

R E S O L U T I O N

WHEREAS, Reaching Hearts International, Inc. is the owner of a 17.08-acre parcel of land known as Parcels 11 and 28, Tax Map 2, in Grid B-3, said property being in the 10th Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on , November 4, 2004 Reaching Hearts International, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 parcel; and

WHEREAS, the application of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04088 for Reaching Hearts International Church 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 April 7, 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 DISAPPROVAL of the application and

WHEREAS, on April 7, 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/94/04), and further DISAPPROVED Preliminary Plan of Subdivision 4-04088, Reaching Hearts International Church for Parcel A due to inadequate water and sewer service.

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

1. Proposed Parcel A, is made up of existing Parcels 11 and 28. These existing parcels are located in two water and sewer service categories. Parcel 11 and part of Parcel 28 is located in water and sewer service Category 5 (13.67± acres). The remainder of Parcel 28 (3.4± acres) is located in water and sewer service category 3, where public systems are available. Therefore, (13.67± acres) of proposed Parcel A is located in water and sewer Category 5.

Specifically, Section 2.1.3 of the ten-year water and sewer service plan defines Category 5 as follows:

**“Category 5. Future Community Service.** This category consists of land inside the Sewer Envelope that should not be developed until adequate public facilities are available to serve the proposed development. Properties in Category 5 require a redesignation to Category 4 prior to the

development review process. Small residential developments may be approved for the use of interim individual systems in certain circumstances.” The development review process for the preliminary plan of subdivision could not be approved for the property (Parcel A) due to the 13.67± acres of the property in Category 5.

2. The applicant filed a request in the 2003 April Cycle of Amendments to the county’s ten-year water and sewer plan to change the 13.67 acres of this property from Category 5 to 4. This request was filed prior to the filing of the subject preliminary plan of subdivision for this property. On July 30, 2003, the County Council denied that request. The applicant then filed a petition in the Circuit Court to compel the County Council to approve the request. That request was denied (CAE03-19538) on January 31, 2005.
3. On November 4, 2004, after the applicant had filed the request in Circuit Court, a preliminary plan of subdivision was accepted for processing for the subdivision of Parcel A, as proposed. On November 19, 2004, in the Subdivision Review Committee meeting the applicant was advised that prior to the Planning Board’s approval of this case, the applicant must obtain a revision to the water and sewer Category from 5 to 4 (13.64 acres) or staff would be compelled to recommend disapproval of the application to the Planning Board for Parcel A, as proposed.
4. The Planning Board found that one of the purposes of the Subdivision Regulations (Section 24-122.01(b)(1)) states that the location of the property within the appropriate service area of the ten-year water and sewerage plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary plan approval. In this case the “property” is proposed Parcel A, and the ten-year water and sewer service plan requires that the portion of the property located in Category 5 be designated in Category 4 prior to the development review process.
5. The placement of a lot line is not required to be consistent with the water and sewer service category line designation. To the contrary, the ability through the subdivision process of an application to propose a lot line consistent with the water and sewer service category is a matter of convenience to create a lot or parcel wholly within one service area category for the development of a property.
6. The applicant in this case is unable to avail themselves of the relief provided in Section 2.1.3. of the ten-year water and sewer plan for property located in Water and Sewer Category 5. Relief from strict compliance to the plan is not available in this case because the applicant is proposing a nonresidential use. Relief from strict compliance with the water and sewer service plan is available only to “small residential developments [that] may be approved for the use of interim individual systems.”
7. The property is located within 2,500 feet of a drinking water reservoir and therefore is subject to a maximum lot coverage of 10 percent pursuant to CB-83-2004. In order to comply with the maximum allowable lot coverage established by the Zoning Ordinance of ten-percent (10%), the applicant would need to utilize the entire 17.08 acres of the site for the development proposed. The conceptual development plan (Applicant Exhibit 6) isolated improvements on the property

within the limits of the public system category 3. However, the Planning Board found that lot coverage is part of the development requirement and the applicant was proposing to utilize the portion of the property in category 5 to accommodate the development proposed.

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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, April 7, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of April 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:WC:rmk