

R E S O L U T I O N

WHEREAS, Alice Liz Davis is the owner of a 7.30-acre parcel of land known as Parcel 25, Tax Map 161, Grid E-2 said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on August 15, 2001, TSC/MUMA Mattawoman, LP filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 Outlot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-01065 for Manokeek Outlot A was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 10, 2002, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on January 10, 2002, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/25/01), and further APPROVED Preliminary Plan of Subdivision 4-01065, Parcel 25 for Manokeek, Outlot A with the following conditions:

1. Prior to signature approval, the preliminary plan shall be revised to designate the property as AOutparcel@ A.
2. At the time of final plat approval, the applicant shall dedicate a right-of-way along Manning Road as shown on the submitted preliminary plan. Improvements within the dedicated right-of-way shall be determined by DPW&T.
3. Development of Outparcel A shall require approval of a new preliminary plan of subdivision.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the

Prince George's County Code and of Article 28, Annotated Code of Maryland.

1. The property is located on the northeast quadrant of the intersection of Indian Head Highway (MD 210) and Berry Road (MD 228) in Accokeek.
3. Outparcel DesignationCThe entire property is proposed as an outlot. The property is currently identified as part of Parcel 25, Tax Map 161, Grid D-2. The other part of Parcel 25 is the subject of Preliminary Plan application 4-01064, filed concurrently; it, too, is proposed as an outlot.

The applicant originally filed a proposal to develop the site with residential development. Because the property is in the R-R Zone, Water and Sewer Categories 4 or 4C are required before a preliminary plan for development can be approved. The property is in Water and Sewer Categories 6. The applicant filed a category change application, but that application was not approved. Therefore, development can not proceed at this time.

The Aoutlot@ designation is applied when a property does not meet zoning requirements. The Aoutparcel@ designation is applied when a development of a property would not pass adequacy of public facilities tests. In this case, the development must be forestalled because the property does not have adequate public water and sewer designations. Therefore, the property should be platted as an *outparcel* rather than an outlot. The preliminary plan should be amended to reflect the appropriate designation.

Because no development is proposed, a preliminary plan is not normally required. However, in this case, this property is half of a parcel, the other half of which is included in an adjoining preliminary plan application. The applicant has chosen to move forward with a preliminary plan application designating the property as an unbuildable outparcel at this time. Should the applicant desire to develop the property in the future, approval of a new preliminary plan application will be necessary. At that time, appropriate findings of adequacy will need to be made for all public facilities, including fire and rescue, police, transportation, schools (if applicable), water and sewer, and parks and recreation. Certain environmental and transportation issues need to be addressed at this time, however.

4. Tree Conservation IssuesCThis property is subject to the provisions of the Prince George=s County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland. Because the proposed outlots are part of a parcel that was not included in the M-X-T zoning, they were not covered by TCPI/52/97 approved with Conceptual Site Plan for Manokeek, CSP-99050. A new Type I Tree Conservation Plan is required. The Type I Tree Conservation Plan (TCPI/25/01) as submitted includes Outlot A of Preliminary Plan of Subdivision 4-01065 and Outlot B of Preliminary Plan of Subdivision 4-01064. TCPI/25/01 has been reviewed and found to address the requirements of the Prince George=s County Woodland Conservation and Tree Preservation Ordinance. TCPI/25/01 is recommended for approval. No additional information is required.

Additional environmental issues were raised in the memorandum from the Environmental Planning Section (December 20, 2001). The applicant should be aware that these issues will be further addressed when a new preliminary plan application is filed.

5. Right-of-Way Issues The applicant proposes to record the developable portion of the property as an outparcel at this time, and so no development is proposed at this time. There would be no traffic impact by this subdivision on the critical intersections in the area.

Any proposal to develop proposed Outparcel A would require a new preliminary plan of subdivision, with a new finding of adequate transportation facilities at the time of review. The entire property is either within the outparcel, within a planned easement to serve an adjacent subdivision (preliminary plan of subdivision 4-01063), or within areas intended for dedication to public use.

Manning Road is a master plan collector (C-526 in the *Subregion V Master Plan*). At submittal, the initial plan indicated that Manning Road would connect into existing Manning Road East north of the site. However, the Master Plan indicates that C-526 would continue to the northwest from the subject property to serve the Claggett properties adjacent to MD 210. The alignment shown on the submitted plan generally conforms to the Master Plan concept by showing additional right-of-way which will allow C-526 to serve the Claggett properties in the future.

The plan also shows an access easement which is intended to serve proposed Lot 11 of Manokeek (preliminary plan of subdivision 4-01063). The location and size of this easement is acceptable.

Based on these findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with a condition requiring dedication of the right-of-way so that access to other parcels is maintained.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Brown, seconded by Commissioner Eley, with Commissioners Brown, Eley, Scott, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 24, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of January, 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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