



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
[www.mncppc.org/pgco](http://www.mncppc.org/pgco)

PGCPB No. 10-54

File No. 4-09027

## RESOLUTION

WHEREAS, PCE, LLC is the owner of a .44-acre parcel of land known as Lots 4 and 5, said property being in the 20<sup>th</sup> Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C); and

WHEREAS, on February 12, 2010, Mark A. Jascewsky filed an application for approval of a Preliminary Plan of Subdivision for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-09027 for Philmatt Shopping Center, Parcel A 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 April 22, 2010, 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 April 22, 2010, 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 4-09027, Philmatt Shopping Center, Parcel A for 1 parcel.

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 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. **Adequate Public Notice**—Section 2-d. 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 February 12, 2010, and the Subdivision and Development Review Committee (SDRC) meeting was held on March 5, 2010. At that time, the case was scheduled for public hearing on April 22, 2010. At the Subdivision Review Committee meeting, staff informed the applicant that the proposed plan did not conform with the adopted plan, which rezoned the subject property from C-S-C to the R-18 Zone (Medium density residential). The applicant was advised that the application

could move forward but there were major issues that staff foresaw if the adopted plan were approved by the District Council.

The deadline for Planning Board action on this case is April 22, 2010. To satisfy the 30 day posting requirement for an April 22, 2010, hearing, the applicant was required to post a public notice sign no later than March 25, 2010. The subject property was not posted for public notice and the applicant has not responded to phone messages or e-mails.

3. **Outstanding Issues**—The following was requested of the applicant at the March 5, 2010, Subdivision and Development Review Committee meeting:

- a. Revised preliminary plan to address review comments
- b. Traffic Study

Staff did not receive any of the above items and therefore did not have adequate information to review this 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.

\* \* \* \* \*

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, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, April 22, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13<sup>th</sup> day of May 2010.

Patricia Colihan Barney  
Executive Director

By *Frances J. Guertin*  
Frances J. Guertin  
Planning Board Administrator

PCB:FJG:JT:arj

APPROVED AS TO LEGAL SUFFICIENCY.  
*Samuel L. Jordan*  
M-NCPPC Legal Department  
Date 4/29/10