



July 30, 2021

Maurene Epps-McNeil
Zoning Hearing Examiner
County Administration Building
Upper Marlboro, MD 20772

RE: SE-4847and ACE Eastover Square

Dear Ms. Epps-McNeil:

On July 29, 2021, after review of the technical staff report, the Prince George's County Planning Board approved the transmittal of the recommendation. Therefore, the application is hereby transmitted directly to the District Council/Zoning Hearing Examiner, and the technical staff's recommendation constitutes the Planning Board's recommendation.

Very truly yours,

James Hunt/mas
James R. Hunt, Chief
Development Review

Enclosure

cc: Persons of Record



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Special Exception

ACE Eastover Square

SE-4847

REQUEST	STAFF RECOMMENDATION
Relocation of a check cashing business into an existing 3,900-square-foot space in Eastover Square Shopping Center.	APPROVAL

Location: In the southeast quadrant of the intersection of MD 210 (Indian Head Highway) and Oxon Run Drive.	
Gross Acreage:	25.21
Zone:	C-S-C
Dwelling Units:	0
Gross Floor Area:	N/A
Lots:	0
Parcels:	0
Planning Area:	76A
Council District:	08
Election District:	12
Municipality:	Oxon Hill
200-Scale Base Map:	207SE01
Applicant/Address: Populus Financial Group 300 East John Carpenter Freeway, Suite 900 Irving, TX 75062	
Staff Reviewer: Sam Braden IV Phone Number: 301-952-3411 Email: Sam.BradenIV@ppd.mncppc.org	



Planning Board Date:	07/29/2021
Planning Board Action Limit:	N/A
Staff Report Date:	07/14/2021
Date Accepted:	05/27/2021
Informational Mailing:	03/31/2021
Acceptance Mailing:	05/25/2021
Sign Posting Deadline:	N/A

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT:

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

VIA: Jeremy Hurlbutt, Supervisor, Zoning Review Section,
Development Review Division

FROM: Sam Braden IV, Senior Planner, Zoning Review Section,
Development Review Division

SUBJECT: Special Exception SE-4847
ACE Eastover Square

REQUEST: A special exception to relocate a check cashing business into an existing
3,900-square-foot space in Eastover Square Shopping Center.

RECOMMENDATION: **APPROVAL**

NOTE:

The Planning Board has scheduled this application on the consent agenda for transmittal to the Zoning Hearing Examiner on the agenda date of July 29, 2021.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. 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 301-952-3530.

FINDINGS:

1. **Location and Site Description:** The subject property is located in the southeast quadrant of the intersection of MD 210 (Indian Head Highway) and Oxon Run Drive. The business is currently located on the site and occupies a pad site at 5221 Indian Head Highway, in the Commercial Shopping Center (C-S-C) Zone. The proposed occupied space is 3,900-square-foot in the Eastover Square Shopping Center.

2. **History and Previous Approvals:** The subject property is located on Tax Map 95 in Grid F1 and F2 and contains a total of 25.21 acres of land. The subject property was recorded by plat among the Prince George’s County Land Records, in Plat Book WWW 23 page 79, on August 14, 1953. The existing site will be relocated in the Eastover Square Shopping Center in a 3,900-square-foot space constructed in 1957. On August 26, 2015, the Prince George’s County Planning Board approved Alternative Compliance AC-96015-02, with no conditions, for an Advance Auto Parts Store on the subject site.

3. **Neighborhood and Surrounding Uses:** The general neighborhood is bounded to the north by Oxon Run Drive, Bell Acres Park to the west, retail, and commercial uses in Eastover Square Shopping Center to the east, and Aubrey Lane to the south, with primarily residential uses beyond. The immediate uses surrounding the subject property are as follows:
 - North—** Oxon Run Drive and the District of Columbia.

 - East—** Retail and service commercial uses in the C-S-C Zone on the property, and beyond, Indian Head Highway in the C-S-C and Commercial Miscellaneous Zones.

 - South—** Aubrey Lane, and beyond is Forest Heights Elementary School in the One-Family Detached Residential (R-55) Zone and vacant property in the Residential Townhouse Zone.

 - West—** Bell Acres Park in the Open Space Zone.

4. **Request:** The applicant requests the relocation of a check cashing business into an existing 3,900-square-foot space in Eastover Square Shopping Center.

5. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Check Cashing	Check Cashing
Acreage	23.41	25.41
Lots	0	0
Gross Floor Area	N/A	N/A
Dwellings	0	0

6. **Required Findings:** A special exception is subject to the general findings for approval of all special exceptions contained in Section 27-317(a) of the Prince George’s County Zoning Ordinance. Part 4 of the Zoning Ordinance also includes additional required findings for specific uses. A check cashing business is subject to the additional findings of Section 27-341.01 of the Zoning Ordinance. The analysis of all the required findings for approval are provided below.

In support of the application, the applicant filed a statement of justification submitted April 29, 2021, incorporated by reference herein. This case was heard at the Subdivision and Development Review Committee (SDRC) meeting on June 11, 2021. There were no major issues noted by staff at the SDRC meeting.

General Special Exception Findings—Section 27-317(a) provides the following:

(a) A Special Exception may be approved if:

- (1) The proposed use and site plan are in harmony with the purposes of this Subtitle.**
- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

The purposes of Subtitle 27 of the Prince George’s County Code, as set forth in Section 27-102(a)(1-15) of the Zoning Ordinance, are generally to protect the health, safety, and welfare of the public, to promote compatible relationships between various land uses, to guide orderly development, and to ensure adequate public facilities and services.

The proposed use is in conformance with the requirements and regulations set forth in Subtitle 27. Most notably, the check cashing business is a permitted use subject to the requirements in Section 27-341.01.

- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.**

Special Exception SE-4847 conforms to this finding. The proposed use of the property as a check cashing business will not substantially impair the 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment*. The property is located in the C-S-C Zone, where a check cashing business is a permitted use.

- (4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

The special exception area is designated to the in-line space in the shopping center. Staff finds that the proposed use will allow for a safe internal flow of pedestrians and vehicles on-site, as well as the safe ingress and egress of vehicles. The location of the shopping center along Indian Head Highway

will not adversely affect the health, safety, or welfare of residents or workers in the area.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

Staff finds that the proposed relocation of this use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The business will be relocating from a pad site to a space in the shopping center. Only the aesthetics of the space will be changed, not the size or structure of the space.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

The proposed site plan is exempt from the tree conservation plan.

(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

There are no regulated environmental features located on the property and no on-site regulated environmental features will be impacted. This project is disturbing less than 5,000 square feet and contains less than 10,000 square feet of woodland. These findings have been met.

Specific Special Exception Requirements:

Section 27-341.01 – Check Cashing Business.

(a) A check cashing business may be permitted, subject to the following:

- (1) Hours of operation shall be limited to the hours of 9:00 a.m. to 8:00 p.m.;**
- (2) A schedule of fees/charges shall be posted and immediately visible to persons upon entering the Check Cashing Business. A copy of the fee schedule shall also be made available to all persons upon entrance to the Check Cashing Business;**

The check cashing business will operate within the hours of 9:00 a.m. to 8:00 p.m. There will be a schedule of fees/charges visibly posted upon entering the business.

(3) No other business shall share floor space with the Check Cashing Business;

The check cashing business will be the only business occupying the special exception area.

- (4) **Security lighting and cameras shall be provided on all open sides of the Check Cashing facility providing surveillance of the area within 100 feet from the exterior of the building;**

The applicant has proposed to install surveillance cameras.

- (5) **At least one (1) security employee (with no other duties) must be on the premises when the Check Cashing Business is open for business; and**

The applicant proposes that at least one security employee (with no other duties) will be on the premises when the check cashing business is open.

- (6) **Cashiers must work behind bullet resistant glass.**

The applicant proposes to install bullet resistant glass in front of cashiers.

7. **Parking Regulations:** In accordance with the parking and loading regulations contained in Section 27-568(a)(3) of the Zoning Ordinance, the parking requirement for this special exception use will use the retail standard of one space per 250 square feet of gross leasable area that applies to the shopping center as a whole. The number of parking spaces required for the whole site is a total of 1,407, and 1,502 spaces (1,463 standard; 39 handicap) are provided. There is a parking excess total of 95 spaces. The site requires three spaces (<100,000 sq. ft. gross leasable area) and loading provided is six spaces. The required parking is provided for the proposed use.
8. **2010 Prince George's County Landscape Manual Requirements:** The special exception qualifies for an exemption from the 2010 *Prince George's County Landscape Manual* pursuant to Section 1.1(d), as no site changes are proposed with this application.
9. **Tree Canopy Coverage:** Staff finds that due to the limited scope of this special exception, the proposed plan is exempt, and not subject to tree canopy coverage requirements.
10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO):** The property does not have a current approved NRI or Woodland Conservation Exemption Letter. A NRI and the requirement of meeting the Woodland Conservation regulations are not required because this plan is disturbing less than 5,000 square feet.
11. **Signage:** No changes to the existing signage and no new signage are proposed with this application; there will be renovations limited to storefront and interior space. Therefore, this application does not require review of the sign regulations.

