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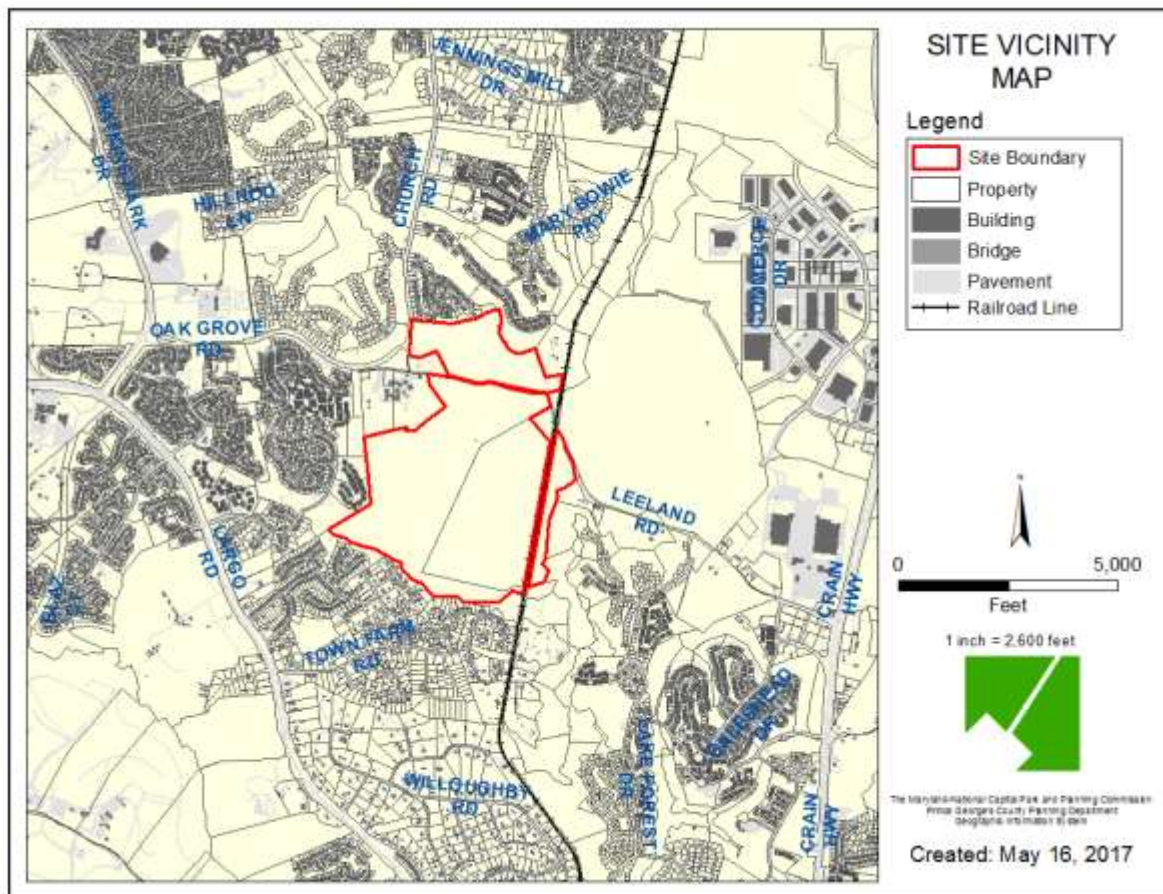
Preliminary Plan of Subdivision 4-06075

Waiver of the Rules of Procedure and Reconsideration Request

Application	General Data	
Project Name: Locust Hill Location: North and south sides of Oak Grove Road and east of Church Road, east and west of Pope's Creek Branch Railroad crossing with Oak Grove Road. Applicant/Address: WBLH, LLC Corporation Trust Center 1209 Orange Street Wilmington, DE 19801 Property Owner: WBLH, LLC Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	Planning Board Hearing Date:	05/25/17
	Memorandum Date:	05/09/17
	Date Received:	05/01/17
	Planning Board Action Limit:	05/30/17
	Plan Acreage:	503.53
	Zone:	R-L
	Gross Floor Area:	N/A
	Lots:	554
	Parcels:	24
	Planning Area:	74A & 79
	Council District:	06
	Election District:	03 & 07
	Municipality:	N/A
	200-Scale Base Map	202SE13

Purpose of Application	Notice Dates	
By letter dated May 1, 2017, Robert Antonetti, Jr., representing the applicant/owner, requests a Waiver of the Rules of Procedure and Reconsideration of Condition 28 (PGCPB Resolution No. 07-28) related to public safety mitigation fees for fire and rescue services only.	Previous Parties of Record (Applicant)	05/01/17
	Parties of Record (M-NCPPC)	05/12/17

Staff Recommendation		Staff Reviewer: Sherri Conner Phone Number: 301-952-3168 E-mail: sherri.conner@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
		X	



May 18, 2017

MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Sherri Conner, Planner Coordinator, Subdivision and Zoning Section
Development Review Division

SUBJECT: Preliminary Plan of Subdivision 4-06075
Waiver and Request for Reconsideration for Locust Hill

By letter dated May 1, 2017, the applicant requests a waiver of the Planning Board's Rules of Procedure and a reconsideration of Condition 28 of the preliminary plan of subdivision (PPS) approval (PGCPB Resolution No. 07-28) to delete the public safety mitigation fee required for a finding of adequate public facilities for fire and rescue services. This request was subsequently amended by letter dated May 16, 2017 in which the applicant's representative now requests a modification to Condition 24 to allow the public safety mitigation fee be modified or deleted at the time of specific design plan if it is determined that adequate fire and rescue services exist to serve the subject site at that time.

At the time of Planning Board approval of PPS 4-06075, it was found that adequate fire and rescue services were not available to serve the subject site within the response times required in order to be deemed adequate as required by Section 24-122.01(d) of the Subdivision Regulations and in accordance with the Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure (Mitigation Guidelines CR-78-2005). In order to meet the required findings of adequacy, the applicant entered into a mitigation agreement dated January 25, 2007, upon which approval of 4-06075 by the Planning Board was predicated.

The applicant justifies the reconsideration request by providing that at the time of approval of Specific Design Plan SDP-1603 for Willowbrook (PGCPB Resolution No. 17-44), Phase I, the response times were adequate and, further, that all lots in the subdivision will be subject to the Public Safety Surcharge. However, the Mitigation Guidelines specifically provide that the determination of adequate public facilities is to be made at the time of PPS and that if the PPS is in an area that fails the test of adequacy for fire and rescue services, "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." The procedures of the Mitigation Guidelines do not provide for deferral of determination of adequate public facilities. Additionally, it was anticipated by the Prince George's County Council that an applicant could be subject to payment of both the Public Safety Surcharge (CB-55-2005) and the Public Safety Mitigation Fee. The Mitigation Guidelines provide in 4(A)(iv) that "The Public Safety Surcharge shall not be reduced by the payment of any Public Safety Mitigation Fee."

Based on the forgoing analysis, staff recommends denial of the applicant's reconsideration request.