

Case No: S.E. 4741

Applicant: 4815 St. Barnabas Rd, LLC  
T/A Jim McKay Auto Mart

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

ZONING ORDINANCE NO. 4 - 2015

AN ORDINANCE approving a Special Exception for a Vehicle Sales Lot located on approximately 0.6 acre of land in the C-S-C (Commercial Shopping Center) Zone, with a street address identified as 4815 St. Barnabas Road, Temple Hills, Maryland.

WHEREAS, 4815 St. Barnabas Rd, LLC, T/A Jim McKay Auto Mart filed an application for a proposed Vehicle Sales Lot on approximately 0.6 acre of land in the C-S-C (Commercial Shopping Center) Zone, located in the northwest quadrant of the intersection of St. Barnabas Road (MD 414) and Raleigh Road, also identified as 4815 St. Barnabas Road (MD 414), Temple Hills, Maryland; and

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

WHEREAS, the Development Review Section of the Planning Department evaluated the subject application and issued a Technical Staff Report recommending approval of the proposed Special Exception subject to conditions on March 12, 2014; and

WHEREAS, the Planning Board adopted the recommendation in the Technical Staff Report for approval with conditions and transmitted the application to the Zoning Hearing Examiner; and

WHEREAS, on May 14, 2014, the Zoning Hearing Examiner conducted a public hearing on the proposed Special Exception in accordance with the requirements of the Zoning Ordinance

of Prince George's County, being also Subtitle 27 of the Prince George's County Code and filed a disposition recommendation with the District Council on June 17, 2014; and

WHEREAS, on June 30, 2014, the District Council elected to make the final decision as to the subject application; and

WHEREAS, on October 20, 2014, and in accordance with the procedures set forth in the Zoning Ordinance, the District Council conducted oral argument as to S.E. 4741 and took this matter under advisement; and

WHEREAS, upon review of the administrative record, the District Council determined that S.E. 4741 should be 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 Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, we hereby adopt, with modifications, the findings and conclusions within the administrative record regarding the proposed application and as set forth within the disposition recommendation of the Zoning Hearing Examiner filed with the District Council on June 17, 2014.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1: Special Exception Application S.E. 4741 is hereby conditionally APPROVED.

In order to protect adjacent properties, the surrounding neighborhood, and to enhance the overall structure of the building, approval of S.E. 4741 is subject to the following conditions:

1. The Site Plan, known as Zoning Hearing Examiner Exhibit 36(a), and the Landscape Plan, known as Zoning Hearing Examiner Exhibit 36(b), shall be revised as follows:

a. The Applicant shall replace the shingles on the roof and perform any additional work necessary to comply with applicable County property standards within the County Code, and replace the windows of the existing building as authorized by the County's permit office.

b. The Applicant shall replace any and all sidewalks leading up to the front entrance of the building. The Applicant shall also resurface and restripe all pavement on the property.

c. The Applicant shall replace and repaint wood on the existing building that is destroyed or deteriorated as necessary to comply with applicable County property standards within the County Code.

d. In accordance with the Lighting Plan approved by the Planning Board, the Applicant shall install security cameras on all sides of the building and, to the greatest extent possible so as not to compromise the operation of the security cameras on the premises, the Applicant shall employ equal or better lighting than submitted in the Lighting Plan, including decorative pole lighting fixtures where possible, standing and/or wall mounted lights, and ground mounted lights, to the extent permissible under County regulations.

e. The Applicant shall replace the proposed building sign and existing tower sign with a monumental sign in accordance with County Code.

f. Where fencing is placed on the property, the Applicant shall install black wrought iron fencing throughout the property in accordance with the County Code.

g. The Applicant shall install plantings and shrubs along the entire perimeter of the property in accordance with prescriptions of the County Code.

h. The Applicant shall not have any wrecked or inoperable vehicles on the property for more than thirty (30) days.

i. The Applicant shall reduce the number of cars on the premise from 50 to 40.

j. The Applicant shall register its business entities with the Maryland Department of Assessments and Taxation. Specifically, the Applicant shall register business entities 4815 St. Barnabas Rd, LLC and Jim McKay Auto Mart with the Maryland Department of

Assessments and Taxation and shall provide proof of such registration prior to the issuance of any permits for S.E. 4741.

SECTION 2: This Ordinance shall take effect on the date of its enactment.

Enacted this 23<sup>rd</sup> day of February, 2015, by the following vote:

In Favor: Council Members Davis, Harrison, Lehman, Taveras, Toles and Turner.

Opposed:

Abstained:

Absent: Council Members Franklin, Glaros and Patterson.

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: \_\_\_\_\_  
Mel Franklin, Chairman

ATTEST:

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