12. Referral Comments: The following referrals were received and are incorporated herein by reference. All of the comments are addressed on the site plan, or as part of this technical staff report:

- a. Community Planning Division, dated June 21, 2020 (Lester to Braden)
- b. Transportation Planning Section, dated June 30, 2021 (Smith to Braden)
- c. Environmental Planning Section, dated June 13, 2021 (Rea to Braden)
- d. Historic Preservation Section, dated June 10, 2021 (Stabler to Braden)
- e. Urban Design Section, dated June 28, 2021 (Bishop to Braden)
- f. Subdivision Section, dated June 8, 2021 (DiCristina to Braden)
- f. Prince George's County Department of Permitting, Inspections and Enforcement, dated June 7, 2021 (Branch to Braden)

RECOMMENDATION

A special exception use is considered compatible with uses permitted by-right within the Commercial Shopping Center (C-S-C) Zone if specific special exception criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use would create an adverse impact upon surrounding properties is to show that the proposed use, at this particular location as proposed, would not have adverse impacts above and beyond those inherently associated with the special exception use, regardless of its location within the C-S-C Zone.

Based on the applicant's statement of justification, the analysis contained in the technical staff report, associated referrals, and materials in the record, the applicant has demonstrated conformance with the required special exception findings, as set forth in Section 27-317 (in general) and Section 27-341.01, for a check cashing business, of the Prince George's County Zoning Ordinance, in this instance. Therefore, staff recommends approval of Special Exception SE-4847, ACE Eastover Square, subject to the following conditions of approval:

1. The applicant, and the applicant's heirs, successors, and/or assignees shall provide the following facilities, prior to any building permit, and depict the following facilities on the site plan, prior to its certification:
 - a. Provide a minimum of two inverted u-style, or a style similar that allows for two points of secure contact, be provided near the building entrance, and detailed exhibit of location and specifications.
 - b. Add Tax Map 95 Grid F2 to General Note 10 on Sheet 1.
2. Prior to certification of the special exception, revisions shall be made to the site plan label Lot 1, Block D on Sheet 1. The recording reference of the plat and acreage must be included in this label.

ITEM: 4D

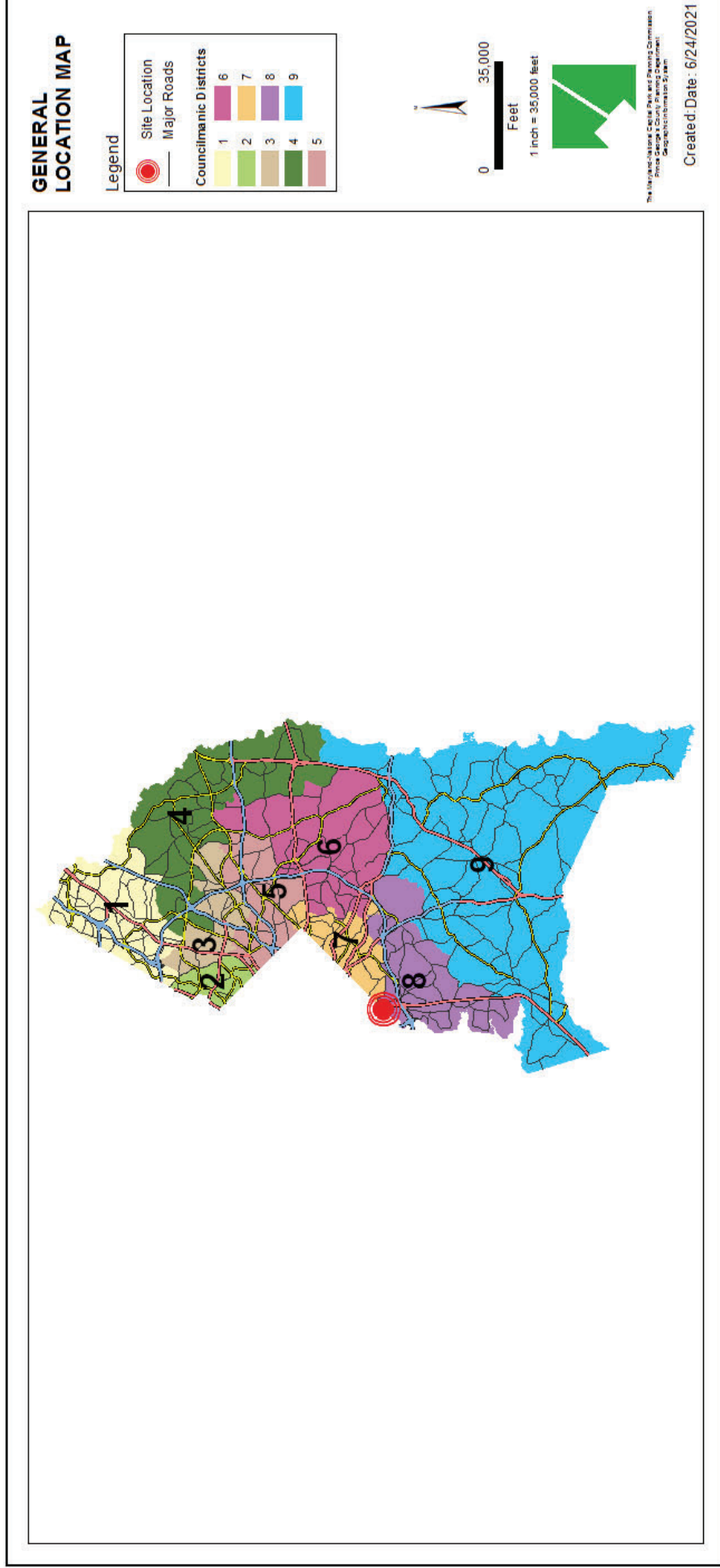
CASE: SE-4847

ACE CHECK CASHING EASTOVER SQUARE

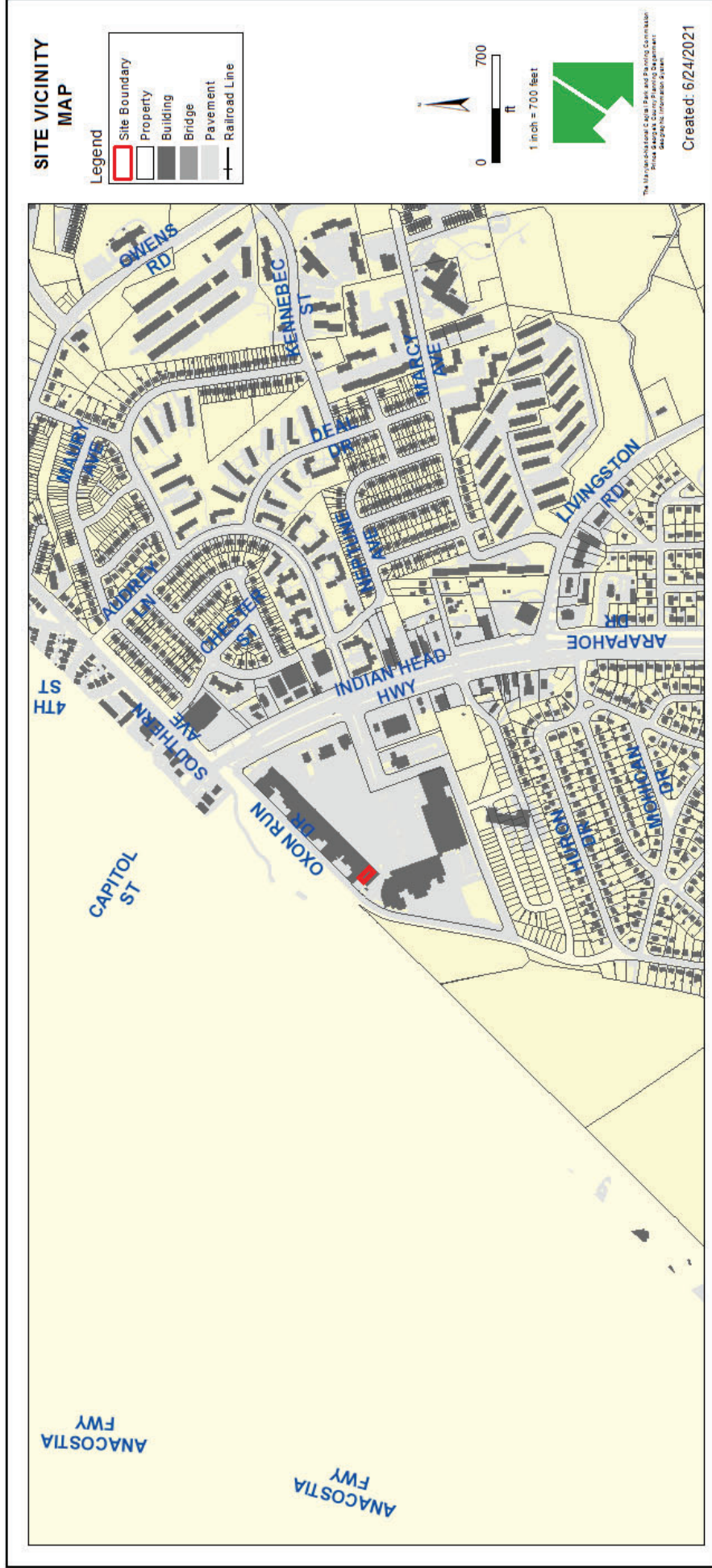
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



