



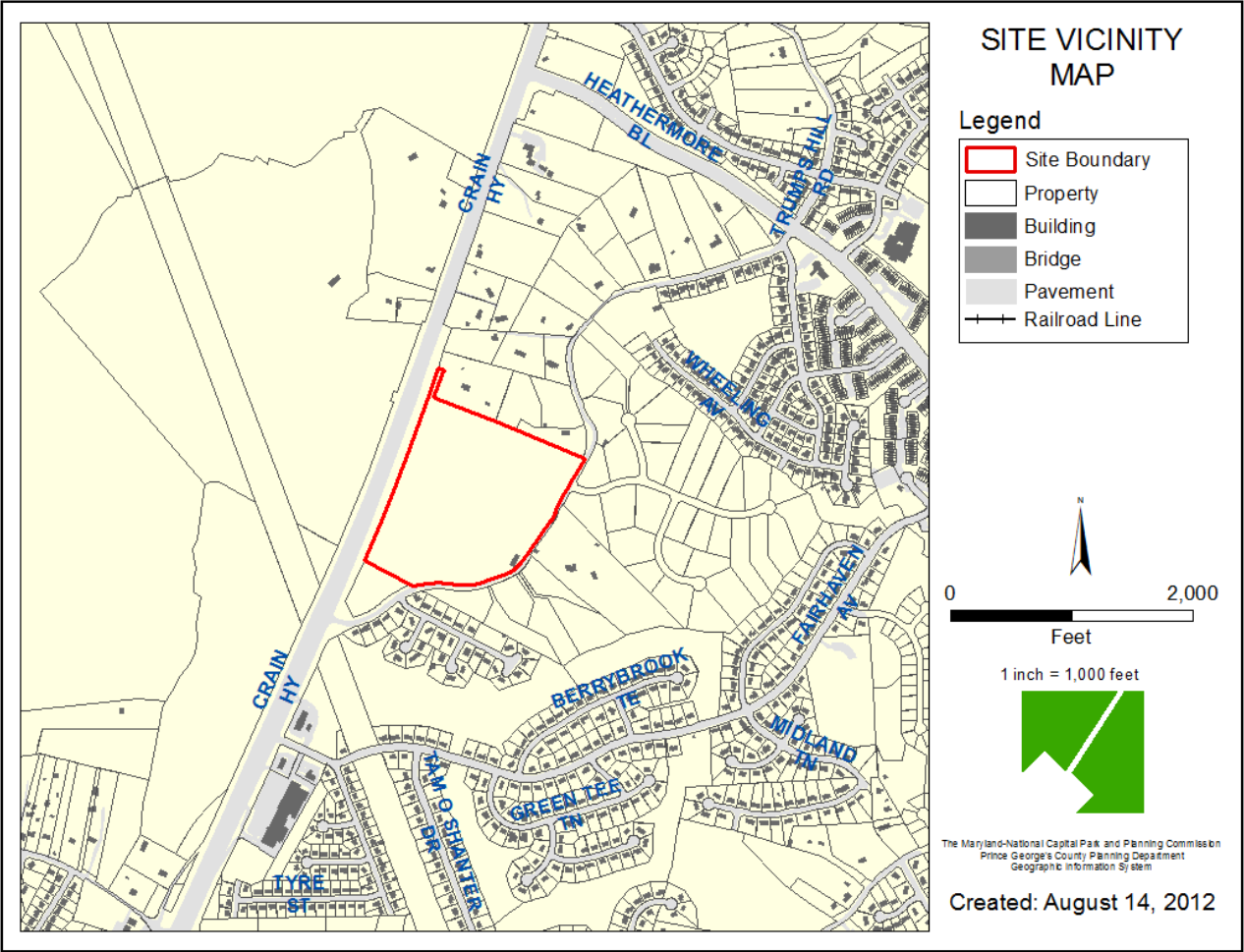
Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Preliminary Plan 4-12018

Application	General Data	
Project Name: Magruder West Location: West side of Trumps Hill Road, approximately 900 feet northeast of its intersection with Robert Crain Highway (US 301). Applicant/Address: Magruder Property LLC 24024 Frederick Road, Suite 200 Clarksburg, MD 20871 Property Owner: Magruder Property LLC 24024 Frederick Road, Suite 200 Clarksburg, MD 20871	Planning Board Hearing Date:	02/21/13
	Staff Report Date:	02/08/13
	Date Accepted:	09/27/12
	Planning Board Action Limit:	03/01/13
	Mandatory Action Timeframe:	140 days
	Plan Acreage:	40.88
	Zone:	R-A
	Gross Floor Area:	N/A
	Lots:	17
	Parcels:	0
	Planning Area:	82A
	Tier:	Developing
	Council District:	09
	Election District	15
	Municipality:	N/A
	200-Scale Base Map:	212SE10

