

Case No: S.E. 4667 Sycamore Hill
Applicant: Presidential Care, LLC
by Stoddard Baptist Home, Inc.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER OF REMAND

IT IS HEREBY ORDERED, having reviewed the evidence within the administrative record, and the testimony at oral argument conducted on April 27, 2015, that the case designated S.E. 4667, namely the application to approve a special exception for a proposed Adult Day Care for 15 persons, and a 63-unit Assisted Living Facility for 78 persons, on property described as approximately 7.91 acres of land in the R-R (Rural Residential) Zone, located on the east side of Lottsford Vista Road, across from its intersection with Cleary Lane, also identified as 3911 Lottsford Vista Road, Bowie, Planning Area 73, Council District 5, be and the same is:

REMANDED, pursuant to §§ 27-131–27-133 of the Zoning Ordinance, as well as provisions of Title 22 within the Land use Article of the Annotated Code of Maryland.

Based on our review of the evidence within the administrative record, as well as the testimony offered at the oral argument proceedings conducted on Monday, April 27, 2015, we take administrative notice of statements by Applicant's attorney and comments offered by the People's Zoning Counsel, that Applicant, Presidential Care, LLC, and Stoddard Baptist Home, Inc., are not business entities in good standing in Maryland. *See also* 04/28/2014 TSR, at 1; 02/10/2014 Rev'd App. Stmt. Just'n, at 66, 89–91. Because we are unable to render a final decision without this information that is absent from the record, we must remand this matter to the Zoning Hearing Examiner to reopen the record to allow Applicant the opportunity to submit the necessary information as to its corporate status in Maryland to the administrative record.

Moreover, after review of the record and testimony offered during the oral argument presentation from the Citizens Opposition at the April 27, 2015, oral argument before the District Council, we determined that a remand is needed to allow the Citizens Opposition to submit additional reports and/or testimony from experts as to traffic and transportation related to the subject development proposal.

Accordingly, on remand, the Zoning Hearing Examiner shall reopen the record for S.E. 4667, conduct a public hearing or hearings to receive, and evaluate additional testimony and evidence, as follows:

1. On Remand, the ZHE shall allow Applicant the opportunity to submit the necessary information as to its corporate status in Maryland into the administrative record for S.E. 4667.
2. Determine if the applicant, “Presidential Care, LLC” is in good standing with the State Department of Assessment and Taxation (SDAT). If the applicant is not in good standing and has merged with another entity, the proper applicant registered with SDAT shall provide a letter of good standing from the new entity before issuance of a new or revised disposition recommendation. The new or revised disposition recommendation shall also reflect the proper name and address, if any, of the applicant in this case.
3. Determine if the applicant, “Stoddard Baptist Home, Inc.,” is in good standing with SDAT. If the applicant is not in good standing and has merged with another entity, the property owner shall provide a letter of good standing from the new entity before issuance of a new or revised disposition recommendation. The new or revised disposition recommendation shall also reflect the proper name and address, if any, of the applicant in this case.
4. After Applicant has submitted the evidence regarding its corporate status in Maryland on remand, the Zoning Hearing Examiner shall permit the Citizens Opposition to submit additional evidence to the administrative record concerning expert testimony and/or expert reports concerning the stated issues of traffic and transportation related to the the proposed development on the subject property.

The Zoning Hearing Examiner, upon taking additional testimony and satisfying the above conditions, shall render a new or revised disposition recommendation pursuant to §27-133, subject to the requirements of § 27-131 of the Zoning Ordinance.

Ordered this 4th day of May, 2015, by the following vote:

In Favor: Council Members Franklin, Davis, Glaros, Harrison, Lehman, Taveras, Toles and Turner.

Opposed:

Abstained:

Absent: Council Member Patterson.

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF THE
MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Mel Franklin, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council