

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

**SPECIAL EXCEPTION
4819**

DECISION

| | |
|-------------------|---|
| Application: | Vehicle Rental Use |
| Applicant: | Enterprise RAC Company of Maryland, LLC |
| Opposition: | None |
| Hearing Date: | April 3, 2019 |
| Hearing Examiner: | Maurene Epps McNeil |
| Disposition: | Approval |

NATURE OF REQUEST

- (1) Special Exception 4819 is a request for permission to use approximately 0.3193-acre (13,911-square-feet) of a 4.7882-acre site in the C-S-C (Commercial Shopping Center) and M-I-O (Military Installation Overlay) Zones, located on the south side of Central Avenue (MD 214) approximately 515 feet west of its intersection with Westhampton Avenue, and identified as 7957-7963 Central Avenue, Capitol Heights, Maryland. Applicant currently operates a Vehicle Rental business at 7937 Central Avenue and desires to relocate to a larger unit in the same building. (Exhibit 5)
- (2) The Technical Staff recommended approval with conditions. (Exhibit 22) The Planning Board did not elect to consider the instant Application and accepted the Staff's recommendation as its own. (Exhibit 23)
- (3) No one appeared in opposition to the instant request.
- (4) At the close of the hearing the record was left open to allow the Applicant to submit a revised ethics affidavit. The information was received on April 8, 2019, and the record was closed at that time. (Exhibit 30)

FINDINGS OF FACT

- (1) The subject property is a 5,600-square-foot unit and 8,311 square feet of adjacent paved outdoor display area within a building known as the Park Central retail center, owned by GDR III Limited Partnership. Park Central is located on property described as part of Parcel B, as depicted on a Plat of Subdivision titled 'Parcels A and B, Park Central' recorded among the Land Records of Prince George's County at Plat Book VJ173 Plat No. 88. (Exhibit 5) The total area of Parcel B is 5.8323 acres, but the

portion owned by GDR III Limited Partnership is 4.7882 acres. This portion is improved with a building containing 47,600-square-feet of gross floor area.

(2) The subject property is exempt from the requirements of the Woodland Conservation and Tree Preservation Ordinance because there will be less than 5,000 square feet of woodland removal (actually none) and there is no previously approved Tree Conservation Plan. (Exhibit 9) There are no regulated environmental features on-site that will be impacted by the proposed site plan. (Exhibit 7) The subject property does not lie within a Chesapeake Bay Critical Area Overlay Zone.

Master Plan/Sectional Map Amendment

(3) The subject property lies within an area governed by the 2010 Subregion 4 Master Plan and Sectional Map Amendment (“SMA”). The Future Land Use Map in the 2010 Master Plan recommended mixed-use residential land uses for the subject property. The Master Plan also identified the property as being within the Morgan Boulevard Metro regional center. The 2010 SMA reclassified the property from the I-2 Zone to the C-S-C Zone.

(4) The 2014 General Plan (“Plan Prince George’s 2035”) placed this property within the Established Communities. The Plan provided the following vision for the Established Communities:

Established communities are most appropriate for context-sensitive infill and low-to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met.

(2014 General Plan, p. 20)

(5) The subject property lies within the Military Installation Overlay (“M-I-O”) Zone, and specifically within the area impacted by height restrictions (Surface Area B). However, the request is to relocate the vehicle rental facility from one leased area within the Park Central retail center to a larger leased area within the same center. Since no new structures are being proposed the Application would satisfy the height restrictions.

(6) The Special Exception and Landscape Plan reflects the plantings approved at the time of review of the permit plan submitted and approved in 1989, since it depicts the on-site improvements (an “existing conditions” plan). (Exhibits 20 and 34)

Neighborhood/Surrounding Uses

(7) The property is surrounded by the following uses:

- North – Central Avenue (MD 214), and north thereof are single-family detached dwellings in the R-80 (One-Family Detached Residential) and M-I-O Zones; and

the Prince George's County Public Safety Complex and the Morgan Boulevard Metro Station and Park and Ride, all located within the M-U-I (Mixed Use-Infill), D-D-O (Development District Overlay), and M-I-O Zones.

- South – Industrial uses located within the I-1 Zone.
- East – Industrial uses located within the I-1 Zone.
- West – Vacant land in the C-S-C (Commercial Shopping Center) and R-T (Townhouse) Zones.

