



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

Preliminary Plan 4-04101

Application	General Data
Project Name: TEMPLE HILLS Location: Southwest end of Joel Lane, west of Temple Hill Road and Fisher Road. Applicant/Address: Mid-Atlantic Real Estate P.O. Box 3083 Oakton, VA. 22124	Date Accepted: 11/19/04
	Planning Board Action Limit: 04/23/05
	Plan Acreage: 14.53
	Zone: R-80
	Lots: 9
	Parcels: 2
	Planning Area: 76B
	Tier: Developed
	Council District: 08
	Municipality: N/A
	200-Scale Base Map: 207SE03

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION This case was continued from 4/7/05.	Adjoining Property Owners Previous Parties of Record Registered Associations: N/A (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 03/8/05

Staff Recommendation		Staff Reviewer: Whitney Chellis	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
		X	

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-04101
Temple Hills Lots 1-9 and Parcel A and B

OVERVIEW

The property is located on Tax Map 97, Grid A-2, and is known as Lots 1-6, Block 2; Lots 1-14, Block 3; Lots 1-8, Block 4; Lots 4-10, Block 1; Outlot A and all of Dunbar Road and part of David Drive and Pine Street (now known as Joel Lane) as dedicated to public use and recorded on record plat WWW 20@7 (1951). The applicant is proposing to resubdivide these 35 lots and outlot and vacate those portions of the dedicated public streets not necessary for the implementation of the preliminary plan.

The development of this property as currently subdivided would be difficult. Extending through the property is 2.62 acres of 100-year floodplain, wetlands and steep and severe slopes. The applicant has proposed significant stormwater management facilities (Parcels A and B) and stormdrain piping to develop this property as proposed. At the writing of this staff report, the applicant has not obtained conceptual stormwater management approval. Staff advised the applicant that the inability to obtain that approval prior to the Planning Board hearing could result in an unfavorable recommendation to the Planning Board. Based on staff's discussions with a citizen living on Joel Lane and staff of the Department of Environmental Resources, the surrounding properties have significant flooding. Although staff believes that the development of this property could ultimately result in improvements to stormwater management in the area, that approval is recommended to be in place prior to the approval of the preliminary plan. This will help ensure that the development of this property does not result in on-site or downstream flooding and that the layout and amount of development proposed are compatible with the stormwater management proposed.

The area that is the subject of this preliminary plan is 14.53 acres and is zoned R-80. The applicant is proposing to resubdivide the property into nine lots and two parcels for the development of single-family dwelling units. Parcel A (35,719 square feet) and Parcel B (9,258 square feet) are open space parcels that are proposed to contain stormwater management facilities and are to be conveyed to a homeowners association (HOA). The property has frontage on Joel Lane to the northeast and David Drive and Norris Drive to the east. The applicant is proposing to extend Joel Lane, a 40-foot-wide dedicated public street into the property to serve eight of the nine lots proposed. The applicant is proposing the immediate transition of Joel Lane to a 50-foot-wide right-of-way as it enters the site, extending through the property to the southwest property line, for the possible future development of abutting properties.

The applicant has proposed to serve Lot 9 via David Drive to the east. David Drive is a 40-foot-wide dedicated public street (BB10@37). Section 27-442 of the Zoning Ordinance requires that a lot in the R-80 Zone have a minimum lot width at the front street line of 50 feet. Lot 9 is proposed at the stub street of David Drive, which is not 50 feet wide. The applicant has not filed an application for a variance to Section 27-442 of the Zoning Ordinance for the inadequate lot width at the front street line. Therefore, staff is recommending that Lot 9 be deleted and the area be incorporated into Lots 7 and 8. Further, to

implement the development of Lot 9 and provide access, the applicant is proposing disturbance to the expanded buffer. The applicant has appropriately filed a variation to Section 24-130 of the Subdivision Regulations for the disturbance. As discussed further in Finding 2 of this report, staff does not support the impact to the expanded buffer for the development of Lot 9 as proposed.

Development of this property is subject to CB-89-2004 as discussed further in Findings 8 and 9 of this staff report. CB-89-2004 establishes the adequacy of fire/rescue and police response times. The response times are not adequate pursuant to Sections 24-122.01(e)(1)(D) and (E) of the Subdivision Regulations and, therefore, staff recommends disapproval of the preliminary plan pursuant to Section 24-122.01(e)(2).

SETTING

The property is located at the southwest end of Joel Lane, west of Temple Hill Road and north of Fisher Road. The properties to the northeast and southeast are zoned R-80 and developed with single-family dwelling units. The property to the northwest is zoned R-30C and is developed with senior citizen housing. To the southwest is vacant R-30 and R-55-zoned land.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-80	R-80
Use(s)	Vacant	Single-family residential
Acreage	14.53	14.53
Lots	35	9
Outlots	1	0
Parcels	0	2
Dwelling Units:		
Detached	0	9

2. **Environmental**—This 14.53-acre property in the R-80 Zone is located on the southwest end of Joel Lane. There are streams and wetlands and 100-year floodplain on site. The entire site is wooded. The site eventually drains into Henson Creek in the Potomac River watershed. According to the “Prince George’s County Soils Survey,” the principal soils on this site are in the Aura, Bibb, Howell and Sassafras series. Marlboro clay does not occur in the area. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, rare, threatened, or endangered species do not occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this property. Indian Head Highway is a nearby source of traffic-generated noise; however, it is sufficiently distant that there is no significant impact to the subject property. The proposal is not expected to be a noise generator.

Copies of the stormwater management concept approval letter and/or plan were not submitted with this application; however, a set of stormwater computations and a stormwater concept plan were submitted. The soil types in the area suggest that infiltration will not be feasible. Stormwater currently entering this property is from a subwatershed north of I-95 and the flow is piped under I-95 and into M-NCPPC parkland immediate east of the subject property. Additional

stormwater is generated from older development east of the subject property and is currently uncontrolled for stormwater quantity or quality. Approximately 200 feet west of the subject property, all of the stormwater enters a pipe approximately 1,100 feet long that is under an existing multifamily development. There are known upstream and downstream problems associated with existing stormwater flows.

The stormwater plan submitted with this application proposes the creation of two stormwater management ponds on-site and one off-site facility and the reconfiguration of existing stormwater pipes. The proposal is designed not only to control flows that would be generated by the development proposed by this application but also to mitigate some of the problems that have been created by previous development in the area; however, it has not yet been determined by the Prince George's County Department of Environmental Resources if the total proposed impacts are out-weighted by potential community benefits. Staff requested that the applicant submit the approved stormwater management plan no less than 30-days prior to the Planning Board hearing to ensure that the plan of development is consistent with that approval. Staff cannot recommend approval of the preliminary plan of subdivision without the approved stormwater management concept plan.

Requirements regarding stormwater management are contained in Section 24-130 of the Subdivision Regulations. Because there are known stormwater runoff problems in this area and a stormwater management concept plan has not been approved by the Prince George's County Department of Environmental Resources, staff does not believe the applicant has demonstrated conformance to Section 24-130(b)(1) and (3) of the Subdivision Regulations. Furthermore, because the layout of stormwater management ponds directly affects the layout of the subdivision, an approved stormwater management concept plan is crucial for the review of the entire subdivision. The Environmental Planning Section recommends disapproval of the preliminary plan because it fails to adequately address stormwater management required by Section 24-130 of the Subdivision Regulations.

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. For the purposes of this review, these areas include all of the expanded stream buffers, wetlands, and wetland buffers. A wetland delineation was submitted with the application. All streams, wetlands, 25-foot wetland buffers, 100-year floodplain, areas with severe slopes, and areas with steep slopes containing highly erodible soils are shown on the plans. The expanded stream buffer required by Section 24-130 of the Subdivision Regulations is not correctly delineated on the TCPI or the preliminary plan.

The plan proposes impacts to expanded stream buffers, some of which were requested and some of which were not. Section 24-130 of the Subdivision Regulations prohibits impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. All disturbance not essential to the development of the site as a whole is prohibited within stream and wetland buffers. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), streets, and so forth, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. Impacts for development features require variations to the Subdivision Regulations. Four impact areas with a total of seven variation requests were submitted.

Staff notes that the property is unusual because not only is there a stream and floodplain bisecting the property, but there are also wetland pockets that fragment the property into isolated areas that are not part of the sensitive environmental features and are not commonly shared by other properties.

Variation request 1 is for stormwater management pond outfall that will impact approximately 2,635 square feet of expanded stream buffer.

Variation request 2(a) is for connection to the existing sanitary sewer line with a total proposed impact of approximately 36,224 square feet.

Variation request 2(b) and 2(c) are for the construction of the stream crossing for the relocation of Joel Lane to continue to provide access to Parcel 88 and serve six of the nine proposed lots (south of the crossing).

Variation request 3(a) is for the construction of Joel Lane to serve Parcel 88 and eight of the proposed nine lots in the proposed subdivision.

Variation request 3(b) is for stormwater management facility construction with a total impact of approximately 9,131 square feet.