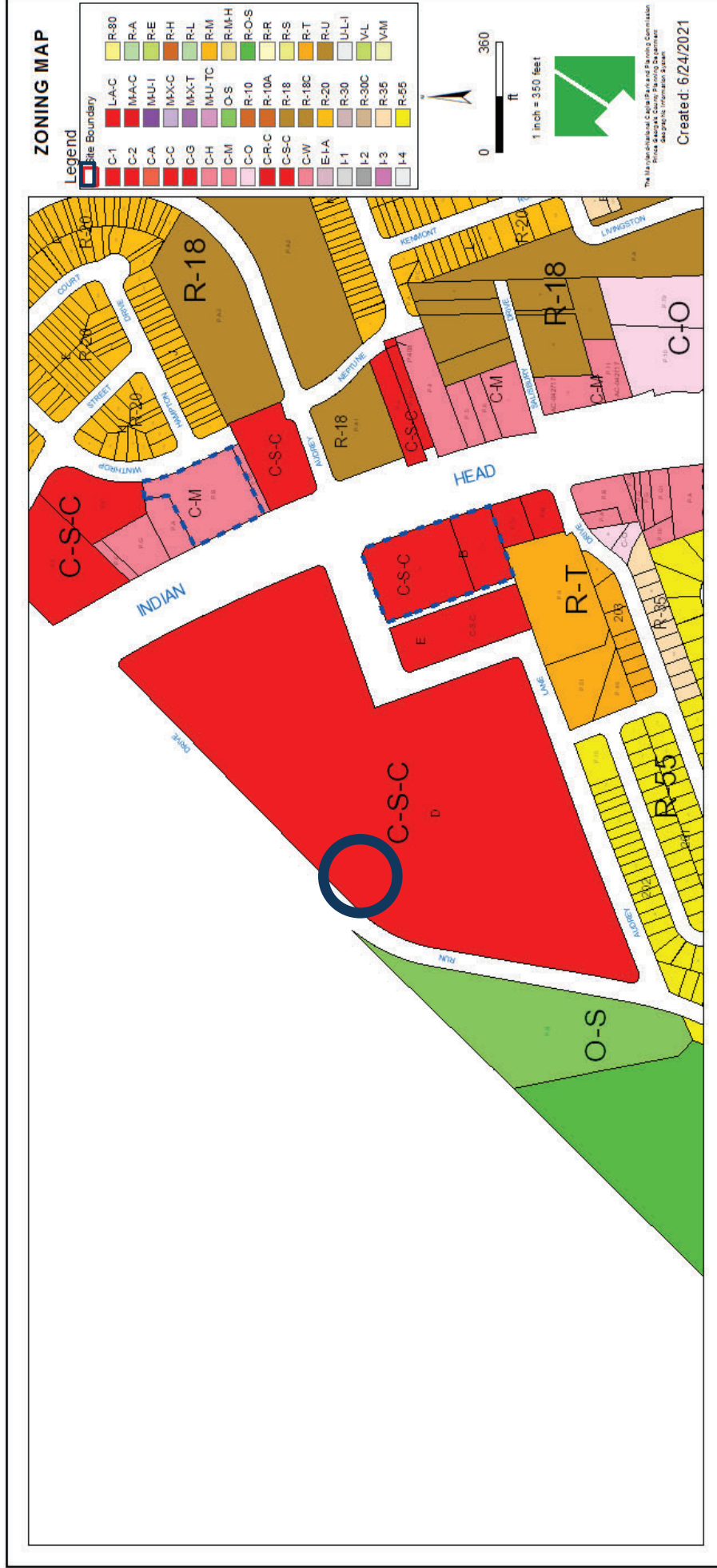
GENERAL LOCATION MAP



SITE VICINITY



ZONING MAP



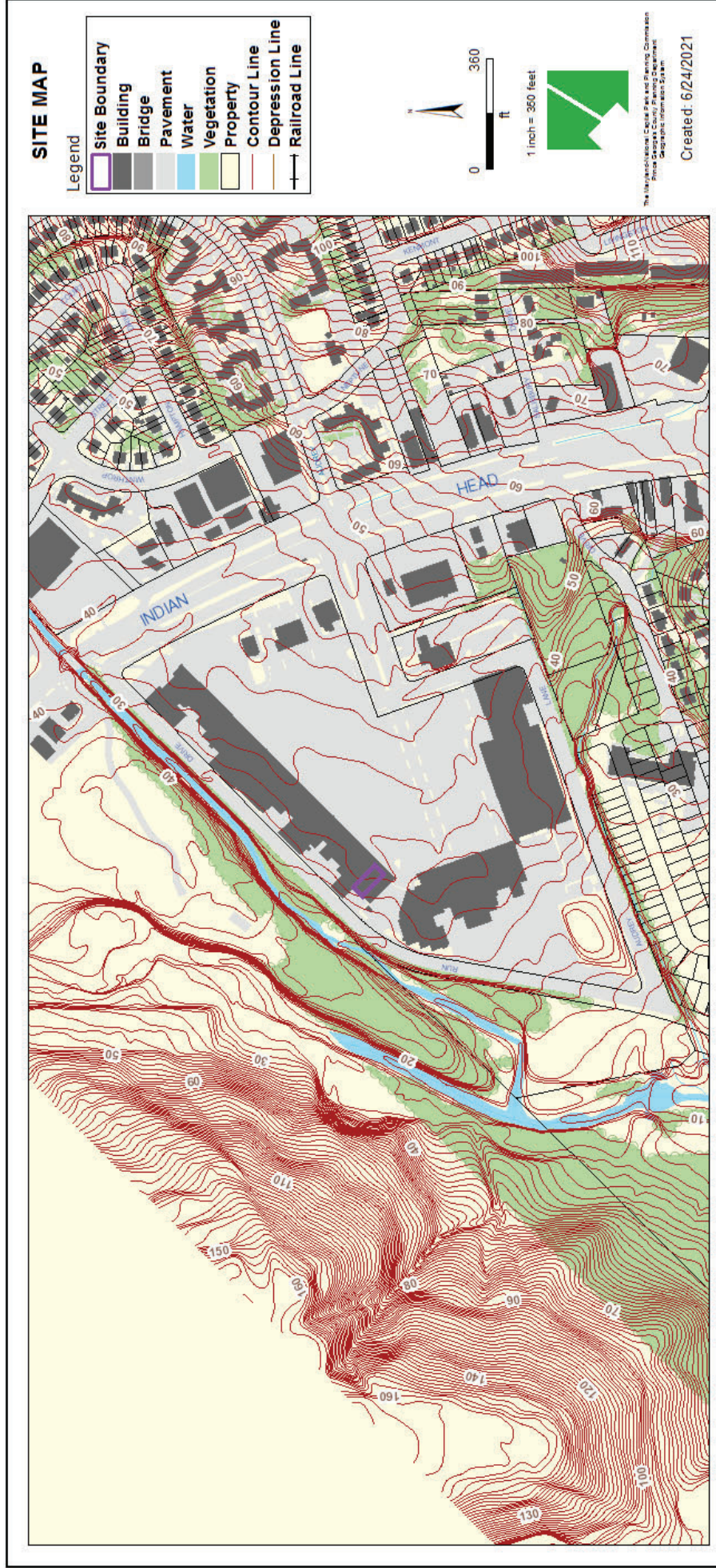
OVERLAY MAP



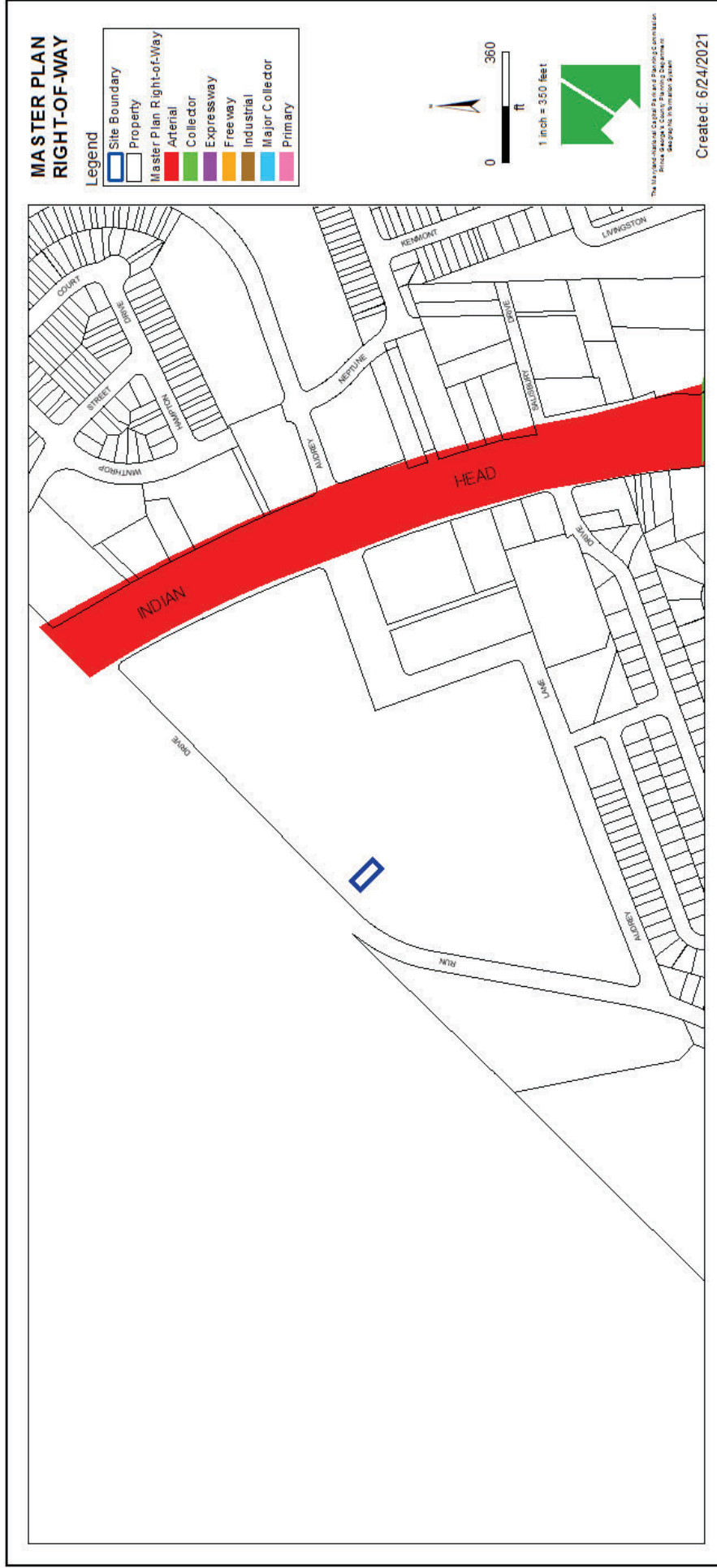
AERIAL MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



STATEMENT OF JUSTIFICATION
SE-4847

APPLICANT: Populus Financial Group
300 East John Carpenter Fwy. Ste. 900
Irving, TX 75062

CORRESPONDENT: Daniel F. Lynch
McNamee Hosea
6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770
301-441-2420 (P)
301-982-9450 (F)
dlynch@mhlawyers.com

REQUEST: Special Exception for check cashing business

I. **DESCRIPTION OF PROPERTY**

1. Address – 5135 and 5141 Indian Head Highway, Oxon Hill, Maryland 20745
2. Located in the SE quadrant of Indian Head Highway and Oxon Run Drive.
3. Use – Multi-family dwelling
4. Incorporated Area – N/A
5. Councilmanic District – 8
6. Lot – Lot 1
7. Total Area – 25.21 Acres
7. Tax Map –95, Grid F1 and F2
8. Zoned – C-S-C
9. Owner–Eastover Plaza Improvements, LLC

10. Zoning Map – 207SE01

II. APPLICANT'S PROPOSAL

The applicant is proposing to operate relocate its check cashing business from a freestanding pad site with an address of 5221 Indian Highway to an in-line location in the Eastover Shopping Center. The applicant is proposing to occupy a 3,900 square foot space as outlined in red on the special exception site plan submitted in conjunction with this application. As will be demonstrated below, the applicant's request complies with the general special exception criteria set for in Section 27-317 as well as the specific requirements for a check casing business set forth in Section 27-341.01 of the Zoning Ordinance.

III. COMMUNITY

The subject property is located on the west side of Indian Head Highway on the northern edge of the of the Town of Forest Heights.. The property is surrounded by the following uses:

- North: Oxon Run Drive and to the north of Oxon Run Drive is the District of Columbia..
- South: Aubrey Lane and to the south of Aubrey Lane is Forest Heights Elementary School in the R-55 Zone.
- East: Retail and Service Commercial uses in the C-S-C and C-M Zone.
- West: Oxon Run Park in the O-S Zone.

IV. APPLICATIONS FOR SPECIAL EXCEPTION

A. The proposed special exception for a check cashing business is subject to the findings set forth in Section 27-317 of the Zoning Ordinance. The applicant believes that its request to vary the bedroom percentage requirements complies with the criteria set forth in Section 27-317 as will be demonstrated below:

B. Criteria for Approval

Sec. 27-317 – Required findings.

(a) A Special Exception may be approved if:

- (1) **The proposed use and site plan are in harmony with the purposes of this Subtitle;**

COMMENT: The general purposes of the Zoning Ordinance are set forth in Section 27-102, which states:

- (a) **The purposes of the Zoning Ordinance are:**

- (1) **To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;**

COMMENT: This proposal complies with this requirement since the Applicant is proposing to operate a commercial use on the property that is located in the C-S-C Zone. In addition, the applicant is relocating and existing use from an older commercial structure into an inline space in an existing shopping center that will not only be renovated to accommodate the requirements of the use but also the requirements set forth in 27-341.01 of the Zoning Ordinance. This facility will be designed both in conformance with the requirements of the Prince George's County Code and modern retailing standards.

- (2) **To implement the General Plan, Area Master Plans, and Functional Master Plans;**

COMMENT: The proposed use will not substantially impair the integrity of the *Approved Sectional Map Amendment and Sector Plan for Eastover, Forest Heights and Glassmanor*. The subject property is located in the C-S-C Zone. The operation of a check cashing business is consistent with this zoning category.

- (3) **To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;**

COMMENT: As indicated, the applicant is merely relocating an existing business to an inline space in the shopping center. The applicant is not proposing to create additional square footage and therefore not impact the public facilities servicing this commercial area of Prince George's County.

- (4) **To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;**

COMMENT: The subject proposal complies with this purpose since it calls for the relocation of a commercial use from a pad site to an inline space in an existing shopping center. The relocation

will be accompanied by interior and exterior renovations to the space to be occupied by the Applicant which will in turn improve the aesthetics of the shopping center. In addition, it is anticipated that once the Applicant relocates its business the pad site that it previously occupied will be redeveloped with another commercial use.

(5) To provide adequate light, air, and privacy;

COMMENT: This criteria is not applicable as the Applicant is not proposing any new construction as part of this application.

(6) To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;

COMMENT:

(7) To protect the County from fire, flood, panic, and other dangers;

COMMENT: This proposal complies with this requirement since the construction the multi-family building will be in accordance with current standards for fire protection and storm water management as well as all State and County building/grading codes.

(8) To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;

COMMENT: This proposal complies with this requirement since the Applicant is proposing to relocate an existing business from an older commercial structure to an in-line space in the shopping center that will be renovated to accommodate the requirements of the use but also the requirements set forth in 27-341.01 of the Zoning Ordinance. This facility will be designed both in conformance with the requirements of the Prince George's County Code and modern retailing standards.

(9) To encourage economic development activities that provide desirable employment and a broad, protected tax base;

COMMENT: This proposal complies with this purpose since the applicant is maintaining and existing business in the County rather than relocating it to another jurisdiction.

(10) To prevent the overcrowding of land;

COMMENT: The applicant is not proposing new construction with the application, but relocating to an in-line space in an existing shopping center. Therefore this application complies with this

criteria since the applicant will be utilizing an existing building and proposing any additional square footage in the shopping center.

- (11) To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;**

COMMENT: The proposal complies with this requirement since relocating this use to an in-line space will not generate any new vehicle trips. The applicant and its customers will be utilizing the existing parking lot and associated entrances onto Indian Head Highway and Aubrey Lane. These entrances have adequately and safely served this shopping center over the past 60 years and will continue to accommodate the proposed business.

- (12) To ensure the social and economic stability of all parts of the County;**

COMMENT: This proposal complies with this requirement since the applicant's financial investment in the subject property demonstrates its confidence in this community.

- (13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;**

COMMENT: The applicant is not proposing new construction with this request, but relocating a business from a pad site to an in-line space in the shopping center. The proposal will not generate noise or cause air or water pollution, and will not impact stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features.

- (14) To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and**

COMMENT: This purpose does not apply.

- (15) To protect and conserve the agricultural industry and natural resources.**

COMMENT: This purpose does not apply.

In addition to the purposes set forth in Section 27-102(a), Section 27-317 goes on to require that the applicant demonstrate the following:

- (2) The proposed use is in conformance with all applicable requirements and regulations of this subtitle;**

COMMENT: As demonstrated in the Special Exception site plan set submitted in conjunction with this application, the proposal is in compliance with all requirements and regulations set forth in Subtitle 27.

- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;**

COMMENT: As indicated earlier, the proposal complies with the recommendation contained in the *Approved Sectional Map Amendment and Sector Plan for Eastover, Forest Heights and Glassmanor*. The subject property was retained in the C-S-C Zone and the relocation of a commercial use from a pad site an inline space is consistent with the land use recommendation for the property as well as the redevelopment goals in that the relocation will allow the existing pad site to be redeveloped in brought into compliance with the Zoning Ordinance.

- (4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;**

COMMENT: Although the area of the special exception only covers the in-line space in the shopping center, the applicant and note that the design of the parking area and drive aisles associated with the existing shopping center provide for the safe internal flow of pedestrians and vehicles on-site and for the safe ingress and egress of vehicles. Also, the location of this shopping center along Indian Head Highway will be convenient to customers living in the area and those travelling to the shopping center from outside the community and thus, this location helps protect the comfort and convenience of the current and future inhabitants of the County.

- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**

COMMENT: The proposed relocation of the this use will not be detrimental to the use or development of adjacent properties or the general neighborhood in that the use is merely relocating from a pad site to an in-line space in the same shopping center. As part of this relocation, the store front of the space as well as the interior of that space will be renovaded and in turn improve the overall aesthetics of the shopping center.

- (6) The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan.**

COMMENT: The proposal is exempt from the Woodland Conservation Manual.

- (7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

COMMENT: There are no regulated environmental features on the subject property.

In addition to the criteria set forth in Section 27-317, a check casing business is subject to compliance with the criteria set forth in Section 27-341.01, which states:

- (a) A check cashing business may be permitted, subject to the following:**

- (1) Hours of operation shall be limited to the hours of 9:00 a.m. to 8:00 p.m.,**

COMMENT: Acknowledged.

- (2) A schedule of fees/charges shall be posted and immediately visible to persons upon entering the Check Cashing Business. A copy of the fee schedule shall also be made available to all persons upon entrance to the Check Cashing Business;**

COMMENT: Acknowledged.

- (3) No other business shall share floor space with the Check Cashing Business;**

COMMENT: There will be no other businesses operating within the area of the special exception.

- (4) Security lighting and cameras shall be provided on all open sides of the Check Cashing facility providing surveillance of the area within 100 feet from the exterior of the building;**

COMMENT: The applicant is proposing to install surveillance cameras in compliance with this requirement.

- (5) At least one (1) security employee (with no other duties) must be on the premises when the Check Cashing Business is open for business; and**

COMMENT: The applicant is proposing to employ at least one security employee (with no other duties) must be on the premises when the Check Cashing Business is open for business

(6) **Cashiers must work behind bullet resistant glass.**

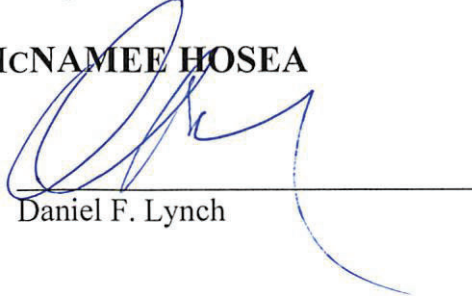
COMMENT: The applicant is proposing to install bullet resistant glass in front of the cashiers.

V. CONCLUSION

The applicant is proposing to relocate the existing check cashing business from a pad site to an in-line store in Eastover Shopping Center. The applicant believes that the application for Special Exception meets or exceeds each of the requirements set for the in the Zoning Ordinance, and therefore, the applicant requests the approval of these applications.

Respectfully submitted,

McNAMEE HOSEA



Daniel F. Lynch



The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

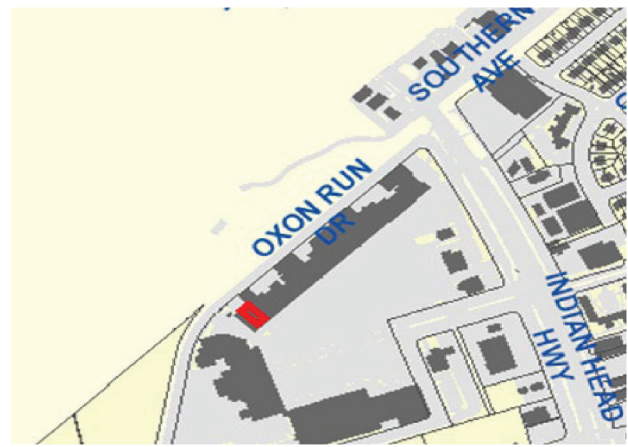
Special Exception

ACE Eastover Square

SE-4847

REQUEST	STAFF RECOMMENDATION
Relocation of a check cashing business into an existing 3,900-square-foot space in Eastover Square Shopping Center.	APPROVAL

Location: In the southeast quadrant of the intersection of MD 210 (Indian Head Highway) and Oxon Run Drive.	
Gross Acreage:	25.21
Zone:	C-S-C
Dwelling Units:	0
Gross Floor Area:	N/A
Lots:	0
Parcels:	0
Planning Area:	76A
Council District:	08
Election District:	12
Municipality:	Oxon Hill
200-Scale Base Map:	207SE01
Applicant/Address: ACE Eastover Square 5135-5141 Indian Head Hwy Oxon Hill, MD 20745	
Staff Reviewer: Sam Braden IV Phone Number: 301-952-3411 Email: Sam.BradenIV@ppd.mncppc.org	



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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT:

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

VIA: Jeremy Hurlbutt, Supervisor, Zoning Review Section,
Development Review Division

FROM: Sam Braden IV, Senior Planner, Zoning Review Section,
Development Review Division

SUBJECT: Special Exception SE-4847
ACE Eastover Square

REQUEST: A special exception to relocate a check cashing business into an existing
3,900-square-foot space in Eastover Square Shopping Center.

RECOMMENDATION: **APPROVAL**

NOTE:

The Planning Board has scheduled this application on the consent agenda for transmittal to the Zoning Hearing Examiner on the agenda date of July 29, 2021.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. 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 301-952-3530.

FINDINGS:

1. **Location and Site Description:** The subject property is located in the southeast quadrant of the intersection of MD 210 (Indian Head Highway) and Oxon Run Drive. The business is currently located on the site and occupies a pad site at 5221 Indian Head Highway, in the Commercial Shopping Center (C-S-C) Zone. The proposed occupied space is 3,900-square-foot in the Eastover Square Shopping Center.

2. **History and Previous Approvals:** The subject property is located on Tax Map 95 in Grid F1 and F2 and contains a total of 25.21 acres of land. The subject property was recorded by plat among the Prince George’s County Land Records, in Plat Book WWW 23 page 79, on August 14, 1953. The existing site will be relocated in the Eastover Square Shopping Center in a 3,900-square-foot space constructed in 1957. On August 26, 2015, the Prince George’s County Planning Board approved Alternative Compliance AC-96015-02, with no conditions, for an Advance Auto Parts Store on the subject site.

3. **Neighborhood and Surrounding Uses:** The general neighborhood is bounded to the north by Oxon Run Drive, Bell Acres Park to the west, retail, and commercial uses in Eastover Square Shopping Center to the east, and Aubrey Lane to the south, with primarily residential uses beyond. The immediate uses surrounding the subject property are as follows:
 - North—** Oxon Run Drive and the District of Columbia.

 - East—** Retail and service commercial uses in the C-S-C Zone on the property, and beyond, Indian Head Highway in the C-S-C and Commercial Miscellaneous Zones.

 - South—** Aubrey Lane, and beyond is Forest Heights Elementary School in the One-Family Detached Residential (R-55) Zone and vacant property in the Residential Townhouse Zone.

 - West—** Bell Acres Park in the Open Space Zone.

4. **Request:** The applicant requests the relocation of a check cashing business into an existing 3,900-square-foot space in Eastover Square Shopping Center.

5. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Check Cashing	Check Cashing
Acreage	23.41	25.41
Lots	0	0
Gross Floor Area	N/A	N/A
Dwellings	0	0

6. **Required Findings:** A special exception is subject to the general findings for approval of all special exceptions contained in Section 27-317(a) of the Prince George’s County Zoning Ordinance. Part 4 of the Zoning Ordinance also includes additional required findings for specific uses. A check cashing business is subject to the additional findings of Section 27-341.01 of the Zoning Ordinance. The analysis of all the required findings for approval are provided below.

In support of the application, the applicant filed a statement of justification submitted April 29, 2021, incorporated by reference herein. This case was heard at the Subdivision and Development Review Committee (SDRC) meeting on June 11, 2021. There were no major issues noted by staff at the SDRC meeting.

General Special Exception Findings—Section 27-317(a) provides the following:

(a) A Special Exception may be approved if:

- (1) The proposed use and site plan are in harmony with the purposes of this Subtitle.**
- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

The purposes of Subtitle 27 of the Prince George’s County Code, as set forth in Section 27-102(a)(1-15) of the Zoning Ordinance, are generally to protect the health, safety, and welfare of the public, to promote compatible relationships between various land uses, to guide orderly development, and to ensure adequate public facilities and services.

The proposed use is in conformance with the requirements and regulations set forth in Subtitle 27. Most notably, the check cashing business is a permitted use subject to the requirements in Section 27-341.01.

- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.**

Special Exception SE-4847 conforms to this finding. The proposed use of the property as a check cashing business will not substantially impair the 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment*. The property is located in the C-S-C Zone, where a check cashing business is a permitted use.

- (4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

The special exception area is designated to the in-line space in the shopping center. Staff finds that the proposed use will allow for a safe internal flow of pedestrians and vehicles on-site, as well as the safe ingress and egress of vehicles. The location of the shopping center along Indian Head Highway

will not adversely affect the health, safety, or welfare of residents or workers in the area.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

Staff finds that the proposed relocation of this use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The business will be relocating from a pad site to a space in the shopping center. Only the aesthetics of the space will be changed, not the size or structure of the space.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

The proposed site plan is exempt from the tree conservation plan.

(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

There are no regulated environmental features located on the property and no on-site regulated environmental features will be impacted. This project is disturbing less than 5,000 square feet and contains less than 10,000 square feet of woodland. These findings have been met.

Specific Special Exception Requirements:

Section 27-341.01 – Check Cashing Business.

(a) A check cashing business may be permitted, subject to the following:

- (1) Hours of operation shall be limited to the hours of 9:00 a.m. to 8:00 p.m.;**
- (2) A schedule of fees/charges shall be posted and immediately visible to persons upon entering the Check Cashing Business. A copy of the fee schedule shall also be made available to all persons upon entrance to the Check Cashing Business;**

The check cashing business will operate within the hours of 9:00 a.m. to 8:00 p.m. There will be a schedule of fees/charges visibly posted upon entering the business.

(3) No other business shall share floor space with the Check Cashing Business;

The check cashing business will be the only business occupying the special exception area.

- (4) **Security lighting and cameras shall be provided on all open sides of the Check Cashing facility providing surveillance of the area within 100 feet from the exterior of the building;**

The applicant has proposed to install surveillance cameras.

- (5) **At least one (1) security employee (with no other duties) must be on the premises when the Check Cashing Business is open for business; and**

The applicant proposes that at least one security employee (with no other duties) will be on the premises when the check cashing business is open.

- (6) **Cashiers must work behind bullet resistant glass.**

The applicant proposes to install bullet resistant glass in front of cashiers.

7. **Parking Regulations:** In accordance with the parking and loading regulations contained in Section 27-568(a)(3) of the Zoning Ordinance, the parking requirement for this special exception use will use the retail standard of one space per 250 square feet of gross leasable area that applies to the shopping center as a whole. The number of parking spaces required for the whole site is a total of 1,407, and 1,502 spaces (1,463 standard; 39 handicap) are provided. There is a parking excess total of 95 spaces. The site requires three spaces (<100,000 sq. ft. gross leasable area) and loading provided is six spaces. The required parking is provided for the proposed use.
8. **2010 Prince George's County Landscape Manual Requirements:** The special exception qualifies for an exemption from the 2010 *Prince George's County Landscape Manual* pursuant to Section 1.1(d), as no site changes are proposed with this application.
9. **Tree Canopy Coverage:** Staff finds that due to the limited scope of this special exception, the proposed plan is exempt, and not subject to tree canopy coverage requirements.
10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO):** The property does not have a current approved NRI or Woodland Conservation Exemption Letter. A NRI and the requirement of meeting the Woodland Conservation regulations are not required because this plan is disturbing less than 5,000 square feet.
11. **Signage:** No changes to the existing signage and no new signage are proposed with this application; there will be renovations limited to storefront and interior space. Therefore, this application does not require review of the sign regulations.

12. Referral Comments: The following referrals were received and are incorporated herein by reference. All of the comments are addressed on the site plan, or as part of this technical staff report:

- a. Community Planning Division, dated June 21, 2020 (Lester to Braden)
- b. Transportation Planning Section, dated June 30, 2021 (Smith to Braden)
- c. Environmental Planning Section, dated June 13, 2021 (Rea to Braden)
- d. Historic Preservation Section, dated June 10, 2021 (Stabler to Braden)
- e. Urban Design Section, dated June 28, 2021 (Bishop to Braden)
- f. Subdivision Section, dated June 8, 2021 (DiCristina to Braden)
- f. Prince George's County Department of Permitting, Inspections and Enforcement, dated June 7, 2021 (Branch to Braden)

RECOMMENDATION

A special exception use is considered compatible with uses permitted by-right within the Commercial Shopping Center (C-S-C) Zone if specific special exception criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use would create an adverse impact upon surrounding properties is to show that the proposed use, at this particular location as proposed, would not have adverse impacts above and beyond those inherently associated with the special exception use, regardless of its location within the C-S-C Zone.

Based on the applicant's statement of justification, the analysis contained in the technical staff report, associated referrals, and materials in the record, the applicant has demonstrated conformance with the required special exception findings, as set forth in Section 27-317 (in general) and Section 27-341.01, for a check cashing business, of the Prince George's County Zoning Ordinance, in this instance. Therefore, staff recommends approval of Special Exception SE-4847, ACE Eastover Square, subject to the following conditions of approval:

1. The applicant, and the applicant's heirs, successors, and/or assignees shall provide the following facilities, prior to any building permit, and depict the following facilities on the site plan, prior to its certification:
 - a. Provide a minimum of two inverted u-style, or a style similar that allows for two points of secure contact, be provided near the building entrance, and detailed exhibit of location and specifications.
 - b. Add Tax Map 95 Grid F2 to General Note 10 on Sheet 1.
2. Prior to certification of the special exception, revisions shall be made to the site plan label Lot 1, Block D on Sheet 1. The recording reference of the plat and acreage must be included in this label.

Bryan C. Spell

From: Bryan C. Spell
Sent: Thursday, April 22, 2021 9:21 AM
To: Bryan C. Spell
Subject: FW: NRI-EL/WCO-Ex Request: 5129 Inidan Head Highway (ACE Cash Express Eastover)

From: PPD-EnvPlanning <PPD-EnvPlanning@ppd.mncppc.org>
Sent: Monday, March 29, 2021 11:47 AM
To: Mark Ferguson <mglferguson@engsite.tech>
Cc: Christina Issar <cissar@cb3consulting.com>
Subject: RE: NRI-EL/WCO-Ex Request: 5129 Inidan Head Highway (ACE Cash Express Eastover)

Hello,

Per the Environmental Technical Manual Table B-1 page B-3, as this project will not require a grading permit, it will not require an NRI-EL or a WCO-EX. Use and Occupancy permits do not require WCO-EX or NRI-EL. You should be able to submit this information for the required section for the permit. Please let me know if you have any questions.

Thank you

Alexander N. Kirchhof

Planner, Environmental Planning Section | Countywide Planning Division



14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772
301-780-8311 | Alexander.Kirchhof@ppd.mncppc.org



From: Mark Ferguson <mglferguson@engsite.tech>
Sent: Wednesday, March 10, 2021 2:35 PM
To: PPD-EnvPlanning <PPD-EnvPlanning@ppd.mncppc.org>
Cc: Christina Issar <cissar@cb3consulting.com>
Subject: RE: NRI-EL/WCO-Ex Request: 5129 Inidan Head Highway (ACE Cash Express Eastover)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Alexander –

It's for a Special Exception, which if approved will allow a U&O directly; no (exterior) construction.

Mark G. L. Ferguson, R.A.
Senior Land Planner
(301) 952-8200 X337

mglferguson@engsite.tech

Site Design, Inc./RDA

9500 Medical Center Drive/Arena Drive, Suite 480
Largo, Maryland 20774
(301) 952-8200
(301) 627-3100
FAX: (301) 952-8204

From: PPD-EnvPlanning <PPD-EnvPlanning@ppd.mnccppc.org>
Sent: Wednesday, March 10, 2021 2:34 PM
To: Mark Ferguson <mglferguson@engsite.tech>
Cc: Christina Issar <cissar@cb3consulting.com>
Subject: RE: NRI-EL/WCO-Ex Request: 5129 Inidan Head Highway (ACE Cash Express Eastover)

Hello,

What type of permit is this application for?

Thank you

Alexander N. Kirchhof

Senior Planning Technician | Environmental Planning



14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772
301-780-8311 | Alexander.Kirchhof@ppd.mnccppc.org



From: Mark Ferguson <mglferguson@engsite.tech>
Sent: Tuesday, March 2, 2021 2:48 PM
To: PPD-EnvPlanning <PPD-EnvPlanning@ppd.mnccppc.org>
Cc: Christina Issar <cissar@cb3consulting.com>
Subject: NRI-EL/WCO-Ex Request: 5129 Inidan Head Highway (ACE Cash Express Eastover)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Folks –

Please find attached a submittal package for a TCP Exemption Letter and an NRI Equivalency Letter for the referenced project at 5129 Indian Head Highway. The project is the relocation of the existing ACE facility on Indian Head Highway into a vacant space in the existing Eastover Shopping Center; no land disturbance is proposed, but the project will require the approval of a Special Exception, thus the requirement for a NRI-EQ and a WCO-EX.

The required fee check is *en route* to us and will be deposited in the drop box with an attached copy of an application form in a couple of days.

Please contact me directly if you have any questions.

Thanks,

Mark G. L. Ferguson, R.A.
Senior Land Planner
(301) 952-8200 X337
mglferguson@engsite.tech

Site Design, Inc./RDA
9500 Medical Center Drive/Arena Drive, Suite 480
Largo, Maryland 20774
(301) 952-8200
(301) 627-3100
FAX: (301) 952-8204

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Angela D. Alsobrooks
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division



MEMORANDUM

June 30, 2021

TO: Sam Braden IV, Subdivision & Zoning Review
Development Review Division, M-NCPPC

FROM: Mary C. Giles, P.E., Associate Director *Mary Giles*
Site/Road Plan Review Division, DPIE

Re: Ace Eastover Square
Check Cashing Business
Special Exception No. SE-4847

CR: Indian Head Highway(MD 210)

This is in response to the Special Exception No. SE-4847 referral, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- Subject site is zoned C-S-C and located at 5135 and 5141 Indian Head Highway, Oxon Hill, Maryland 20745.
- Indian Head Highway (MD 210) is a State-maintained roadway; therefore, coordination with the State Highway Administration (SHA) is required.
- Special Exception No. 4847 is proposing to relocate the existing check cashing business from a freestanding pad site with an address of 5221 Indian Head Highway to an on-line location in the Eastover Shopping Center.
- Existing utilities may require adjustment. Coordination with the various utility companies is required.
- DPIE Use and Occupancy permits shall be required.

Sam Bradden IV
June 30, 2021
Page 2

- DPIE has no objection to Special Exception No. 4847.

If you have any questions or need additional information, please contact Mr. Nanji Formukong, District Engineer for the area, at 301.636.2060.

NF:ag

cc: Rene Lord-Attivor, Chief, Traffic Engineering, DPIE
Nanji Formukong, District Engineer, S/RPRD, DPIE
Salman Babar, CFM, Engineer, S/RPRD, DPIE
Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE
McNamee Hosea, 6411 Ivy Lane, Suite 200, Greenbelt, Maryland 20770
Populous Financial Group , 300 East John Carpenter Freeway, Suite 900 Irving TX
75062

MEMORANDUM

June 14, 2021

TO: Sam Braden IV, Subdivision & Zoning Review
Development Review Division, M-NCPPC

FROM: Mary C. Giles, P.E., Associate Director
Site/Road Plan Review Division, DPIE



Re: Ace Eastover Square
Check Cashing Business
Special Exception No. SE-4847

CR: Indian Head Highway(MD 210)

This is in response to the Special Exception No. SE-4847 referral, and the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

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- Existing utilities may require adjustment. Coordination with the various utility companies is required.
- DPIE Use and Occupancy permits shall be required.

Sam Bradden IV

June 14, 2021

Page 2

- DPIE has no objection to Special Exception No. 4847.

If you have any questions or need additional information, please contact Mr. Nanji Formukong, District Engineer for the area, at 301.636.2060.

NF:ag

cc: Rene Lord-Attivor, Chief, Traffic Engineering, DPIE
Nanji Formukong, District Engineer, S/RPRD, DPIE
Salman Babar, CFM, Engineer, S/RPRD, DPIE
Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE
McNamee Hosea, 6411 Ivy Lane, Suite 200, Greenbelt, Maryland 20770
Populous Financial Group , 300 East John Carpenter Freeway, Suite 900 Irving TX 75062

Transportation Planning Section
Countywide Planning Division


14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco


301-952-3680

June 30, 2021

MEMORANDUM

TO: Sam Braden IV, Development Review Division

VIA: Bryan Barnett-Woods, Transportation Planning Section, Countywide Planning Division 

FROM: Noelle Smith, Transportation Planning Section, Countywide Planning Division 

SUBJECT: **Special Exception Review for Multimodal Transportation Master Plan Compliance**

The following special exception application (SE) was reviewed for conformance with the zoning ordinance, the *Approved Countywide Master Plan of Transportation (MPOT)*, and the 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment* to provide the appropriate pedestrian and bicycle transportation recommendations.

Site Plan Number: SE-4847

Development Case Name: ACE Eastover Square

		<u>Type of Master Plan Bikeway or Trail</u>	
Private R.O.W.	_____	Public Use Trail Easement	_____
County R.O.W.	_____	Nature Trails	_____
SHA R.O.W.	_____	M-NCPPC - Parks	_____
HOA	_____	Bicycle Parking	<u>X</u>
Sidewalks	_____	Trail Access	_____
Add'l Connections	_____	Bikeway Signage	_____

Development Case Background	
Lot Size	25 acres (total)
Number of Units (residential)	n/a
Abutting Roadways	Indian Head Highway
Abutting or Nearby Master Plan Roadways	Indian Head Highway
Abutting or Nearby Master Plan Trails	Side path along Indian Head Highway (planned), Hard Surface Trail along rear of

	shopping center
Proposed Use(s)	Check Cashing Business
Zoning	CSC
Centers and/or Corridors	Indian Head Corridor
Prior Approvals on Subject Site	AC-96015, AC-15023
Subject to 24-124.01:	n/a
Bicycle and Pedestrian Impact Statement Scope Meeting Date	n/a

Background

As a special exception, this application is not subject to the pedestrian and bicycle adequacy legislation, Section 24-124.01. However, it should be noted that this property is located within the Indian Head Corridor and if this property requires a new subdivision or final plat, it will be subject to the adequacy legislation.

Development Proposal

The subject application proposes a 3,900 square foot existing commercial space for the use of a check cashing business.

Existing Site Conditions

The subject site is located within the existing Eastover Shopping Center along Indian Head Highway.

Review of On-Site Facilities

The submitted plans include the existing concrete sidewalk along the store front and continental style crosswalks connecting the parking lot to the sidewalk.

Prior Conditions of Approval

The subject site has prior approved alternative compliance applications. However, there are no conditions relevant to transportation.

Vehicular Transportation Analysis

The subject site is located within Transportation Service Area (TSA) 1, as defined in the *Plan Prince George's 2035 Approved General Plan*. A traffic study was not submitted or required with this application. The subject site does not require adequacy findings to be determined.

Plan Comments

The site fronts an existing drive aisle that circulates the entire shopping center. There are no master plan roadways that are impacted by this application. Staff finds that the application has no issues with traffic or circulation.

Pedestrian and Bicycle Transportation Analysis

Review of Connectivity to Adjacent/Nearby Properties

The subject site is located within an established shopping center with a comprehensive pedestrian network. The site is also connected to adjacent commercial shopping centers and residential areas via sidewalk and crosswalks along Indian Head Highway. The subject application proposes no additional connections.

Review of Master Plan of Transportation Compliance

The site is located near two master plan facilities, a planned side path along Indian Head Highway and a planned hard surface trail along the rear of the Eastover Shopping Center. The Complete Streets element of the MPOT reinforces these recommendations and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, p. 9-10):

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Comment: The subject site is not directly impacted by the master plan facilities. Staff recommend a minimum of two bicycle racks be provided to accommodate multimodal access to the subject site. Inverted u-style racks are recommended, or a style similar that allows for two points of secure contact. Staff find that this improvement is in compliance with the master plan pursuant to Sec. 27-317(a)(2).

Review of Area Master Plan Compliance

This development is also subject to 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment* which includes the following recommendations for pedestrian and bicyclist facilities (pg. 21):

Include pedestrian infrastructure such as sidewalks, crosswalks, including pedestrian/bicycle refuge islands and raised crosswalks or speed tables, accessible pedestrian signals, to include audible cues for people with low vision and push buttons reachable by wheelchair users, and sidewalk curb extensions.

Provide sidewalks, paths, and trails to connect schools, parks, recreation areas, commercial areas, and employment centers.

Comment: The existing sidewalk and crosswalks along with the recommended bicycle parking are all features and infrastructure designed to accommodate pedestrian and bicyclist accessing this site and fulfill the intent of the area master plan.

Zoning Ordinance Compliance

The subject use is permitted as a special exception in the C-S-C zone. As such, it is subject to additional required findings in the zoning ordinance. Section 27-317 outlines the required findings for special exception application.

(a) A Special Exception may be approved if:

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Master Plan, the General Plan.

(4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

The development application is subject to Section 27-341.01, which provides additional standards for check cashing businesses special exceptions pertaining to operational hours, security, and infrastructure.

Comment: Staff find no issues related to this application.

Recommended Conditions of Approval

Based on the findings presented above, staff conclude that the pedestrian and bicycle transportation facilities of this plan is acceptable, consistent with the required findings of 27-317, and conform to the 2009 *Approved Countywide Master Plan of Transportation*, and the 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment*, if the following conditions are met:

1. Prior to certification, the applicant and the applicant's heirs, successors, and/or assignees shall revise the site plan to provide the following:
 - a. A minimum of two inverted u-style, or a style similar that allows for two points of secure contact, be provided near the building entrance, and a detailed exhibit of the location and specifications.

From: [Bishop, Andrew](#)
To: [Braden IV, Sam](#)
Cc: [Zhang, Henry](#)
Subject: SE-4847, 4847 Ace Eastover Square
Date: Monday, June 28, 2021 2:54:02 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

Sam,

Good afternoon.

The Urban Design Section has reviewed SE-4847 for 4847 Ace Eastover Square, which proposes to relocate its check cashing business from a freestanding pad site to an existing 3,900 square foot space in the Eastover Shopping Center, and no additional square footage is proposed. Improvements are limited to the renovation of the store front and interior space.

Due to the limited scope of the Special Exception (SE), the application qualifies for an exemption from the landscape manual and is not subject to the requirements of the *Landscape Manual* or Tree Canopy Coverage Ordinance.

The Urban Design Section has no objections to the approval of this SE application. This email is in lieu of a formal memorandum from the Urban Design Section.

N. Andrew Bishop

Senior Planner | Development Review Division



14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

301-952-4897 | andrew.bishop@ppd.mncppc.org



June 25, 2021

MEMORANDUM

TO: Sam Braden IV, Senior Planner, Zoning Review Section
VIA: Mridula Gupta, Planner Coordinator, Subdivision Section *MG*
FROM: Kayla DiCristina, Senior Planner, Subdivision Section *KD*
SUBJECT: SE-4847; Ace Eastover Square

The property considered in this special exception (SE-4847) is located on Tax Map 95 in Grids F-1 and F-2 and consists of Lot 1, Block D of Bell Acres totaling 25.21 acres of Commercial Shopping Center (C-S-C) zoned land. SE-4847 has been submitted to relocate an existing check cashing business currently located on Lot 2, Block B of Bell Acres to an existing 3,900 square foot building which was constructed in 1957 located on Lot 1. The applicant does not propose additional building square footage to the subject property or change in use.

Lot 1, Block D of Bell Acres is recorded among the Land Records of Prince George's County in Plat Book WWW 23 page 79 dated August 14, 1953. There are no conditions of approval associated with this plat of subdivision. The bearings and distances of Lot 1 shown on SE-4847 are consistent with the record plat. There is no record of a preliminary plan of subdivision (PPS) approved for this site. Section 24-111(c)(3) of the Subdivision Regulations states that:

(c) A final plat of subdivision approved prior to October 27, 1970, shall be resubdivided prior to the issuance of permits unless:

- 3. The development proposed is in addition to a development in existence prior to January 1, 1990 and does not exceed 5,000 square feet of gross floor area; or**

In accordance with Section 24-111(c)(3), the proposed development on Lot 1 is exempt from filing a PPS as development on the site existed prior to January 1, 1990 and no additional square feet of gross floor area is proposed.

Plan Comment

1. The Statement of Justification for the SE and Sheet 1 of the site plan list different square footages for the existing building. While both square footages provided are less than 5,000 square feet and will not affect the exemption from PPS under Section 24-111(c)(3) of the Subdivision Regulations, the information submitted must be consistent.

Recommended Conditions

1. Prior to signature approval of the special exception site plan, the following corrections shall be made:
 - a. Label Lot 1, Block D and the lot acreage on Sheet 1 of the site plan with the recording reference of the plat of subdivision.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. All property line bearings and distances must be clearly shown on the special exception site plan and must be consistent with the record plat or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.




THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


14741 Governor Oden Bowie Drive
 Upper Marlboro, Maryland 20772
 TTY: (301) 952-4366
 www.mncppc.org/pgco

June 25, 2021

MEMORANDUM

TO: Sam Braden IV, Development Review Division

VIA: Bryan Barnett-Woods, Transportation Planning Section, Countywide Planning Division 

FROM: Noelle Smith, Transportation Planning Section, Countywide Planning Division 

SUBJECT: Special Exception Review for Multimodal Transportation Master Plan Compliance

The following special exception application (SE) was reviewed for conformance with the zoning ordinance, the *Approved Countywide Master Plan of Transportation (MPOT)*, and the 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment* to provide the appropriate pedestrian and bicycle transportation recommendations.

Site Plan Number: SE-4847

Development Case Name: ACE Eastover Square

<u>Type of Master Plan Bikeway or Trail</u>	
Private R.O.W.	Public Use Trail Easement _____
County R.O.W.	Nature Trails _____
SHA R.O.W.	M-NCPPC - Parks _____
HOA	Bicycle Parking <u>X</u>
Sidewalks	Trail Access _____
Add'l Connections	Bikeway Signage _____

Development Case Background	
Lot Size	25 acres (total)
Number of Units (residential)	n/a
Abutting Roadways	Indian Head Highway
Abutting or Nearby Master Plan Roadways	Indian Head Highway
Abutting or Nearby Master Plan Trails	Side path along Indian Head Highway (planned), Hard Surface Trail along rear of shopping center
Proposed Use(s)	Check Cashing Business
Zoning	CSC
Centers and/or Corridors	Indian Head Corridor
Prior Approvals on Subject Site	AC-96015, AC-15023

Subject to 24-124.01:	n/a
Bicycle and Pedestrian Impact Statement Scope Meeting Date	n/a

Background

As a special exception, this application is not subject to the pedestrian and bicycle adequacy legislation, Section 24-124.01. However, it should be noted that this property is located within the Indian Head Corridor and if this property requires a new subdivision or final plat, it will be subject to the adequacy legislation.

Development Proposal

The subject application proposes a 3,900 square foot existing commercial space for the use of a check cashing business.

Existing Site Conditions

The subject site is located within the existing Eastover Shopping Center along Indian Head Highway.

Review of On-Site Facilities

The submitted plans include the existing concrete sidewalk along the store front and continental style crosswalks connecting the parking lot to the sidewalk.

Prior Conditions of Approval

The subject site has prior approved alternative compliance applications. However, there are no conditions relevant to transportation.

Vehicular Transportation Analysis

The subject site is located within Transportation Service Area (TSA) 1, as defined in the *Plan Prince George's 2035 Approved General Plan*. A traffic study was not submitted or required with this application. The subject site does not require adequacy findings to be determined.

Plan Comments

The site fronts an existing drive aisle that circulates the entire shopping center. There are no master plan roadways that are impacted by this application. Staff finds that the application has no issues with traffic or circulation.

Pedestrian and Bicycle Transportation Analysis

Review of Connectivity to Adjacent/Nearby Properties

The subject site is located within an established shopping center with a comprehensive pedestrian network. The site is also connected to adjacent commercial shopping centers and residential areas via sidewalk and crosswalks along Indian Head Highway. The subject application proposes no additional connections.

Review of Master Plan of Transportation Compliance

The site is located near two master plan facilities, a planned side path along Indian Head Highway and a planned hard surface trail along the rear of the Eastover Shopping Center. The Complete Streets element of the MPOT reinforces these recommendations and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, p. 9-10):

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Comment: The subject site is not directly impacted by the master plan facilities. Staff recommend a minimum of two bicycle racks be provided to accommodate multimodal access to the subject site. Inverted u-style racks are recommended, or a style similar that allows for two points of secure contact. Staff find that this improvement is in compliance with the master plan pursuant to Sec. 27-317(a)(2).

Review of Area Master Plan Compliance

This development is also subject to 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment* which includes the following recommendations for pedestrian and bicyclist facilities (pg. 21):

Include pedestrian infrastructure such as sidewalks, crosswalks, including pedestrian/bicycle refuge islands and raised crosswalks or speed tables, accessible pedestrian signals, to include audible cues for people with low vision and push buttons reachable by wheelchair users, and sidewalk curb extensions.

Provide sidewalks, paths, and trails to connect schools, parks, recreation areas, commercial areas, and employment centers.

Comment: The existing sidewalk and crosswalks along with the recommended bicycle parking are all features and infrastructure designed to accommodate pedestrian and bicyclist accessing this site and fulfill the intent of the area master plan.

Zoning Ordinance Compliance

The subject use is permitted as a special exception in the C-S-C zone. As such, it is subject to additional required findings in the zoning ordinance. Section 27-317 outlines the required findings for special exception application.

(a) A Special Exception may be approved if:

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Master Plan, the General Plan.

(4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

The development application is subject to Section 27-341.01, which provides additional standards for check cashing businesses special exceptions pertaining to operational hours, security, and infrastructure.

Comment: Staff find no issues related to this application.

Recommended Conditions of Approval

Based on the findings presented above, staff conclude that the pedestrian and bicycle transportation facilities of this plan is acceptable, consistent with the required findings of 27-317, and conform to the 2009 *Approved Countywide Master Plan of Transportation*, and the 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment*, if the following conditions are met:

1. Prior to certification, the applicant and the applicant's heirs, successors, and/or assignees shall revise the site plan to provide the following:
 - a. A minimum of two inverted u-style, or a style similar that allows for two points of secure contact, be provided near the building entrance, and a detailed exhibit of the location and specifications.

From: [Rea, Mary](#)
To: [Braden IV, Sam](#); [PGCReferrals](#)
Cc: [Reiser, Megan](#); [Nickle, Suzanne](#)
Subject: SE-4847 Eastover Square
Date: Sunday, June 13, 2021 6:23:59 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

Hi Sam,

The Environmental Planning Section (EPS) has reviewed the referral information received by EPS on May 27, 2021 and has no issues with this revision. The proposal is for the conversion of an existing store to a check cashing business at the Eastover Square shopping center. The property does not have a current approved Natural Resource Inventory (NRI) nor a Tree Conservation Plan or Woodland Conservation Exemption Letter. A NRI and meeting the Woodland Conservation regulations is not required if the project is disturbing less than 5,000 square feet.

No other environmental requirements have been identified for this application. This email serves in lieu of a memo.

Let me know if you have any questions.

Mary

Mary Rea

Senior Planner | Environmental Planning




14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772
301-952-3661 | Mary.Rea@ppd.mncppc.org



June 21, 2021

MEMORANDUM

TO: Sam Braden, IV, Senior Planner, Zoning Review Section, Development Review Division

VIA: David A. Green, MBA, Master Planner, Community Planning Division 

FROM: Thomas Lester, Planner Coordinator, Long-Range Planning Section, Community Planning Division **TEL**

SUBJECT: SE-4847 ACE Check Cashing

FINDINGS

The Community Planning Division finds that, pursuant to Section 27-317(a)(3), this application will not substantially impair the integrity of the 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan (Portions of Planning Area 76A)*.

BACKGROUND

Application Type: Special Exception for a check cashing business in the C-S-C (Commercial Shopping Center) zone.

Location: 5135 and 5141 Indian Head Highway, Oxon Hill, MD 20745

Size: 25.21 acres

Existing Use: Commercial

Proposal: Relocate check cashing business from a freestanding pad site to an inline retail site within an existing shopping center.

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is located in the Established Communities Policy Area. The vision for Established Communities is for context-sensitive infill and low-to-medium density development," (p. 20).

Master Plan: The 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan (Portions of Planning Area 76A)* recommends mixed-use (retail and residential) land uses on the subject property.

Planning Area: 76A

Community: The Heights

Aviation/MIOZ: This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone.

SMA/Zoning: The 2014 *Approved Eastover/Forest Heights/Glassmanor Sectional Map Amendment (Portions of Planning Area 76A)* retained the subject property in the C-S-C (Commercial Shopping Center) zone.

MASTER PLAN SUBSTANTIAL IMPAIRMENT ISSUES

The Community Planning Division finds that, pursuant to Section 27-317(a)(3), this application will not substantially impair the integrity of the 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan (Portions of Planning Area 76A)*. The sector plan recommends retail land uses for the property with a long-term vision for a mixed-use development that features residential land uses above retail land uses. Relocating a business to an existing storefront does not hinder this long-term vision.

c: Long-range Agenda Notebook

Scott Rowe, AICP CNU -A, Long Range Planning Section, Community Planning Division.