

**DISTRICT COUNCIL FOR PRINCE GEORGE’S COUNTY, MARYLAND
OFFICE OF ZONING HEARING EXAMINER**

**SPECIAL EXCEPTION
4847**

DECISION

Application:	Check Cashing Business
Applicant:	Populus Financial Group
Opposition:	None
Hearing Date:	October 13, 2021
Hearing Examiner:	Joyce B. Nichols
Disposition:	Approval with Conditions

NATURE OF REQUEST

- (1) Special Exception 4847 is a request to use approximately 3,328 square feet of a 25.2118 acre Shopping Center in the C-S-C (Commercial Shopping Center) Zone for a Check Cashing Business. The Subject Property is located in the northeast quadrant of the intersection of Indian Head Highway (MD Rt. 210) and Audrey Lane and identified as 5129 Indian Head Highway, Forest Heights, Maryland.
- (2) The Technical Staff recommended that the Special Exception Application be approved. (Exhibit 13) The Planning Board chose not to schedule a public hearing on the Application and adopted Staff’s recommendation as its own. (Exhibit 13)
- (3) No one appeared in opposition to the instant request.
- (4) The record was closed at the conclusion of the hearing.

FINDINGS OF FACT

Subject Property

- (1) The Subject Property is improved with the Eastover Shopping Center and its associated parking lots and pad sites. The Check Cashing Business currently occupies a smaller pad site in the Shopping Center and is relocating at the landlords request to a larger space within the Shopping Center.

Zoning

- (2) The Subject Property is located at Tax Map 95, Grids 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 use 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.

Master Plan & Sectional Map Amendment

(3) The site is located in Planning Area 76A. The applicable Master Plan is the Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment, approved on February 18, 2014. The Master Plan's "Eastover Shopping Center Future Land Use Map designated the Eastover Shopping Center for a complicated and location-specific mix of retail, residential, residential over retail, and parking uses. The Approved Sectional Map Amendment retained the Subject Property in the previously-existing C-S-C Zone.

The Growth Policy Map in the May, 2014 General Plan placed the Property in the Established Communities category. The Generalized Future Land Use Map indicates that the Generalized Future Land Use is Commercial. The Subject Property is not within a Priority Preservation Area.

Neighborhood/Surrounding Area

(4) The Technical Staff designated the neighborhood of the Subject as Property having the following boundaries:

- North - Oxon Run Drive
- East - Retail and service commercial uses in Eastover Square Shopping Center
- South - Audrey Lane
- West - Bell Acres Park

(5) The neighborhood definition describes the limits of the Eastover Shopping Center; Applicants expert land planner generally concurs with the Staff's neighborhood definition as there are barriers between the Center and nearby residential uses to the south, but would expand the neighborhood to include the commercial uses on the east and west sides of Indian Head Highway as far south as Livingston Road, which would include the location of the existing Check Cashing Business at 5221 Indian Head Highway, which is proposed to be relocated as the subject of this Special Exception application. This expanded neighborhood also conforms to the Sector Plan's discussion of the area. Your Hearing Examiner accepts this broader neighborhood.

(6) Existing uses in the Eastover Shopping Center include a freestanding Popeye's restaurant, a freestanding Burger King restaurant, a freestanding Advance Auto Parts vehicle parts store, a Giant food store, and in the line of shops, a CVS drug store, a liquor store, a Game Stop, a tobacco

store, a fitness club, a party store, and eyeglass store, a mobile phone store, several closing stores, several shoe stores, several eating and drinking establishments, a barber, a nail salon, a mobile phone store, a tax preparer, and the County District 4 police station, which is approximately 100' from the proposed Special Exception area.

Access to the Shopping Center is available from a number of existing entrances on the Indian Head Highway service road, Oxon Run Drive, Audrey Lane and Bell Avenue. The proposed Special Exception area is located towards the west side of the Shopping Center, fronts on the main pedestrian aisle along the fronts of the stores, and is specifically located between two existing shoe stores, with the District 4 police station located just beyond to the west.

The remaining land area of the defined neighborhood is occupied by a mix of retail and service commercial uses along Indian Head Highway, including a clothing store, several auto repair facilities, a gas station, a car wash, a self-storage facility, two liquor stores, a dollar store, office buildings, two churches a pawnshop, a number of eating and drinking establishments, and the existing ACE check cashing business which is proposed to be relocated by this Special Exception application.

Applicants Request

(7) The proposed use for SE-4847 is the relocation of the existing freestanding ACE Check Cashing Business from 5221 Indian Head Highway to an in-line store location at 5129 Indian Head Highway within the Eastover Shopping Center.

