

Case No. SP-07054

Applicant: ACUMEN, TSC

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

ORDER OF DENIAL

IT IS HEREBY ORDERED, after review of the administrative record, and after hearing oral argument from the applicant and the opposition, that DSP-07054, a detailed site plan for the construction of three single-family dwelling units (one existing, two proposed), for a project referred to as the Oaklawn Subdivision, on property described as approximately 1.63 acres of land in the R-R Zone, located 400 feet south of the intersection of Allentown Road and Arundel Drive, Fort Washington, is:

DENIED, for the following reasons:

A. From the record, the District Council concludes that the applicant has not met reasonable conditions set by the Department of Public Works and Transportation, to control stormwater runoff from the subject property. DPW&T representatives have advised that plans for grading and stormwater management facilities have not been submitted as required, and DPW&T therefore cannot make findings that the applicant's proposed project will have adequate controls for stormwater runoff, as the Code requires.

B. The District Council further concludes that the applicant has not demonstrated that prior work on the subject property was in full compliance with applicable DPW&T (or Department of Environmental Resources) requirements, showing proposed and as-built stormwater management and control facilities, on and adjacent to the property. The record shows a number of instances where the

applicant has failed or refused to keep DPW&T (or DER, in the past) and the neighbors whose properties abut the subject property fully informed of proposed work and existing structures and facilities for stormwater management and control.

C. The Council further concludes that the applicant has not met the burden of proof under the Zoning Ordinance, in Part 3, Division 9, to show that his proposed site plan and his facilities represent an acceptable design for meeting applicable site design guidelines, particularly as they concern stormwater runoff and its effects on adjoining and nearby properties. The applicant on several occasions has demonstrated a marked, significant lack of concern for complying with County government requirements and protecting his neighbors from the adverse effects of development on his property.

D. For the reasons stated above, and those stated by the opposition in their papers to the staff, Planning Board, and DPW&T, the District Council must deny DSP-07054.

Ordered this 22<sup>nd</sup> day of June, 2009, by the following vote:

In Favor: Council Members Bland, Dean, Dernoga, Exum, Harrison, Knotts, Olson and Turner.

Opposed:

Abstained:

Absent: Council Member Campos.

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: \_\_\_\_\_  
Marilynn M. Bland, Chairperson

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council