

Case No.: S.E. 4673

Applicant: Africa Women's Health &
Social Empowerment Assoc., LLC
t/a The Tire Depot, LLC

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 Application No. S.E. 4673, for a special exception for a vehicle parts or tire store with installation facilities and a parking lot for the store in the R-55 Zone, on property described as approximately 0.3049 acres of land, in the C-S-C and R-55 zones, at the intersection of Scott Key Drive and Foster Street, east of Marlboro Pike, also identified as 6208 Marlboro Pike, District Heights, is:

REMANDED to the Zoning Hearing Examiner, to address the following issues, with additional evidence from staff and applicant.

1. The Examiner shall receive evidence and advise the District Council about the proposed use of the second floor of the building as a meeting place or auditorium. The applicant shall state to the Examiner and Council how the second floor is to be used, including all planned uses, and how those uses relate to the store on the first floor.
2. In her decision, the Examiner shall state whether all of the applicant's planned uses are permitted in the zone (C-S-C or R-55) and whether all planned and permitted uses will be compatible with the tire store use that is the subject of the application.
3. The Examiner shall also discuss the relationship, if any, between the location and use of the applicant's loading space and the uses planned for the second floor of the building.

4. The Examiner shall also advise whether the number and location of the parking spaces proposed by the applicant will be adequate for planned uses of the first and second floors of the building. Applicant and staff shall state in the record whether the number of spaces the applicant will provide are deemed to comply with current requirements because of grandfathering, i.e. because of prior uses of the subject property.

5. Applicant and staff shall respond to these questions:

- (1) Is auditorium (social hall) use permitted on a special exception site used for a vehicle parts or tire store with installation?
- (2) Is auditorium (social hall) use permitted on a special exception site used for a vehicle parts or tire store with installation that has an interior loading space?
- (3) Will these uses adversely affect the health, safety or welfare of residents or workers in the area?
- (4) Is parking adequate for vehicle parts or tire store with installation or in conjunction with the auditorium?
 - (a) Are 55 parking spaces grandfathered for the fire station and auditorium *public use* also grandfathered for their *proposed private use* vehicle parts or tire store with installation?

6. If any persons of record, or any person who wishes to become a person of record, wish to supplement the record on any issue concerning the proposed vehicle parts and tire store, with installation and adjacent parking, then the Examiner shall receive the additional evidence or argument and review it for the District Council.

Ordered this 15th day of March, 2011, by the following vote:

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

Opposed:

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: _____
Ingrid M. Turner, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council