APPLICABLE LAW

(1) A Check Cashing Business is permitted in the C-S-C Zone upon grant of a Special Exception. In order to receive Special Exception approval, the Applicant must satisfy the provisions of Sections 27-317 and 27-341.01 of the Prince George's County Zoning Ordinance.

(2) Section 27-317(a) provides as follows:

(a) A Special Exception may be approved if:

- (1) The proposed use and site plan are in harmony with the purpose of this Subtitle;*
- (2) The proposed use is in conformance with all the 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;*
- (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; and*
- (6) The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan; and*
- (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).*

(3) Section 27-341.01 provides as follows:

- (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.*

(4) The use must not conflict with the following applicable provisions of the C-S-C Zone found in Section 27-446(a) of the Zoning Ordinance:

- (a) *The purposes of Commercial Zones are:*
- (1) *To implement the general purposes of this Subtitle;*
 - (2) *To provide sufficient space and a choice of appropriate locations for a variety of commercial uses to supply the needs of the residents and businesses of the County for commercial goods and services;*
 - (3) *To encourage retail development to locate in concentrated groups of compatible commercial uses which have similar trading areas and frequency of use;*
 - (4) *To protect adjacent property against fire, noise, glare, noxious matter, and other objectionable influences;*
 - (5) *To improve traffic efficiency by maintaining the design capacities of streets, and to lessen the congestion on streets, particularly in residential areas;*
 - (6) *To promote the efficient and desirable use of land, in accordance with the purposes of the General Plan, Area Master Plans and this Subtitle;*
 - (7) *To increase the stability of commercial areas;*
 - (8) *To protect the character of desirable development in each area;*
 - (9) *To conserve the aggregate value of land and improvements in the County; and*
 - (10) *To enhance the economic base of the County.*

(5) The Court of Appeals provided the standard to be applied in the review of a Special Exception Application in Schultz v. Pritts, 291 Md 1, 432 A2d 1319, 1325 (1981):

Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the [administrative body] that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. . . . But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal.

The record in this case reveals “no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the

comprehensive plan”. It would, therefore, be proper to grant the request, once the conditions addressed below are satisfied.

CONCLUSIONS OF LAW

(1) The general purposes of the Zoning Ordinance are found in section 27-102(a). The instant application satisfies the following Purposes:

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

The proposed Check Cashing Business will be relocated from its existing location to free up More visible site on the frontage of Indian Head Highway, and is proposed to move into an in-line location within Eastover Shopping Center. The new location adjacent to the District 4 police station will provide for a better security presence, thereby contributing to the public safety, and a location which by virtue of its location within the line of stores in the Center will allow for the better combination of vehicle trips than its existing freestanding location, better providing for the comfort, convenience and welfare of the present and future inhabitants of the present and future inhabitants of the County. Additionally, the relocation will benefit inhabitants of the County by freeing up a high visible roadside site for a new use which will better take advantage of its location.

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

The relevant Plans which apply to the Subject Property are the 2014 General Plan, the 2014 Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment, and a number of Functional Master Plans, including the Green Infrastructure Plan, the County Master Plan of Transportation, the Public Safety Facilities Master Plan, The Historic Sites and Districts Plan and the Water Resources Functional Master Plan.

General Plan

As noted above, the General Plan classified the subject site in its Growth Policy Map¹ In the Established Communities category, and the Generalized Future Land Use Map² designated it for Commercial land use.

“Established Communities” are described by the General Plan as “the County’s heart – its established neighborhoods, municipalities and unincorporated areas outside designated centers,”³ and recommends that, “Established communities are most appropriate for context-sensitive infill and low- to medium-density development...”⁴

¹ M-NCPPC, Plan Prince George’s 2035 – Approved General Plan (May, 2014), p. 107.

²

³ Ibid., p. 106.

⁴ Ibid., p. 20.

“Commercial” land use is described by the General Plan as, “retail and business areas, including employment uses such as office and service uses. A range of services are provided at the neighborhood to regional level. New commercial areas have access to multimodal transportation options.”⁵ It is noted that the Generalized Future Land Use Map generally replicates the recommendations of the Master Plan or Sector Plan in force at the time of the approval of the General Plan, and recommended a mix of land uses instead of the “Commercial” designation in the General Plan. The note under the Generalized Future Land Use Map, however, states that, “by definition, this map should be interpreted broadly and is intended to provide a countywide perspective of future land use patterns. To identify the future land use designation for a specific property please refer to the property’s relevant approved sector or master plan.”⁶

Given its proposed location in the line of stores in an existing shopping center, the approval of the subject application would constitute context—sensitive infill.

