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\* Also admitted in the District of Columbia

April 19, 2018

**VIA HAND DELIVERY**

Ms. Sherri Conner  
Prince George's County Planning Department  
Development Review Division  
14701 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772

**RE: Statement of Justification for ALDI Inc. District Heights Store,  
Staff Level Minor Subdivision (4-17026)**

Dear Ms. Conner,

On behalf of our client, ALDI Inc. ("Applicant"), Arthur J. Horne, Jr. and Shipley & Horne, P.A., hereby submits this Statement of Justification in support of a request for Minor review (i.e., Planning Director level) to the above captioned Preliminary Plan of Subdivision ("PPS") application, in accordance with the standards of Section 24-117 of the Zoning Ordinance of Subtitle 24 Subdivisions.

**I. Nature of Request**

The Applicant's intent of this Preliminary Plan application is to increase the floor area of their existing 16,792 square feet gross floor area (GFA) District Heights store an additional 3,000 square feet to 19,792 square feet (GFA). The Applicant is proposing to utilize the expanded building size by providing an increase in the store's display area and the number of products provided to their customers and is required to submit a new preliminary plan of subdivision to test for the adequacy of transportation per conditions of approval related to the property per Preliminary Plan of Subdivision(s): 4-02082 (PGCPB No. 03-21), and 4-06059 (PGCPB No. 06-248(C)). Other revisions to the site plan layout include a minor modification of the parking lot striping and number of spaces the allow for the expansion of the grocery store by extending out its front entrance facade towards the parking lot approximately eighteen one-half (18.6) feet. This application is submitted to redress and raise the limitations of 143,200 square feet that were imposed by PGCPB Resolution No. 06-248(C) for the combined development of Parcel D and the subject Parcel E.

## **II. Site Location and Property Description**

The subject property has a street address of 6301 Marlboro Pike, District Heights, Maryland 20747. The subject site is in Planning Area 75A, Council District 7, and is located on the south side of Marlboro Pike at its intersection with Regency Parkway. The property consists of approximately 3.70-acres within C-S-C (Commercial Shopping Center) Zone and is currently improved with a 16,792-square foot grocery store. The property is in the Southeast quadrant of the intersection of Marlboro Pike and Regency Parkway. There are no streams, wetlands, or floodplain on the subject property. The site is characterized by near level terrain sloping gently towards an onsite stormwater retention basin paralleling the east/southeast side of the property. No historic or scenic roads are nearby. Old Marlboro Pike, which is classified as a collector highway is the nearest noise source and generally not regulated for noise. The planned expansion of the existing commercial retail use is not expected to create any additional noise beyond current levels. No species listed by the State of Maryland as rare, threatened or endangered are known to occur in the general region. The Prince George's County Soils Survey indicates that the predominant soil type on the site is Beltsville-Urban Land Complex, which generally exhibits moderate limitations to development due to the perched water table, impeded drainage and steep slopes. This property is located in the Developed Tier as delineated on the 2002 (2002 Archived) General Plan and is within the General Plan (Plan 2035) growth boundary. The site does not have any reported regulated areas, evaluation area, or any network gaps identified on the Countywide Green Infrastructure Plan.

## **III. Surrounding Uses**

The subject property is bounded to the north by 54-feet wide (to the center-line) Marlboro Pike and across said roadway is a long string of 1950's vintage C-S-C small commercial/retail units; to east/southeast by the 23.9-acre C-S-C Zoned Great Eastern Plaza shopping center; to the south is the 8.0-acre vacant C-S-C zoned parcel which was part of a two parcel subdivision approved by the Planning Board in their November 9, 2006 approval of 4-06059 (PGCPB No. 06-248); and, to the west, is the approximately 28 feet wide Regency Parkway, and to the west of said roadway is the 1.44-acre C-S-C zoned vacant parcel that is also owned by the Applicant.

