



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

Preliminary Plan 4-04191

Application	General Data
Project Name: LIVINGSTON FOREST Location: Southeast side of Indian Head Highway on Livingston Road. Applicant/Address: Chesapeake Custom Homes 6196 Oxon Hill Road, Suite #340 Oxon Hill, MD. 20745	Date Accepted: 12/15/04
	Planning Board Action Limit: 03/9/05
	Plan Acreage: 9.96
	Zone: R-30C/R-55
	Lots: 0
	Parcels: 1
	Planning Area: 76A
	Tier: Developed
	Council District: 08
	Municipality: N/A
200-Scale Base Map: 207SE01	

Purpose of Application	Notice Dates
RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 10/25/04 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: NONE

Staff Recommendation		Staff Reviewer: Whitney Chellis	
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 4-04191
Livingston Forest Parcel A

OVERVIEW

The property is located on Tax Map 96, Grid A-2, and is known as Parcel 87. The property is approximately 9.96 acres and is zoned R-30C (9.37 acres) and R-55 (25,264 square feet). The applicant is proposing to subdivide this property into one parcel for the construction of 70 multifamily dwelling units, to be developed under a condominium regime.

At the writing of this report staff is compelled to recommend disapproval of this preliminary plan of subdivision. The development of this property is subject to CB-89-2004 as discussed further in Findings 3 and 4 of this staff report. CB-89-2004 establishes the adequacy of fire/rescue and police response times. The response times are not adequate pursuant to Sections 24-122.01(e)(1)(D) and (E) of the Subdivision Regulations. In addition, the property was never posted for public notice as required and discussed further in Finding 4 of this report. Therefore, staff is compelled to recommend disapproval of this preliminary plan of subdivision.

SETTING

The property is located on the east side of Livingston Road approximately 700 feet south of its intersection with Indian Head Highway (MD 210). The property to the north is zoned R-18 and is developed with the Northbridge Garden Apartments. To the east is R-O-S-zoned land owned by M-NCPPC, known as the Glassmanor Park. To the south is one single-family dwelling units fronting Livingston Road and other undeveloped acreage parcels in the R-55 Zone. The properties directly southwest across Livingston Road from the subject property are zoned C-S-C and C-O and are generally developed with commercial retail and office uses.

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-30C/R-55	R-30C/R-55
Use(s)	Vacant	Multifamily
Acreage	9.96	9.96
Parcels	1	1
Dwelling Units:		
Multifamily	0	70

2. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision for adequacy of fire and rescues services in accordance with Section 24-122.01 (e)(1)(E) of the Subdivision Regulations.

The Prince George’s County Fire/EMS Department has determined that this preliminary plan is located in Fire Box 42-03. The 12-month average response times are:

Engine: 5.58 minutes, which is within the required 6.00-minute response time in areas outside the Rural Tier.

Basic Life Support: 7.57 minutes, which is above the required 6.00-minute response time in areas outside the Rural Tier.

Advanced Life Support: 11.50 minutes, which is above the required 10.00-minute response time in areas outside the Rural Tier.

Pursuant to Section 24-122.01(e)(2) of the Subdivision Regulations: “If any of the required statements in this subsection are not provided that meet the criteria specified in this Section, then the Planning Board may not approve the preliminary plat” (CB-89-2004).

Therefore, staff is compelled to recommend disapproval of the preliminary plan of subdivision due to the inadequacies set forth above.

The Fire Chief reported that the current staff complement of the Fire Department is 97.97 percent, which is within the standard of CB-89-2004.

The Fire Chief has reported by letter, dated April 14, 2005, that the department has adequate equipment to meet the standards stated in CB-89-2004.

3. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in District IV. The preliminary plan has been reviewed in accordance with Section 24-122.01(e)(1)(D) of the Subdivision Regulations and concluded the following:

The Prince George’s County Police Department reports that the average yearly response times for that district are 29.66 minutes for nonemergency calls, which does not meet the standard of 25.00 minutes, and 10.84 minutes for emergency calls, which does not meet the standard of 10.00 minutes for emergency calls.

Pursuant to Section 24-122.01(e)(2) of the Subdivision Regulations: “If any of the required statements in this subsection are not provided that meet the criteria specified in this Section, then the Planning Board may not approve the preliminary plat” (CB-89-2004).

Therefore, staff is compelled to recommend disapproval of the preliminary plan of subdivision due to the inadequacies set forth above.

The Police Chief reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the Academy, for a total of 1,345 personnel, which is within the standard of 1,278 officers.

4. **Public Notice**—The Administrative Practice, Section 2.d., for the Prince George’s County Planning Board requires that it shall be the responsibility of the applicant to post signs on the property for a

minimum of 30 days prior to the Planning Board hearing for the purpose of adequate public notice. The subject application was accepted December 15, 2004, and the Subdivision Review Committee meeting was held on January 3, 2005. At the Subdivision Review Committee meeting, staff informed the applicant of its posting responsibility. The subject property was never posted for public notice.

RECOMMENDATION:

DISAPPROVAL DUE TO INADEQUATE FIRE, RESCUE AND POLICE SERVICES PURSUANT TO 24-122.01(e)(2) OF THE SUBDIVISION REGULATIONS AND INADEQUATE PUBLIC NOTICE PURSUANT TO THE PLANNING BOARD'S ADMINISTRATIVE PRACTICE, SECTION 2.b.