

R E S O L U T I O N

WHEREAS, Jack Cole is the owner of a 2.33-acre parcel of land known as Parcel A (WWW 80@88), Tax Map 97 in Grid B-3, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on November 2, 2005, Eileen Sherin filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 4 lots and 1 parcel; and

WHEREAS, the application for disapproval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-05030 for Rheling Street 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 March 30, 2006, 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 March 30, 2006, 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/42/05), and further DISAPPROVED Preliminary Plan of Subdivision 4-05030, Rheling Street Property for Lots 1-4 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 subdivision, as modified, does not meet the legal requirements of Subtitle 24 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located at the terminus of Rheling Street, southeast of its intersection with Fisher Road
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

EXISTING

PROPOSED

Zone	R-80	R-80
Use(s)	Vacant	Single-family dwelling
Acreage	2.33	2.33
Lots	0	4
Parcels	1	1
Dwelling Units:		
Detached	0	4
Public Safety Mitigation Fee		Yes

4. **Adequate Public Notice**—Section 2.b. of the Administrative Practice for the Prince George’s County Planning Board requires that it shall be the responsibility of the applicant to post sign(s) on the property for a minimum of 30 days for the purpose of public notice.

The subject application was accepted on November 2, 2005, and the Subdivision Review Committee (SRC) meeting was held on November 18, 2005. At that time, the case was scheduled for public hearing on January 26, 2006. At the Subdivision Review Committee (SRC) meeting, staff advised the applicant of several outstanding items necessary for the review of the preliminary plan of subdivision and that failure to provide that information could result in an unfavorable recommendation to the Planning Board. The applicant was also clearly advised that the responsibility for posting the property was that of the applicant. The applicant would contact staff not less than 30 days prior to the hearing and staff would prepare the signs for the applicant to post the property.

On January 12, 2006, by letter, the applicant waived the first 70-day mandatory action time frame for the preliminary plan and advised staff that the additional information requested at the November 18, 2005, SRC meeting was forthcoming. The case was then rescheduled for March 30, 2006, the next to the last available Planning Board hearing date within the 140-day mandatory action time frame.

The end of the 140-day mandatory action time frame is April 6, 2006. To satisfy the 30-day posting requirement for the March 30, 2006 hearing, the applicant was required to post a public notice sign no later than February 28, 2006. The subject property was not posted for public notice.

5. **Outstanding Issues** –The additional information requested at the November 18, 2005 SRC meeting was never submitted. In fact, the last contact with the applicant was via the 70-day waiver letter submitted (Harbit to Chellis, dated January 12, 2005) which indicated additional information was forthcoming. The following was requested of the applicant at the November 18, 2005, SRC meeting and never submitted:

- a. Revised Preliminary Plan;
- b. Variation Request (24-130);
- c. Stormwater Management Approval letter and plan;
- d. Revised Tree Conservation Plan.

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 Vaughns, seconded by Commissioner Clark, with Commissioners Vaughns, Clark, Eley and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, March 30, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of April 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:bjs