## **IV. Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	C-S-C	C-S-C
Use(s)	Commercial/Retail	Commercial/Retail
Acreage	3.7	3.7
Square Footage/GFA	16,792	19,792,

### **Other Development Data**

	<b>REQUIRED</b>	<b>PROPOSED</b>
Total Parking Spaces	103	113
Handicapped Spaces	5	5
Total Loading Spaces	1	1

## V. Zoning and Development History:

As discussed previously in this report, the subject site and existing Aldi grocery store were developed according to Preliminary Plan of Subdivision 4-02082 which was adopted by the Planning Board (PGCPB No. 03-21), on March 13, 2003, subject to four conditions. Following the approval of 4-02082, Preliminary Plan of Subdivision 4-06059, was adopted by the Planning Board (Resolution PGCPB No. 06-248(C)) on December 14, 2006, subdividing the original 11.7-acre Aldi parcel to provide the current 3.7-acre parcel that supports the Aldi store, and leaving the approximately 8.0-acre vacant C-S-C zoned parcel for future commercial development. PGCPB Resolution No. 06-248(C) provided that in addition to the existing 16,792 square feet GFA existing food store on parcel E, total development on parcels D and E shall be limited to 143,200 square feet, and new development shall be limited to 126,400 square feet of gross commercial space. Other previous approvals for the site include TCPI/15/02, TCPII/116/97, and a Stormwater Management Concept Plan, # 21558-2002-00, has been approved with conditions to ensure that development of Parcel E does not result in on-site or downstream flooding. Final Plat of Subdivision 5-07293 (District Heights Plaza) was approved by the M-NCPPC Planning Board on May 17, 2007.

## VI. Relationship to County Plans and Policies:

### Approved Marlboro Pike Sector Plan and Adopted Sectional Map Amendment:

The subject property is located within the boundaries of the 2009 *Preliminary Marlboro Pike Sector Plan and Adopted Sectional Map Amendment* Sectional Map Amendment element (pg. 205) included an unrealized recommendation that the Aldi property and several of its neighboring C-S-C zoned properties to be rezoned to M-X-T.

Change Number	Zoning Change	Area of Change	200' Scale Index Map	Approved SMA/ZAP/SE Number	Date
P35	C-S-C to M-X-T	23.9	204SE06	SMA	1986
Property Description	Tax Map 81, Grid C3, Parcel A, (District Heights Plaza, Plat: A06-2993)				
Use 1/Address	Shopping Center (Great Eastern Plaza Shopping Center): 6419 Marlboro Pike. Services: Chevy Chase Bank, V Cleaners, Gebeo Insurance, Beauty Braids, Capitol Sports Complex, Nail Art, Unique Hair salon, Liberty Tax Service. General Retail/Trade: Aldi, Giant, Plaza Liquors, Simply Fashion, Beauty World, Dollars and Sense, Uniform City, Big Lots, Shooters. Vehicle sales and service: Pep Boys. Eating and Drinking Establishments: Checkers, Chinese carryout.				
Non-Conforming Use Status	Existing zone: Permitted—Proposed zone: Permitted				
Discussion	Rezoning from C-S-C to M-X-T will create an opportunity for redevelopment of these properties for pedestrian oriented mixed-use development while reducing excess commercial zoning along the western gateway of Marlboro Pike.				

At the conclusion of the Approved 2009 Approved Marlboro Pike Sector Plan and Adopted Sectional Map Amendment process, the Subject Property and those neighboring properties identified above in change number P35 retained their existing C-S-C (Commercial Shopping Center) Zone classification. The Approved 2009 *Approved Marlboro Pike Sector Plan and Adopted Sectional Map Amendment* adopted with the passage of CR-90-2009, contains the following discussion and recommendations for the Subject Property's immediate neighborhood (pgs. 35-36):

*“Great Eastern Plaza and the adjacent block with a strip of retail shopping is already serving as a retail hub, and the existing sports complex is a major anchor of this hub. The 32-acre priority area is situated on the south side of Marlboro Pike, encompassing the Aldi’s Supermarket, an eight-acre undeveloped piece of land, and the Great Eastern Plaza. This entire area is zoned commercial. Aldi’s is located on the corner of Regency Parkway and Marlboro Pike. Adjacent to Aldi’s is the Great Eastern Plaza, which is a 24-acre shopping center containing a grocery store, smaller business located on either side, and several vacant properties. The grocery store will be relocating outside of the sector area at Pennsylvania Avenue and Silver Hill Road. The parking lot at Great Eastern Plaza is expansive and underutilized. This shopping center is oriented away from the corridor leaving a vast empty space along the streetscape. However, it provides an opportunity for new development.*

*Across Marlboro Pike is a small retail strip shopping center. The narrow parking lot in front of the shops is in poor condition and cuts off pedestrian movement along the corridor. The City of District Heights is working to improve this area with storefront façade improvements and repaving of the parking lot and sidewalk. These improvements will help to upgrade the overall aesthetic quality of this section of the corridor.”*

We feel that it is apparent with this instant application to expand the existing Aldi store an additional 3,000 square feet of product display area, that the Applicant’s goal is to provide an expanded range of grocery products and services to customers and the surrounding community.

**General Plan:**

This proposal is consistent with the vision, policies, and strategies contained within the 2002 Prince George’s County Approved General Plan and the Plan Prince George’s 2035 Approved General Plan (Plan Prince George’s 2035). The subject property in this application is in the Developed Tier of the earlier 2002 General Plan. The vision for the Developed Tier was a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The growth objective for the Developed Tier was to capture at least 33 percent of the County’s dwelling units by 2025. The Plan Prince George’s 2035 designates the property within an established community within the Growth Boundary and again revisits the vision of the “Preliminary” 2009 *Approved Marlboro Pike Sector Plan and Adopted Sectional Map Amendment* Sectional Map Amendment that the Aldi property and several of its neighboring C-S-C zoned properties to be rezoned to Mixed-Use.

**2005 Approved Countywide Green Infrastructure Plan:**

The subject property is not within the boundaries of the 2005 Approved Countywide Green Infrastructure Plan and does not contain any regulated environmental features. Therefore, this standard does not apply. No on-site wetlands or areas within the 100-year floodplain are impacted by the proposed development.

**County’s Ten-Year Water and Sewerage Plan:**



The 2010 Water Resources Functional Master Plan amends the 2002 General Plan and provides growth guidance expressed as goals, policies, and strategies to address water quality impacts associated with land use in the county. The Plan references the Ten-year Water and Sewer Plan and specifically addresses: Drinking Water Supply, Water Treatment, and Stormwater Management.

The subject property is within water and sewer categories W-3 and S-3 and is currently served by the public water and sewer system operated by WSSC.

**2008 Public Safety Facilities Master Plan:**

**Fire and Rescue** – A review of the Approved March 2008 Public Safety Facilities Master Plan reveals that the existing Aldi site is in compliance standards for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance. The existing fire engine at District Heights Fire Station, Company 26, located approximately 0.4 miles north at 6200 Marlboro Pike has a service travel time of 0.46 minutes, which is within the 3.25 minutes travel time guideline. The existing paramedic service at Silver Hill Fire Station, Company 29, located at 3900 Silver Hill Road has a service travel time of 4.82 minutes, which is within the 7.25 minutes travel time guideline. The existing ladder truck service at Hillside Fire Station, Company 6, located at 1234 Larchmont Avenue has a service travel time of 4.46 minutes, which is beyond the 4.25 minutes travel time guideline. Both the existing and proposed expansion of the Aldi grocery store is equipped with an automatic fire suppression system in accordance with modern building standards which should alleviate negative impacts resulting from potential travel time delays for emergency services equipment to reach the property.

**Police Facilities** – The existing Aldi store is within the service area for District III – Landover Police Station. In accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance, the existing police facilities are adequate to serve the continued use in the Aldi grocery store.

**Transportation:**

As discussed previously in this justification report, the existing 16,792 gross square feet grocery store is proposed to be expanded an additional 3,000 square feet for a total size of 19,792 gross square feet GFA. The subject property is served by use of a two-way access to the existing Regency Parkway and a second two-way access to Marlboro Pike. The 2009 Master Plan of Transportation identifies both roads as collector roadways constructed on 80 feet of right-of way. At the time of approval of the approximately 3.7-acre subject Parcel E and the 8.0-acre Parcel D adjoining the subject property to the south, the M-NCPPC staff and the Planning Board found in its approval of Preliminary Plan of Subdivision 4-06059 that the future development of Parcel D is proposed to have direct access to Regency Parkway and proposes an extension of a private road through the proposed Parcel E to Marlboro Pike. The proposed circulation and access points were found at that time acceptable. However, the Subdivision Regulations restricts the use of access easements to serve commercial properties. The easement extension from Parcel E to Parcel D is permitted but only as a secondary point of access for Parcel D. Primary access for Parcel D is Regency Parkway.

