

Case No.: S.E. 4675

Applicant: Africa Women's Health &  
Social Empowerment Assoc., LLC  
t/a Tires R Us

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. 4675, a special exception request for a vehicle repair and vehicle parts or tire store, with installation, on property described as approximately 0.4662 acres of land, in the C-S-C Zone, located on the west side of Kenilworth Avenue, approximately 1,670 feet north of East-West Highway, identified as 6323 Kenilworth Avenue, Riverdale Park, is:

REMANDED to the Zoning Hearing Examiner, to reopen the administrative record and take evidence as follows:

A. The present record has insufficient evidence on the issue of compatibility of the existing and proposed use with uses on surrounding properties. The applicant's proposed site plan and the photographs in the record show that the tire sales and other vehicular uses that exist and are proposed on the subject property will have detrimental effects on adjacent properties, because of unsightliness and disrepair of the freestanding sign, the sidewalk and driveway, and the building and parking areas on the site. The examiner has included a condition requiring landscape planters along Kenilworth Avenue. The examiner also requires a revised site plan, to show the planters and certain notes regarding the property. On remand, the examiner should make a complete record and

offer a full report on the likely effects the proposed vehicular uses will have on surrounding properties and the neighborhood.

B. The record shows that the sidewalk on the property cannot be used by pedestrians. In fact, there appear to be no facilities to allow persons who are having their cars repaired walk from the premises to nearby properties and businesses. The examiner should also take evidence on this issue, to determine whether the applicant can enhance the pedestrian connections from the subject property to surrounding properties.

C. The subject property is almost entirely within the 100-year floodplain of the Northeast Branch of the Anacostia River. The property is substantially different, as to environmental conditions, from the great majority of properties in the C-S-C Zone in Prince George's County. On remand, the applicant should show on the record why the proposed vehicle repair use is a reasonable and appropriate one on the subject property, given floodplain constraints, and notwithstanding prior vehicular uses on the property. The prior history of the property, when uses were permitted without regard to sensitive environmental conditions, will not justify a use that is not appropriate today.

D. The applicant on remand shall address any other issues raised by the staff, Planning Board, People's Zoning Counsel, Zoning Hearing Examiner, adjacent property owners, or Town of Riverdale Park.

E. The examiner shall reopen the record and allow any who request it to become persons of record in the case.

Ordered this 11th day of July, 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