(8) The Neighborhood is defined by the following boundaries: Central Avenue (MD 214), and Old Ritchie Road to the north; Walker Mill Drive to the south; Ritchie Road to the east; and, Shady Glen Drive to the west. This neighborhood includes a mix of commercial, industrial and residential uses, with the non-residential oriented toward Central Avenue and the residential toward Walker Mill Drive. Park Central itself includes a nail salon, a seafood store, a martial arts center, a carpet and flooring store, carryout restaurants, a dry cleaner and a hair salon. (Exhibit 33)

Applicant's Proposal

(9) Applicant operates an Enterprise Car Rental facility at 7937 Central Avenue, in the Park Central retail center. The State Department of Assessments and Taxation ("SDAT") has issued a certificate in good standing to Applicant to transact business within the State. (Exhibit 31) Applicant is proposing to leave its current leased location in Park Central, at 7937 Central Avenue, and move to a larger 5,600-square-foot unit at 7957-7963 Central Avenue. Applicant's Special Exception Site and Landscape Plan highlights the 5,600-square-foot units that it wishes to lease and the vehicle storage area to the rear. (Exhibit 34)

(10) Applicant's provided a detailed zoning history of the subject property. (Exhibit 5) In short, when Enterprise first leased within Park Central the property was zoned I-1 and the vehicle rental facility was permitted by right. In 2010, the Subregion 4 Sectional Map Amendment rezoned the property from the I-1 Zone to the C-S-C Zone. The use is permitted by Special Exception in the C-S-C Zone. Moreover, in 2016 the District Council placed the property in the M-I-O Zone. However, the property is only subject to the height restrictions imposed by the M-I-O Zone and satisfies them as noted below.

(11) Mr. Glen Stephens testified in support of the Application. Mr. Stephens is a partner in GDR III Limited Partnership (along with members of the Berman Family). SDAT has issued a certificate in good standing to GDR III Limited Partnership to transact business within the State. (Exhibit 27) GDR III Limited Partnership owns Parcel B of Park Central. (T. 19-20) Mr. Stephens noted that Applicant became a tenant at 7937 Central Avenue in 1994, upon issuance of Certificate of Occupancy Permit No. 5327-94-CU. (Exhibit 30) Applicant would like to relocate to the larger area (outlined in red on Exhibit 34), to the far left end of the center "which is four bays, they're going from one to four bays." (T. 14) The new location will have additional parking spaces dedicated for Applicant's use that will not impact employees/visitors of

the other businesses within Central Park due to the location of the parking in “an area where there’s virtually no parking occurring ...[f]or the rest of the center.” (T. 16)

(12) Park Central lies below the grade of Central Avenue. Due to this topography and the location of the new facility to be leased, no fencing will be provided (and none currently exists). Anyone passing on Central Avenue would not see the parking area, nor is it located near existing or proposed residences.

(13) Mr. Mark George, Building Construction Manager for Enterprise RAC Company of Maryland LLC, testified on Applicant’s behalf. He explained why Applicant is requesting to move to the larger location:

Really, everything ... should pretty much stay the same as it is. The only difference is we’re going to have a lot more, more room in the back to facilitate our operation. It gives us the ability to be more [functional] because right now what happens is ... the customer will return a car, they’ll drive the car out to the back and we have one, really one small garage area. They’ll prep the cars back there and then they’ll bring it in and bring it back. With the new ... location we’ll have ... four bays, we’re probably going [to] only ... use three of them for ... getting the vehicles cleaned ... and prepped and everything ... for our customers, so basically making us more efficient....

(T.32-33)

(14) Mr. George reviewed the Special Exception Site Plan and explained the proposed space layout at the larger location. (Exhibit 20; T. 33-36) He noted that the new location will have exhaust fans in the ceiling to ensure no fumes from the vehicles being washed in the interior will escape. (T. 37-39) He also clarified that the vehicles will be hand-washed, and the use will not include a commercial car wash.

(15) Mark Ferguson, accepted as an expert in the area of land use planning, testified on Applicant’s behalf, and provided a written analysis. (Exhibit 23) His land use analysis provided a detailed explanation as to why the applicable purposes of the Zoning Ordinance are satisfied. (Exhibit 23, pp. 5-13) Of note are the facts that:

- Relocation of this permitted use within the Established Communities would qualify as context-sensitive infill development.
- The additional space will allow the preparation of the vehicles to be leased within the interior and will move all parking to the rear, keeping the use in character with the other uses within Central Park, and protecting/promoting the health, safety and convenience of County residents in the area.
- The 2010 Master Plan included a future land use recommendation of “Mixed-Use Residential”, but it also placed the site within the Morgan Boulevard Metro Regional Center. The Plan urged that businesses in the Central Avenue commercial and retail corridor have entrances that front on Central Avenue, and encourage parking in the rear-two requirements satisfied by the Application.