Master Plan

As noted above, the applicable Master Plan is the Approved Eastover/Forest Heights/Glassmanor Sector Plan Map Amendment, approved on February 18, 2014. Figure 12, the Eastover Shopping Center Future Land Use Map, recommends the Subject Property for a mix of residential, retail, parking and residential-over-retail uses in the context of a mid-term to long-term development of the Shopping Center to take advantage of unused street frontage and underutilized parking lots.⁷

The existing Shopping Center is a major part of the Eastover Plan’s “Focus Area 2,” an area which corresponds to the neighborhood. The text of the Plan states that, “the sector plan depicts a phased redevelopment of the under-utilized Eastover Shopping Center’s parking lot into a mixed-use neighborhood center. This development will be followed by the restructuring of MD 2110 to continue improving areas aesthetics, increasing accessibility and visibility, enhancing pedestrian safety and walkability, and establishing Eastover Shopping Center as a commercial destination.”⁸

The Sector Plan is clear, however, that the redevelopment of the existing strip center building is part of its longest-term vision: it is not illustrated until Map 22, “Long-Term Development, Phase 4,”⁹ and in fact describes the full redevelopment of “the auto—centric shopping center” as an “Aspirational” phase, beyond the long term.¹⁰

Because the proposed Application is consistent with the Sector Plan’s land use recommendation and its vision for the retention of the Shopping Center as a commercial locus, the approval of the subject Check Cashing Business would be in harmony with the recommendation of the Sector Plan.

⁵ Ibid., p. 100.

⁶ Ibid., p. 101

⁷ M-NCPPC, *Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment*

⁸ Sector Plan, p. 44.

⁹ Ibid., p. 60

¹⁰ Ibid., p. 61

Other Applicable Functional Master Plans

The Special Exception area is not mapped as containing any Regulated Areas of the County's Green Infrastructure Network; as such, the subject Application conforms to the Green Infrastructure Plan.

With regard to The Historic Sites and Districts Plan, no historic sites or resources are located within the vicinity of the subject site; as such the approval of the subject Application will have no adverse impact on this Functional Master Plan.

The Water Resources Functional Master Plan addresses broad regulatory policy and large-scale watershed planning, and as such makes no recommendations which are directly applicable to the subject application.

No proposed sites for Public Safety facilities are in the area affected by the subject Application.

The Countywide Master Plan of Transportation does not contain any facilities which will be affected by the proposed occupancy of the subject Check Cashing Business in an existing space within the existing Shopping Center.

As the proposed Check Cashing Business is not in conflict with the General Plan, the Sector Plan or the applicable Functional Master Plans, approval of the subject Application will be in harmony with the Ordinance's purposes of implementing those plans.

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

Because this Application proposes the new occupancy of an existing building on a developed site, it will not create any adverse effect on the adequacy of public facilities.

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

While not a part of new growth or development by virtue of the subject Application only being for the new occupancy of a space within an existing building, approval of the subject Application would abet the orderly growth and development of the County by its conformance with the Sector Plan's land use recommendation, and thus the subject Application is in harmony with this Purpose of the Ordinance.

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

The subject Check Cashing Business will be in harmony with this Purpose as its occupancy will be part of an existing Shopping Center which was developed in conformance with the various

regulations in the Zoning Ordinance to ensure the provision of adequate light, air and privacy for the occupants of the Subject Property and for its neighbors. These principles include the provision of sufficient setback distance and conformance with height limitations in order to allow for access to light and air.

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

The subject Check Cashing Business would be in harmony with this Purpose as its occupancy will be part of an existing Shopping Center which was developed in accordance with the various principles that have been codified in the Zoning Ordinance to promote the beneficial relationships between land and buildings, including conformance with the Tables of Permitted Uses for the various zones as laid out in the Ordinance.

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

The subject Check Cashing Business would be in harmony with this Purpose as its occupancy will be part of an existing Shopping Center which was developed in conformance with the regulations established in the body of the Zoning Ordinance, as well as other County Ordinance, which are intended to protect from fire, flood, panic and other dangers, namely; the Floodplain Regulations, the Fire Prevention Code, the Building Code, and the Tables of Permitted Uses for the various zones.

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

Because the subject use is commercial in nature, this Purpose is not directly applicable to the Application.

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

The occupancy of the Subject Property as a Check Cashing Business would be in harmony with this Purpose because it would augment the tax base of the County directly and through the employment provided to its workers.

(10) *To prevent the overcrowding of land,*

The subject Check Cashing Business would be in harmony with the Purpose its occupancy will be part of an existing Shopping Center which was developed in accordance with various principles that have been codified in the Ordinance to ensure the prevention of overcrowding, including the provisions of the Table of Uses that provides for the compatibility of uses, height limits, and setbacks.