Purpose of Application	Notice Dates	
To subdivide one parcel into 17 lots for single-family dwellings and one outparcel.	Informational Mailing	08/24/12
	Acceptance Mailing:	09/25/12
	Sign Posting Deadline:	01/22/13

Staff Recommendation		Staff Reviewer: Quynn Nguyen Phone Number: 301-780-2465 E-mail: Quynn.Nguyen@ppd.mncppc.org	
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 4-12018
Magruder West
Lots 1 through 17 and Outparcel A

OVERVIEW

The subject property is located on Tax Map 118 in Grid E-2 and is known as Parcel 10. The site is 40.88 acres and is zoned Residential-Agricultural (R-A). Parcel 10 is a deed parcel which has never been the subject of a preliminary plan of subdivision approval. The applicant is proposing to subdivide the subject property into 17 lots for single-family detached dwellings and one outparcel. The property is zoned R-A where the minimum lot size is two acres and the maximum density is 0.50 dwelling units per acre. The applicant is proposing 17 lots with lot sizes ranging from 2 acres to 2.81 acres at a density of 0.42 dwelling units per acre, all of the lots meet or exceed the minimum standards in the R-A Zone. Three of the lots (Lots 7, 12, and 17) will have direct access via a cul-de-sac to be dedicated to public use. This cul-de-sac will extend north into the property from Trumps Hill Road at the intersection of Weathervane Lane. Twelve of the lots (Lots 2 through 5, Lots 8 through 11, and Lots 13 through 16) will have access via three separate private rights-of-way created pursuant to Section 24-128(b)(1) of the Subdivision Regulations. The remaining two lots will have direct access to Trumps Hill Road. The outparcel is proposed to be conveyed to an adjoining property owner, Parcel 106, Woodstock historic site (#82A-13).

The applicant previously submitted a preliminary plan of subdivision for the subject property. Preliminary Plan of Subdivision 4-11010 was accepted on March 8, 2006 and proposed to subdivide the property into 20 conventional lots for single-family dwelling units and one outlot. The Prince George's County Planning Board disapproved Preliminary Plan of Subdivision 4-11010 (PGCPB Resolution No. 06-187) due to inadequate fire and rescue staffing levels pursuant to Section 24-122.01(e) of the Subdivision Regulations.

The Process Guidelines for Development Review Applications (Process Guidelines) enacted by the approval of PGCPB Resolution No. 08-71 established procedural instructions that require a variety of administrative responsibilities to be completed by staff and applicants, in a sequential and timely manner, for the evaluation and scheduling of development review applications for Planning Board hearings. In accordance with the Revised or Additional Information section of the Process Guidelines, the applicant shall provide revised documents or additional information at least 35 days prior to the hearing to ensure its evaluation as part of the technical staff report.

The applicant did not submit the requested information in a timely manner. Staff is compelled to recommend disapproval of the subject application, as discussed in detail in Finding 2 of this technical staff report. With the current information and timeframe, staff cannot find conformance with this application to Subtitle 24, Subdivision Regulations, of the Prince George's County Code.

Staff would note that on November 20, 2012, the Prince George's County Council adopted County Council Resolution CR-83-2012 and County Council Bill CB-104-2012, which adopted the county's Sustainable Growth Tier (SGT) Map pursuant Section 9-206 of the Environmental Article of the Maryland Annotated Code. The map identifies where major and minor residential subdivision may develop and the type of sewage disposal system that will serve them. Specifically, in this instance, Section 24-122.01(b)(2) of the Subdivision Regulations provides:

- (2) Applications filed on or after October 1, 2012, pursuant to the Sustainable Growth Act Section 9-206 of the Environment Article, the following restrictions apply to residential subdivisions:**
- (i) Tier I All lots shall be served by public sewer.**
 - (ii) Tier II All lots shall be served by public sewer; or if the subdivision is a minor subdivision it may be served by on-site sewer disposal systems.**
 - (iii) Tier III All lots shall be served by on-site sewer disposal systems.**
 - (iv) Tier IV All lots in a minor subdivision shall be served by on-site sewer disposal systems. A residential major subdivision served by on-site sewer disposal systems is not permitted.**

The subject property is located in SGT II, which requires lots to be served by public sewer or a minor subdivision of four lots may be served by on-site sewer disposal systems. This preliminary plan was accepted on September 27, 2012, which is prior to the adoption of the Sustainable Growth Tier Map and, therefore, the Sustainable Growth Act is not applicable to this preliminary plan. However, if this application is disapproved by the Planning Board, any new preliminary plan and will be subject to the Sustainable Growth Act and specifically to Section 24-122.01(b)(2)(ii), which would require that public sewer be extended by the applicant to serve the property, and the use of septic would no longer be permitted.

