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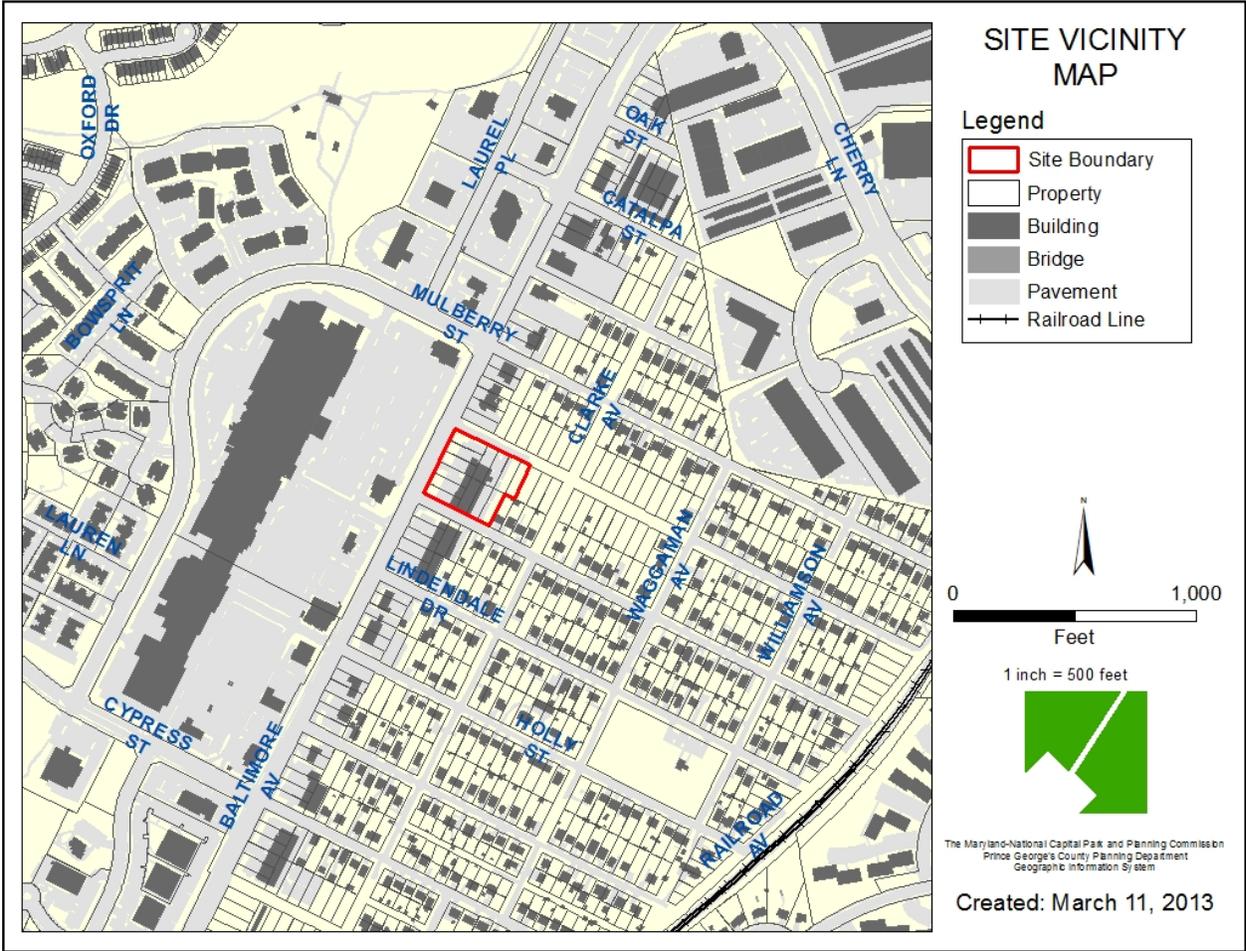
Special Exception

SE-4703

Application	General Data	
Project Name: ACE Cash Express Location: East of Baltimore Avenue (US 1) between Locust Grove Drive and Chestnut Ridge Drive. Applicant/Address: Ace Cash Express, Inc. 1231 Greenway Drive, Suite 600 Irving, TX 75038 Property Owner: F & L Associates LLP P.O. Box 201 Fulton, MD 20759-0501	Planning Board Hearing Date:	04/04/13
	Staff Report Date:	03/14/13
	Date Accepted:	11/19/12
	Planning Board Action Limit:	N/A
	Plan Acreage:	2.14
	Zone:	C-M & R-55
	Gross Floor Area:	1,659 sq. ft.
	Lots:	13
	Parcels:	N/A
	Planning Area:	62
	Tier:	Developing
	Council District:	01
	Election District	10
Municipality:	N/A	
200-Scale Base Map:	218NE08	

