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Preliminary Plan 4-06121

Application	General Data
Project Name: REHLING STREET PROPERTY Location: At the terminus of Rehling Street, and along the northwest side of Henson Valley Way. Applicant/Address: Bradley Sligh 4406 Westbrook Lane Kensington, Maryland 20895	Date Accepted: 11/29/06
	Planning Board Action Limit: 2/22/07
	Plan Acreage: 2.33
	Zone: R-80
	Lots: 4
	Parcel: 1
	Planning Area: 76B
	Tier: Developing
	Council District: 08
	Municipality: N/A
	200-Scale Base Map: 208SE03

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION Including a Variation to Section 24-130 of the Subdivision Regulations.	Adjoining Property Owners Previous Parties of Record 9/25/06 Registered Associations: (CB-58-2003)
	Sign(s) Posted on Site and 1/23/07 Notice of Hearing Mailed: (Off-Site Sign)

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, 4-06121
Rehling Street Property, Lots 1-4, & Parcel A

OVERVIEW

The subject property is located on Tax Map 97, Grid B-3 and is known as Parcel A (WWW 80 @ 88). The property consists of approximately 2.33 acres zoned R-80 and is currently undeveloped. The applicant is proposing to re-subdivide the property into four lots and one parcel for the development of detached single-family dwellings in accordance with the conventional standards of the R-80 Zone.

The property has been the subject of a prior preliminary plan of subdivision application. The Planning Board disapproved Preliminary Plan application 4-05030, on March 30, 2006. The prior application was disapproved because the applicant never submitted a revised preliminary plan, tree conservation plan, or copies of the approved stormwater management concept plan. The prior application also proposed several impacts to the sensitive environmental features, which required the submission of a variation request in accordance with Section 24-130 of the Subdivision Regulations. At the Subdivision Review Committee Meeting for the prior application, the applicant was informed in writing of the necessary plan revisions which were required to be submitted 30-days prior to the scheduled Planning Board hearing date. Revised plans and the required variation request were never submitted for the prior application.

The prior preliminary plan application was also disapproved because the applicant did not post the property, and therefore did not provide adequate notice to the community of the scheduled public hearing. Notice required pursuant to Section 2.b. of Administrative Practice for the Prince George's County Planning Board states that it shall be the responsibility of the applicant to post sign(s) on the property for a minimum of 30 days for the purpose of public notice. Because of these factors, the Planning Board disapproved the prior application for the subject property. The Planning Board actions for the prior case are contained in PGCPB Resolution No. 06-80.

The initial plans originally submitted for this application did not demonstrate the numerous sensitive environmental features associated with the property in accordance with the signed NRI (NRI/036/05) that was approved for the property. Variation requests for the proposed impacts to the sensitive environmental features were also not provided with the initial submission. At the Subdivision Review Committee meeting for this case on December 15, 2006, the applicant's representatives were provided with written comments that clearly demonstrated the revisions necessary to demonstrate compliance with the Subdivision Regulations and the Woodland Conservation Ordinance. Revised plans were submitted on January 22, 2007, which was the day before the 30-day sign posting deadline required for the February 22, 2007 Planning Board Hearing.

The applicant requested that signs be released so that they could remain on the February 22, 2007, Planning Board Agenda. This application is still within the first 70-day review period. Therefore, all outstanding materials must be submitted no later than 30-days prior to the scheduled hearing date for staff to release the signs. Because revised plans were submitted in a timely fashion, and the applicant desired to

move forward with their scheduled hearing date within the first 70-days and a waiver had not been provided, signs were prepared and released to the applicant, and the site was posted on January 23, 2007.

On January 31, 2007, staff had received a memo from the Environmental Planning Section in response to the revised plans submitted. The revised Type I Tree Conservation Plan still did not show the regulated features as required by the Woodland Conservation Ordinance. The variation request and exhibits that were submitted with the revised plans were being reviewed by the Environmental Planning Section for the first time as a variation request that was not provided with the initial submission. The variation request included proposed impacts to the sensitive environmental features for the purposes of grading the site to create buildable lots, which does not relate directly to public health, safety or welfare, and therefore is not supported by the Environmental Planning Section.

Revisions to the both the Type-I TCP, and the preliminary plan are required in order to obtain an approval recommendation. The revised Tree Conservation Plan submitted does not correctly delineate the streams and wetlands on the property that are associated with Henson Creek within the Potomac River watershed. The variation requests and exhibits submitted are not complete and further demonstrate a proposed limit of disturbance that conflict with the proposed on-site woodland preservation areas shown on the Type-I TCP. The approved stormwater management concept plan contains required facilities that are in conflict with the Type-I TCP, and all of the environmental features, as well as the proposed net lot areas shown on the revised preliminary plan are different than those demonstrated on the revised Type-I TCP. Therefore, staff is compelled to recommend disapproval of the subject application, as discussed further within Finding 2 of this report, due to plan discrepancies and unresolved environmental issues.

On February 12, 2007, staff received a copy of a letter that was sent to the Chairman's Office indicating that the applicant may request a continuance at the February 22, 2007, Planning Board Hearing. While a revised variation request and extensive revisions to the preliminary plan and the Type-I TCP are required to demonstrate conformance to the Subdivision Regulations, these issues are not insurmountable. On February 9, 2007, a 70-day waiver was granted by the applicant. The new 140-day mandatory Planning Board action limit is May 3, 2007.

SETTING

The property is located at the terminus of Rehling Street and along the northwest side of Henson Valley Way. To the north is an improved acreage parcel within the R-80 Zone, and Pope's addition to Temple Hills (WWW 41 @ 97), which consists of detached single family dwellings, which are located along Rehling Street and within the R-80 Zone. To the west is the Samuel Chase Elementary School within the R-80 Zone. To the east is Henson Valley Way having a 120-foot right-of-way width. To the south is the Saint Moritz Village Subdivision (NLP 109 @ 54) consisting of 65 townhouses within the R-T 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-80	R-80
Use(s)	Undeveloped	Single-Family
Acreage	2.33	2.33
Lots	0	4

Parcels	1	1
Dwelling Units:		
Detached	0	4
Public Safety Mitigation Fee		No.

2. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for the Rehling Street Subdivision, 4-06121, and the revised Type I Tree Conservation Plan, TCPI/42/05, stamped as received by the Environmental Planning Section on January 22, 2007. It does not appear that revisions have been made to the Type I Tree Conservation Plan since comments were provided in the Environmental Planning Section memorandum dated November 11, 2005 and a second memorandum dated December 13, 2006. The Environmental Planning Section recommends disapproval of 4-06121 and TCPI/42/05.

BACKGROUND

The Environmental Planning Section previously reviewed Preliminary Plan 4-05030 and TCPI/42/05 for the subject property; however, the Planning Board denied those applications because the site was not posted, no variation request was submitted and other required information was missing. The current proposal is for four lots and one parcel in the R-80 Zone.

ENVIRONMENTAL REVIEW

A signed natural resources inventory, NRI/036/05, was submitted with the application. There are streams and wetlands on the property. The FSD indicates one forest stand totaling 2.33 acres and three specimen trees.

The revised Type I Tree Conservation Plan does not show the regulated features as required by the Woodland Conservation Ordinance. The expanded stream buffer as delineated on the natural resources inventory is shown on the preliminary plan; however, it is not shown on the Type I Tree Conservation Plan.

It appears that to have any development on the site that an impact to the expanded buffer will be necessary. Sensitive environmental features are required to be protected in accordance with Section 24-130 of the Subdivision Regulations, and any impacts proposed to these features will require variation requests in conformance with Section 24-113 of the Subdivision Regulations. The design should avoid any impacts to streams, wetlands and their associated buffers unless the impacts are essential for the development as a whole. The Environmental Planning Section generally will not support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as street crossings, public utility lines including sewer and stormwater outfalls, which are mandated for public health and safety; nonessential activities are those, such as grading for lots, stormwater management ponds, and parking areas, which do not relate directly to public health, safety or welfare.

A variation request dated January 16, 2007, was submitted for the proposed impacts to the sensitive environmental features. A proposed limit of disturbance is shown on the exhibit included with the variation request; however, the proposed limit of disturbance conflicts with the proposed on-site woodland preservation area shown on the Type I TCP.

It appears that three kinds of impacts are required to develop the property as currently designed:

- (1) Grading for access to the site.
- (2) The installation of a stormwater management outfall.
- (3) Grading to create buildable lots.

It is apparent from the location of the sole access point to the property, and the location of the sensitive environmental features that some impacts will be needed to develop the property at all. The amount of development that is appropriate for this parcel is directly related to the regulated environmental features. The only two impacts that would be appropriate for this site are impacts for access to the property, and a stormwater management outfall, if needed.

The variation request submitted does not include separate justification statements that discuss each of the individual findings contained within Section 24-113 of the Subdivision Regulations, as required for each type of impact proposed. The number of proposed impacts associated with each individual type of impact has also not been provided within the justification statement or exhibits. In addition, to obtain a recommendation of approval the design must be revised to eliminate grading for lots into the expanded stream buffers.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site is more than 40,000 square feet in area and there are more than 10,000 square feet of existing woodland on-site.

The Type I Tree Conservation Plan, TCPI/42/05 has been reviewed. No limit of disturbance is shown. The expanded stream buffer is not shown. Designated woodland conservation areas are improperly shown within an existing sanitary sewer easement. The proposed limit of disturbance shown on the variation request exhibit conflicts with the proposed on-site woodland preservation area shown on the Type I TCP.

The Type I TCP does not meet the minimum requirements of the Woodland Conservation Ordinance because it is in conflict with the grading required to develop the site as proposed in Preliminary Plan 4-06121.

Copies of the Stormwater Management Concept approval letter and plan, CSD#21985-2005-00, were submitted with this application. The expanded stream buffer delineated on the natural resources inventory is not shown on the CSD plan. The approval letter notes the need for an infiltration trench for the road and drywells for each lot. The Type I Tree Conservation Plan shows a proposed infiltration area, but does not delineate the outfall shown on the Conceptual Stormwater Management plan, and therefore, does not illustrate the needed disturbance for the required storm interceptor outfall.

The approved Stormwater Management Concept plan and approval letter, CSD#21895-2005-00, contain required facilities that are in conflict with the Type I Tree Conservation Plan.

The Environmental Planning Section does not support the variation requests because they do not have separate justification statements that discuss each of the individual findings of Section 24-113 for each kind of impact and the quantities of impacts proposed for each individual impact have not been provided. In addition, to obtain a recommendation of approval the design must be revised to eliminate grading for lots into the expanded stream buffers.

The Environmental Planning Section recommends disapproval of TCPI/42/05 because the plan is in conflict with the grading required to develop the site as proposed in Preliminary Plan 4-06121 and Stormwater Management Concept CSD#21985-2005-00.

STAFF RECOMMENDS DISAPPROVAL OF TYPE I TREE CONSERVATION PLAN
TCPI/42/05 AND PRELIMINARY PLAN 4-06121.