- No portion of the site contains any regulated areas. No historic sites or resources are located within the defined neighborhood. No proposed sites for public safety facilities are affected by the request. Accordingly, no functional master plans are affected.
- Finally, the relocation of the use within this larger location furthest away from the entrance to Park Central will not overcrowd the area; will not adversely impact adjoining development, nor residents/workers in the area; will continue to provide adequate light, air and privacy; will ensure a certain number of jobs and customers, thereby increasing the tax base; will be a lower vehicular trip generator and not increase traffic in the area; will continue to encourage retail development in a concentrated group of compatible commercial uses; and will not require the issuance of a variance or departure.
- Mr. Ferguson's written analysis also included the following reasoning in support of the Application:

The proposed use for Special Exception Application SE-4819 is the relocation of the existing vehicle rental facility from the space in 7937 Central Avenue to a new, larger space at 7957-7963 Central Avenue at the eastern end of the same building. The existing facility at 7937 was approved as a permitted use when the subject property was previously zoned I-1; a Special Exception is required ... for the approval of the same use in the property's current C-S-C Zone....

The proposed vehicle rental facility will be designed to provide an attractive appearance which is wholly in character with the other uses on the subject property. The vehicles kept on site while awaiting rentals will be stored to the rear in a designated area that does not use required parking for the facility or the other uses at the subject property. Additionally, it will provide for an interior area where vehicle cleaning and pre-rental preparation can be done out of public view and without using either parking spaces or a part of the designated storage area. As such, it will promote the health and safety of the present and future inhabitants of the County....

The relevant plans which apply to this site are the 2014 General Plan, the 2010 *Approved Subregion 4 Master 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....

[B]ecause the proposed vehicle rental facility 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 purpose of implementing those plans....

Based upon an inspection of the proposed Special Exception Site Plan ... the proposed use will be in conformance with all of the applicable requirements and regulations of the Zoning Ordinance....It is the Applicant's belief that the subject Application is in harmony with the purposes of the Zoning Ordinance generally to implement the general and Master Plans and ... the approval of the subject

application will not impair the integrity of neither the approved Master Plan nor the County's General Plan....

As this planner believes to have been amply demonstrated, 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, its compliance with the provisions of other State and County regulations for environmental protection, and building construction represent a high level of protection against adverse effects to the public health, safety and welfare....

[T]he location of the display and storage area to the rear of the existing building, the enclosure of the cleaning and pre-rental preparation operations, and the fact that the proposed use will generate fewer vehicle trips than a generic retail permitted use will actively improve the health, safety and welfare of residents and workers in the area....

This planner believes that the existence of the same use at the subject property in its current location, coupled with the full occupancy of the existing center is good evidence that the proposed vehicle rental facility has been and, with the approval of the subject application, will continue to be compatible with the surrounding commercial uses, and not be detrimental to the use or development of adjacent properties or the general neighborhood....

The subject property has received an exemption from the requirement for a Tree Conservation Plan....No regulated environmental features exist on the subject site.... [T]he site is not located within the Chesapeake Bay Critical Area....

The proposed vehicle storage area is located in an existing asphalt-surfaced area.... Rental of trucks exceeding 20,000 pounds is not proposed.... No existing or proposed residential development is adjacent to or visible from the proposed facility.... The proposed vehicle rental facility is not proposed in conjunction with another use; it is not associated with a sales operation, nor a repair operation, but is exclusively a rental facility.... The proposed special exception area (including both the building area used for the vehicle rental facility and the vehicle storage area) is 0.3193 acres out of a total of 4.7882 acres for the entirety of the net lot area of the subject property. This represents 6.7% of the net lot area, which is less than the 60% maximum requirement.... The nearest point of the display and storage area is set back 170.7 feet from the street line. This exceeds the 30-foot minimum requirement....

