

R E S O L U T I O N

WHEREAS, William Fortner is the owner of a 30.37-acre parcel of land known as Parcel 17, Tax Map 132, Grid C-2, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on December 28, 2001, William Fortner filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 31 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-01102 for Aragona Village 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 May 9, 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 DISAPPROVAL of the application; and

WHEREAS, on May 9, 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 DISAPPROVED Preliminary Plan of Subdivision 4-01102, Aragona Village for Lots 1-31.

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 does not meet the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the east side of South Old Fort Road, nearly three-quarter miles north of Livingston Road.
3. Adequate Public Notice - Section 2-d. of the Administrative Practice 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 15 days for the purpose of public notice. The subject application was accepted for processing on December 28, 2001, and the Subdivision Review Committee (SRC) meeting was held on January 18, 2002. At that time, the case was scheduled for public hearing on March 14, 2002. A 70-day waiver was granted and the case was rescheduled for May 9, 2002. The applicant was informed of this date at the time it was scheduled. The subject property was never

posted for public notice.

4. Issues - Several issues remain unresolved at this time. To make findings of adequate public facilities and to ensure that the proposal satisfies requirements of the Subdivision Regulations, staff required the following submittals:
 - a. Revised preliminary plan.
 - b. Traffic counts.
 - c. Revised Tree Conservation Plan.
 - d. Soils study.
 - e. Noise study.
 - f. Geotechnical report.

To date, none of these items has been submitted.

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.

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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 Lowe, seconded by Commissioner Scott, with Commissioners Lowe, Scott, Brown and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, May 9, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of June 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JD:rmk