

R E S O L U T I O N

WHEREAS, Jerry M. Bond, Sr. and Virginia G. Bond are the owners of a 85.94-acre parcel of land known as Parcel 41, Tax Map 136 in Grid E-3 said property being in the 11th Election District of Prince George's County, Maryland, and being zoned O-S; and

WHEREAS, on December 14, 2005, Shane Warren filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 17 lots and 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04189 for Magnolia Cove 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 with conditions; 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/21/00), and further DISAPPROVED Preliminary Plan of Subdivision 4-04189, Magnolia Cove for Lots 1-17 and Parcel A.

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 site is located on the northeast side of Cross Road Trail, approximately 4,500 feet northwest of North Keys Road.
2. **Development Data Summary:** The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	O-S	O-S
Use(s)	Single Family Residence, Farmland	Single Family Residential
Acreage	85.94	85.94
Lots	0	17
Outlots	0	0

Parcels	1	1
Dwelling Units:	0	17
Detached	1 (To Remain)	16 (New)

3. **Fire and Rescue:** The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision for adequacy of fire and rescue services in accordance with Section 24-122.01 (e)(1)(E) of the Subdivision Regulations.

The Prince George's County Fire Department has determined that this preliminary plan is located in Fire Box 40-15R. The 12-month average response times are:

Engine: 10.00 minutes, which is above the required 8.00-minute response time in areas inside the Rural Tier.

Basic Life Support: 10.05 minutes, which is above the required 8.00-minute response time in areas inside the Rural Tier.

Advanced Life Support: 11.15 minutes, which is above the required 10.00-minute response time in areas inside the Rural Tier.

Pursuant to Section 24-122.01(e)(2) of the Subdivision Regulations: "If any of the required statements in this subsection are not provided that meet the criteria specified in this Section, then the Planning Board may not approve the preliminary plat" (CB-89-2004).

The Fire Chief reported that the current staff complement of the Fire Department is 97.97 percent, which is within the standard of CB-89-2004.

The Fire Chief has reported by letter, dated 04/14/ 05, that the department has adequate equipment to meet the standards stated in CB-89-2004.

4. **Police Facilities:** The Prince George's County Planning Department has determined that this preliminary plan is located in District V. The preliminary plan has been reviewed in accordance with Section 24-122.01(e)(1)(D) of the Subdivision Regulations. The Prince George's County Police Department reports that the average yearly response times for that District are 38.72 minutes for nonemergency calls, which does not meet the standard of 25.00 minutes, and 14.74 minutes for emergency calls, which does not meet the standard of 10.00 minutes for emergency calls.

The Police Chief reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the Academy, for a total of 1,345 personnel, which is within the standard of 1,278 officers.

Pursuant to Section 24-122.01(e)(2) of the Subdivision Regulations: "If any of the required statements in this subsection are not provided that meet the criteria specified in this Section, then the Planning Board may not approve the preliminary plat" (CB-89-2004).

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 Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Squire, Vaughns 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

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