal pedestrian circulation will be addressed at the time of the appropriate detailed site plan. The conceptual pedestrian connections indicated between the three lots on the approved preliminary plan are acceptable. Primary pedestrian access in the vicinity of the subject property will be accommodated by the wide sidewalks along both Ritchie Marlboro Road and Sansbury Road.

The former Chesapeake Beach Railroad right-of-way is located along the southern edge of the subject site. This former right-of-way lies under the current Ritchie Marlboro Road and Capital Beltway interchange. Because of this, the existing sidepath/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.

Internal pedestrian connections will be evaluated at the time of the detailed site plan for the commercial development.

Environmental Planning: This site in the M-X-T Zone is located in the southeast quadrant of Sansbury Road and Ritchie Marlboro Road. 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 site is adjacent to Ritchie Marlboro Road which is a source of traffic-generated noise; however, no residential uses appear to be proposed, so the noise levels are acceptable for the proposed commercial use. 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 on this property or on adjacent properties. 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 and in the Developing Tier as reflected in the *Prince George's County Approved General Plan*.

- a. A signed Natural Resources Inventory (NRI/120/06), which included detailed forest stand delineation (FSD), was submitted with the preliminary plan. The site contains no sensitive environmental features such as streams, wetlands, and 100-year floodplain. The FSD report describes one mature forest stand totaling 2.42 acres dominated by yellow poplar and sweetgum.

No additional information is required regarding the natural resources inventory.

- b. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because a Type I Tree Conservation Plan, TCPI/031/07, has been approved.

This 4.49-acre property contains a total of 2.42 acres of upland woodlands. The woodland conservation threshold has been correctly calculated at 0.67 acre, or 15 percent of the net tract based on the current zoning. The plan proposes clearing of all of the woodland on-site. The total woodland conservation requirement has been correctly calculated at 1.78 acres. The plan proposes to meet the requirement by providing 1.78 acres of off-site mitigation.

The plan is inconsistent with the approved Type I Tree Conservation Plan, TCPI/031/07, because it does not preserve a woodland area to buffer the property to the south.

Because there are no sensitive environmental areas and no priority woodlands on the property and there are no adjacent large woodlands, the use of off-site woodland conservation is appropriate for this development.

- c. 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. Because the proposed use of the site is nonresidential, noise mitigation is not required.

No additional information is required with respect to noise.

- d. The site has a Stormwater Management Concept Approval Letter (38441-2006-00) and associated plan. The plan proposes an underground storage system.

No additional information is required regarding stormwater management.

Department of Public Works and Transportation (DPW&T): On May 28, 2009, the Department of Public Works and Transportation, Office of Engineering, provided a memorandum stating that the detailed site plan does not reflect the entrances/exits to or from Ritchie Marlboro Road and/or Sansbury Road, and that access to the site should be constructed as a commercial driveway apron, in accordance with the County Road Ordinance, DPW&T Specifications and Standards 200.03 and 200.04, and ADA (Americans with Disabilities Act). The memorandum also states that all improvements within the public rights-of-way, as dedicated for public use to the County, are to be in accordance with the County Road Ordinance, DPW&T specifications and standards, and ADA.

The memorandum continues to convey that street construction permits are required for improvements within public roadway rights-of-way and for the proposed private internal roadways. Maintenance of private streets is not the responsibility of DPW&T. Any proposed

and/or existing master-plan roadways that lie within the property limits must be addressed through coordination between the Maryland-National Capital Park and Planning Commission (M-NCPPC) and DPW&T, and may involve rights-of-way reservation, dedication and/or road construction in accordance with DPW&T specifications and standards. Conformance with DPW&T street tree and street lighting specifications and standards is required, with lighting fixtures to match those in existence in the area. Any new sidewalk installation is to match existing sidewalks in the area. Additionally, sidewalks must be kept open for pedestrians at all times. All stormwater management facilities/drainage systems, including recreational features and visual amenities and facilities are to be constructed in accordance DPW&T specifications and standards.

Soil Conservation: On April 8, 2009, the Prince George's Soil Conservation District provided a referral stating that it would have no comments on the subject application.

Department of Environmental Resources (DER): The M-NCPPC did not receive a referral from the Department of Environmental Resource.

Maryland State Highway Administration (SHA): A letter submitted on April 18, 2009 from SHA stated that they have completed their review of the site plan and supporting documents. SHA has no objection to Detailed Site Plan DSP-08043 approval as submitted.

Washington Suburban Sanitary Commission (WSSC): On April 14, 2009, WSSC provided comments that water is available onto the subject site and that a sewer extension will be required. Also, Project No. DA4963Z09 is an approved project within the limits of this proposed site.

Westphalia Sector Development Review Advisory Council (WSDRAC): A referral was received from the Westphalia Sector Development Review Advisory Council (WSDRAC) on June 2, 2009, which stated that WSDRAC has no comments concerning the detailed site plan.

10. As required by Section 27-285(b) of the Zoning Ordinance, this detailed site plan for infrastructure satisfies the site design guidelines as contained in Section 27-274, prevents off-site property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

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/021/09) and further APPROVED Detailed Site Plan DSP-08043 for the above-described land, subject to the following condition:

1. Prior to certification of the DSP the following shall be completed:

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.

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, June 11, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of July 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:JM:arj