

RESOLUTION

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 July 26, 2007, regarding Detailed Site Plan DSP-06039 for Old Ritchie Estates, the Planning Board finds:

1. **Request:** The subject application is for approval of a trash removal service operating from an existing 3,348.2-square-foot building on the site. A trash removal service is defined by the Zoning Ordinance as a business involving the dispatching and the storage of trucks and dumpsters for the purpose of trash removal. The application also includes a variance from the requirement that trash removal services be located more than 1,000 feet from any land in a residential zone.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	I-1	I-1
Use(s)	Asphalt paving contractor	Trash removal service
Acreage	1.476	1.476
Building square footage/GFA	3,348.2	3,348.2

OTHER DEVELOPMENT DATA

	<b>REQUIRED</b>	<b>PROPOSED</b>
Total Parking Spaces		
Of which Standard parking spaces (9.5' x 19.0')	7 spaces	7 spaces
Handicapped spaces (16.0' x 19.0')	1 space	1 space
Loading spaces	2 spaces	2 spaces

3. **Location:** The subject property is located on the eastern side of Old Ritchie Road just south of its intersection with Ritchie Road in Planning Area 75A and Council District 6.
4. **Surroundings and Use:** The site is currently developed with an existing 3,344-square-foot building. The subject site is bounded to the north by industrial use, to the south by vacant land, to the west by Old Ritchie Road, with undeveloped land owned by M-NCPPC beyond, and to the east by the Southwest Branch and industrial use beyond.
5. **Previous Approvals:** The site is the subject of approved stormwater concept number 32747-2006.
6. **Design Features:** The design of the site includes an existing 3,344-square-foot brick building located in the northwestern corner of the site with parking located just south of the building. Two entrances to the site are provided from Old Ritchie Road, via sliding gates in the existing fence.

The brick and concrete block building is of utilitarian and rectilinear design, with block painted white and the brick left in its natural red brick color. A portion of the northern elevation is obscured by a trailer permanently parked there for storage.

A handicapped parking space is located immediately adjacent to the southwesterly side of the building and the proposed 12 by 45 foot loading spaces are located adjacent in a southeastern direction from a concrete pad with an overhanging roof, located across the entire rear side of the building.

A stream, the Southwest Branch, is located just to the southeast of the property, with its required 50-foot stream buffer encompassing a portion of the southeastern part of the site. A gravel and broken macadam area is located between the rear of the building and the project's rear property line.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the I-1 Zone and the site plan design guidelines of the Zoning Ordinance.
  - a. The subject application is in general conformance with the requirements of Section 27-473 of the Zoning Ordinance, which governs uses in the industrial zones. The proposed trash removal service is a permitted use in the I-1 Zone.
  - b. The DSP is generally consistent with Section 27-474 regarding regulations in the I-1 Zone.
  - c. The DSP is also consistent with Section 27-475.06(a) regarding trash removal services, with the exception of 475.06(a)(1)(B) for which a variance has been requested as detailed in d. below.

The requirements for trash removal services as specified in Section 27.475.06 are listed below in bold face type and followed by staff comment:

**Trash collected by this business shall not be brought to or stored upon the property.**

**Staff Comment:** The operations of the business do not require that the trash collected will be brought to or stored on the property. Additionally, staff has recommended a condition that will ensure that trash collected with never be brought to or stored on the property

**The subject property shall be more than one thousand (1,000) feet from any land in a Residential Zone, or land that is used for residential purposes or**

**proposed to be used for residential purposes on an approved Basic Plan, Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan.**

**Staff Comment:** The subject property is located within one thousand (1,000) feet of residentially zoned land and the applicant has requested a variance from this requirement. Please see Subsection D of the subject finding for staff's discussion of the subject request with respect to the required findings for the granting of variances.

**The subject property shall not be adjacent to, or across an industrial right-of-way from, an office building consisting of at least ten thousand (10,000) feet, and which is occupied by at least three (3) unrelated tenants.**

**Staff Comment:** In concert with this requirement, the subject property is not located adjacent to, or across an industrial right-of-way from, an office building consisting of at least ten thousand (10,000) feet, and which is occupied by at least three (3) unrelated tenants.

Further, Section 27-475.06. Trash removal services have the following requirements for the site plan for a trash removal service. Again, the requirements are listed below in bold face type, followed by staff comment:

**A Detailed Site Plan shall be approved for the use, in accordance with Part 3, Division 9, of this Subtitle, to insure compliance with the provisions of this Section.**

**Staff Comment:** If the subject detailed site plan is approved, the applicant will have complied with this requirement.

**Driveways for ingress and egress shall be identified on the site plan, and shall be located so as not to endanger pedestrians or create traffic hazards.**

**Staff Comment:** Driveways have been indicated on the plans and staff has received comment from the Transportation Planning Section and the Senior Trails Planner that does not identify any issues raised by the proposed ingress and egress with respect to either vehicular or pedestrian circulation.