Variation request 4 is for an impact of approximately 1,058 square feet for the construction of a driveway off Damian Drive to serve proposed Lot 9.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**
- (2) The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**
- (3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**
- (4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.**

The impacts requested are discussed collectively in regards to compliance with the above findings and the recommendations of staff.

In areas where the expanded buffer is not correctly delineated, impacts are proposed that are not part of the variation request. Proposed Lot 1 contains a substantial area of expanded buffer that is not delineated on the TCPI but is shown correctly on the FSD. The grading shown for the lot is within the expanded buffer. On the rear of Lot 6 there is an area of expanded stream buffer that is not delineated on any plan, but is shown to be disturbed for the grading of the lot. Because the applicant did not ask for these impacts and the statement of justification fails to address the required findings of Section 24-113, the Environmental Planning Section cannot support these impacts. The specific finding that cannot be met is Section 24-113(b) of the Subdivision Regulations.

Any variation request with regard to stormwater management cannot be evaluated until it has been established by the Prince George's County Department of Environmental Resources that the facilities are required for the proposed development. The applicant's statement of justification cites Section 24-130(b)(8) of the Subdivision Regulations. This section applies only to properties within the Patuxent River watershed and applies only when an approved concept plan has been obtained. This property is not located within the Patuxent River watershed and the plan of development does not have conceptual stormwater management approval at the writing of this staff report.

As noted earlier, there are known upstream and downstream problems associated with existing stormwater flows. The Environmental Planning Section relies on a stormwater management concept plan approved by the Prince George's County Department of Environmental Resources to ensure that the development will not be detrimental to public safety, health or welfare and does not injure other property with specific regard to conveyance of stormwater. Therefore, because there is no approved stormwater management concept plan, the Environmental Planning Section cannot support variation requests 1 and 3(b) because the required finding of Section 24-113(a)(1) cannot be made.

The property is unique because Joel Lane is the sole access to Parcel 88 at the western side of the subject application. The revised alignment proposed in this application will create a substantial reduction in the total impacts to the expanded stream buffer. The alignment is designed to standards set by the Department of Public Works and Transportation to provide safe access for fire, police and ambulance services and will not be injurious to other property. Review of the project through the permit process will ensure that construction will not violate any other applicable law, ordinance or regulation. The Environmental Planning Section supports variation requests 2(b), 2(c) and 3(a) because all of the required findings of Section 24-113(a) can be met as stated.

The existing sanitary sewer is almost entirely within the expanded stream buffer. Any connection would create an impact. Sanitary sewer is required to provide for the general health, safety and welfare of the community and not be injurious to other property. The specific location of the hookup with further consideration to minimizing environmental impacts will be evaluated by WSSC during the permit process. The Environmental Planning Section supports variation request 2(a) because the required findings of Section 24-113(a) can be met as stated.

Variation request 4 is for the proposed access to lot 9. The Environmental Planning Section has reviewed the proposed grading and determined that the use of a small retaining wall could eliminate the proposed impact to the expanded stream buffer on the subject property. Most of the access will be within Damian Drive and can be designed in a manner that would not be detrimental to public safety, health or welfare and does not injure other property. The statement of justification incorrectly notes that permit review will ensure that no other law, ordinance or regulation will be violated if the variation is granted. The lot width at the front street line is not adequate and, therefore, the lot cannot be created without the approval of a variance.

The statement of justification has failed to show that the geometry of Damian Drive, proposed house location, and location of the expanded stream buffer are unique. Because an alternative design is possible, neither a hardship nor inconvenience would result if the strict application of Section 24-130 of the Subdivision Regulations is applied for the development of Lot 9. The Environmental Planning Section does not support variation request 4 because the required findings of Section 24-113(a) cannot be met as stated.

The failure to grant either variation requests 1 or 3(b) must result in the denial of the entire subdivision.

A detailed forest stand delineation (FSD) was submitted with this application. The plan shows all streams, wetlands, the 100-year floodplain, and all areas with severe slopes and all areas with steep slopes containing highly erodible soils. The soils boundaries conform to those shown in the Prince George's County Soils Survey. A single stand of mixed hardwood dominated by black oak and white oak covers all of the 14.53 acres of the site. The average diameter at breast height is about 18 inches and 16 specimen trees were found. The shrub layer contains small trees and mountain laurel. Multiflora rose is the only invasive noted. The priority areas are those associated with the stream and wetlands. The FSD meets the requirements of the Woodland Conservation Ordinance; however, it contains a delineation of the expanded buffer. This buffer delineation was not reviewed, because the FSD is only an FSD and should not reflect the expanded buffer.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet and there are more than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan, TCPI/93/04 has been reviewed. The plan indicates the intent to meet all requirements by on-site preservation. The proposed preservation areas correctly include the stream valley and additional woodland associated with it. The plan proposes clearing 5.15 of the existing 11.88 acres of upland woodland, clearing 0.71 acre of the 2.65 acres of woodland within the 100-year floodplain, and clearing 0.11 acre of off-site woodland. The plan proposes to meet the requirement of 4.48 acres by providing 6.18 acres of on-site preservation. Because an approved stormwater management concept plan has not been submitted, the locations and sizes of the proposed ponds and need for additional off-site clearing cannot be evaluated with regard to required woodland conservation.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and will, therefore, be served by public systems.

