

Case No.: S.E. 4491

Applicant: Marlboro Shoppes, LLC

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

ZONING ORDINANCE NO. 5- 2010

AN ORDINANCE to approve a special exception, with conditions.

WHEREAS, Application No. S.E. 4491 was filed for property described as approximately 0.42585 acres of land in the C-S-C Zone, located in the southwest quadrant of the intersection of Old Silver Hill Road and Marlboro Pike, identified as All Tune & Lube Shop, 6201 Marlboro Pike, District Heights, for approval of a vehicle repair and service station; 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 was held before the Zoning Hearing Examiner, whose recommendations have been considered by the District Council; and

WHEREAS, having reviewed the record, the District Council has determined that S.E. 4491 should be approved; and

WHEREAS, to protect adjacent properties and the general 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, except that the Council deems conditions 3, 4, and 5, added below to those recommended by the Examiner, to be necessary to maintain, as agreed by the applicant, the best appearance of the subject property, as it affects surrounding properties.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

Section 1. The Zoning Map of the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended to show an approved special exception for a vehicle repair and service station on the property which is the subject of Application No. S.E. 4491. All development and use of the subject property under this special exception shall conform to the conditions below and the revised site plan to be filed in accordance with this decision.

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

1. The applicant shall revise the site plan to show the following:
 - (a) The proposed wood privacy fence shall be replaced with a non-wood alternative in a natural color. The fencing shall be equally attractive from both sides.
 - (b) The ultimate right-of-way for Marlboro Pike shall be shown.
 - (c) The point-of-curvature for Old Silver Hill Road and Marlboro Pike shall be shown.
 - (d) If landscaping tabulations are shown on the plan, they shall conform to the sample schedules in Section 2 of the Prince George's County Landscape Manual.

- (e) The notes shall be revised to include:
 - (1) A note limiting repair to vehicles with a maximum gross weight of 17,000 pounds (GVW).
 - (2) Remove the note identifying parking and access on Parcel 18 as being in accordance with Section 27-573 (Off-Site Parking) of the Zoning Ordinance.
- 2. The revised site plan shall be submitted to the Office of the Zoning Hearing Examiner for approval and inclusion in the record.
- 3. The applicant shall place a landscaped strip along the entire frontage of Parcel 18 on Parkland Drive, to close off access from the parcel to Parkland Drive.
- 4. If the applicant places an outdoor trash dumpster on the site, it shall install an appropriate and attractive screening enclosure. Its design and appearance shall be reviewed and approved by the Urban Design Section.
- 5. The applicant:
 - (1) may not use the rear portion of the building, as it is shown on the special exception site plan, for vehicle repair and maintenance;
 - (2) may not seek a special exception for vehicle repair and maintenance in the rear half of the building; and
 - (3) shall revise the site plan to specify the rear portion of the building that is subject to the restriction set forth in this condition.

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

Enacted this 15th day of June, 2010, by the following vote:

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

Opposed:

Abstained:

Absent: Council Members Bland, Campos and Knotts.

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: _____
Thomas E. Dernoga, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council