

PGCPB No. 05-37

File No. 4-04053

R E S O L U T I O N

WHEREAS, Metroscope, Inc. is the owner of a 60.24-acre parcel of land known as Parcel 12, Tax Map 80 in Grid C-2, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on August 4, 2004, Washington Management and Development filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 85 lots and 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04053 for Grasslyn Cluster 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 27, 2005, 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 27, 2005, 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 the Type I Tree Conservation Plan (TCPI/11/00-01), and further DISAPPROVED Preliminary Plan of Subdivision 4-04053, Grasslyn for Lots 1-85 and parcels A and B including a Variation to Section 24-137(G)(9) of the Subdivision Regulations.

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 subject application was accepted August 4, 2004, the applicants granted a 70-day waiver and the case was scheduled for the January 20, 2005 Planning Board date.
2. The mandatory action time frame for this application was February 2, 2005.
3. 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 30 days for the purpose of public notice for a Hearing.
4. It was the responsibility of the applicants to post this cluster subdivision no later than December 21, 2004, for the January 20, 2005 public hearing. The applicant did not post the property and at the request of the applicant the case was moved one week to the January 27, 2005 public hearing,

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the last hearing date within the 140-day mandatory action time frame.

5. The applicant posted the property on January 4, 2005. The applicant requested a waiver of 6 days to the required 30-day posting established by Section 2(b) of the Administrative Practices, by letter dated January 5, 2005.
5. On January 27, 2005, the Planning Board denied the applicants' request for a waiver of 6 days of the required 30-day posting. The Planning Board found that in this case substantial public notice was not given and that a posting of this property for 24 days did not constitute adequate public notice.
6. The preliminary plan proposed is a significant development in an established community on land that contains priority woodlands and significant environmental features that should be preserved to the fullest extent possible. Adequate notice is essential to ensure that the greatest number of citizens are notified, and have an opportunity to evaluate the preliminary plan and provide input if desired.
7. The Planning Board was compelled to deny the Preliminary Plan 4-04130 based on inadequate public notice.

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 Vaughns, seconded by Commissioner Squire, with Commissioners Vaughns, Squire and Hewlett voting in favor of the motion, and with Commissioner Harley opposing the motion and with Commissioner Eley absent at its regular meeting held on Thursday, January 27, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of February 2005.

Trudye Morgan Johnson
Executive Director

By  Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk