



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Certified Nonconforming Use CNU-3997-10

Application	General Data	
<p>Project Name: Mr. Automotive</p> <p>Location: Located southeast of Annapolis Road (MD 450) at its intersection with Lanham Station Road.</p> <p>Applicant/Address: Mr. Automotive 8801 Annapolis Road Lanham, MD 20706</p> <p>Property Owner: Hannah Storch 25 Hooks Lane, Suite 312 Pikesville, MD 21208</p>	Planning Board Hearing Date:	06/24/10
	Memorandum Date:	06/07/10
	Date Accepted:	05/24/10
	Planning Board Action Limit:	N/A
	Plan Acreage:	6.72
	Zone:	C-S-C
	Gross Floor Area:	N/A
	Lots:	1
	Parcels:	0
	Planning Area:	70
	Tier:	Developing
	Council District:	05
	Election District	20
Municipality:	N/A	
200-Scale Base Map:	207NE07	

Purpose of Application	Notice Dates	
Continuous use of a certified nonconforming use that exceeded 180-day continuous operations.	Informational Mailing	04/14/10
	Acceptance Mailing:	N/A
	Sign Posting Deadline:	05/24/10

Staff Recommendation		Staff Reviewer: Jimi Jones Phone Number: 301-952-3411 E-mail: Jimi.Jones@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
X			

June 7, 2010

MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Jimi Jones, Zoning Supervisor

SUBJECT: **Certified Nonconforming Use Application No. CNU-3997-10
Mr. Automotive**

The use in this case is certified as a nonconforming auto parts with installation facility in the Commercial Shopping Center (C-S-C) Zone. The property is located at the southeast quadrant of the intersection of Annapolis Road and the Capital Beltway (I-95/495) in the Lanham Crossing Shopping Center. The use is situated on a pad site within the shopping center. The building has been occupied by several different auto repair uses since it opened in 1967. The use was certified as a nonconforming use in 1985. The record shows that the use has been in continuous operation as an auto parts with installation facility until the previous tenant (Mr. Transmission) went bankrupt in late 2008. The use has gone without a tenant since that time.

The applicant is requesting that the Planning Board grant relief from Section 27-241 of the Zoning Ordinance which, among other things, establishes that discontinuance of the day-to-day operation of a certified nonconforming use for a period of 180 days or longer constitutes abandonment of the use. Section 27-241 also grants the Planning Board authority to grant relief from this requirement if the Board determines (upon written request) that the conditions of non-operation were "beyond the control of the person who was in control of the property during the period of non-operation." The Board's determination must be based on satisfactory evidence presented by the person making the request.

In an affidavit dated April 8, 2010, the applicant submits the following evidence:

3. Hannah Storch is the owner of the property located at 8803 Annapolis Road, Lanham, MD. The property is improved with the Lanham Crossing Shopping Center. Included within the shopping center is a free standing building along the northern property line. The building was constructed in or about 1967 as an automotive parts and installation store. The automotive parts and installation store bears a street address of 8801 Annapolis Road.

4. The building has always been occupied by automotive parts and installation uses. On July 6, 2007, a lease was executed by a tenant known as Mr. Transmission. Mr. Transmission occupied the property pursuant to Use and Occupancy Permit Number 31433-2007. The permit was issued on August 15, 2007.
4. Mr. Transmission declared bankruptcy on October 27, 2008, at which time it ceased operation. It was not until March 18, 2009 that the owner regained possession of the premises.
5. In anticipation that the owner would regain control of the premises, I placed signage on the property advertising that the space was available in December 2008. No tenants responded to the signage despite being a visible beltway location.
6. On June 7, I began advertising in the Washington Post. I continued advertising weekly throughout the remainder of 2009 without success in locating a tenant. I personally fielded, on average, about 30 calls a month. Despite an aggressive marketing effort, we were not able to identify a potential tenant until February 15, 2010.
7. On February 22, 2010, a lease was executed with Mr. James Lee, t/a Mr. Automotive to occupy the premises. Mr. Lee applied for a permit on February 23, 2010. Upon review of the permit by the Maryland-National Capital Park and Planning Commission, Mr. James was informed that the automotive use of the property was non-conforming and that the permit could not be approved because of the 11 month period in which the use did not operate.
8. M. Leo Storch Management Corporation owns or manages several retail shopping centers in Prince George's County. It is intimately familiar with the retail market. I have been the marketing manager and leasing agent for the Lanham Crossing Shopping Center since 1995 and have found the current leasing market the most challenging market we have ever experienced.
9. If the current tenant is not permitted to occupy the property, we will be required to obtain a special exception, which will take months to process and force the tenant to seek a new location. The building was constructed as an automotive repair facility and cannot be reasonably remodeled to accommodate any other type of retail use.

Staff notes that the use has essentially been out of operation for nearly 15 months. The fact that we are undergoing tough economic times is well documented. It appears that the applicant has been actively pursuing a new tenant during the period of non-operation. Based on the information submitted by the applicant, staff finds the the information submitted by the applicant is sufficient to determine that the conditions of non-operation were beyond the applicant's control.