The applicant requests a continuance of this Preliminary Plan of Subdivision, 4-12018; in a letter dated February 1, 2013 (Shaffer to Hewlett), to have additional time to address outstanding lot layout and environmental issues. At the hearing, it is the intention of the applicant to request a continuance to February 28, 2013, which is the last possible Planning Board hearing date within the 140-day mandatory action time frame from this PPS.

SETTING

The subject property is located along the western edge of Trumps Hill Road and backs up to Crain Highway (US 301), approximately 900 feet north of the intersection of these two roads. Located in the Developing Tier, the subject property is currently undeveloped and wooded. All abutting properties are also zoned R-A. Most are undeveloped or wooded with single-family detached dwelling units on the parcels. The property abuts National Register historic site Woodstock (82A-13) to the north on Parcel 106.

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-A	R-A
Use(s)	Undeveloped	Residential— Single-Family Dwelling
Acreage	40.88	40.88
Lots	0	17
Outparcel	0	1
Parcels	1	0
Dwelling Units	0	7
Public Safety Mitigation Fee	No	No
Variance	No	Yes
		Section 25-122(b)(1)(G)
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on October 26, 2012.

2. **Adequate Time for Evaluation**—The Process Guidelines for Development Review Applications (Process Guidelines) enacted by the approval of Prince George’s County Planning Board (PGCPB Resolution No. 08-71), established procedural instructions that require a variety of administrative responsibilities to be completed by staff and applicants, in a sequential and timely manner, for the evaluation and scheduling of development review applications for Planning Board hearings. In accordance with the Revised or Additional Information section of the Process Guidelines for Development Review Applications that states the following:

Applicants shall provide revised documents or additional information at least 35 days prior to the hearing to ensure its evaluation as part of the Technical Staff Report. Information provided later in the process may not provide sufficient time to evaluate its affect upon the development proposal or its impact upon adjacent properties and the general neighborhood.

The subject application was accepted on September 27, 2012, and the Subdivision and Development Review Committee (SRC) meeting was held on October 12, 2012. At the SDRC meeting, staff informed the applicant of outstanding issues and additional information needed for the evaluation of this preliminary plan as follows:

- a. Phase I Archeological Study
- b. Justification Statement to Impact to PMA, Section 24-130
- c. Variance to Section 25-122(b)(1)(G) for specimen tree
- d. Noise study regarding noise issues from US 301
- e. Health Department comments regarding the proposing septic fields
- f. Revised preliminary plan and TCP1 based on staff comments

Staff informed the applicant that the revised documents and additional information had to be submitted 35 days prior to the hearing date. The applicant granted a waiver from the 70-day review time limit to allow additional time to address all of the issues. The applicant submitted the 70-day waiver on November 2, 2012 and the case was scheduled for public hearing on February 21, 2013, with a mandatory action limit of February 28, 2013.

The applicant submitted a Phase I archeological study on December 10, 2012, and this preliminary plan was reviewed by the Historic Preservation Commission at its January 15, 2013 meeting. The applicant submitted the following additional information on January 31, 2013, which is 21 days prior to the Planning Board hearing date of February 21, 2013:

- a. Revised preliminary plan and TCP1
- b. Noise study
- c. Justification Statement to Impact to PMA, Section 24-130
- d. Variance to Section 25-122(b)(1)(G) for specimen tree
- e. Noise study regarding noise issues from US 301.
- f. Statement and plans address Health Department comments regarding the proposing septic fields.

In accordance with the Process Guidelines and as advised by staff, the applicant should have submitted additional information on January 17, 2013, which is 35 days prior to the hearing date, to ensure its evaluation as part of the technical staff report. The applicant's submittal of crucial information to the application beyond the 35-day timeframe gave staff and the Health Department insufficient time to evaluate the additional information and its affect upon the development proposal in accordance with Subtitle 24. At the time of the writing of this staff report, staff is still in the process of evaluating the additional information and does not have final memos from the Prince George's County Health Department regarding septic fields and the Environmental Planning Section regarding noise, impacts to the primary management area, and a variance to Section 25-122(b)(1)(G) for specimen trees. If the Planning Board continues the case for one week, staff believes that it would be sufficient time to complete the review.

With the current information and timeframe, staff cannot find conformance with this application to Subtitle 24, Subdivision Regulations.

RECOMMENDATION

STAFF RECOMENDS DISAPPROVAL BECAUSE OF INSUFFICIENT TIME TO EVALUATE ADDITIONAL INFORMATION FOR CONFORMANCE TO THE SUBDIVISION REGULATIONS PURSUANT TO THE PROCESS GUIDELINES FOR DEVELOPMENT REVIEW APPLICATIONS (PGCPB RESOLUTION NO. 08-71).