



PGCPB No. 14-35

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File No. DSP-13008

## RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, DSP-13008 for Gilpin Property was approved by the Planning Board on July 25, 2013, and PGCPB Resolution No. 13-93 was adopted on September 12, 2013; and

WHEREAS, on October 15, 2013, the District Council elected to review this case; and

WHEREAS, on February 11, 2014, the District Council voted to remand the case to the Planning Board in accordance with Section 27-290 of the Zoning Ordinance in order to require the applicant to submit a revised detailed site plan that proposes architectural elevations and land uses that implement the November 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity Planning Area 76A*, and provide additional information; and

WHEREAS, by letter dated April 7, 2014 (attached hereto as Exhibit A), the applicant has declined to submit a revised detailed site plan for the reasons stated in Exhibit A; and

WHEREAS, the applicant raises valid points about the limits of detailed site plan review by the Planning Board, and the lack of authority in the Zoning Ordinance to require a detailed site plan to conform to a master plan; and

WHEREAS, the District Council's Remand Order requires the Planning Board to reconsider the detailed site plan for conformance to the applicable master plan upon receipt of a revised detailed site plan, however no revised site plan will be submitted by the Applicant, so the Planning Board has no authority, pursuant to the remand order, to reconsider the detailed site plan; and

WHEREAS, the Remand Order requires the Planning Board, prior to taking additional testimony, to issue an informational mailing in compliance with Section 24-119.01 and CB-55-2008, provisions of the Subdivision Regulations for the County, however the subject application is a detailed site plan not a subdivision, and is not subject to the Subdivision Regulations. Further the Planning Board cannot take additional testimony for the reasons stated above, so the requirement of an informational mailing is moot;

### NOW THEREFORE,

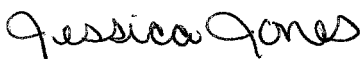
1. The Planning Board has no authority to re-open or reconsider the detailed site plan.
2. The Planning Board hereby returns this matter to the District Council.

\* \* \* \* \*

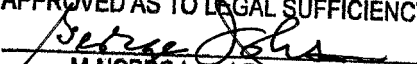
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Shoaff, with Commissioners Geraldo, Shoaff, Bailey and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, May 1, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of May 2014.

Patricia Colihan Barney  
Executive Director

  
By Jessica Jones  
Planning Board Administrator

PCB:JJ:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY  
  
M-NCPPC Legal Department  
Date 5/2/14