



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Preliminary Plan 4-05122

Application	General Data
<b>Project Name:</b> <b>RODENHAUSER PROPERTY</b>  <b>Location:</b> East side of Church Road, at the terminus of Rodenhauser Lane, 1,000 feet south of John Hanson Highway (US 50).  <b>Applicant/Address:</b> PDC, Inc. 5840 Banneker Road Columbia, MD. 21044	Date Accepted: 01/23/06
	Planning Board Action Limit: 04/3/06
	Plan Acreage: 74.09
	Zone: R-E
	Lots: 64
	Parcels: 1
	Planning Area: 74A
	Tier: Developing
	Council District: 04
	Municipality: N/A
	200-Scale Base Map: 205NE12

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003)                     11/07/06
	Sign(s) Posted on Site and Notice of Hearing Mailed:                     02/28/06

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 4-05122  
Rodenhauser Property Lots 1-64, and Parcel A

OVERVIEW

The subject property is located on Tax Map 54, in Grid D-3 and is known as Parcel 13 and all of the dedicated but unbuilt public rights-of-way of Rodenhauser Lane and Port Lane (WWW 72@17). These rights-of-way are proposed to be vacated if the preliminary plan of subdivision is approved. The property is approximately 74.09 acres, including the right of way described above, and is zoned R-E. The applicant is proposing to subdivide the property into 64 lots and one parcel for the construction of single-family dwelling units. The applicant is proposing to utilize lot size averaging (24-121(a)(12) and flag lots (24-138.01). A previous Preliminary Plan Of Subdivision (4-04175) reflecting the same lotting pattern was denied by the Planning Board on June 23, 2005, because of adequate public facilities (APF) issues.

The application was accepted on January 23, 2006, and was heard before the Subdivision Review Committee (SRC) meeting on February 10, 2006. At that meeting staff requested additional information necessary for the review of the preliminary plan, including exhibits for the proposed flag lots required by Section 24-138.01 of the Subdivision Regulations. In addition to the concerns about the flag lot layouts a number of layout issues were raised including 40-foot usable yard areas and impacts to the primary management area on-site, which includes a stream, steep slopes and buffers. Staff suggested revisions to the Type I tree conservation plan and the preliminary plan. Staff advised the applicant that they could not support the preliminary plan of subdivision and Type I tree conservation plan as proposed.

At the SRC meeting the applicant was advised that the preliminary plan was scheduled before the Planning Board on March 30, 2006, at the end of the first 70-day mandatory action time frame for the preliminary plan. The applicant was advised that the additional information addressing staff concerns should be submitted no less than 30-days prior to the March 30, 2006, Planning Board to allow staff adequate time to review. The applicant was also advised that not submitting the additional information a minimum of 30-days prior to the hearing could result in an unfavorable recommendation to the Planning Board.

On February 28, 2006, the applicant requested signs for the posting of this property. At that time the applicant had not submitted any information requested at the SRC meeting relating to the layout, and staff advised the applicant's engineer again that the preliminary plan as proposed was not supportable by staff. At that time the preliminary plan was still within the first 70-day mandatory action time frame and the applicant had the ability to grant a 70-day waiver to allow additional time for revisions to the plan and further work with staff on layout issues. Staff made considerable efforts to dissuade the engineer and the applicant from posting the property. The engineer indicated that the applicant was exercising their right and intended to post the property for the March 30, 2006, Planning Board hearing within the first 70 days. In addition to reiterating the issues with the engineer on February 28, 2006, (prior to releasing the signs to the engineer) staff called the attorney for the applicant to recommend that the property not be posted, and

further recommended that the applicant grant a 70-day waiver to allow some additional time to address the outstanding issues.

Staff advised the applicant's attorney that the Planning Board has consistently indicated a strong preference that a property not be posted for public hearing, unless it is unavoidable, to avoid continuances which can create considerable inconvenience for citizens and is a drain on staff resources. Staff was again advised by the attorney that the applicant intended to move forward. The applicant posted the property on February 28, 2006, for public hearing on March 30, 2006.

On March 7, 2006 the applicant submitted revised plans that were generally unchanged from the plans reviewed by staff at SRC, and the plans were submitted less than 30 days prior to the posted hearing date. On March 10, 2006, staff agreed to meet with the applicant and their engineer. The applicant at that meeting indicated a willingness to revise the preliminary plan to address some of staff's concerns. On March 20, 2006, the engineer for the applicant indicated that revised plans were to be submitted on March 21, 2006. Staff advised the applicant's engineer at that time that the staff report was in final draft and that staff did not have adequate time to review revised plans submitted on March 21, 2006, for a March 30, 2006, Planning Board hearing. The attorney for the applicant indicated on March 21, 2006, that they would pursue a continuance on March 30, 2006, and grant a 70-day waiver.