3. **Community Planning**—The property is located within the limits of the 1981 Master Plan for Subregion VII, Planning Area 76B in the Oxon Hill Community. The master plan land use recommendation for the property is suburban residential with density of up to 3.5 dwelling units per acre. The preliminary plan is consistent with the R-80 zoning of the property, which was classified in the R-80 Zone with the adoption of the 1984 Subregion VII Sectional Map Amendment.

The 2002 General Plan locates the property in the Developed Tier. One of the visions for the 2002 General Plan is to create a sustainable network of medium- to high-density residential land uses that are increasingly transit-oriented. The proposed preliminary plan is consistent with the visions of the General Plan for land use.

4. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the Park Planning and Development Review Division recommends that the applicant pay a fee-in-lieu of the mandatory dedication of parkland requirements because the land available for dedication is unsuitable due to its size and location.
5. **Trails**—There are no master plan trails identified in either the adopted and approved Subregion VII Master Plan or the 1985 Equestrian Addendum to the adopted and approved Countywide Trails Plan

Existing roads are open section in the vicinity of the subject site. Due to the lack of connecting sidewalks, no sidewalk construction is recommended.

6. **Transportation**—The application seeks to resubdivide 35 recorded lots into a new nine-lot subdivision. The applicant has not prepared a traffic impact study nor did the transportation staff request one. The findings and recommendations outlined below are based upon a review of all relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, and in consideration of findings made in connection with past applications.

Growth Policy—Service Level Standards

The subject property is located within the developed tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better.

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The subject application involves the resubdivision of 35 recorded lots (three of the original lots shown on Plat 020-007, Temple Hills, Section One, recorded in 1951, are not included in this subdivision). This recorded subdivision was proposed to connect to the county roadway network through existing subdivisions by means of Joel Lane and Damian Drive. There is no existing

development within the limit of the 1951 subdivision. However, these platted and recorded lots have the presumption of the right to be developed. Therefore, it would be assumed that this site, by right, could have a trip generation equivalent to 35 single-family detached residences, or 26 AM and 32 PM peak-hour vehicle trips. The applicant's proposal is a significant reduction in that already approved for the site, as noted below.

The traffic generated by the proposed plan would primarily impact the signalized intersection of Temple Hill Road and Fisher Road. Staff has no counts that have been done within the past year at the critical intersection; the last known analysis of this intersection was presented to the Planning Board in 1997. That analysis indicated that the critical intersection would operate at LOS B or better in each peak hour. There are no funded improvements to this intersection in either the county Capital Improvement Program (CIP) or the state Consolidated Transportation Program (CTP).

This applicant proposes nine single-family detached lots. Based upon rates in the guidelines, nine residences would generate 7 AM and 8 PM peak-hour vehicle trips. This level of trip generation is within the trip quantity that could be produced by right by the existing lots; therefore, there is evidence that the Planning Board can find that the proposed resubdivision would generate no net trips as a result. There would be no resulting impact on traffic operations at the Temple Hill Road/Fisher Road intersection as a result of the resubdivision.

This site is not within or adjacent to any master plan transportation rights-of-way. The primary issues regarding this plan are related to access. One of the lots (Lot 9) is proposed to have access onto Damian Drive by means of a driveway, however, staff has recommended that the lot be deleted because it does not meet the minimum lot width of 50 feet at the front street line required in the R-80 Zone and is not a thru lot. The other eight lots would gain access by means of a public street onto existing Joel Lane. It is noted that the current plan includes a stub of Joel Lane into Parcel 88 to the west of the subject property in response to initial comments that without the stub, Parcel 88 would be landlocked.

The adjacent Temple Heights subdivision was platted in 1946 with all streets, including Joel Lane and Temple Boulevard, having a 40-foot right-of-way. Under current standards, these roadways would be substandard. Although staff would generally not support additional lots using a substandard street system for access, there are two factors that require consideration:

- a. The underlying 35 lots of Temple Hills, Section One, could be developed by right with access onto the same substandard street system.
- b. Temple Boulevard, which is the substandard street where traffic volumes could approach 1,000 vehicles per day, has no houses fronting upon it, no residential driveways, and little residential parking.

Given these two factors, the transportation staff determines that the existing streets within the Temple Heights subdivision, namely Joel Lane and Temple Boulevard, would provide adequate access for the eight lots within the subject property plus limited development upon Parcel 88. That limit would be an estimated average daily traffic (ADT) of 600 along any portion of Joel Lane. With the current development proposed, the maximum ADT along any portion of Joel Lane is estimated at 170.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved. No transportation-related conditions are recommended.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for its impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	12 sfd	12 sfd	12 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	2.88	0.72	1.44
Actual Enrollment	4433	4689	8654
Completion Enrollment	156.96	86.22	158.07
Cumulative Enrollment	42.00	96.36	192.72
Total Enrollment	4,634.84	4,872.30	9,006.20
State-Rated Capacity	4,512	5,114	7,752
Percent Capacity	102.72	95.27	116.18

Source: Prince George's County Planning Department, M-NCPPC, December 2003

These figures are correct on the day the referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the policies for school facilities contained in Section 24-122.02, CB-30-2003, and CB-31-2003 and CR-23-2003.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision for adequacy of fire and rescues services in accordance with Section 24-122.01 (e)(1)(E) of the Subdivision Regulations and concluded the following:

The Prince George's County Department of Fire and Rescue Services has determined that this preliminary plan is located in Fire Box 29-36. The 12-month average response times are:

Engine: 7.45 minutes, which is above the required 6.00-minute response time in areas outside the Rural Tier.

Basic Life Support: 9.04 minutes, which is above the required 6.00-minute response time in areas outside the Rural Tier.

Advanced Life Support: 10.21 minutes, which is above the required 10.00-minute response time in areas outside the Rural Tier.

Pursuant to Section 24-122.01(e)(2) of the Subdivision Regulations: "If any of the required statements in this subsection are not provided that meet the criteria specified in this Section, then the Planning Board may not approve the preliminary plat." (CB-89-2004)

Therefore, staff is compelled to recommend disapproval of the preliminary plan of subdivision due to the inadequacies set forth above.

The Fire Chief reported that the current staff complement of the Fire Department is 95 percent, which is within the standard of CB-89-2004.

The Fire Chief has reported by letter, dated 12/17/ 04, that the department has adequate equipment to meet the standards stated in CB-89-2004.

9. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in District IV. The preliminary plan has been reviewed in accordance with Section 24-122.01 (e)(1)(D) of the Subdivision Regulations and concluded the following:

The Prince George's County Police Department reports that the average yearly response times for that District are 31.36 minutes for nonemergency calls, which does not meet the standard of 25.00 minutes, and 11.69 minutes for emergency calls, which does not meet the standard of 10.00 minutes for emergency calls.

Pursuant to Section 24-122.01(e)(2) of the Subdivision Regulations: "If any of the required statements in this subsection are not provided that meet the criteria specified in this Section, then the Planning Board may not approve the preliminary plat." (CB-89-2004)

Therefore, staff is compelled to recommend disapproval of the preliminary plan of subdivision due to the inadequacies set forth above.

The Police Chief reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the academy, for a total of 1,345 personnel, which is within the standard of 1,278 officers.

10. **Health Department**—The Health Department has no comments to offer.
11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A stormwater management concept plan has been submitted but not yet approved. To ensure that development

of this site does not result in on-site or downstream flooding, staff requested that the applicant obtain approval of the conceptual stormwater management plan 30 days prior to the Planning Board hearing. At the writing of this staff report, the applicant has not obtained that approval. Therefore, staff is recommending disapproval of the preliminary plan due to the extensive flooding on-site and in the area of the development. Approval of the conceptual stormwater management plan is essential prior to approval of the preliminary plan.

12. **Historic**—The Planning Board has recently identified that the possibility for prehistoric archeological sites must be considered in the review of development applications and that potential means for preservation of these resources should be considered. Prehistoric archeological sites are known to exist in settings similar to that in the project area. Documentary and archeological investigation should be required to determine whether there exists physical evidence.

The Phase I archeological investigation should be conducted according to Maryland Historical Trust (MHT) guidelines, the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994), and report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Archeological excavations should be spaced along a regular 20-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.

RECOMMENDATION:

DISAPPROVAL DUE TO INADEQUATE FIRE, RESCUE AND POLICE SERVICES PURSUANT TO 24-122.01(e)(2) OF THE SUBDIVISION REGULATIONS AND FAILURE TO OBTAIN APPROVAL OF THE CONCEPTUAL STORMWATER MANAGEMENT PLAN.