(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;

The approval of the subject Check Cashing Business would be in harmony with this Purpose because it will not generate new traffic beyond that generated by any other permissible use which could occupy the Subject Property, will not generate parking requirements beyond those generated by any other permissible use, nor create new entrances to the existing Shopping Center.

Also, the proposed Check Cashing Business occupancy will be carried out in accordance with the regulations established in the body of the Zoning Ordinance (and other County ordinances) which are intended to lessen the danger and congestion of traffic on roads, such as the requirements or the provision of adequate off-street parking.

(12) To insure the social and economic stability of all parts of the County;

As the Zoning Ordinance is the principal tool for the implementation of the planning process by enacting legal requirements which implement the planning goals that strive to maintain the social and economic stability of the County, conformance with the requirements and regulations of the Zoning Ordinance will be prima facie evidence of the Application's harmony with this Purpose.

Beyond that, however, the relocation of the subject Check Cashing Business would promote the economic and social stability of the County by contributing to the tax base, and by freeing up a valuable and visible site on the Indian Head Highway frontage for a more advantageous occupancy.

(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;

Because the Check Cashing Business will simply a new occupancy in an existing building, the approval of the subject Application will have no impact to the natural features in the County. It will not generate noise pollution, and the use will be in compliance with the County's Woodland Conservation policies by virtue of its exemption from a requirement for a Tree Conservation Plan. No steep slopes or scenic vistas will be affected. By conformance to these principles and regulations, the approval of this Application would be in harmony with this Purpose.

The final two Purposes,

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

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

are not directly applicable to the approval of this Check Cashing Business. §27-317(a)(1)

(2) The Application is also in conformance with the general purposes of Commercial Zones, §27-446(a) as follows:

(1) *To implement the general purposes of this Subtitle;*

The subject proposal will implement the general purposes of the Zoning Ordinance.
(see *infra*)

(2) *To provide sufficient space and a choice of appropriate locations a variety of commercial uses to supply the needs of the residents and businesses of the County for commercial goods and services;*

The approval of this facility at this location will allow the Check Cashing Business to occupy a useful and convenient site for its service, while freeing up a valuable and visible site on the Indian Head Highway frontage for a more advantageous occupancy.

(3) *To encourage retail development to locate in concentrated groups of compatible commercial uses which have similar trading areas and frequency of use;*

Because the proposed Check Cashing Business is a retail business which will be located in a retail shopping center, the approval of the subject Application will be in harmony with this Purpose of Commercial Zones.

(4) *To protect adjacent property against fire, noise, glare, noxious matter, and other objectionable influences;*

The approval of the subject Check Cashing Business will be a new occupancy in an existing building, and will not produce fire, noise, glare or noxious matter as a part of its operation. Its location immediately proximate to the District 4 police station will be substantive protection against the normal objectionable security concerns which attend businesses which handle money.

(5) *To improve traffic efficiency by maintaining the design capacities of streets, and to lessen the congestion on streets, particularly in residential areas;*

The approval of the subject Application will not affect traffic efficiency because it is only a new occupancy of an existing space in an existing Shopping Center, and will not generate traffic or parking at different rates than other comparable retail uses.

(6) *To promote the efficient and desirable use of land, in accordance with the purposes of the General Plan, Area Master Plans and this Subtitle;*

Because the subject Check Cashing Business will meet the intent for the commercial land use provided for in Sector Plan, it will fulfill this purpose for Commercial Zones.

(7) *To increase the stability of commercial areas;*

The occupancy of the existing vacant space will promote the stability of the surrounding commercial area and the relocation of the existing operation will free up a valuable and visible site on the Indian Head Highway frontage for a more advantageous occupancy.

(8) *To protect the character of desirable development in each area;*

Because the subject Check Cashing Business will be the relocation of an existing operation from within the neighborhood, and because its relocation will free up a valuable and visible site on the Indian Head frontage for a more advantageous occupancy, the approval of this Application will fulfill this purpose.

The final two purposes,

(9) *To conserve the aggregate value of land and improvements in the County; and*

(10) *To enhance the economic base of the County.*

are fulfilled by allowing for the occupancy of an existing developed site that will enhance the tax base and provide additional employment for residents of the County. §27-317(a)(1)

(3) In addition to the purposes for Commercial Zones generally, the Application is also in compliance with the specific purposes for the C-S-C Zone §27-454(a)(1), as follows:

(A) *To provide locations for predominantly retail commercial shopping facilities;*

As the subject Application proposes the retail occupancy of a retail center its approval will be in harmony with this Purpose.