**The applicant shall identify measures that will be taken to control noxious and offensive odors.**

**Staff Comment:** Since no trash shall be brought to the site, noxious and offensive odors emanating from the site would result from lack of an appropriate cleansing protocol for the trucks. Therefore, staff are recommending a condition below that would ensure that the trucks be properly maintained.

In addition, Section 27-475.06 requires that the Planning Board be able to make the two following affirmative findings. Utilizing the same above format, staff has offered comment on the required findings, as follows:

**The proposed hours of operation and anticipated traffic, odor, and noise levels will not be detrimental to the use of adjacent properties and in the general neighborhood.**

**Staff Comment:** The proposed hours of operation should not interfere with adjacent properties that are either vacant or developed with industrial land use. Further, because no trash will be brought to or stored on the site, and all trucks and dumpsters will be cleaned and disinfected, no noxious odors should be transmitted to the adjacent properties or the general neighborhood.

**The location of the proposed use is appropriate, given the nature of development and uses on adjoining properties and in the general neighborhood.**

**Staff Comment:** The proposed use is appropriate since the adjacent property and neighborhood is either vacant or developed with industrial land uses.

- d. Per Section 27-230 of the Zoning Ordinance, a variance may only be granted when the Planning Board finds that:

**(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

**Staff Comment:** The property has an exceptional shape in that it narrows toward the rear and has the exceptional condition of being located entirely in the floodplain. It is bounded along its rear property line by the Southwest Branch, whose flood waters sometimes extend onto the property, with such flooding problem exacerbated by stormwater run off from the higher elevation of the adjacent Ritchie Road. The property is unique in that it fronts on, but does not have direct vehicular access to, Ritchie Road.

The extraordinary situation or condition that supports the granting of the subject variance is that the residentially zoned land located within 1,000 feet of the proposed trash removal service will most probably never be developed residentially. Reasons for it to remain undisturbed woodland include its continued ownership by M-NCPPC, with recreational facilities planned elsewhere on the drier portions of the site.

- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

**Staff Comment:** The strict application of the requirement would result in peculiar and unusual difficulties upon the owner because the property, since it is located entirely in the floodplain, is in all likelihood undevelopable for any more intensive use involving construction of a building. Thus the owner could be deprived of any legal use of this property.

- (3) **The variance will not substantially impair the intent, purpose, or integrity of the General Plan or master plan.**

**Staff Comment:** In a memorandum dated October 2, 2006, the Community Planning North Division stated that the subject application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier and that the application conforms to the land use recommendations of the 1986 *Approved Master Plan and Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B* for employment uses. Therefore, it may be said that the proposed variance will not substantially impair the intent, purpose, or integrity of the General Plan or master plan.

9. **Landscape Manual:** The application is not subject to the *Landscape Manual* because the building already exists, the parking area is located at least 30 feet from the right-of-way and does not measure more than 7,000 square feet.
10. **Woodland Conservation Ordinance:** In a memorandum dated October 2, 2006, the Environmental Planning Section stated that the property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site contains less than 10,000 square feet of woodlands and there is no previously approved Tree Conservation Plan on the subject property. Further they stated that a Type I Tree Conservation Plan was not submitted with the review package, is not required and that a standard letter of exemption from the ordinance was issued by the Environmental Planning Section of the Countywide Planning Division on July 28, 2006. In closing, they stated that no further action is necessary at this time as it relates to woodland requirements and that the letter of exemption should accompany all future applications for plans and permits.
11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Historic Preservation**—Staff was informed in comments dated September 13, 2006, that the proposed project will have no effect on historic resources.

- b. **Archeological Review**—Staff was informed in comments dated October 10, 2006, that no archaeological review would be required.
- c. **Community Planning**—In a memorandum dated October 2, 2006, the Community Planning Division stated that the application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier and that the application conforms to the land use recommendations of the 1986 *Approved Master Plan and Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B* for employment uses.
- d. **Transportation**—In comments dated September 13, 2006, the Transportation Planning Section stated that an additional 35 feet from centerline on Old Ritchie Road, or 60 feet from centerline, should be shown because of its location in the I-1 Zone and that these rights-of-way must be noted on the plan. Further, they stated that Old Ritchie Road right-of-way is required by Section 27-474, footnote 4. The applicant has revised the subject plans in response to the Transportation Planning Section's comments.
- e. **Subdivision**—In a memorandum dated October 10, 2006, the Subdivision Section stated that the property is a 1.476-acre deed parcel known as Parcel 177, Tax Map 74, Grid B-1 that has never been the subject of a preliminary plan. They further stated that a review of the 1982 Tax Maps indicates the site is exempt from the preliminary plan process because the creation of Parcel 177 occurred prior to January 1, 1982, and the development on the site does not exceed 5,000 square feet of gross floor area.
- f. **Trails**—In a memorandum dated November 1, 2006, the senior trails planner stated that there are no master plan trails issues identified in the 1986 *Approved Master Plan and Sectional Map Amendment for Suitland-District Heights and Vicinity* that impact the subject application. Old Ritchie Road is open section with no sidewalks. Ritchie Road includes a standard sidewalk in the vicinity of the subject site.
- g. **Permits**—The Permit Review Section offered numerous comments that either have been addressed by revisions to the plans or in the recommended conditions below.
- h. **Environmental Planning**—In a memorandum dated October 2, 2006, the Environmental Planning Section offered the following:
  - 1. The site is located in the Southwest Branch watershed, which is a tributary of the Patuxent River. Section 24-101 of the Subdivision Ordinance provides the definition of the features of the Patuxent River Primary Management Area (PMA). The stream, wetland and 100-year floodplain are identified on the plan. These site features and their associated buffers make up the Regulated Areas of the site. The Countywide Green Infrastructure Plan includes the subject property within the network, with both Regulated Areas and Evaluation Areas delineated. The entire site is located within the 100-year floodplain; however, because the

