



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

Preliminary Plan 4-06010

Application	General Data
Project Name: JOHNSON ESTATES Location: Southeast side of Livingston Road, approximately 1,400 feet northeast of its intersection with Old Marshall Hall Road. Applicant/Address: Johnson, Michael 12404 Shore Drive Fort Washington, MD 20744	Date Accepted: 03/20/06
	Planning Board Action Limit: 09/07/06
	Plan Acreage: 5.05
	Zone: R-R
	Lots: 6
	Parcels: 0
	Planning Area: 83
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 222SW02

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-58-2003) 02/13/06
	Sign(s) Posted on Site and Notice of Hearing Mailed: 06/27/06

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 4-06010
Johnson Estates, Lots 1 through 6

OVERVIEW

The subject property is located on Tax Map 161, Grid B-3, and is known as Parcels 10 and 45. The subject property consists of approximately 5.05 acres and is zoned R-R. Both existing parcels have street frontage on the southeast side of Livingston Road and are improved with detached single-family dwellings. This preliminary plan of subdivision proposes subdivision of the property into six lots. Two of the proposed lots will be for the existing dwellings along Livingston Road, which are proposed to remain, while four additional lots are proposed at the rear of Parcel 45. The proposed four lots to the rear of Parcel 45 will be served by an extension of Gaddy Lane, while the two existing single-family dwellings fronting Livingston Road will continue to have direct access to Livingston Road. The rear two-thirds of Parcel 45 (where the new lots are to be created) are mostly wooded. All of the proposed lots meet or exceed the 20,000 square foot minimum net lot area that is required in the R-R Zone, and range in size from 20,500 square feet up to 56,500 square feet.

This six-lot proposal was the subject of a prior preliminary plan of subdivision. Preliminary Plan 4-04150 was disapproved by the Planning Board on January 26, 2006 (PGCPB No. 06-24), due to lack of sufficient notice. The site had been posted for only 17 of the required 30 days. The applicant therefore requested a waiver of 13 days. The Planning Board could not find that the sign posting, for 17 out of a required 30 days, constituted sufficient public notice, and therefore disapproved both the waiver request and the prior preliminary plan of subdivision.

This current preliminary plan of subdivision was accepted on March 20, 2006. 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 subject property is located on the southeast side of Livingston Road, approximately 1,400 feet north of its intersection with Old Marshall Hall Road. The rear of Parcel 45 is located at the northern terminus of Gaddy Lane, an urban secondary residential road within the Accokeek Landing West Subdivision (NLP 155@80), (SP-90047). To the north, east, and south are detached single-family dwellings, many on large wooded parcels within the R-R Zone. To the west, and across Livingston Road from the subject property, is a large, undeveloped parcel, as well as single-family dwellings fronting Livingston Road, located within the R-A Zone.

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-R	R-R
Use(s)	Single-Family Residences	Single-Family Residences
Acreage	5.05	5.05
Lots	0	6
Parcels	2	0
Dwelling Units:		
Detached	2	6 (4 new)
Public Safety Mitigation Fee		No

2. **Fire and Rescue** — The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for 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 within the required seven-minute response time for the first due fire station Accokeek, Company 24, 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 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 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 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. 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 SERVICES PURSUANT TO SECTION 24-122.01(e) OF THE SUBDIVISION REGULATIONS.