

PGCPB No. 07-157

File No. 4-07008

## R E S O L U T I O N

WHEREAS, Nathaniel Laney, Jr. is the owner of a .65-acre parcel of land known as Parcel 6, Tax Map 98 in Grid D-1, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on July 19, 2007, Nathaniel Richard Laney, Jr. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07008 for Silver Valley 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 July 19, 2007, 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 APPROVAL of the application with conditions; and

WHEREAS, on July 19, 2007, 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 Preliminary Plan of Subdivision 4-07008, Silver Valley for Lots 27 and 28.

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 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject property is located on Tax Map 98, Grid A-1 and is known as Parcel 6. The property is approximately 0.65 acres and is zoned R-80. The property is located on the north side of Vernon Way, between Silver Court and Oakland Way.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-80	R-80
Use(s)	Detached Single-Family Dwelling	Detached Single-Family Dwelling
Acreage	0.65	0.65
Lots	1	2
Parcels	0	0
Dwelling Units:		
Detached	1	2
	(To Remain)	(1 New)

4. **Storm Management** - Copies an Approved Stormwater Management Concept Approval Letter and the associated plan were not submitted with this application. At the Planning Board Hearing a resident expressed concerns about existing flooding adjacent to the subject property and how stormwater management was to be provided. The members of the Planning Board requested additional information. However, staff could not provide the Planning Board with additional information because the applicant (agent) did not include a Stormwater Management Plan or application as a part of the submittals. Also, there was no referral from DPW&T indicating that their office has reviewed a Stormwater Management Plan for the subject property.

Despite notification of the hearing date by staff, neither the applicant nor his agents were present at the public hearing on July 19, 2007. Information regarding how proposed stormwater management was to be provided and how any proposed stormwater management would conform to Sections 24-122(c) and 24-130(b) of the Subdivision Regulations could not be provided. Additionally, the application was at the end of its mandatory action time frame (first 70 days) pursuant to Section 24-119(d)(4). Because neither the applicant nor his agent was present at the public hearing, a waiver of the mandatory action was not provided and the Planning Board was compelled to take an action. Given the unresolved nature of the stormwater management issues, the Planning Board's decision was to deny the application.

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 date of notice of 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 Cavitt, seconded by Commissioner Squire, with Commissioners Cavitt, Squire, Clark and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, July 19, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of September 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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