

R E S O L U T I O N

WHEREAS, Episcopal Church of Diocese of Washington is the owner of a 4.58-acre parcel of land known as Parcel A and Lot 4, NLP-125@20 and WWW 40@62, Tax Map 67 in Grid C-2 said property being in the 13th Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on June 30, 2004, Convention of Protestant Episcopal Church – Diocese of Washington filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 16 lots and 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04087 for Brightseat Road Property 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 December 16, 2004, 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 December 16, 2004, 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/21/99-01), and further APPROVED Preliminary Plan of Subdivision 4-04087, Brightseat Road Property for Lots 1-16 and parcels A-C with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - a. Provide General Notes addressing proximity of the site to historic sites.
  - b. Provide an existing structures note.
  - c. Indicate on-site private recreational facilities are proposed to fulfill the mandatory dedication of parkland requirement.
  - d. Provide the stormwater management approval number and approval date.
  - e. Indicate that required lot width at the front street line is 45 feet and the lot width required at the front building line is 65 feet.

- f. Label Parcels A, B and C and indicate that they are to be conveyed to a homeowners association.
  - g. Provide the existing parcel and lot identification and tax map and grid.
  - h. Label the right-of-way width of Brightseat Place.
  - i. Relabel the 25-foot BRL as “setback.”
  - j. Relabel the sign as “entrance monument.”
  - k. Demonstrate a 65-foot lot width at the front building line on each lot as a cord. Minor lot line adjustments may be necessary.
  - l. Provide a note that shared access aprons shall be provided for Lots 13 and 14, and Lots 15 and 16 with the concurrence of DPW&T or as required by an approved Limited Detailed Site Plan. Indicate that direct access to Brightseat Road from Lot 12 is not permitted.
  - m. Provide a north arrow.
2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
3. Prior to signature approval of the preliminary plan, the FSD shall be revised as follows:
- a. The legend shall state that slopes between 15 and 25 percent are or are not on highly erodible soils. Slopes of 15 to 25 percent on highly erodible soils must be delineated.
  - b. The FSD plan shall accurately reflect the existing tree line and woodland acreages on-site.
  - c. Provide FSD text to include methodology and data summary.
  - d. Have the plan signed and dated by the qualified professional who prepared the plan.
4. Prior to signature approval of the Type I Tree Conservation Plan (TCPI/21/99), the plan shall be revised as follows:
- a. The TCPI shall reflect accurately the existing woodlands on site.
  - b. The plan shall show conceptual grading on site.
  - c. The plan shall delete the preservation of the specimen trees or revise the design to provide limits of disturbance that provide full protection to the critical root zones (CRZs) of all trees. Show no disturbance in any part of the CRZ.

- d. The plan shall maintain cleared areas 40 feet to the rear and 20 feet to each side of the proposed homes.
  - e. The plan shall eliminate woodland conservation on lots less than 20,000 square feet.
  - f. The woodland conservation worksheet shall reflect all required changes.
  - g. The revised plan shall be signed and dated by the by the qualified professional who prepared the plan.
5. Development of this subdivision shall be in compliance with an approved Type I Tree Conservation Plan (TCPI/21/99). The following note shall be placed on the final plat of Subdivision:
- “Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/21/99-01), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”
6. Prior to signature approval of the preliminary plan, a copy of the approved stormwater management concept plan shall be submitted.
7. Development of this site shall be in conformance with approved Stormwater Management Concept Plan #8110-2004-00 and any subsequent revisions.
8. Prior to building permits the applicant, the applicant’s heirs, successors and/or assignees shall demonstrate that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
9. Prior to the approval of permits, a limited detailed site plan (LDSP) shall be approved by the Planning Board or its designee for:
- a. The construction of private, on-site recreational facilities in accordance with the *Parks and Recreation Facilities Guidelines*.
  - b. Review of the entrance feature.
  - c. The stormwater management facility.
10. The applicant, his heirs, successors and/or assignees shall submit three original recreational

facilities agreements (RFAs) to DRD for approval prior to the submission of final plats for construction of recreational facilities on homeowners land. Upon approval by DRD, the RFA shall be recorded among the County Land Records.

11. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits for the construction of recreational facilities on homeowners land.
12. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) .89± acre of open space land (Parcels A, B and C). Land to be conveyed shall be subject the following:
  - a. Conveyance shall take place prior to the issuance of building permits.
  - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
  - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
  - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
  - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
  - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
  - g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
  - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
13. Prior to approval of the final plat of subdivision and/or any disturbance occurring on this

property, the applicant shall submit a Phase I archeological investigation if determined to be needed by Planning Department staff and a Phase II and Phase III investigation. If necessary, the final plat shall provide for the avoidance and preservation of the resources in place or shall include plat notes to provide for mitigating the adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

14. The adopted and approved Morgan Boulevard and Largo Town Centers Metro Areas Sector Plan recommends that Brightseat Road be designated as a Class III bikeway with appropriate signage. Because Brightseat Road is a county right-of-way, the applicant, the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, a wide curb lane is recommended to accommodate bicycle traffic.
15. Provide a standard sidewalk along the subject site's entire frontage of Brightseat Road and on both sides of the internal dedicated public street with the concurrence of DPW&T.
16. Shared access aprons within the public right-of-way of Brightseat Road shall be provided for Lots 13 and 14, and 15 and 16, with the concurrence of DPW&T, and in accordance with the approved Limited Detailed Site Plan required by Condition 18..
17. Prior to the issuance of building permits for proposed residential structures on Lots 12-16, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the design and construction of building shells will attenuate noise to interior noise levels of 45 dBA (Ldn) or less.
18. Prior to the approval of the final plat of subdivision a Limited Detailed Site Plan shall be approved by the Planning Board or its designee to ensure that driveways with turnaround capabilities are provided on Lots 13-16 along Brightseat Road.

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.
2. The subject property is located on the west side of Brightseat Road, approximately 3,500 feet north of Central Avenue.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-55	R-55
Use(s)	Single-family dwelling (1)	Single-family dwellings
Acreage	4.58	4.58
Lots	1	16
Parcels	1	3
Dwelling Units:		
Detached	1 (to be razed)	16

4. **Environmental**—The Environmental Planning Section previously reviewed the subject property in 1999 and 2002 as Preliminary Plans 4-99020 and 4-0002 in conjunction with TCPI/21/99. Both plans were subsequently withdrawn. This site is subject to a previously approved TCPII/73/92 for Holy Redeemer Episcopal Church for one of the existing lots, for which a permit was issued. However, the TCPI presently under review will require future revisions to the TCPII. This preliminary plan currently proposes the subdivision of two existing parcels totaling 4.58 acres into 16 lots and 3 parcels.

The subject property is located on the west side of Brightseat Road, approximately 3,500 feet north of Central Avenue. The site is characterized by terrain sloping toward the west and drains into unnamed tributaries of the Southwest Branch watershed in the Patuxent River basin. A review of the available information indicates that there are no streams, Waters of the U.S., wetlands, 100-year floodplain, highly erodible soils or Marlboro clays identified on this site. Brightseat Road is a collector roadway and generally not regulated for noise. The soils found to occur on the site, according to the Prince George's County Soil Survey, is the Collington series. This soil series generally exhibits slight imitations to development due to steep slopes. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads adjacent to this property

A forest stand delineation (FSD) has been submitted with this proposal and was generally found to address the requirements for a simplified FSD with the following exceptions. The existing woodlands based on aerial photographic observation and staff's site visit on July 16, 2004, indicates that the tree lines are slightly different than that shown on the FSD. Furthermore, the FSD text was missing that should have included the methodology and data summary. A revision to the plan is required to ensure compliance with the Woodland Conservation Ordinance.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract is in excess of 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. The Type I Tree Conservation Plan, (TCPI/21/99),

has been reviewed and was found to require minor revisions to conform to the requirements of the Woodland Conservation Ordinance.

The minimum woodland conservation requirement for the site is 0.92 acre of the net tract. An additional 0.71 acre is required due to the removal of woodlands, for a total woodland conservation requirement of 1.63 acres. As currently designed, the plan shows the requirement being met with 0.65 acre of on-site preservation, 0.27 acre of on-site reforestation, and 0.73 acre of off-site mitigation, at a location to be determined, for a total of 1.65 acres, which meets the amount of woodland required.

The TCPI should be revised to remove woodland conservation from lots less than 20,000 square feet because there is insufficient space available to construct the house and complete the grading. The limits of disturbance should provide cleared areas 40 feet in the rears where appropriate and 20 feet on the sides. The TCPI worksheet should reflect these changes, and the TCP should be signed and dated by a qualified professional.

The site contains 20 specimen trees as shown on the FSD. The plan shows the preservation of five of these trees; however, the clearing and grading necessary for the construction of the houses proposed will disturb most of the critical root zones (CRZs) of the existing trees. (CRZ equals a one-foot radius for each inch of trunk diameter). The tulip poplar trees and the mulberry tree are species that do not tolerate construction impacts well and are not recommended for preservation. This site is located west of and in close proximity to I-95, and noise was initially identified as a concern on this site. The noise model indicates that the noise corridor for I-95, a 6-lane freeway, is located approximately 1,376 feet from the centerline of that roadway. On-site observations indicate that between this property and I-95, single-family attached dwellings exist that mitigate noise impacts. Currently, a sound wall exists next to the roadway, which also shields the proposed development from noise intrusion. Noise impacts from WMATA, south of the subject property, are considered marginal due to the distance and underground operations. Standard construction techniques will provide sufficient mitigation for these dwellings. However, the dwelling units located on Lots 12-16 are in close proximity to Brightseat Road and the applicant should demonstrate that interior noise levels within these dwelling would not exceed the 45dB state standard. Additional noise studies are not necessary.

#### **Water and Sewer Categories**

The site is in water and sewer service categories W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003 and will, therefore, be served by public systems.

5. **Community Planning**—The property is located within the limits of the 1993 approved Landover and Vicinity Master Plan, Planning Area 72, in the Hill Road Community. The master plan land use recommendation for the property is residential low-density land use. The 2002 General Plan locates the property in the Developed Tier. A vision for the Developed Tier is a network of sustainable mixed-use neighborhoods. The proposed preliminary plan is consistent with the recommendations of the master plan and the General Plan.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the applicant should provide on-site private recreational facilities for the fulfillment of the mandatory dedication of parkland requirement on the parcel of land located in the northwest corner of the site. In accordance with the requirements of the Zoning Ordinance, a limited detailed site plan (LDSP) will be required to ensure that the facilities are in accordance with the *Parks and Recreation Facilities Guidelines* and appropriate buffering is provided from the abutting lots.
7. **Trails**—The adopted and approved Morgan Boulevard and Largo Town Centers Metro Areas Sector Plan recommends Brightseat Road as a master plan bicycle/pedestrian corridor. This facility can be accommodated through the provision of a sidewalk and standard bikeway signage. Additional improvements such as designated bike lanes or wide curb lanes can be considered by DPW&T at the time of application of street construction permits.

The sector plan also recommends the provision of a trail connection from Brightseat Road to the existing trails in the Summerfield community. This trail may eventually provide access to a pedestrian bridge over the Beltway linking the Morgan Boulevard and Largo Metro areas. Staff investigated the possibility of providing this connection on the subject site. A trail connection from this property would involve going into Summerfield, between existing townhouse units, and linking to the existing sidewalk network. Staff believes that a more suitable location may be the school property immediately to the north of the subject site, where a connection could tie directly into the subdivision's trail network without impacting an existing residential community.

#### SIDEWALK CONNECTIVITY:

Currently, a variety of cross sections are present along Brightseat Road in the vicinity of the subject site, with some segments having sidewalks and/or a wide curb lane and other areas lacking sidewalks. Staff recommends the provision of a standard sidewalk along the subject site's frontage of Brightseat Road. If a closed road cross section is used for the internal cul-de-sac, a standard sidewalk is recommended along both sides of the road. This will be consistent with road improvements in the vicinity of the subject site and will serve the relatively small lots proposed on the site.

8. **Transportation**—The Transportation Planning Section has reviewed the preliminary plan of subdivision for the above-referenced property. The application represents a proposal to develop 16 single-family dwelling units. The R-55-zoned property is located on the west side of Brightseat Road, approximately 3,500 feet north of Central Avenue (MD 214).

The subject property is located within the Developed Tier as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-Service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better;

**Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

While the proposed development was projected to generate fewer than 50 peak-hour trips—the threshold for a traffic study—the applicant commissioned a small-scaled traffic study nonetheless and presented it to staff for review and comments. The traffic study evaluated the transportation impact on the critical intersection.

The analysis (with input from staff) identified the intersection of Brightseat Road and MD 214 as the critical intersection for this development. Based on a traffic count that was taken on January 13, 2004, the intersection was found to operate with the following level-of-service/critical lane volume:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 214/Brightseat Road	B/1,159	D/1,361

The analysis included eight background developments that would also have an impact on the subject intersection. With the inclusion of traffic from background developments plus existing traffic, the following results were determined:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 214/Brightseat Road	C/1,178	D/1,440

The traffic study, citing trip generation rates from *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*, indicated that 16 single-family dwelling units would generate 14 (3 in, 11 out) AM peak-hour trips and 16 (11 in, 6 out) PM peak-hour trips. Applying those new trips along with existing and background traffic results in the following:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 214/Brightseat Road	C/1,184	D/1,448

The traffic analysis also considered the fact that some traffic will be diverted as a result of the planned extension of the Metro Blue Line to Largo. The study concluded that the critical intersection of MD 214–Brightseat Road will continue to operate acceptably.

The subject property fronts on Brightseat Road, which is an 80-foot-wide, master-planned collector facility. As a result of its classification, a dedication of 40 feet from its centerline will be required of the applicant. Based on information presented on the preliminary plan, the applicant is in compliance with this dedication requirement and no further dedication is required.

Adequate access roads will exist as required by Section 24-124 of the Prince George's County Code.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 7	Middle School Cluster 4	High School Cluster 4
Dwelling Units	16 sfd	16 sfd	16 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	3.84	0.96	1.92
Actual Enrollment	36283	10786	16960
Completion Enrollment	268.56	67.5	135.60
Cumulative Enrollment	3.84	0.96	1.92
Total Enrollment	36559.24	10855.42	17099.44
State Rated Capacity	39607	10375	14191
Percent Capacity	92.30%	104.63%	120.49%

Source: Prince George's County Planning Department, M-NCPPC, December 2004

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue facilities and concluded the following:

**Fire and Rescue**

- a. The existing fire engine service at Kentland Fire Station, Company 46, located at 10400 Campus Way South has a service travel time of 4.36 minutes, which is within the 5.25-minute travel time guideline.
- b. The existing ambulance service at Kentland Fire Station, Company 46, located at 10400 Campus Way South has a service travel time of 4.36 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic service at Kentland Fire Station, Company 46, located at 10400 Campus Way South has a service travel time of 4.36 minutes, which is within the 7.25-minute travel time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

The above findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* (1990) and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The proposed development is within the service area for Police District III-Landover. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 1, 2004, the county had 823 sworn staff and a total of

101,303 square feet of station space. Based on available space, there is capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.

12. **Health Department**—The Health Department notes that a raze permit will be required prior to removal of the existing structures on site and that any hazardous materials located in any structure should be removed and properly discarded and/or stored. A significant amount of domestic trash and other debris was found on the property that should also be removed and properly discarded.

13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 8110-2004-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Cemeteries**¾ The Planning Board has determined that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications and that potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that there may be archeological resources of the antebellum period in the area of the subject site. This land is close to and may be a part of the antebellum Waring's Grove Plantation.

It is possible the site was actively farmed and it is also possible that there were slave dwellings, and slave burials, on this property. Documentary and archeological investigation should be required to determine whether there exists physical evidence of slave dwellings or burials.

Prior to approval of the final plat and/or any disturbance occurring on this property, the applicant should submit a Phase I archeological investigation to the Planning Department staff for review and concurrence and a Phase II and Phase III investigation if determined to be needed. If necessary, the final plat should provide for the avoidance and preservation of the resources in place and should provide appropriate plat notes ensuring the mitigation of any adverse effect upon these resources. All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

15. **Limited Detailed Site Plan**- At the public hearing on December 16, 2004 the Planning Board raised concerns that the proposed driveways on Lots 13-16 would result in vehicles backing out on to Brightseat Road. Originally staff had recommended a condition that would have required that building permit site plans for Lots 13-16 demonstrate "where feasible" driveways with turn around capabilities. This recommendation was not sufficient to address the safety concerns raised by the Planning Board and the Planning Board added Condition 18. Condition 18 requires a Limited Detailed Site Plan be approved prior to the approval of the final plat for Lots 13-16 to ensure that driveways with turn around capabilities are provided. The Planning Board was aware, that because of the lot sizes proposed and the additional paving necessary to provide turnarounds, this requirement could result in lot coverage's in excess of that allowed in the zone. The Planning Board stated that if variances are necessary that they will be evaluated on their own merits at the time of review of the Limited Detailed Site Plan, and did not guarantee to the applicant that they would support variances. The Planning Board advised the applicant that a loss of lots could result, to ensure the safety of the residences of Lots 13-16, if the Board did not approve variances if they were necessary.

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 Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Harley absent at its regular meeting held on Thursday, December 16, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of January 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:WC:rmk