

R E S O L U T I O N

WHEREAS, Kent Rapert, et al is the owner of a 82.96-acre parcel of land known as Tax Map 101, Grid D-4, part of Parcel 263, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on December 13, 2005, MTR Saddle Ridge LTD Partnership filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 7 lots and 1 parcel; and

WHEREAS, the application of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04090 for Croom Station, Section 5 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 5, 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 May 5, 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/97-02), and further DISAPPROVED Preliminary Plan of Subdivision 4-04090, Croom Station for Lots 1-7 and Parcel G due to inadequate public notice pursuant to the Planning Board's Administrative Practice, Section 2.b.

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 subject property is located on the northwest side of Crain Highway and at the southern terminus of Gold Yarrow Lane

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-A	R-A
Use(s)	Vacant	Vacant
Acreage	78.45	78.45
Lots	0	7
Parcels	1	1
Dwelling Units:		
Detached	0	7

4. 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.
5. It was the responsibility of the applicant to post this subdivision no later than April 5, 2005, for the May 5, 2005 public hearing.
6. The applicant posted the property on April 27, 2005. The applicant requested a waiver of 21 days to the required 30-day posting established by Section 2(b) of the Administrative Practices, by letter dated April 28, 2005.
7. On May 5, 2005, the Planning Board denied the applicants' request for a waiver of 21 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 9 days did not constitute adequate public notice.
8. 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.
9. The Planning Board was compelled to deny the Preliminary Plan 4-04090 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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Vaughns, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, May 5, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of June 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk