

R E S O L U T I O N

WHEREAS, Eugene and Pauline Zoglio are the owners of a 18.89-acre parcel of land known as Parcel 74, Map 45 Grid E-3, said property being in the 14th Election District of Prince George's County, Maryland, and being zoned R-R; and

WHEREAS, on July 28, 2004, Eugene and Pauline Zoglio filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 31 Lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04130 for Zoglio Property Cluster 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 January 20, 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 January 20, 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/69/04), and further DISAPPROVED Preliminary Plan of Subdivision 4-04130, Zoglio Property Cluster for Lots 1-31.

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 subject application was accepted July 28, 2004, the applicants granted a 70-day waiver and the case was scheduled for the January 20, 2005 Planning Board date.
2. The mandatory action time frame for this application was January 29, 2005.
3. The Administrative Practice for the Prince George's County Planning Board requires that it shall be the responsibility of the applicant to post signs on the property for a minimum of 30 days for the purpose of public notice for a Hearing.
4. It was the responsibility of the applicants to post this cluster subdivision no later than December 21, 2004, for the January 20, 2005 public hearing. The applicant posted the property on January 13, 2005. The applicants requested a waiver of 23 days to the required 30-day posting established by Section 2(b) of the Administrative Practices, by letter dated January 14, 2005.

5. On January 20, 2005, the Planning Board denied the applicants' request for a waiver of 23 days of the required 30-day posting. The Planning Board determined that substantial public notice was not given and that a posting of this property for six days did not constitute adequate public notice.
6. The preliminary plan proposed is a significant development on land that contains priority woodlands and significant environmental features that should be preserved to the fullest extent possible. Concerns regarding the impact of the proposed design on the environmental features, access to the subdivision and the requirement for mandatory park dedication were identified by staff at the beginning of the review process. Revised plans were submitted the day before the public hearing scheduled on January 21, 2005. Adequate information and time to review that information were not provided.
7. The Planning Board was compelled to deny the Preliminary Plan 4-04130 based on inadequate public notice and the insufficient time provided by the applicant for the review of revised plans.

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 Squire, with Commissioners Vaughns, Squire, and Hewlett voting in favor of the motion and with Commissioner Harley in opposition to the motion, and with Commissioner Eley absent, at its regular meeting held on Thursday, January 20, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of February 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator