



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

Preliminary Plan 4-09003 Reconsideration Hearing

Application	General Data	
Project Name: The Villages of Timothy Branch Location: East side of US 301 (Robert S. Crain Highway), southeast of its intersection with MD 5 (Branch Avenue), and south of MD 381 (Brandywine Road). Applicant/Address: Timothy Brandywine Investments One, LLC Timothy Brandywine Investments Two, LLC 2124 Priest Bridge Road, Suite 18 Crofton, MD 21114 Property Owner: Timothy Brandywine Investments One, LLC Timothy Brandywine Investments Two, LLC 2124 Priest Bridge Road, Suite 18 Crofton, MD 21114	Planning Board Hearing Date:	04/05/12
	Memorandum Date:	03/26/12
	Date Received:	12/09/11
	Planning Board Action Limit:	N/A
	Plan Acreage:	334.26
	Zone:	L-A-C/R-M
	Gross Floor Area:	305,000 sq. ft.
	Lots:	677
	Parcels:	57
	Planning Area:	85A
	Tier:	Developing
	Council District:	09
	Election District	11
	Municipality:	N/A
	200-Scale Base Map:	218SE08

Purpose of Application	Notice Dates	
REQUEST FOR RECONSIDERATION: The preliminary plan was APPROVED by the Planning Board on October 28, 2010 and the resolution (PGCPB No. 10-117) was adopted and then mailed on December 9, 2010. The Planning Board granted a waiver and a request for reconsideration on January 4, 2012, submitted by Matthew Tedesco of McNamee, Hosea, to address Condition 41 and Finding 14 relating to police response time reporting.	Previous Parties of Record Notice of Hearing Mailed:	03/19/12
	Sign Posting:	03/06/12

Staff Recommendation		Staff Reviewer: Whitney Chellis Phone Number: 301-952-4325 E-mail: Whitney.Chellis@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

March 26, 2012

MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Whitney Chellis, Subdivision Section, Development Review Division

SUBJECT: Villages of Timothy Branch 4-09003
Reconsideration Hearing

The Preliminary Plan of Subdivision 4-09003 (PPS) was APPROVED by the Planning Board on October 28, 2010, and the resolution (PGCPB Resolution No. 10-117) was adopted and mailed out on December 9, 2010. The Planning Board granted a waiver and a request for reconsideration on January 4, 2012, submitted by Matthew Tedesco of McNamee, Hosea, to address Condition 41 and Finding 14 relating to police response time reporting.

The Subdivision Regulations sets forth the following, in part, regarding police response times:

Sec. 24-122.01. Adequacy of public facilities.

- (a) The Planning Board may not approve a subdivision plat if it finds that adequate public facilities do not exist or are not programmed for the area within which the proposed subdivision is located, as defined in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" and "Guidelines for the Analysis of the Traffic Impact of Development Proposals." The Planning Board shall require adequate public facilities, as provided in this Section and in Division 4 of this Subtitle.**
- (e) Data Collection by Office of Audits and Investigations and Office of Management and Budget.**

 - (1) Except as provided in Subsection (3) below, the Chief of Police and the Fire Chief shall submit the following information to the County Office of Audits and Investigations, County Office of Management and Budget, and the Planning Board:**

(D) A statement by the Police Chief that the rolling twelve-month average, adjusted monthly, for response times in the vicinity of the property proposed for subdivision is a maximum of twenty-five (25) minutes total for non-emergency calls and a maximum of ten (10) minutes total for emergency calls for service. Prior to January 2006, the Police Chief shall calculate the cumulative average response times beginning with the January 2005 response time data. In this Section, total time means the length of time from the call for service until the arrival of Police personnel on-scene or other appropriate police response.

(2) 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 plat until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board.

The Preliminary Plan of Subdivision 4-09003 (PGCPB Resolution No. 10-117) approval contained the following Finding 14 (in part) relating to residential police response times:

Police Facilities—The impact on police facilities was analyzed separately for the residential and nonresidential portions of the development.

Residential

The subject property is located in Police District V, Clinton. The response time standard is ten minutes for emergency calls 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 May, 12, 2010.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
	Month/Yr–Month/Yr	# minutes	# minutes
Cycle 1	5/2009-4/2010	12	10
Cycle 2	6/2009-5/2010	12	10
Cycle 3	7/2009-6/2010	11	9

The response time standard of ten minutes for emergency calls and 25 minutes for nonemergency calls were not met on May 19, 2010 during the review of Cycle 1, on June 18, 2010 during the review of Cycle 2, or on July 23, 2010 during the review of Cycle 3.

In accordance with County Council Bill CR-78-2005, the applicant may offer to mitigate by paying a mitigation fee per dwelling unit, providing in kind services or pooling resources.

In this case the applicant chose to enter into a mitigation agreement. The Public Safety Mitigation Plan Commitment Form was executed by the applicant under “objection and protest,” on

October 28, 2010, and presented to the Planning Board as a part of the record for Preliminary Plan of Subdivision 4-09003. The “Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure” (*Guidelines*) adopted by the County Council (CR-78-2005) requires that a mitigation fee be paid prior to the issuance of a grading permit. In accordance with the *Guidelines* the Planning Board placed the following condition (Condition 41) on the approval of the preliminary plan:

Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$5,082,000 (\$4,235 x 1,200 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$4,235 is subject to adjustment on an annual basis in accordance with the percentage change in the consumer price index for all urban consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

As an alternative to the sole payment of the mitigation fee required above, the applicant at the time of the first grading permit for the development may submit a valid Mitigation Plan established pursuant to the provisions of CR-78-2005.

By letter dated March 5, 2012 (Cotillo to Piret), the Prince George’s County Police Department notified the M-NCPPC Planning Department that a re-examination of the types of calls that should be included as emergency and nonemergency calls for service in adequate public facilities reporting was conducted for Police District V, in the reporting cycles for 2009-2010, in doing so, the Police Department found that certain calls were “incorrectly” categorized as emergency calls for service. Based on the cumulative average response times provided by the Prince George’s County Police Department, the response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were in fact met for the Preliminary Plan of Subdivision 4-09003 on March 19, 2010, as follows:

The preliminary plan was accepted for processing by the Planning Department on May 12, 2010.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
Acceptance Date 5/12/2010	5/2009-4/2010	7.5 minutes	23.4 minutes
Cycle 1			
Cycle 2			
Cycle 3			

The response time standard of 10 minutes for emergency calls and the 25 minutes for nonemergency calls were met on May 19, 2010.

RECOMMENDATION

Staff recommends the preparation of a resolution of approval for Preliminary Plan of Subdivision 4-09003, amending Finding 14 and deleting Condition 41, in accordance with the adequate response times reported by the Prince George’s County Police Department by letter dated March 5, 2012 (Cotillo to Piret).