

Case No. CNU-23928-2015
Red Top Road Apartments,
Hampshire View, Block 3, Lot 3
(6812 Red Top Road)

Applicant: Schuyler, LLLP

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

ORDER CERTIFYING A NONCONFORMING USE
(RECONSIDERATION)

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board to approve Certification of a Nonconforming Use for a six-unit apartment building in the Multifamily Medium-Density Residential (R-18) Zone, located in the northwest quadrant of the intersection of Red Top Road and Fairview Avenue, is hereby conditionally APPROVED.

As the basis for this final decision, and as expressly authorized by the Regional District Act within Title 22 of the Land Use Article of the Annotated Code of Maryland, and the Prince George's County Code, the District Council adopts, except as otherwise stated herein, the findings and conclusions of the Planning Board, as embodied within PGCPB No. 17-102.

After the Planning Board approved the application, a person of record, Sawa Kamara, timely appealed the Board's decision to the District Council. *See* Notice of Appeal, 8/15/2017.

The District Council held oral argument on October 16, 2017. Subsequently, the District Council approved the application subject to certain conditions to address certain issues raised on appeal. *See* Order, 1/8/2018.

On January 17, 2018, the Applicant filed a request for reconsideration on conditions of approval. *See* Request for Reconsideration, 1/17/2018. The Applicant subsequently submitted

proposed revised conditions. *See* Applicant's Proposed Revised Conditions, 2/14/2018 and 3/5/2018.

On May 14, 2018, a hearing was held on Applicant's request for reconsideration. Having reconsidered the conditions of approval, the District Council will reapprove the application in accordance with Applicant's proposed revisions.

The existing six-unit apartment building in the Multifamily Medium-Density Residential (R-18) Zone, located at 6812 Red Top Road shall be declared a Certified Nonconforming Use, subject to the following revised conditions:

1. Prior to certification of the Nonconforming Use, the Applicant shall revise the Site Plan to show the installation and location of a trash receptacle on the subject property. The trash receptacle shall be installed and located out of the right-of-way of the subject property.

2. Prior to certification of the Nonconforming Use, the Applicant shall, in accordance with the 2010 Landscape Manual, revise Site Plan to enclose the trash receptacle with a six (6) foot tall sight tight enclosure, which shall be constructed in accordance with County Code specifications. Materials for the six (6) foot tall sight tight enclosure shall be pressure treated wood or engineered or composite treated wood. Color of the material or materials of the sight tight enclosure shall compliment the color of the rental property. The Applicant shall not be permitted to enclose the trash receptacle with any chain link fencing material to satisfy this condition. All trash receptacles, trash pads, trash/recycling collection, or storage areas shall be carefully located and oriented on the site to be as inconspicuous as possible.

3. Prior to certification of the Nonconforming Use, the Applicant shall provide a designated parking plan depicting numbered parking spaces for the parking spaces that accommodate leasehold tenants, and to the extent feasible, designated visitor parking spaces. The parking plan shall also indicate parking plan enforcement, including, but not limited to, parking permits for leasehold tenants and/or visitors for the parking plan. Alternatively, the Applicant may, in lieu of a parking plan, participate in a County-based residential parking program, subject to the terms and conditions imposed by The Revenue Authority of Prince George's County.

4. Upon certification of the above conditions, by the Planning Board or its authorized designee, the six-unit apartment building in the Multifamily Medium-Density Residential (R-18) Zone, located in the northwest quadrant of the

intersection of Red Top Road and Fairview Avenue, shall be declared a Certified Nonconforming Use.

5. Upon certification, the property shall be subject to the appropriate inspection by the Department of Permitting, Inspections, and Enforcement (DPIE).

6. Any violation of the conditions of approval of this Certified Nonconforming Use shall be subject to revocation in accordance with the Prince George's County Code.

ORDERED this 4th day of June, 2018, by the following vote:

In Favor: Council Members Glaros, Harrison, Patterson, Taveras, Toles and Turner.

Opposed:

Abstained:

Absent: Council Members Davis, Franklin, and Lehman.

Vote: 6-0.

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: _____
Dannielle M. Glaros, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council