(B) *To provide locations for compatible institutional, recreational, and service uses;*

As described above, the subject use is a retail use in an existing retail center, and will not impair the occupancy of the other institutional, recreational and service uses in the neighborhood.

(C) To exclude uses incompatible with general retail shopping centers and institutions; and

Because this use is a retail use in a retail shopping center, it fulfills this Purpose.

(D) For the C-S-C ne to take the place of the C-1, C-2, C-C, and C-G zones.

This Purpose is not applicable to the subject Application. §27-317(a)(1)

(4) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle. No variances, waivers or departures are requested. §27-317(a)(2)

(5) 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. §27-317(a)(3)

(6) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area; The conformance of the subject Application with the principles laid out in the purposes of the Zoning Ordinance its compliance with the provisions of the Zoning Ordinance represent a high level of protection against adverse effects to the public health, safety and welfare. Beyond those basic principles, however, the important fact is that the subject Application represents the relocation of an existing operation within the same neighborhood, and as such its approval will not create any new effects on the health, safety and welfare of residents and workers In fact, the relocation of the existing facility away from the Indian Highway frontage to a location immediately proximate to the District 4 police station will, if anything, improve the public health, safety and welfare over its existing location. §27-317(a)(4)

(7) The long existence of the existing Check Cashing Business in the neighborhood indicates that its relocation will not be to the detriment of the use or development of adjacent properties or the general neighborhood, and further that relocation of the existing facility away from the Indian Highway frontage will allow for a new use which will better promote the use and development of its surrounding neighbors. §27-317(a)(5)

(8) The subject property is exempt for the requirement for approval of a Tree Conservation Plan. §27-317(a)(6)

(9) No regulated environmental features exist on the subject site. §27-317(a)(7)

(10) Because the site is not located within the Chesapeake Bay Critical Area (it is approximately 1,050' distant) the provisions of §27-317(b) are not applicable to the subject Property.

(11) The Application is also in compliance with the specific criteria for a Check Cashing Business, §27-341.01 as follows:

(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.**

The Applicant has acknowledged this restriction in its Statement of Justification.

(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 Applicant has acknowledged this restriction in its Statement of Justification.

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

The Applicant has stated in its Statement of Justification that no other business will share its space.

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

The Applicant has stated in its Statement of Justification that it will install surveillance cameras to comply within 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**

The Applicant has stated in its Statement of Justification that it will employ at least one security employee with no other duties to comply with this requirement.

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

The Applicant has stated in its Statement of Justification that it will install bullet-resistant glass in front of its cashiers to comply with this requirement.

Parking Regulations

(12) 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 and 39 handicap) are provided. There is a parking excess total of 95 spaces.

The site requires three spaces ($\leq 100,000$ sq. ft. gross leasable area) and loading provided is six spaces. The required parking is provided for the proposed use.

2010 Prince George's County Landscape Manual Requires

(13) 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.

Tree Canopy Coverage

(14) 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.

Prince George's County Woodland and Wildlife Habitat Conversation Ordinance (WCO):

(15) The Property does not have a current approved NRI or Woodland Conservation Exemption Letter. A NRI and the requirement of meeting the Woodland Conversation regulations are not required because this plan is disturbing less than 5,000 square feet.

Signage

(16) 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.

(17) The approval of the subject Application would be in compliance with the general criteria for approval of a Special Exception found in §27-317(a), and the specific criteria for approval of a Check Cashing Business found in §27-341.01 of the Zoning Ordinance.

Additionally, (1) the longstanding existence of the existing operation in the neighborhood; (2) the use's proposed new location in the immediate proximity of the District 4 police station; and (3) the proposed relocation of the existing operation away from the Indian Highway frontage, will allow for a new use in its location which will better use the valuable and visible site on the Indian Head Highway frontage, and that the approval of this particular Application would entail less adverse impact of the public health, safety and welfare than those inherently associated with Check Cashing Businesses, irrespective of their location in the C-S-C Zone.

DISPOSITION

Special Exception 4847 is Approved with the following conditions:

1. Subject to obtaining approval from the property owner, the Applicant shall provide a minimum of two inverted u-style, or a style similar bicycle racks that allow for two points of secure contact, be provided near the building entrance, and depict the following facilities on the site plan, prior to its certification.
2. Prior to certification of the Special Exception, revisions shall be made to the Site Plan:
 - a. Label Lot 1, Block D on Sheet 1. The recording reference of the plat and acreage must be included in this label.
 - b. Add Tax Map 95 Grid F2 to General Note 10 on Sheet 1.

The Approved Site and Landscape Plan is Exhibit 20.