site is fully developed and no changes are proposed, no additional information is required.

**Staff Comment:** No additional information is required with respect to the PMA and proposed PMA impacts.

2. This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site contains less than 10,000 square feet of woodlands and there is no previously approved Tree Conservation Plan on the subject property. A Type I Tree Conservation Plan was not submitted with the review package and is not required. A Standard Letter of Exemption from the ordinance, was issued by the Environmental Planning Section, Countywide Planning Division, on July 28, 2006.

**Discussion:** No further action is needed at this time as it relates to woodland requirements. The Letter of Exemption should accompany all future application for plans and permits.

3. A Stormwater Management Concept Approval Letter (327447-2006-00) dated August 14, 2006 was submitted for the subject property. The concept approval letter states that the approval is for building interior renovation only and that there is no proposed disturbances or grading of this existing developed site. The requirements for stormwater management will be met through subsequent reviews by the Department of the Environmental Resource

**Staff Comment:** No further action is required at this time with regard to stormwater management.

- i. **Fire Department**—In a memorandum dated September 26, 2006, the Prince George's County Fire Department offered comment on required access for fire apparatuses, the design of private roads, fire lanes and the location and performance of fire hydrants.
- j. **Department of Public Works and Transportation**— In a memorandum dated October 16, 2006, the Department of Public Works and Transportation stated the following:
  - Right-of-way dedication and frontage improvements in accordance with the Department of Public Works & Transportation's urban primary residential road standards would be required for Old Ritchie Road.
  - That full-width, 2-inch mill and overlay for all county roadway frontages would be required.
  - That conformance with the Department of Public Works and Transportation's

street tree and street lighting standards would be required.

- That sidewalks would be required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance.
- That all storm drainage systems and facilities are to be designed in accordance with the Department of Public Work and Transportation and the Department of Environmental Resources' requirements.
- That an access study shall be conducted by the applicant and reviewed to determine the adequacy of access point(s) and the need for acceleration/deceleration and turning lanes.
- That a soils investigation report which includes subsurface exploration and geotechnical engineering evaluation for public streets would be required; and
- Since Old Ritchie Road is in the vicinity of this development and is within the 100-year floodplain and is subject to flooding during more frequent storms the applicant will be required to evaluate, design and construct improvements to Old Ritchie Road to mitigate the flooding impact of the roadway.

Please note that the Department of Public Works and Transportation's requirements are enforced through their separate permitting process

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 Detailed Site Plan DSP-06039 and further approved Variance Application No. VD-06039 subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall revise the plans as follows or submit the indicated additional documentation:
  - a. The parking space for the physically handicapped shall be enlarged to measure and be dimensioned at 13-feet in width by 19-feet in length.
  - b. All outdoor storage shall be screened so as to not be visible from the adjacent street by a vinyl sight tight fence. Such fencing shall be approved by the Urban Design Section as designee of the Planning Board and shall extend across the front of the property.

- c. The limits, height, and type of all fencing shall be indicated on the plans. The existing fence along the rear and east property line shall be moved entirely on to the subject property.
- d. Two loading spaces measuring 45 feet by 12 feet shall be indicated on the plans.
- e. Notes shall be added to the plans stating that: (i) "No trash shall be brought to or stored on the subject property." (ii) "Trucks shall be cleaned as frequently as necessary so that the area surrounding the project site is not negatively impacted by noxious and offensive odors emanating from the proposed trash removal service."

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 Clark, seconded by Commissioner Cavitt, with Commissioners Clark, Cavitt and Parker voting in favor of the motion, and with Commissioners Vaughns and Squire opposing the motion at its regular meeting held on Thursday, July 26, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20<sup>th</sup> day of September 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

RBC:FJG:RG:bjs