



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

Preliminary Plan 4-05110

Application	General Data
Project Name: MAGRUDER WEST Location: Along the east edge of US 301 (Crain Highway) and along the west edge of Trumps Hill Road, approximately 500 feet north of the intersection of these two roads. Applicant/Address: WP Magruder LTD Partnership 24024 Frederick Road Clarksburg, MD. 20871	Date Accepted: 03/8/06
	Planning Board Action Limit: 09/06/06
	Plan Acreage: 40.88
	Zone: R-A
	Lots: 20
	Parcels: 0
	Planning Area: 82A
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 212SE10

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 02/7/06 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 6/27/06

Staff Recommendation		Staff Reviewer: Ivy R. Thompson	
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 4-05110
Magruder West, Lots 1-20 and Outlot A

OVERVIEW

Located on Tax Map 118, Grid E-3, the subject property is currently known as Parcel 10 and consists of approximately 40.88 acres of land in the R-A Zone. The applicant proposes to develop the property into 20 lots for a single-family subdivision using varying lot sizes. Nine of the lots will have access via a cul-de-sac to be dedicated to public use. This cul-de-sac will extend into the property at a point across from Weathervane Lane. Eight of the lots will have access via two separate private rights-of-way created pursuant to Section 24-128(b)(1) of the Subdivision Regulations. The remaining three lots will have direct access to Trumps Hill Road. The outlot is to be conveyed to an adjoining property owner. This case is being heard on the last possible Planning Board hearing date within the 140-day mandatory action time frame at the request of the applicant to allow for adequate time for posting.

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. The referral comments received to date are attached for informational purposes.

SETTING

The subject property is located along the west edge of Trumps Hill Road and backs up to US 301, approximately 500 feet north of the intersection of these two roads. Located in the developing tier, the subject property is currently undeveloped and wooded. All abutting properties are also zoned R-A. Most are undeveloped or wooded with single-family detached dwelling units on the parcels. The property abuts Woodstock National Register Historic Site (82A-13) to the north on Parcel 106.

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-A	R-A
Use(s)	Residential	Residential
Acreage	40.88	40.88
Parcels	0	0
Outlots	0	1
Dwelling Units:	0	20
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 8, 2006.

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Marlboro Company 45, 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 8, 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 pla[n] 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 time frame 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 time frame 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. While 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.