

Case No.: S.E. 4412

Applicant: Beltway Used Auto Parts, LLC

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

ZONING ORDINANCE NO. 2 - 2004

AN ORDINANCE to approve a special exception.

WHEREAS, an application has been filed for property described as approximately 1.269 acres of land, in the I-2 Zone, located on the east side of Kenilworth Avenue (MD 201) local service road and 128 feet south of Creston Street, identified as 2401 Kenilworth Avenue, Tuxedo, for approval of a special exception for a Vehicle Salvage Yard; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the application was reviewed by the Technical Staff, which filed recommendations with the District Council; and

WHEREAS, a public hearing on the application was held before the Zoning Hearing Examiner; and

WHEREAS, the Zoning Hearing Examiner's decision was filed with and considered by the District Council; and

WHEREAS, having reviewed the record, the District Council has

determined that the application should be approved; and

WHEREAS, to protect adjacent properties and the surrounding neighborhood, this special exception is granted subject to conditions; and

WHEREAS, as the basis for this action, the District Council adopts the decision and recommendations of the Zoning Hearing Examiner as its findings of fact and conclusions of law in this case.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

Section 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended, to show an approved special exception for a Vehicle Salvage Yard on the property which is the subject of Application No. S.E. 4412. All development and use of the subject property under this special exception shall conform to the revised site plan filed in accordance with this decision, and to the conditions in Section 2.

Section 2. The special exception approved herein is subject to the following conditions:

1. At no time shall the number of vehicles stored in the Salvage Yard exceed 75.
2. If the Department of Environmental Resources determines at the time of permit review that Building B must meet the accessibility requirements of the Americans with Disabilities Act, Applicant shall provide for a ramp/walkway. If the Department of Environmental

Resources does not require accessibility, Applicant may remove the notation from its Site Plan without requiring an amendment of the Special Exception.

3. The hours of operation shall be as follows: 8:00 A.M. to 5:00 P.M., Monday through Friday, and 8:30 A.M. to 3:00 P.M. on Saturday.
4. The owner or operator shall construct a landscaped island along the southern portion of the Kenilworth Avenue frontage, approximately 47 feet in length and three to six feet in width, to visually define the border between Kenilworth Avenue and the subject property. A sketch of the landscaped island, prepared by engineers, shall be filed with the Examiner.
5. No more than three vehicles may be salvaged in the outdoor area, at any one time.
6. No more than six vehicles per day may be brought to the property, for salvage purposes, and no more than six vehicles may be taken from the property, after salvage.
7. The outdoor racks adjacent to the brick building to the rear of the property (Building B) and the racks adjacent to the Quonset hut building shall not exceed eight feet.
8. The existing sign at the top of the Quonset hut shall be removed.

Section 3. This Ordinance shall take effect on the date of its enactment.

Enacted this 23rd day of February, 2004, by the following vote:

In Favor:            Council Members Knotts, Bland, Dean, Dernoga,  
                             Exum, Harrington, Hendershot, Peters and Shapiro

Opposed:

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Abstained:

Absent:

Vote: 9-0

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: \_\_\_\_\_  
Tony Knotts, Chairman

ATTEST:

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