While staff is concerned in the method that this preliminary plan has come to a public hearing before the Planning Board, it is important to note that at the March 10, 2006, meeting with the applicant there was an acknowledgement by the applicant of a willingness to work with staff. If the applicant requests a continuance and agrees to grant a 70-day waiver on March 30, 2006, and the Planning Board grants the applicant's request for a continuance, staff only requests that it be to the second to last Planning Board hearing date within the 140-day mandatory action timeframe or June 2, 2006, and not be set in by the applicant, to allow staff the time to schedule this application appropriately.

Notwithstanding the above at the writing of this staff report, this application fails to meet the criteria regarding the current staff complement of the Police Department personnel required for the approval of a preliminary plan of subdivision, as discussed further in Finding 3 of this report.

## SETTING

The property is located on the east side of Church Road, south of US 50. To the northeast is the subdivided but unbuilt Collingbrook Subdivision zoned R-E. Access to 22 of the 64 lots proposed in this subdivision will have sole access via this dedicated yet unbuilt right-of-way. The remaining lots are proposed with access to Church Road via a new dedicated public street extending east into the site from Church Road.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-E	R-E
Use(s)	Vacant	Residential
Acreage	74.09	74.09
Lots	0	64
Parcels	1	1
Dwelling Units:		
Detached	0	64
Public Safety Mitigation Fee		No

2. **Environmental**—The Environmental Planning Section has reviewed revised plans for Preliminary Plan of Subdivision 4-05122 and the Type I Tree Conservation Plan, TCPI/08/05, stamped as received on March 7, 2006. The revised plans have been reviewed and it has been determined that most of the required revisions identified in a memo dated February 10, 2006, from the Environmental Planning Section have not been addressed in the current plan submittal.

The current submittal shows that two major areas of impacts have not been removed from the plans. In one area, a cul-de-sac is planned within the boundaries of a local, state and federally regulated wetland. In another area, the limits of disturbance are so tight that the proposed houses are shown on the edge of the woodlands, with no useable rear yard. Because the site contains regulated areas that can be designed around while still allowing for a reasonable use of the property, and because the site contains high priority woodlands for preservation, the design is not in conformance with the intent of the Woodland Conservation Ordinance or the Countywide Green Infrastructure Plan.

The February 10, 2006, memo with required revisions to eliminate the impacts to the regulated areas was the second time review comments from the Environmental Planning Section discussed design concerns. Previously in the March 3, 2005, memo for Preliminary Plan 4-04175, Environmental Planning staff stated:

“The lot layout as shown proposes inappropriate impacts to regulated features including streams, wetlands and 100-year floodplain. Because of the Priority 1 woodland on it, the TCPI should be redesigned to preserve as much of the existing woodland as possible, while at the same time attempt to meet the site’s woodland conservation requirement on-site to the fullest extent possible.”

The current plans have not been redesigned to address these required revisions and staff does not recommend that the Planning Board find that the plans are in conformance with the Woodland Conservation Ordinance or the Countywide Green Infrastructure Plan. The Environmental Planning Section recommends disapproval of Preliminary Plan 4-05122 and TCPI/08/05.

3. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District II. The standard for emergency calls response is 10 minutes and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on January 23, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-12/05/05	10.00	23.00
Cycle 1	01/05/05-01/05/06	10.00	23.00
Cycle 2			
Cycle 3			

The most recent report from the Police Chief notes that the current staff complement of the Police Department is 1,317 (92.75 percent) sworn officers, which is below the standard of 1,349 officers or 95 percent of the authorized strength of 1,420 as stated in CB-56-2005.

Section 24.122.01(2) states that if any of the required statements in the subsection are not provided that meet the criteria specified in the section, on the date the application is accepted by the Planning Board or within the following three monthly cycles, then the Planning Board may not approve the preliminary plan. Two additional monthly cycles exist for evaluation. **This application currently fails to meet the criteria regarding the current staff complement of Police Department personnel.** The Historic Preservation and Public Facilities Section recommends disapproval of the preliminary plan of subdivision.

STAFF RECOMMENDS **DISAPPROVAL** OF TYPE I TREE CONSERVATION PLAN TCPI/08/05 DUE TO INADEQUATE POLICE STAFFING LEVELS AND UNRESOLVED LAYOUT AND ENVIRONMENTAL ISSUES.