

Prince George's County Special Exception Application No. 4174

Applicant: Hyun J. & Young Soon Shin, Owner

Location: The subject property is located on the west side of Baltimore Avenue 1,000± feet south of Cherry Hill Road

Request: Revise the conditions of the approved special exception

### R E S O L U T I O N

WHEREAS, the applicant has requested to revise the conditions of the approved special exception in accordance with Section 27-324(a)(1) of the Prince George's County Zoning Ordinance; and

WHEREAS, the Technical Staff Report released February 18, 2000, recommended DENIAL; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on February 24, 2000, the Prince George's County Planning Board disagreed with the staff recommendation; and

WHEREAS, the applicant submitted a set of conditions proposed by the City of College Park to amend Condition No. 1 of the approved special exception and add additional conditions; and

WHEREAS, the Planning Board recommendation is based on the following DETERMINATIONS:

- A. Location and Field Inspection: The subject property is located on the west side of Baltimore Avenue, approximately 1,000 feet south of Cherry Hill Road. It contains approximately 0.924 acres of land and is identified as 9600 Baltimore Avenue, College Park. The property is improved with a one- and two-story ■L-shaped building and a large one-story building that are used for vehicle repair. It is zoned C-S-C.
- B. Request: On October 21, 1994, the applicants filed a request for Special Exception (SE-4174) for a vehicle, mobile home, or camping trailer repair and service station use. The District Council approved SE-4174 in 1995 by Zoning Ordinance No. 11-1995 with the following conditions:
  - 1. The revised plan shall be amended to indicate that the retaining wall at the front of the property is to be repaired and moved 3.5 feet southward from its present location.
  - 2. The freestanding sign shall be replaced with one integrated sign for the businesses.
  - 3. The building-mounted signs shall be replaced with signs of a consistent style and design.

The applicant is requesting to revise the conditions of the approved special exception. In particular, the applicant does not want to relocate the retaining wall as required by Condition No. 1.

- C. History: The existing vehicle, mobile home, or camping trailer repair and service station was approved by SE-4174 in 1995. The 1990 Sectional Map Amendment for Langley Park-College Park and Greenbelt placed the property in the C-S-C Zone.
- D. Master Plan Recommendation: The 1990 Master Plan for Langley Park-College Park and Greenbelt recommends the property for retail-commercial use.
- E. Neighborhood and Surrounding Uses: The neighborhood is generally defined by Cherry Hill Road to the north, Baltimore Avenue (US-1) to the east, University Boulevard to the south and Paint Branch Stream Valley Park to the west. The immediate neighborhood is generally commercial in nature , with a variety of service commercial uses located along US 1. The subject property abuts an auto stereo store to the north in the C- S-C zone, US 1 to the east, a motorcycle accessories store in the C- S-C Zone and undeveloped land in the C-O Zone.
- F. Zoning Ordinance Requirements: **Pursuant to Section 27-324(a)(1), the District Council may (for good cause) amend any imposed condition or approved site plan without requiring a new application if the amendment does not constitute an enlargement or extension of a Special Exception use.**
  - 1. In the case of an amendment of a condition (imposed as a part of the approval of a Special Exception), the amendment request shall be directed (in writing) to the District Council and filed with the Clerk of the Council. The Zoning Hearing Examiner shall hold a public hearing on the request, in accordance with Section 27-129, and notify all persons of record (including all persons of record of the original application and any amendments thereof) in the same manner as required for an original application. The Technical Staff shall analyze the proposed amendment and submit a report to the Zoning Hearing Examiner at least fourteen (14) days prior to the public hearing. The Planning Board shall post a sign on the subject property, setting forth the date, time, and place of the hearing, in the same manner as required for an original application; except in the case of an amendment request for a commercial recreational attraction, the posting shall be at least thirty (30) days prior to the scheduled hearing. After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council. All persons of record shall be given at least ten (10) days written notice by the Clerk of the Council of the date and time of the District Council's consideration of the matter. Any person of record may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's recommendation with the District Council. If appealed, all persons of record may testify before the District Council. Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of the hearing.

- G. After consideration of the testimony of the technical staff, the applicant, the City of College Park and the Planning Board found ■good cause• to amend Condition No. 1 of the approved special exception. Consequently, the Planning Board determined that relocating the retaining wall would not resolve the access problem or significantly improve the safety for vehicular access to and from the site.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board recommends that the applicant's request to revise the conditions for Special Exception No. 4174 be APPROVED, subject to the following conditions:

1. Amend Conditions No. 1 to read as follows: ■The revised site plan shall be amended to indicate that the retaining wall at the front of the property is to be repaired.●
2. Require the applicant to place a statement on the site plan indicating a prohibition against the repair or service of mobile homes and campers on the premises.
3. Require the applicant to file a revised site plan with the Maryland-National Capital Park and Planning Commission within thirty days of action being taken by the District Council on this application and to provide a copy of the revised site plan to the City of College Park.
4. All changes indicated on the revised site plan, including the conditions contained in the Order of the District Council dated June 26, 1995, except as modified, shall be completed within ninety (90) days of action taken by the District Council on the Applicant's request for modification of Condition No. 1 of the District Council's Order. If for reasons beyond the control of the Applicant, completion of the work on the conditions does not occur within ninety (90) days after the District Council's Order, but the Applicant is able to show substantial progress and good faith in an attempt to complete compliance with the conditions, the time for completion may be extended by the Zoning Enforcement Officer for an additional ninety (90) days. Upon conclusion of that period, in the event the Zoning Enforcement Officer determines that the Applicant has failed to complete the conditions set forth in the modified Order and in the 1995 Order, the Director of the Department of Environmental Resources shall petition the District Council pursuant to Section 27.328 of the Prince George's County Zoning Ordinance for revocation of the Special Exception for failure to comply with the conditions of the Order.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner McNeill, seconded by Commissioner Brown, with Commissioners McNeill, Brown, Boone and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 24, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of March 2000.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:ET:aj