Case No. DSP–10014
Forest Oak Property

Applicant: Birame Kandji

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

ORDER OF REMAND

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 12–71, to approve with conditions a detailed site plan for ten single–family attached dwelling units in the Townhouse (R–T) Zone on a 2.558–acre site, located at 6821 Walker Mill Road, on the southern side of Walker Mill Road, approximately 450 feet southwest of its intersection with Karen Boulevard, is;

REMANDED, pursuant to §27–132 and §27–290 of the Zoning Ordinance, to the Planning Board to take further testimony and reconsider its decision as follows:

Applicant

On or about September 21, 2012, a Non–Corporate Applicant Affidavit was filed identifying the applicant as District Property, LLC, located at 6500 Chillum Place, N.W., Washington, DC 20012. Non–Corporate Applicant Affidavit, September 21, 2012. The affidavit was signed by Birame Kandji, the engineer consultant for the applicant. Agent Affidavit, September 21, 2012. Before doing business in Maryland, a foreign limited liability company–as is the case here–shall register with the State Department of Assessment and Taxation (SDAT). Md. Code Ann., Corps. & Ass'ns §4A–1002, §4A–1009(b) (2012). According to SDAT, the applicant, District Property, LLC, is not a legally registered company in Maryland.[1]

[1] http://sdatcert3.resiusa.org/ucc-charter/noRecords.asp?EntityName=district%20property%20llc&domain=Charter
In January 2012, NOA Group, LLC was also identified as the applicant for DSP–10014. According to SDAT, NOA Group, LLC has been forfeited. http://sdatcert3.resiusa.org/ucc-charter/searchByName_a.aspx?mode=name
Last visited 2/9/2013.

1. On remand, Planning Board shall take sworn testimony to determine if the applicant, District Property, LLC, is an entity registered and in good standing with the State Department of Assessment and Taxation (SDAT). The applicant shall present, for inclusion into the record, written evidence of its registration and good standing with SDAT. If necessary, pursuant to Section 8 of the Planning Board Rules of Procedure, until the final decision is made, the applicant shall be allowed to present written evidence of its registration and good standing with SDAT. Planning Board Resolution and Staff Report shall be revised accordingly to reflect District Property, LLC as the applicant.

2. On remand, the applicant shall be informed of Rule 6.2 of the District Council Rules of Procedure, which states

> **6.2. Representation.**
> An individual may represent himself or herself or be represented by an attorney authorized to practice law in Maryland. All other entities shall be represented by an attorney authorized to practice law in Maryland, except that a bona fide civic association or homeowner's association which is a party of record may be represented by any duly elected officer of the association regardless of whether that individual is an attorney.

Rules of Procedure for the Prince George's County District Council.

3. On remand, Planning Board shall also consider whether District Property, LLC should be represented by an attorney authorized to practice law in Maryland during its proceedings.

<u>Stormwater Management</u>

4. In May 2012, Department of Public Works and Transportation (DPW&T) indicated that DSP–10014 was not consistent with the approved Stromwater Management Concept Plan, 45961–2005–01, dated September 2009. PGCPB No. 12–71 at 6, 10–11, Technical Staff Report at 6, 10. There was no testimony from the applicant on this issue. In fact, there was no testimony from the applicant at the public hearing before the Planning Board on July 12, 2012. (7/12/12 Tr. 1–9).

5. On remand, Planning Board shall take testimony from the applicant regarding the status of obtaining written acknowledgment from DPW&T that the subject DSP is in conformance with Stromwater Management Concept Plan, 45961–2005–01 and any subsequent revisions.

Conveyance of Parcel 6

6. On remand, Planning Board shall take testimony from the applicant regarding the status of procuring written confirmation from DPW&T that the area of conveyance is acceptable to DPW&T.

Ordered this 11th day of February, 2013, by the following vote:

In Favor: Council Members Campos, Franklin, Harrison, Lehman, Olson, Patterson, and Toles.

Opposed:

Abstained:

Absent: Council Members Davis and Turner

Vote: 7-0

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: _____
Andrea C. Harrison, Chair

ATTEST:

_____
Redis C. Floyd
Clerk of the Council