



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

Preliminary Plan 4-05102

Application	General Data
Project Name: YOCUM PROPERTY Location: End of Joseph Drive, approximately 1,500 feet east of the intersection of Joseph Drive and Piscataway Road. Applicant/Address: RIBA Land Corporation 808 Montrose Avenue Laurel, MD. 20707	Date Accepted: 03/20/06
	Planning Board Action Limit: 09/07/06
	Plan Acreage: 20.23
	Zone: R-E
	Lots: 19
	Parcels: 0
	Planning Area: 81B
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 216SE03

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION Including Variation Request for Section 24-130	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed:

Staff Recommendation		Staff Reviewer: John Ferrante	
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 4-05102
Yocum Property, Lots 1–19, Resubdivision of Outlots B & E

OVERVIEW

The subject property is located on Tax Map 132, Grid E-4, and is known as Parcel 145 (20.01 acres), Outlot B (5,897 square feet), and Outlot E (3,871 square feet). Parcel 145 is an acreage parcel, never having been the subject of a record plat of subdivision. Outlots B and E are the subject of record plat WWW62@87, recorded in land records in 1967. The site is approximately 20.23 acres and is zoned R-E. The applicant is proposing to subdivide the property into 19 lots for the construction of single-family dwelling units. Nine of the proposed 19 lots are utilizing the lot size averaging provisions of Section 24-121 of the Subdivision Regulations, which requires a minimum net lot area of 30,000 square feet in the R-E Zone. One of the proposed lots is currently improved with an existing dwelling that will remain. The remaining nine lots are proposed to be subdivided using the conventional standards for the R-E Zone, which require a minimum net lot area of 40,000 square feet. All of the proposed lots meet the minimum net lot area required in the R-E Zone based on their perspective lot size averaging and conventional approaches.

Significant environmental issues have not been fully addressed at this time. The site includes streams, steep and severe slopes that contain Marlboro clay, with a portion of the subject property being within an evaluation area for a bald eagle nesting site. The evaluation area for bald eagle nesting sites extends 1,320 feet from the nest tree. A variation request for Section 24-130 of the Subdivision Regulations was also requested for proposed impacts to the stream buffer for the installation of a stormdrain system, which is supported by staff due to its necessity. However, the applicant has not yet obtained approval from the Department of Environmental Resources for stormwater concept approval. Stormwater concept approval for this application was required by the Department of Environmental Resources and the Environmental Planning Section prior to Planning Board approval due to the presence of Marlboro clay on the property. The variation request was heard by the Subdivision Review Committee on Friday, July 14, 2006. At the Subdivision Review Committee meeting, the Washington Suburban Sanitary Commission (WSSC) and the Environmental Planning Section expressed further concerns that the proposed sewer system, as currently designed, would not function properly to serve all of the proposed dwellings because of the severe elevation changes associated with the property that would effect the gravity flow of the sewer. Public water and sewer is proposed to serve the subdivision.

The applicant has demonstrated due diligence in attempts to satisfy the outstanding environmental issues associated with the property, including the submission of detailed geotechnical engineering studies that further evaluate the subsurface conditions of the property based on soil borings drilled throughout the property. These studies evaluate the proposed grading, slope stability, construction material for house foundations, lateral earth pressure of the proposed retaining walls, and locations and elevations of the Marlboro clay, and the associated 1.5 safety factor line for the proposed slopes. The Planning Board's mandatory action limit for this case is September 7, 2006. The applicant has worked closely with staff

throughout the preliminary plan process to ensure careful planning techniques are utilized within the development of this property, and to ensure the public safety and welfare of the future homeowners.

This application was accepted on March 20, 2006. At the writing of this staff report, in accordance with Section 24-122.01(e)(2) of the Subdivision Regulations, staff is compelled to recommend disapproval of the subject application, as discussed further in Finding 2 of this report, due to inadequate Fire Department staffing levels.

SETTING

The property is located at the northern terminus of Joseph Drive and west of the terminus of Norris Way. The subject property is zoned R-E. Abutting to the east and southeast is the Clinton Hills Subdivision, zoned R-R and developed with single-family dwellings. To the southwest, west and north are acreage parcels zoned R-E and generally undeveloped.

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-E	R-E
Use(s)	Vacant	Single-Family Dwellings
Acreage	20.23	20.23
Lots	0	19
Outlots	2	0
Parcels	1	0
Dwelling Units:		
Detached	1	19 (1 existing to remain)
Public Safety Mitigation Fee		Yes

2. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance. The subject application was accepted on March 20, 2006.

The Prince George's County Planning Department has determined that this preliminary plan is beyond the required seven-minute response time for the first due fire station Clinton, Company 25, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief report for adequate equipment is contained in a memorandum dated March 28, 2006. That memorandum states that the "...Department has adequate equipment and has developed an equipment replacement program to meet all the service delivery needs for all areas of the County."

The Fire Chief report for current staffing for the Fire Department is contained in a memorandum dated March 28, 2006. That memorandum states that the number of "net operational employees" is 672, which equates to 96.97 percent of the authorized strength of 692 fire and rescue personnel.

As previously noted, the subject application was accepted on March 20, 2006. Section 24-122.01(e)(2) of the Subdivision Regulations states: "If any of the required statements in this Subsection are not

provided that meet the criteria specified in this Section on the date the application is accepted by the Planning Board or within the following three (3) monthly cycles of response time reports, then the Planning Board may not approve the preliminary plan until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board.”

One key element to the ordinance language cited above is the creation of a window for the application of the fire and rescue adequacy test that runs from “...the date the application is accepted by the Planning Board or within the following three (3) monthly cycles of response time reports...” This means that an application is afforded the opportunity to pass the test in a timeframe that spans approximately 90 days. With regard to data on fire and rescue staffing levels prior to the receipt of the March 28, 2006, letter from the Fire Chief, some clarity needs to be provided.

Since January 1, 2006 (the beginning of the timeframe when the standard of 100 percent of the authorized strength of 692 fire and rescue personnel must be met), staff has received four memorandums from the Fire Chief (January 1, 2006, February 1, 2006, March 5, 2006 and March 28, 2006). The data presented in these four memorandums varies in the description of the personnel being counted as applicable to the percentage of the authorized strength standard. Although the number of personnel presented varies only slightly (694, 694, 696 and 693 respectively), the description of the status of these personnel has changed or been clarified from memorandum to memorandum.

It seems clear to staff that since the beginning of 2006, each reporting of personnel has included certain numbers of trainees and/or recruits that were not intended to be considered applicable to the minimum percentage requirement. This becomes apparent when comparing the January 1 and February 1 memorandums. Both reflect a total authorized strength of 694 personnel, but the February 1 memorandum identifies 46 members of that complement in the training academy. The March 5 memorandum does not provide a breakdown of the 696 personnel total, but the March 28 memorandum identifies 21 recruits as part of the “Actual total strength” of 693.

Given the totality of the information identified above, staff concludes that since the acceptance of the subject application, the minimum staffing level for fire and rescue personnel, as required by Section 24-122.01(e)(1)(B)(ii), has not been met. Therefore, pursuant to Section 24-122.01(e)(2), staff is compelled to recommend disapproval of the subject application at this point in time.

RECOMMENDATION

**DISAPPROVAL DUE TO INADEQUATE FIRE AND RESCUE STAFFING LEVELS
PURSUANT TO SECTION 24-122.01(e) OF THE SUBDIVISION REGULATIONS.**