



Memo

To: Mayor and City Council

From: Jim Chandler, Assistant City Administrator and Director, Community & Economic Development
Kate Powers, City Planner

Date: July 10, 2020

Re: Applicant's request that City Council waive its Right to Appeal *DSP-20004: Riverfront at West Hyattsville Medical Office Building*

Attachments: DSP-20004 Kaiser Med Building – City of Hyattsville Correspondence
Applicant Request – Waive City's Right to Appeal (Letter)
Notification of Planning Board Action on Detailed Site Plan DSP-20004

The purpose of this memorandum is to provide the City Council with a summary of the Applicant's request for City Council to waive its right to appeal the County Planning Board's decision on *DSP-20004: Riverfront at West Hyattsville Medical Office Building*.

Summary

- On Monday, May 4, 2020, the Hyattsville City Council reviewed the Detailed Site Plan (DSP-20004) application for the Kaiser Permanente Medical Office Building and approved the application with conditions.
- The Prince George's Planning Board approved DSP-20004 with conditions on May 28, 2020.
- The Applicant is requesting the City Council waive its right to appeal the Planning Board's decision on DSP-20004. This will help the Applicant facilitate the earliest scheduling of a hearing before the District Council.

Detailed Site Plan DSP-20004: Riverfront at West Hyattsville Medical Office Building

Through DSP-20004, Kaiser Permanente is proposing a three-story medical office building totaling 44,362 square feet with an attached three-story garage. Within their application, Kaiser has proposed two amendments to be approved by the District Council – the inclusion of 'medical laboratory' and 'café' to the permitted Table of Uses and a change in the maximum parking ratio.

City Council's Adopted Language

The Hyattsville City Council voted in support of DSP-20004 subject to three conditions related to first-floor surface view, illumination of building signage, and public art integration.

In addition, the City Council voted in support of the applicant's amendments to be approved by the District Council, specifically the inclusion of medical laboratory and cafe to the permitted Table of Uses and the applicant's requested amendment to the maximum parking ratio.

City Council's correspondence to the Planning Board regarding DSP-20004 can be found as an attachment to this memo.

Development Process: Planning Board Decision & the City's Right to Appeal

On Monday, May 4, 2020, the Hyattsville City Council approved Detailed Site Plan (DSP-20004) with conditions, as mentioned in the section above. On May 28, 2020, the Prince George's Planning Board approved DSP-20004 with conditions, which included the three conditions recommended by the Hyattsville City Council. According to Section 27-548.09.01(b) of the County Code of Ordinances, this application must now be heard by the District Council as the applicant has requested specific amendments that can only be approved by the District Council. Specific ordinance language can be found below with relevant text in bold.

*"A property owner may ask the District Council, but not the Planning Board, to change the boundaries of the T-D-O Zone, a property's underlying zone, **the list of allowed uses**, building height restrictions, or **parking standards** in the Transit District Development Plan."* (From Section 27-548.09.01(b), emphasis added)

However, before the District Council can hear a case, the applicant or any Person of Record may file a written appeal of the Planning Board's decision with the District Council within 30 days after the date of the final notice of the Planning Board's decision, pursuant to Section 27-290.

The window to file a written appeal to the District Council has been delayed due to emergency measures put in place as a response to the coronavirus pandemic. All public meetings, sessions, and hearings of the Prince George's County Council, sitting as the District Council on land-use matters, have halted.

DSP-20004 will not be heard by the District Council until these emergency measures have been lifted.

Applicant's Request

To facilitate the scheduling of a hearing before the District Council as soon as possible, the Applicant has requested that all parties of record waive their right to appeal the Planning Board decision. According to the Applicant's attorney, all parties of record, except Hyattsville, have signed a letter waiving their right to appeal. As a result, the Applicant is requesting that the City waive its right to appeal at their July 20, 2020 meeting.