



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

## Preliminary Plan 4-05137

Application	General Data
<b>Project Name:</b> <b>McDERMOTT PROPERTY</b>  <b>Location:</b> North side of Old Marlboro Pike, 800 feet west of Ritchie Marlboro Road.  <b>Applicant/Address:</b> McDermott Land Investment, LLC. c/o Chesapeake Custom Homes, Inc. 6196 Oxon Hill Road, Suite 340 Oxon Hill, Maryland 20745	Date Accepted: 01/20/06
	Planning Board Action Limit: 06/09/06
	Plan Acreage: 11.32
	Zone: R-R
	Lots: 15
	Parcels: 0
	Planning Area: 78
	Tier: Developing
	Council District: 06
	Municipality: N/A
	200-Scale Base Map: 207SE10

Purpose of Application	Notice Dates
SINGLE-FAMILY RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 11/23/05 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 05/02/06

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 4-05137  
McDermott Property Lots 1-15

OVERVIEW

The subject property is located on Tax Map 100, in Grid E-1, and is known as Parcel 49. The property is zoned R-R and is approximately 11.32 acres. The entire 11.32-acre site was the environmental setting for Charles Hill and Cemetery (Historic Site 78-017). Charles Hill and Cemetery was designated as Historic Site 78-017 in the *Prince George's County Historic Sites and Districts Plan*, (1981). The property contains a cemetery, known as the Pumphrey-Fraser-Walker cemetery, as well as a carriage house, sheds, and three modern (circa 1980) horse stables. The house, outbuildings, and cemetery sit on the top of a knoll and are approached by a long narrow lane. The applicant proposed to reduce the environmental setting for the historic house, retaining the dwelling on a lot, and proposed 14 additional lots within the 11.32-acre site. The applicant has obtained approval from the Historic Preservation Commission for a reduction in the environmental setting to 3.8 acres consistent with a revised preliminary plan.

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 property is located on the north side of Old Marlboro Pike, approximately 800 feet west of Ritchie Marlboro Road, north of Pennsylvania Avenue (MD 4). The entire 11.32-acre tract is the environmental setting for Charles Hill and Cemetery (Historic Site 78-017). Adjoining the property on the west side is the 83.2-acre Charles Hill Cluster subdivision with 139 houses being constructed. The common property line is marked with a six-foot-high white vinyl fence as part of the required bufferyard for the adjoining property. On the east side this 11-acre parcel adjoins the Chesapeake Bay Foundation's National Register property, "The Cottage."

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-R	R-R
Use(s)	Single-family (Historic dwelling)	Single-family
Acreage	11.32	11.32
Lots	0	15
Parcels	1	0
Dwelling Units:		
Detached	1 (to remain)	15 (including existing)

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 January 20, 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 20, 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 January 20, 2006. Section 24 122.01(e)(2) of the Subdivision Regulations state: "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 SERVICES PURSUANT TO SECTION 24-122.01(e) OF THE SUBDIVISION REGULATIONS.**