

R E S O L U T I O N

WHEREAS, Fendall M. Clagett is the owner of a 61.76-acre parcel of land known as Parcels 37 and 47, Tax Map 110, Grid B-2, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on January 5, 2005, Tjarda A. Clagett filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 20 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04194 for Christy Clagett 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 May 12, 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 12, 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/33/01-01), and further DISAPPROVED Preliminary Plan of Subdivision 4-04194, Christy Clagett Property, Section 2 for Lots 1–20 due to inadequate fire, rescue and police services pursuant to Section 24-122.01(e)(2) 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 subdivision, as modified, does not meet the legal requirements of Subtitles 24 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the north side of US 301 300 feet west of its intersection with Old Crain Highway.
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	Single-family dwellings
Acreage	61.76	61.76
Lots	0	20
Parcels	1	0
Dwelling Units:		
Detached	0	20

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

The Prince George's County Fire/EMS Department has determined that the subject property is located in Fire Box number 45-01R. The 12-month average response times are:

**Engine:** 8.54 minutes, which is above the required 8.00-minute response time for areas inside the Rural Tier.

**Basic Life Support:** 8.44 minutes, which is above the required 8.00-minute response time for areas inside the Rural Tier.

**Advanced Life Support:** 11.12 minutes, which is above the required 10.00-minute response time for 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)

Therefore, Planning Board is compelled to disapprove this preliminary plan of subdivision due to the inadequacies set forth above.

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

The Fire Chief has reported, by letter dated April 14, 2005, that the department has adequate equipment to meet the standards stated in CB-89-2004.

5. **Police Facilities**—The Prince George's County Planning Department has determined that the subject property 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 report 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 10.86 minutes for emergency calls, which does not meet the standard of 10.00 minutes.

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)

Therefore, the Planning Board is compelled to disapprove this preliminary plan of subdivision due to the inadequacies set forth above.

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.

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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Eley, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, May 12, 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