



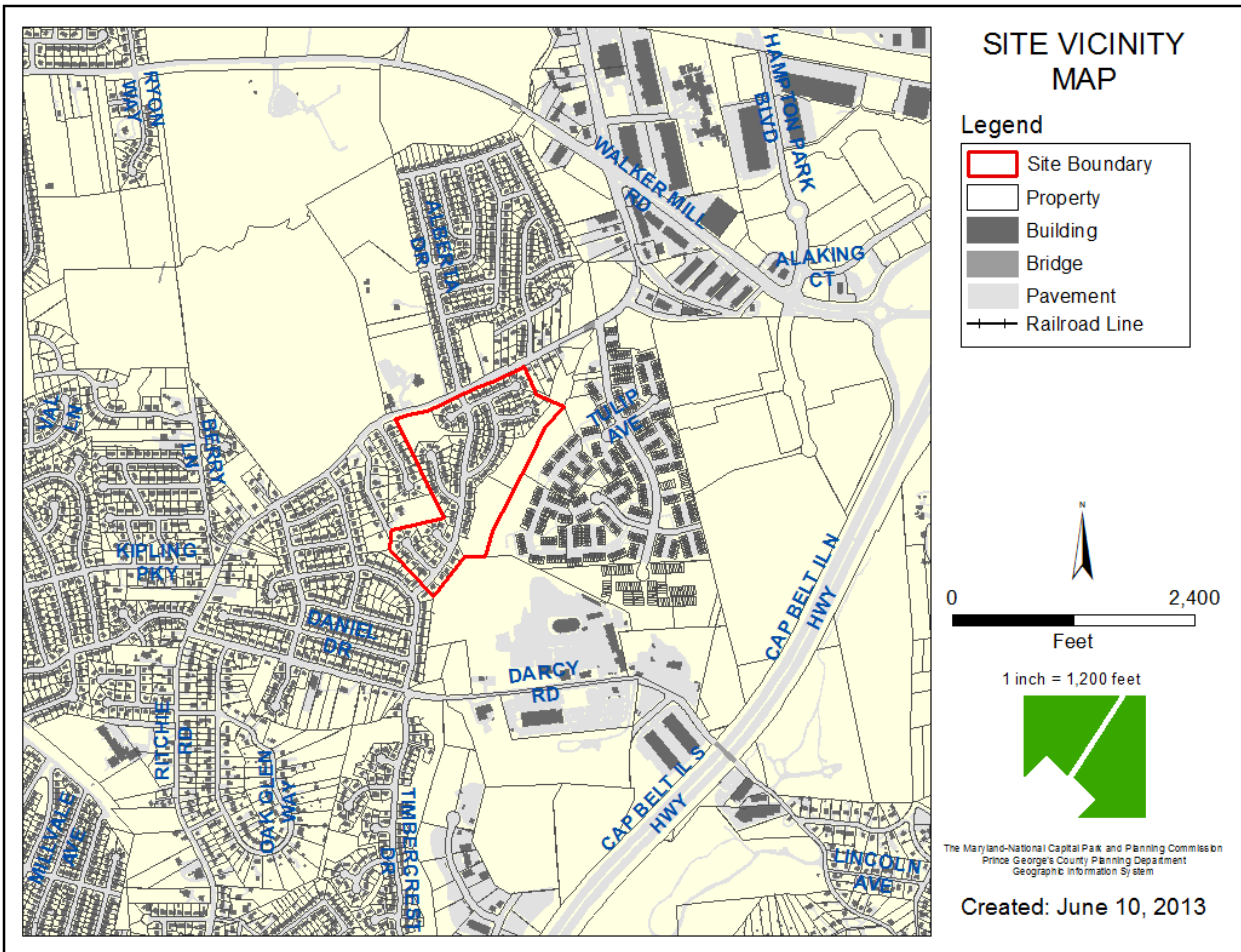
Note: Staff reports can be accessed at www.mnccppc.org/pgco/planning/plan.htm.

Preliminary Plan 4-88280 Reconsideration Request

Application	General Data	
Project Name: Ritchie Run Location: West of the Capital Beltway I-95/495, in the southwest quadrant of the intersection of Ritchie Road and Park Drive. Applicant/Address: Ponnupillai Satheesh 4410 Oglethorpe Street, Apt. 707 Hyattsville, MD 20781 Property Owner: Ponnupillai Satheesh 4410 Oglethorpe Street, Apt. 707 Hyattsville, MD 20781	Planning Board Hearing Date:	06/27/13
	Memorandum Date:	06/12/13
	Plan Acreage:	42.85
	Zone:	R55/R-80
	Parcels:	3
	Lots:	122
	Planning Area:	75A
	Tier:	Developed
	Council District:	06
	Election District	06
	Municipality:	N/A
	200-Scale Base Map:	203SE08

Purpose of Application
RECONSIDERATION REQUEST: This preliminary plan of subdivision was approved by the Planning Board on February 23, 1989 and the resolution (PGCPB No. 89-85) was adopted. Ponnupillai Satheesh, the applicant, by letter dated May 28, 2013, requests a reconsideration to subdivide Parcel A into nine single-family dwelling unit lots.