The site is also classified in the Military Installation Overlay (M-I-O) Zone ... [and] subject ... to the provisions ... in Part 10C.... Part 10C includes three Impact Maps which establish the boundaries of the M-I-O Zone. Figure A establishes the area subject to restrictions related to height, Figure B establishes the area subject to restrictions related to noise, and Figure C establishes the area subject to the restrictions related to Accident Potential/Clear Zones North and South.

Based upon a review of the Impact Maps, the subject site is included within the boundaries of the Impact Map on Figure A, which establishes the area subject to restrictions related to height, but is not within the boundaries established by any other Impact Map.... Given the very high permissible limit, and the fact that no physical alterations are proposed to the existing development, the provisions of the Military Installation Overlay Zone will not restrict the subject site from being occupied by the proposed vehicle rental facility....

In summary, this planner finds that 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 vehicle rental facility found in §27-417 of the Zoning Ordinance.

Additionally, it is this planner's opinion that because of: (1) the past operation of the existing use at a different space at the subject site; (2) the location of the display and storage area in the rear of the existing building; (3) the enclosure of the cleaning and pre-rental preparation areas; (4) the new location in the area of the subject property which is most screened from Central Avenue by the topography; (5) the fact that the proposed use will generate fewer vehicular trips than would be expected from a generic retail use which would be permitted by right; and (6), the lack of changes to the existing architecture, that the approval of this particular application would entail less adverse impact on the public health, safety and welfare than those inherently associated with vehicle rental facilities, irrespective of their location in the C-S-C Zone.

(Exhibit 33, pp.4, 5, 8 and 12-16)

Technical Staff/Agency comment

(16) The Historic Preservation Section of the Maryland-National Capital Park and Planning Commission ("MNCPPC") noted that the Application "will not affect any historic or archeological resources." (Exhibit 8)

(17) The Transportation Planning Section provided the following comment:

The subject property is located on the south side of Central Avenue approximately 515 feet west of its intersection with Westhampton Avenue....

For a car rental facility, neither the "Guidelines for the Analysis of the Traffic Impact of Development Proposals" nor *Trip Generation* (Institute of Transportation Engineers) contain trip rates for this use. The State of New Jersey publishes rates for use in highway access management studies, and a car rental facility is one of the uses they include. [When the existing retail use and the proposed use are compared the] proposed use will generate fewer trips than using the space for general retail uses....

The Transportation Planning Section finds that the Special Exception application requesting the car rental use within the existing retail building poses no issue regarding the required special exception finding.

(Exhibit 22, pp. 3 and 4 of 25)

(18) The Technical Staff provided the following reasoning in support of its recommendation that the request be approved, with conditions:

The vehicle rental use is within an existing building and this application proposes relocation of that use in the same building, which will not result in any expansion to the existing building.

Staff finds that the proposed relocation of the existing vehicle rental facility to a larger tenant space, within the same building, will not be detrimental to the use or development of adjacent properties or the general neighborhood....

As shown on the site plan, the rental vehicles will be parked in spaces previously designated for required parking. These are treated with asphalt, striped, and there will be no dust generated because the vehicles travel over other portions of the parking lot to access this area....

Off-street parking for the subject use is calculated on the submitted site plan, based on the overall requirements for an integrated shopping center, and more than the number of required parking spaces is provided. However, the applicant should separate the parking requirements for the proposed vehicle rental and display facility from the remaining uses within the integrated shopping center to demonstrate conformance with this requirement....

A special exception use is considered compatible with uses permitted by-right within the C-S-C Zone, as long as 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, 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 ... materials in the record, the applicant has demonstrated conformance with the required special exception findings ... for vehicle and trailer rental display.... Therefore, staff recommends approval ... subject to ... conditions....

(Exhibit 22, pp. 6-9)

(19) Applicant accepted two of the conditions suggested by Staff concerning the provision of a 22-foot-wide drive aisle and the request that a note be added addressing the Applicant's compliance with Section 27-417 of the Zoning Ordinance. Applicant disagreed with Staff's final recommendation that Applicant separate the parking requirements for this use from the parking for the remaining uses within the Park Central Center. Mr. Ferguson buttressed Applicant's position with the following testimony:

This is number one simply [a] rental operation and secondly the parking requirement for this operation is included in the parking schedule for the regional shopping center and therefore is distinct from all of the other uses of the other tenancies on site. The vehicle storage area is not considered part of the whole center's parking. So the cars that are provided for rental aren't going to be occupying required parking spaces that would satisfy the parking demand of either this tenant or the other tenants in the center. If you're a patron and you drive here then you'll be able to use one of the required parking spaces that's provided for in the parking schedule. So my strong opinion is that this subsection [b] is not applicable to this use because it is a [stand alone] rental facility not as an accessory or in conjunction with repair or sales or some other use which do from time to time have associated rental operations as well.

(T. 51)

(20) Applicant submitted an exhibit that indicates that Staff subsequently agreed with its position. (Exhibit 35)

LAW APPLICABLE

(1) A Vehicle Rental Display use is permitted as a Special Exception in the C-S-C Zone in accordance with Section 27-317(a) and Section 27-417.

(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).

(b) In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:

- (1) where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or
- (2) where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.

(3) Section 27-417 provides as follows:

(a) The display for rental purposes of motor vehicles (except dump trucks), trailers, boats, camping trailers, or other vehicles may be permitted, subject to the following:

- (1) Rental vehicles shall be parked on a hard-surfaced area, which is resistant to erosion and adequately treated to prevent dust emission;
- (2) The gross weight of trucks shall not exceed twenty thousand (20,000) pounds each;
- (3) In addition to the buffering requirements in the Landscape Manual, the use shall be screened from existing or proposed residential development by a six (6) foot high opaque wall or fence. The fence or wall shall not contain any advertising material, and shall be maintained in good condition. This screening may be modified by the District Council where the parking area is already effectively screened from residential property by natural terrain features, changes in grade, or other permanent, natural, or artificial barriers.

(b) If the rental use is in conjunction with another use, it shall be subject to the following:

- (1) A Special Exception is required to validate the rental use, irrespective of the commencement date of the use; and

- (2) Off-street parking for the use shall be provided in addition to the off-street parking required for the other business.
- (c) If the use is a totally separate business (not in connection with any other business), it shall be subject to the following:
 - (1) The area devoted to rental purposes shall not be more than sixty percent (60%) of the net lot area; and
 - (2) The display shall be set back at least thirty (30) feet from the street line.
- (4) 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.

CONCLUSIONS OF LAW

(1) The general purposes of the Zoning Ordinance are listed in Section 27-102(a) and Special Exception 4819 is in harmony with these purposes, for the reasons provided:

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

By moving a thriving commercial use a few doors down into a larger space, Applicant will be able to clean and prepare the vehicles within the building, and store said vehicles to the rear, out of sight of the traveling public. Accordingly, Applicant is promoting the health, safety, convenience and welfare of the present and future inhabitants of the County. Morals and comfort are not impacted by the Applicant’s proposal.

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

The Applicant’s proposal implements the goals of the 2010 Subregion 4 Master Plan concerning uses within the Morgan Boulevard Metro Regional Center. The use is a

commercial use that will blend well with the remaining uses consistent with the Master Plan's objectives. The request also furthers the General Plan's vision for development within Established Communities.

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

The use is likely to generate fewer vehicular trips than other retail uses permitted by right in the C-S-C Zone. Public facilities will be adequate to serve the use.

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

The Applicant's proposal is to utilize an existing property. The proposal is for a replacement use, not the development of a new site.

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

The Applicant's proposal does not impact any residential uses and there will be no new construction. There are no privacy issues as the subject property and those properties adjoining it are commercially zoned.

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

The building already exists. New landscaping is not required by the Landscape Manual since there is no construction. The adjoining uses are also commercial. No adverse impact will result from the requested use of the subject property.

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

Reuse of a vacant unit will protect the County from fire and other potential dangers, since there is no new development proposed. The property is not in a floodplain.

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

This purpose is not applicable to the instant Application as the Applicant's proposal is for a commercial use.

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

The relocation to a larger unit is a positive economic development activity that provides employment and encourages rentals and, therefore, helps the tax base.

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

The revised Site Plan, Exhibit 34, is in conformance with the setback requirements of the Zoning Ordinance. The site is not overcrowded.

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

The use will result in fewer vehicular trips to the site and, therefore, meets this purpose.

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

By expanding a thriving business in a vibrant retail center, the Applicant is furthering the social and economic stability of Prince George's County.

(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;*

(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.*

Since no construction is involved – merely a relocation to a larger, more efficient space – the request further these purposes.

(Section 27-317(a)(1))

(2) The general purposes of the Commercial Zones are listed in Section 27-446 and Special Exception 4819 is in harmony with these purposes:

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

Conformance with the purposes of Section 27-102, the general purposes of the Subtitle, has been demonstrated as noted above.

(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;*

The property is in the C-S-C Zone. As such, the property is an appropriate location for commercial uses. Also, the Applicant's proposal is to continue to provide a vehicle leasing service to supply the traveling needs of the area residents.

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

The proposed use, Vehicle Rental Display, is not a retail use; it is a commercial service use. Therefore, this purpose does not apply in the subject case.

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

Again, the request involves the relocation of an existing use to a larger, more efficient space, and not the construction of a new facility. Accordingly, this purpose is met.

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

The Transportation Division, M-NCPPC, found no negative impact on traffic efficiency in its referral. It is anticipated that the requested use will result in less traffic than the other uses permitted on site by special exception or by right.

- (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;*

As stated above, the Subregion 4 Master Plan proposed commercial use of the subject property. The request is therefore in compliance with the Master Plan.

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

Continuing a thriving Vehicle Rental business directly influences the stability of this commercial area.

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

The Applicant's proposal is essentially the same use within a retail center of compatible uses. No change in architecture is to occur. *Accordingly, this use is met.*

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

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

By allowing the expansion of this thriving existing use that encourage a larger customer base and additional employment, the economic base of the County will be enhanced and the aggregate value of land and improvements will be conserved.
(Section 27-446)

(3) The specific purposes of the C-S-C Zone are listed in Section 27-454(a)(1) and Special Exception 4819 is in harmony with these purposes:

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

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

The relocated commercial-service use will both maintain the character of the existing Park Center and be a compatible service use.

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

The requested use at the new location would not be incompatible with general retail since it serves a need for the traveling public and will provide parking and storage of the rental vehicles in a manner less likely to impact the other uses in Park Central.

(D) *For the C-S-C Zone to take the place of the C-1, C-2, C-C and C-G Zones.* This purpose is not applicable to the instant request.

(4) The proposed use and the Revised Site and Landscaping Plan (Exhibit 34) are in conformance with all of the applicable requirements and regulations of the Zoning Ordinance. No variances, departures or waivers are required. (Section 27-317(a)(2))

(5) The proposed use will not impair the integrity of the approved Master Plan for the reasons noted above and in Exhibit 33. (Section 27-317(a)(3))

(6) The proposed relocation of the use at a better location, surrounded by compatible commercial/retail uses will have a positive effect on the health, safety and welfare of residents or workers in the area. (Section 27-317(a)(4))

(7) The relocation of the use within the same center in accordance with the existing approved Landscaping Plan will not be detrimental to the use or development of adjacent properties or the general neighborhood. (Section 27-317(a)(5))

(8) A Tree Conservation Plan is not required because there will be less than 5,000 square feet of woodland removed and there is no previously approved Tree Conservation Plan. (Section 27-317(a)(6))

(9) There are no regulated environmental features on the site. (Section 27-317(a)(7))

(10) The site is not located within the Chesapeake Bay Critical Area. (Section 27-317(a))

(11) The subject property will have an outdoor display area on an existing asphalt surfaced area located in the rear of the site. Rental of trucks exceeding 20,000 pounds is not proposed. None of the adjoining properties include existing or proposed residential uses. The rental use will not operate in conjunction with another use. The Special Exception area (including both the building area used for the vehicle rental facility and the vehicle storage area) is 0.3193 acres out of a total of 4.7882 acres – only 6.7% of the net lot area. Finally, the nearest point of the display area is approximately 170.7 feet from the street line. (Sections 27-417)(a) and (c) I agree with the Applicant that Section 27-417(b) is inapplicable. However, it should be made clear that the separate parking need not be shown on the Special Exception Site Plan solely because the use is within an integrated shopping center and the spaces were already provided for the shopping center based on the square footage of leased areas, not the uses themselves. (Section 27-568) There are truly existing stand-alone vehicle rental facilities, not within integrated shopping centers, which should never be allowed to submit a Special Exception Site Plan that does not include the dedicated parking spaces.

(12) The Application is only subject to the height restrictions for properties within the M-I-O Zone set forth in the Zoning Ordinance. The request is the relocation within an existing one-story building, and meets the height restrictions. (Part 10C of the Zoning Ordinance)

DISPOSITION

Special Exception 4819 is APPROVED.

(Note: The Special Exception Site and Landscape Plan is Exhibit 34)