Purpose of Application	Notice Dates	
Request for a special exception for a check cashing business in the C-M and R-55 Zones.	Informational Mailing	12/20/11
	Acceptance Mailing:	10/16/12
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: Taslima Alam Phone Number: 301-952-4976 E-mail: Taslima.Alam@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



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: Jimi Jones, Zoning Supervisor, Development Review Division

FROM: Taslima Alam, Senior Planner, Zoning Section, Development Review Division

SUBJECT: **Special Exception Application No. SE-4703**
ACE Cash Express

REQUEST: Check cashing business in the C-M and R-55 Zones.

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of April 4, 2013. 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 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

A. **Location and Field Inspection:** The subject property is located on the east side of Baltimore Avenue (US 1), between Chestnut Ridge Drive and Locust Grove Drive, specifically at 14265-A Baltimore Avenue, Laurel, Maryland, in the Oak Crest Plaza shopping center. The subject site consists of Lots 1–9 and 17–20 and is comprised of approximately 2.14 acres of land in the Miscellaneous Commercial (C-M) Zone, except Lot 17 which is located in the One-Family Detached Residential (R-55) Zone. The entirety of Lot 17 is located in the northeast side of the site with a small stormwater measurement facility that is fenced with vinyl clad and chain-link fencing from all sides. The site is developed with an approximate 17,500-square-foot, one-story, retail commercial building with multi-use units, such as Duron Paints & Wallcoverings, the Mattress Warehouse, a salon shop, and Dan’s Fan City, and its associated parking lot. The proposed special exception area is a 1,659-square-foot check cashing business within the existing commercial building on the subject property. The property is screened and buffered from the adjacent residential community by a natural wooded area. The southeastern portion of the property line has an existing six-foot-high, board-on-board, well maintained wooden fence. The site has many healthy shade trees and evergreen trees along the existing landscape strips and interior parking lot landscaping areas. One of the shade trees in the interior back parking lot is dead and should be replaced. The asphalt paving of the existing parking lot areas are well kept. The site has frontage on Baltimore Avenue (US 1), Chestnut Ridge Drive, and Locust Grove Drive. Access to the site is via a 30-foot driveway from Baltimore Avenue, two 22-foot driveways from Locust Grove Drive, and one 22-foot driveway from Chestnut Ridge Drive.

Upon field inspection, it was noted that the applicant is currently operating a full check cashing business with a temporary use and occupancy permit. The field visit further revealed that the site has two unauthorized signs, one of which is a temporary building sign and the other is a freestanding panel sign with each existing use in the shopping center including an ACE Cash Express sign. It is important to note that any signs placed on the property require a sign permit and shall be in accordance with Part 12, Division 3, of the Prince George’s County Code.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-M & R-55	Unchanged
Use(s)	Check Cashing Business	Check Cashing Business
Acreage	2.14	Unchanged
Lots	13	Unchanged
Parcels	N/A	N/A
Square Footage/GFA	1,659	1,659
Dwelling Units:	N/A	N/A

C. **History:** In May 1986, Zoning Map Amendment A-9558 was approved by the District Council. Through this amendment, the District Council denied the rezoning of Lot 17 from Rural Residential (R-R) to the C-M Zone and rezoned part of the subject property (Lots 9 and 18) from R-R to C-M with certain conditions that are not violated by this application. In addition, on November 18, 1986, the Board of Zoning Appeals granted a variance (Appeal No. 8357) of ten feet from the street width requirements for Locust Grove Drive and Chestnut Ridge Drive and a waiver of the requirements that buildings be located ten feet from the proposed right-of-way line, and that landscaping be provided along the proposed right-of-way line in order to construct a

shopping center on the subject property. On November 20, 1986, the Maryland-National Capital Park and Planning Commission (M-NCPPC), Permit Review Section, recommended approval of a construction and grading permit, 7773-86-CGU, per revised plans and Appeal No. 8357. On December 14, 2012, the Prince George’s County Department of Environment Resources (DER), Permits and Review Division, issued a temporary use and occupancy permit for a period of 60 days. The temporary use permit expired February 12, 2013 and was renewed on February 11, 2013 for another 60 days.

D. General Plan and Master Plan Recommendation:

General Plan—The 2002 *Approved Prince George’s County General Plan* places this property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier. Approval of this application does not violate the General Plan’s growth goals for the year 2025 upon review of Prince George’s County’s current General Plan Growth Policy Update.

Master Plan—The 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* retained the subject property in the C-M Zone. This application does not conform with the future high-density, mixed-use, land use recommendation set forth in the Subregion 1 Master Plan and SMA.

- E. **Request:** The applicant is seeking approval of a special exception (SE) to operate a 1,659-square-foot check cashing business in a vacant unit within an existing commercial building in an integrated shopping center in the C-M (Miscellaneous Commercial) Zone. The entire retail center is 17,500 square feet. The proposal requires no new construction on-site.
- F. **Neighborhood and Surrounding Uses:** The subject property is surrounded by strip commercial use oriented toward Baltimore Avenue (US 1). Beyond the commercial zone along Baltimore Avenue, the surrounding area appears to be predominantly residential.

Staff notes that the applicant does not propose neighborhood boundaries. Therefore, staff offers the following boundaries:

North— Cherry Lane
South— Contee Road
East— B & O Railroad tracks
Northwest— Baltimore Avenue (US 1)

The uses surrounding the subject property are:

North— Across Chestnut Ridge Drive, near the intersection of Chestnut Ridge Drive and Baltimore Avenue (US 1), is commercial development (i.e. restaurant, automobile service facility) in the C-M Zone. East of the commercial uses are vacant properties in the R-55 Zone.

East— Adjacent to the site are single-family detached development in the R-55 Zone.

South— Across Locust Grove Drive, near the intersection of Locust Grove Drive and Baltimore Avenue (US 1) are various commercial developments (FedEx, nail salon) in the C-S-C (Commercial Shopping Center) Zone. West of the commercial uses are residential single-family developments in the R-55 Zone.

West— Across Baltimore Avenue (US 1), opposite the subject property, are various retail commercial developments (i.e. restaurants, Staples, lumber yard, etc.) in the City of Laurel.

G. **Specific Special Exception Requirements for a Check Cashing Business:** Section 27-341.01 of the Prince George’s County Zoning Ordinance provides the following specific requirements for a 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;**
- (3) **No other business shall share floor space with the Check Cashing Business;**
- (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;**
- (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**
- (6) **Cashiers must work behind bullet resistant glass.**

Comment: The above requirements generally relate to the operation of the requested use. The applicant has indicated on the site plan and in the statement of justification to comply with all the requirements above. The check cashing business currently has an existing surveillance camera and security lighting in the front and back of the building. However, the location of lighting and the camera is not shown correctly on the site plan. The site plan shall be revised to show the correct location of the existing security lighting and camera in both the front and rear open sides of the building per the requirements of Section 27-341.01.

H. **Parking and Loading Requirements:** Section 27-568(a)(5)(A), Schedule of Parking Spaces, of the Zoning Ordinance requires one parking space for every 150 square feet of the first 3,000 square feet of gross floor area (GFA) and one space for each additional 200 square feet of GFA above the first 3,000 for commercial retail services. A total of 12 parking spaces are required for the 1,659-square-foot check cashing business. The applicant is providing 12 parking spaces for the use (Unit 4A).

It should be noted that since the entire shopping center consists of a 17,500-square-foot GFA building with several other small retail uses, the combined parking for all of the retail uses requires a total of 60 parking spaces. The applicant is providing 102 parking spaces, including

five handicap spaces as required. The site plan shall clearly label the location of the ramps or depressed curbs for the physically-handicapped parking spaces.

Section 27-582(a), Schedule of Loading Spaces, of the Zoning Ordinance requires three loading spaces for the first 25,000 to 100,000 square feet of GLA (gross leasable area) and one space for each additional 100,000 square feet of GLA. This section also requires one loading space (per store) for retail sales and services comprising over 2,000 to 10,000 square feet of GFA. The entire shopping center has less than 25,000 square feet GLA; therefore, the loading calculation should be calculated on a unit-by-unit basis.

The proposed special exception site for the check cashing business does not require any loading space since the use occupies a GFA of less than 2,000 square feet. However, based on the GFA of each individual store shown on the plan, two of the stores are over 2,000 square feet in size; therefore, two loading spaces are required for the entire shopping center. Three loading spaces are provided, which is one more than required.

- I. **Prince George's County Landscape Manual Requirements:** The subject application is to add a check cashing business to an existing integrated shopping center is not subject to the requirements of Sections 4.2, 4.3, 4.6, 4.7, and 4.9 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because it does not involve a change of use from a lower- to a higher-intensity use category, or from a residential to a nonresidential use, does not involve an increase in impervious surface for parking or loading spaces, and does not involve an increase in gross floor area. However, Section 4.4 of the Landscape Manual does apply to the proposed development as follows:

Section 4.4, Screening Requirements—This section requires screening of loading and maintenance areas from residential properties and streets, complete concealment of all trash collection facilities, and concealment of mechanical equipment from adjacent properties, streets, outdoor living and recreation areas, and parking facilities. Of these improvements, the site already includes a loading dock and trash facilities, both of which are adequately screened in accordance with the requirements of this section and will remain unchanged by the subject application.

Tree Canopy Coverage

The application for special exception approval of a check cashing business use will not require a permit that proposes 1,500 square feet or greater disturbance. Therefore, the application is not subject to the requirements of the Tree Canopy Coverage Ordinance.

Comment: Although the applicant is not required to submit a landscape plan with this review and is not subject to the requirements of the Landscape Manual as explained above, the site is still subject to the previously approved landscape plan pursuant to Building Permit 7773-86-CGU. Hence, a note shall be provided on the site plan stating that the existing landscaping is in accordance with the approved landscape plan.

- J. **Sign Regulations:** The proposed use does not involve any sign review as part of this special exception application; therefore, no details of the sign are provided. The site plan, however, shows an existing freestanding sign which appears to be located more than ten feet behind the existing street line, but within the limit of the future public right-of-way dedication along Baltimore Avenue (US 1). There is also a temporary building sign located on the front façade of the check cashing business. Staff is unable to locate any legal permits for either of these existing signs. Any sign existing or proposed on the property must meet all area, height, and setback requirements as specified in Part 12, Division 3, of the County Code. In addition, freestanding

signs located within the area between the street line and the existing street right-of-way line (the area of proposed future widening of and existing street) is subject to the requirements of Section 27-614(a)(4)(C) of the Zoning Ordinance which states that a written agreement between the owner and the Prince George's County Department of Environmental Resources (DER) assures that the sign will be removed, at the owner's expense, at the time of acquisition of that area for street purposes.

In a memorandum dated December 14, 2012, the Community Planning Division recommended that all signage conform in scale and character in appropriate segments of US 1. For example, ensuring that signage in areas with main street character is at a main street scale rather than the existing suburban commercial street scale. The storefront, including any interior-mounted signage, is consistent with the existing character of the shopping center.

Comment: The proposed strip commercial center was built in 1987. The applicant's proposed use is in an existing unit within an established retail center. No new construction or redevelopment is being proposed on the site. However, at the time of sign permit, the applicant shall ensure signage conforms in scale and character in the appropriate segments of the Baltimore Avenue (US 1) corridor.

- K. **Zone Standards:** A check cashing business is permitted in the C-M Zone by special exception. No new construction or increase in gross floor area is being proposed through the subject special exception application. The building and parking were found to be in conformance with the requirements of the C-M Zone at the time the original permit was issued for the site. The site plan, along with its recommended conditions, will be in conformance with all zoning requirements and regulations.
- L. **Referral Comments:** No major issues with the proposed review have been determined by any of the referral agencies. Some of the revisions that were requested in the referral process have already been addressed by the applicant through the submission of revised plans. Any outstanding plan revisions that still remain have been included as conditions of approval.
- M. **Required Findings:** Section 27-317(a) of the Zoning Ordinance provides that 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 fundamental purposes of the Zoning Ordinance, as found in Section 27-102, are to protect the health, safety, and welfare of the public and promote compatible relationships between the various types of land. There are no major issues associated with this application that would conflict with the general purposes of this subtitle. The applicant is proposing to relocate a check cashing business in an established shopping center. The former location was less than one mile north of Oak Crest Plaza. By relocating to an established commercial corridor near its present location with sufficient parking, access points, and the fact that no additional traffic impacts from this proposed use are expected, will help relieve the possibility of overcrowding other undeveloped parcels that faces the commercial US 1 Corridor. It will also reduce the amount of vacant space in the existing shopping center, which in turn will help to eliminate potential adverse impacts on adjoining properties. The proposed check cashing business will provide a valuable financial service for its customers who are largely residents and employees in the immediately surrounding community. Thus, the proposed check cashing business will not detract from or impair the health, morals, or welfare of residents in any conceivable way, as it is located within an integrated shopping center.

(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;

Comment: The subject property is located in the C-M Zone, which permits the proposed check cashing business as a special exception. With the recommended conditions, the use will conform to all applicable requirements and regulations of this Subtitle.

(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: The 2010 *Subregion 1 Approved Master Plan and Sectional Map Amendment* retained the subject property in the C-M Zone. The subject property is located in Focus Area 4 along the US 1/Baltimore Avenue Corridor, one of the several general plan designated corridors in the county. The vision for this area is “new mixed-use development that complements and enhances the surrounding residential neighborhood.” The Community Planning memorandum dated December 14, 2012 states that this application does not conform to the future high-density, mixed-use, land use recommendation set forth in the Subregion 1 Master Plan and SMA. Zoning staff notes that the purpose of the master plan is to provide “a planning framework that guides the preservation, revitalization and redevelopment of the subregion, providing specific recommendations to guide new development” (Master Plan, page 3). Since the present proposal only concerns leasing of an existing vacant space, the application is in conformance with the master plan’s recognition of current conditions and does not prevent the goal of some future ultimate mixed-use development. At the time any parcels are consolidated and new construction is being proposed, the guidelines concerning new development will be applied. Consequently, 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;

Comment: In 2009, the Prince George’s County Council adopted Council Bill CB-23-2009 which made check cashing businesses a special exception use in most commercial zones. This proposed use existed one mile to the north of the site in the city of Laurel for over ten years. The applicant is proposing to relocate

its business to an established shopping center. Hence, the proposed use will not adversely affect the health and safety or welfare of residents in the area as it has existed in the general area for many years. In fact, it will continuously provide valuable services to its present customers and residents in the area. According to the transportation memo dated January 17, 2013, the Transportation Planning Section stated that it is not anticipated that a large amount of new trips will be generated by the relocation of the check cashing business to 14265-A Baltimore Avenue, within an integrated shopping center. This use is no more intensive than general retail, which attract pass-by and diverted trips from nearby roadways. Small shopping centers between 10,000 and 25,000 square feet are assumed to have a pass-by trip rate of 50 percent according to the “Transportation Review Guidelines, Part 1.” These would represent trips already on the road. There are no apparent traffic issues that would be posed by relocating the check cashing business to another retail center along US 1. It would not pose any unanticipated safety issues on adjacent roadways. Therefore, based on the any traffic related impacts, staff believes that the use will not be detrimental to the use or development of adjacent properties and will not pose any

unanticipated safety issues on adjacent roadways.

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

Comment: The use is located in the Oak Crest Plaza shopping center on US 1 in the existing commercial corridor. There is sufficient parking for all of the uses in the center, and the occupancy of an empty unit will help relieve the possibility of other undeveloped parcels in the corridor. The check cashing business will also help maintain the vibrancy of the commercial corridor by reducing the vacancy rate in the strip. It will continue to provide reputable financial services in a safe location; therefore, will be helpful rather than be detrimental to the use development of adjacent properties or the general neighborhood.

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

Comment: This property is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the site has less than 10,000 square feet of woodland and has no previous tree conservation plan approvals.

- (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 site.

CONCLUSION

Based on the preceding analysis and findings, staff is recommending that Special Exception Application No. SE-4703 be APPROVED, subject to the following conditions:

1. Prior to certification, the applicant shall revise the site plan as follows:
 - a. Show the correct location of the existing security lighting and camera in both the front and rear open sides of the building per the requirements of Section 27-341.01 of the Zoning Ordinance.
 - b. Clearly label the location of the ramps or depressed curbs for the physically-handicapped parking spaces.
 - c. Provide a note on the site plan stating that the existing landscaping is in accordance with the approved landscape plan pursuant to Building Permit 7773-86-CGU.
 - d. The general notes shall include the approval of Appeal No. 8357, which granted a variance of ten feet from the street width requirement for Locust Grove Drive and Chestnut Ridge Drive and a waiver of the requirement that buildings be located ten feet from the proposed right-of-way line, and that landscaping be provided along the proposed right-of-way line in order to construct a shopping center on the subject property.
 - e. Correct the loading schedule on the site plan. Loading spaces required shall be calculated for retail sales and services on a unit-by-unit basis according to the size of each store.

2. Prior to issuance of a sign permit, the applicant shall acquire a written agreement between the owner and the Prince George's County Department of Environmental Resources (DER), in accordance with Section 27-614(a)(4)(C) of the Zoning Ordinance, for the sign that is located within the area between the street line and the existing street right-of-way line to assure that the sign will be removed, at the owner's expense, at the time of acquisition of that area for street purposes.