Staff Recommendation		Staff Reviewer: Whitney Chellis Phone Number: 301-952-4325 E-mail: Whitney.Chellis@ppd.mnccppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
			X



June 12, 2013

MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Whitney Chellis, Supervisor, Subdivision Section, Development Review Division

SUBJECT: Preliminary Plan of Subdivision 4-88280 Reconsideration Request
Richie Run

Preliminary Plan of Subdivision 4-88280 (PPS) was APPROVED by the Planning Board on February 23, 1989, and the resolution (PGCPB No. 89-85) was adopted. The PPS was approved for the subdivision of 42.85 acres in the One-Family Detached Residential (R-55 and R-80) Zones into 122 single-family dwelling unit lots and two parcels. The applicant utilized lot size averaging (LSA) which was an optional design approach for the subdivision of land provided for in Section 24-121(a)(12) of the Subdivision Regulations. The use of LSA is no longer permitted with the adoption of County Council Bill CB-004-2006, which removed LSA as an option for the subdivision of land for applications accepted after July 1, 2006.

The Planning Board approved the use of LSA in this case which permits a reduction in the minimum lot size for not more than 50 percent of the lots, while retaining the base density. In this case, of the 25 lots in the R-80 Zone, eight of those lots did not meet the minimum lot size of 9,500 square feet. In the R-55 Zone, of the 97 lots proposed, 23 lots did not meet the minimum lot size of 6,500 square feet.

Further, Section 24-121(a)(12) requires that the Planning Board make the following findings in permitting the use of lot size averaging:

- A. The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.**
- B. The subdivision design provides for an adequate transition between the proposed lot sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.**

C. The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.

The applicant proposed two open space parcels. Parcel B (8.00 acres) was recorded in land records in VJ 162-4 and 5, contained significant 100-year floodplain, and was conveyed to Prince George's County for a regional stormwater management facility, Prince George's County waived the stormwater management fees with the conveyance. That parcel is now in the Reserved Open Space (R-O-S) Zone.

Parcel A (3.08 acres) was recorded in land records in VJ 162-4 and contained wetlands and areas of woodland conservation for the subdivision, abutting Ritchie Road, and was "to be conveyed to the homeowners association, unless retained by the current owner." Parcel A is in the R-55 Zone. The applicant wants to subdivide Parcel A into nine single-family dwelling unit lots.

The Planning Board approval (PGCPB Resolution No. 89-85) anticipated that Parcel A would remain an open space parcel and Condition 5 of that approval required the "Conveyance of Parcel A to a homeowners' association (HOA) subject to Conditions 1-5 of Exhibit B at the time of final plat unless retained by the current owner." Therefore, if the original owner chose not to retain Parcel A, it was to be conveyed to an HOA. The condition requires an either/or situation, as verified by the Associate General Counsel for The Maryland-National Capital Park and Planning Commission (M-NCPPC) in 2009 and again in 2013. The conveyance of Parcel A to Ms. Satheesh was in violation of that condition of approval (PGCPB Resolution No. 89-85). Furthermore, the PPS record includes a justification letter from the applicants' attorney for the use of lot size averaging dated November 4, 1988 (Gibbs to Hirsch) which states that "this property is impacted by non-tidal wetlands. My client is proposing to maintain wetland areas which are designed as Parcel A on the property. Thus, our subdivision design provides for the enhancement and protection of natural features."

Parcel A fronts Ritchie Road and an internal subdivision street. The PPS contains restrictions for the development along Ritchie Road and denied access to the lots fronting that roadway. The PPS approval required very specific landscape treatments on the lots fronting Ritchie Road. Parcel A was not subject to that restriction because it was not intended to be developed and has remained a wooded open space parcel. It is staff's opinion that the Planning Board approval clearly anticipated that Parcel A would remain an open space parcel as a part of the subdivision.

Parcel A was retained by A. Bradley Askin, the property owner at the time of approval of the PPS (1989). Mr. Askin retained ownership of Parcel A (three acres) until November 13, 2009 when he sold Parcel A to Mr. Satheesh (the applicant in this reconsideration) for \$5,000.

The applicant (Mr. Satheesh) filed a pre-Preliminary Plan of Subdivision (P-12002) for Parcel A to subdivide it into nine lots for the construction of single-family dwelling units in 2012. The pre-preliminary plan proposes a public street extending south from Ritchie Road into Parcel A to serve the lots. Staff advised the applicant that, in order to analyze the possible subdivision of Parcel A, it should be reviewed in context with the lot size averaging findings of approval for the entire original Ritchie Run subdivision. Staff advised the applicant that the Planning Board's findings and the applicant's justification in that original PPS case relied in part on the creation of Parcel A as open space. Staff further advised the applicant that a request to the Planning Board to reconsider that original decision would be the appropriate vehicle to judge the Planning Board's support for the further subdivision of Parcel A, and the Planning Board decision on the reconsideration request would be done within 30 days of receipt of the request, resulting in this instant request.

If the Planning Board does not grant the waiver or the reconsideration, the applicant does have the option of filing a PPS, where all required notice would be provided to abutting property owners and civic associations including posting of the property for a public hearing. The PPS would be for Parcel A only. Staff has advised the property owner, Ms. Satheesh, that we would not support the subdivision of Parcel A into single-family lots, but that the decision is that of the Planning Board.