

February 2, 2000

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Arie Stouten, Zoning Supervisor

FROM: Elsabet Tefaye, Senior Planner

SUBJECT: **Special Exception Application No. 4174 (Hyun & Young Soon Shin)**

REQUEST: **Delete Condition No. 1**

RECOMMENDATION: **DENIAL**

NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3280.

FINDINGS:

- 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 applicants presently are requesting for amendment of 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. Staff Analysis: The applicants contend that decisions made by the Planning Board, the Zoning Hearing Examiner and the District Council to impose this condition as a result of a misconception that the proposed facility would repair mobile homes and campers. The applicants further maintain that in requiring Condition 1, the District Council erred, since neither the applicants nor their business tenants repair mobile homes or campers. However, review of documents in the record of this case indicate that there is no misconception in the part of the Zoning Hearing Examiner and/or the District Council regarding the intended purpose of the condition to move the retaining wall from its original location.

The possibility of moving the retaining wall from its current location is a matter that was discussed at the Examiner's hearing as a potential option to alleviate traffic problems on US 1 created as a result of vehicles trying to access or leave the site. It was brought out at the hearing that there is a traffic congestion problem on north bound US 1 resulting from vehicles attempting to make a left turn in to the property's driveway. In addition, a restrictive condition was cited in negotiating a right turn in to the property's driveway from the south-bound US 1. The problem becomes more acute when large size and recreational vehicles attempt to make a turn in to the property or leave the property, creating a potential blockage and in some cases, resulting in backing vehicles out on to US 1 to complete a turn.

In response to referral of the applicant request, Mr. Tom Masog of the Transportation Planning Section has offered the following comments.

A site visit indicated that the entrance to the site is quite restrictive due to the retaining wall on the south side of the driveway and an existing utility pole on the north side of the driveway next to US 1. This entrance is complicated by the fact that vehicles entering the site from the north must make a right turn greater than 90 degrees (i.e., an acute-angle turn). This requires that standard passenger vehicles come to nearly a complete stop in order to negotiate the turn, particularly when another vehicle is trying to exit the site. Some types of longer-wheelbase vehicles (like motor homes or even larger pick-ups or sport utility vehicles) may actually have to stop and wait on southbound US 1 when another vehicle is

exiting the site until that vehicle leaves the driveway. Because US 1 is a very busy facility, any potential blockage near the site entrance is a matter for concern.

Although the transportation staff believes a greater benefit would be achieved by moving the utility pole next to US 1 on the north side of the driveway, moving the retaining wall as specified in Condition 1 of the District Council's resolution would also have some benefit. The transportation staff believes that the condition is beneficial regardless of the types of vehicles being repaired on the site, and should be retained. (Please see attached).

- H. Recommendation: Staff concurs with the analysis and conclusion of the Transportation Section. The condition regarding the relocation of the retaining wall should remain unchanged, as approved by both the Zoning Hearing examiner and the District Council. This will minimize possible adverse traffic impact to the area near and on the entrance to the site. Therefore, staff recommends DENIAL of the applicants' request to amend Condition No. 1 of SE-4174.