

R E S O L U T I O N

WHEREAS, Karen R. Thomas is the owner of a 136.66-acre parcel of land known as part of Parcel 47 and Parcels 75, 76 and 77 in Tax Map 160, Grid E-4, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-A; and

WHEREAS, on January 6, 2005, Greg McAnich filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 62 Lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04209 for Timber Highlands, Section II 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 26, 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 26, 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/4/05), and further DISAPPROVED Preliminary Plan of Subdivision, 4-04209 for Timber Highlands, Section II, due to inadequate fire, rescue and police services pursuant to 24-122 (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 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. **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-A	R-A
Use(s)	Vacant	Single Family Residential
Acreage	136.66	136.66
Lots	0	62
Parcels	3	0
Dwelling Units:	0	62

3. **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 Department of Fire and Rescue Services has determined that this preliminary plan is located in Fire Box 24-05R. The 12-month average response times are:

Engine: 6.11 minutes, which is within the required 8.00-minute response time in areas within the Rural Tier.

Basic Life Support: 7.34 minutes, which is within the required 8.00-minute response time in areas within the Rural Tier.

Advanced Life Support: 14.27 minutes, which is above the required 10.00-minute response time in areas within 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 plan.” (CB-89-2004)

Therefore, staff is compelled to recommend disapproval of the preliminary plan of subdivision due to the inadequacies set forth above.

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 IV. The Prince George’s County Police Department reports that the average yearly response times for that District are 29.15 minutes for non emergency calls, which does not meet the standard of 25.00 minutes, and 11.01 minutes for emergency calls, which does not meet the standard of 10.00 minutes for emergency calls.

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 plan.” (CB-89-2004)

Therefore, staff is compelled to recommend disapproval of the 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.

5. **Woodland Conservation**—This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet and there are more than 10,000 square feet of existing woodland.

A Type I Tree Conservation Plan, TCPI/4/05, has been reviewed and was found to require revisions. All areas with severe slopes or steep slopes containing highly erodible soils, areas of wetlands, and the limits of the 100-year floodplain are shown on the plan and in the legend. The minimum 50-foot stream buffers required by Section 24-130 are not shown on the plan or in the legend. The expanded stream buffers shown on the plan are correct. The plan fails to show conceptual grading or proposed limits of disturbance. All woodlands within septic recovery areas must be calculated as cleared. In addition, the plan shows part of the woodland conservation for this site to be located off site, which is not recommended for a property in the rural tier.

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, Eley, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, May 26, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23th day of June 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:TL:wrc