

A M E N D E D R E S O L U T I O N

WHEREAS, a 5.58-acre parcel of land known as Outparcel A on record plat PB 192, plat 37, said property being in the 7th Election District of Prince George's County, Maryland, and

WHEREAS, on October 22, 2007, LIA Bowie, LLC, filed an application for approval of a Final Plats of Subdivision for 1 lot; and

WHEREAS, the application for approval of the aforesaid Final Plat of Subdivision, also known as Final Plat 5-07512 for Walker Pontiac, 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 December 20, 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 DISAPPROVAL of the application; and

WHEREAS, on December 20, 2007, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, by a letter dated February 8, 2008, the applicant requested a reconsideration for the purpose of pursuing a future determination by the Department of Environmental Resources of a necessary change to Water and Sewer Category 3; and

*WHEREAS, on March 6, 2008, the Planning Board approved the request for reconsideration based on the good cause; and

*WHEREAS, on November 6, 2008, the Planning Board heard testimony regarding the reconsideration.

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 *~~DIS~~APPROVED the Final Plat of Subdivision 5-07512, Walker Pontiac.

*Denotes correction

~~Brackets~~ denotes deletion

Underlining denotes addition

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~~ meets the legal requirements of Subtitle 24, including Section 24-119(e), and Subtitle 27 of the Prince George's County Code, and of Article 28, Annotated Code of Maryland.
2. The Final Plat of Subdivision *~~was not~~ is in conformance with Section 24-122.01(b)(1) because it *~~did not~~ contains the signature from the Department of Environmental Resources (DER) signifying that the property is within the appropriate service area of the Ten Year Water and Severance 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 Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Vaughns and Parker voting in favor of the motion, with Commissioner Clark absent at its regular meeting held on Thursday, November 6, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of December 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:AH:bjjs

*Denotes correction
[Brackets] denotes deletion
Underlining denotes addition