Since the site is currently improved with only 16,792 gross square feet of commercial development, staff found that the proposed resubdivision would have adequate access roads if the additional development on the two proposed parcels is limited to 126,408 GSF of commercial space or different uses generating no more than the vested number of peak hour vehicle trips (373 AM peak hour and 545 PM peak hour).

The M-NCPPC Transportation Planning Section concluded during their pre-assessment review dated January 8, 2018, "that this application is an expansion to an existing store, and given the limited off-site traffic impact", the applicant needed to have a limited analysis prepared to the intersection of Marlboro Pike and Regency Parkway – traffic counts only and not a full Transportation Improvement Study. A transportation study of the traffic volume level and turning counts of area intersections demonstrating the adequacy of public roadways and transportation is included with this application resubmission.

**VII. Preliminary Plan of Subdivision(s), 4-02082, and 4-06059:**

**Preliminary Plan of Subdivision 4-02082:** was adopted by the Planning Board (Resolution PGCPB No. 06-248(C)) on December 14, 2006, subject to four (4) conditions. Only one of those said conditions of approval has any bearing to the subsequent review of this instant Preliminary Plan of Subdivision 4-17026 application:

2. *Total development on Parcels D and E shall be limited to 143,200 square feet of gross floor area or other uses which would generate no more than 373 AM peak hour vehicle trip and 545 PM peak hour vehicle trips. The total gross floor area identified above (143,200) includes the existing development of 16,792 square feet of gross floor area on Parcel E, and is not in addition to that square footage.*

**RESPONSE:** The intent of this application is to increase the size of the existing 16,792 gross square feet grocery store an additional 3,000 square feet for a total size of 19,792 gross square feet GFA. At the present time, the adjacent Parcel D is entirely unimproved. Therefore, based on the development constraints, the proposed 19,792 gross square feet of floor area proposed for the subject parcel provides the balance of 123,408 gross square feet of floor area as being available for Parcel D.

**Preliminary Plan of Subdivision 4-06059:** was adopted by the Planning Board (Resolution PGCPB No. 06-248(C)) on December 14, 2006, subject to eight (8) conditions. Only one of those said conditions of approval has any bearing to the subsequent review of this instant Preliminary Plan of Subdivision 4-17026 application:

2. *In addition to the existing 16,792 GSF existing food store on parcel E, total development on parcels D and E shall be limited to 143,200 S. F., and new development shall be limited to 126,400 S.F. of gross commercial space or any allowed development*

*or uses which would generate no more than 373 vehicle trips during the AM peak hour and 545 vehicle trips during the PM peak hour. Any use that generates an impact greater than noted above will require the submission of a new preliminary plan and a finding of transportation adequacy.*

**RESPONSE:** The Applicant's intent for increasing the size of the existing 16,792 gross square feet grocery store an additional 3,000 square feet for a total size of 19,792 gross square feet GFA, is to provide a more convenient enjoyable shopping experience for their customers. As discussed above the M-NCPPC Transportation Planning Section pre-submittal review" (dated January 8, 2018) concluded "this application is an expansion to an existing store and given the limited off-site traffic impact", the applicant needed to have a limited analysis of traffic counts only to the intersection of Marlboro Pike and Regency Parkway prepared. Based on the Transportation Planning Section's Estimated Trip Generation of 6 – AM Trips, and 22 – PM Trips, there are no foreseeable negative factors that will result in more than a de minimis impact on the nearby road network and overall traffic conditions.

#### **VIII. Conclusion:**

The Applicant submits that this Minor Preliminary Plan request to permit the expansion of their existing grocery store from 16,792 gross square feet to a total size of 19,792 gross square feet (GFA), is in compliance with all relevant criteria set forth in the Subdivision Ordinance. This request complies with the required findings for Preliminary Plans of Subdivision, the 2009 *Approved Marlboro Pike Sector Plan and Adopted Sectional Map Amendment*, and the applicable County plans and policies. Development proposed will be reviewed in accordance with 24-121 (Planning and Design Requirements), 24-122 (Public Facilities Requirements) 24-123 (General Transportation and Circulation Requirements), and 24-124 (Adequate Roads Required). For all the above-stated reasons, I respectfully request M-NCPPC Planning Director/Staff Level approval of this instant minor 4-17026 application.

Please call me if additional information is required.

Sincerely,



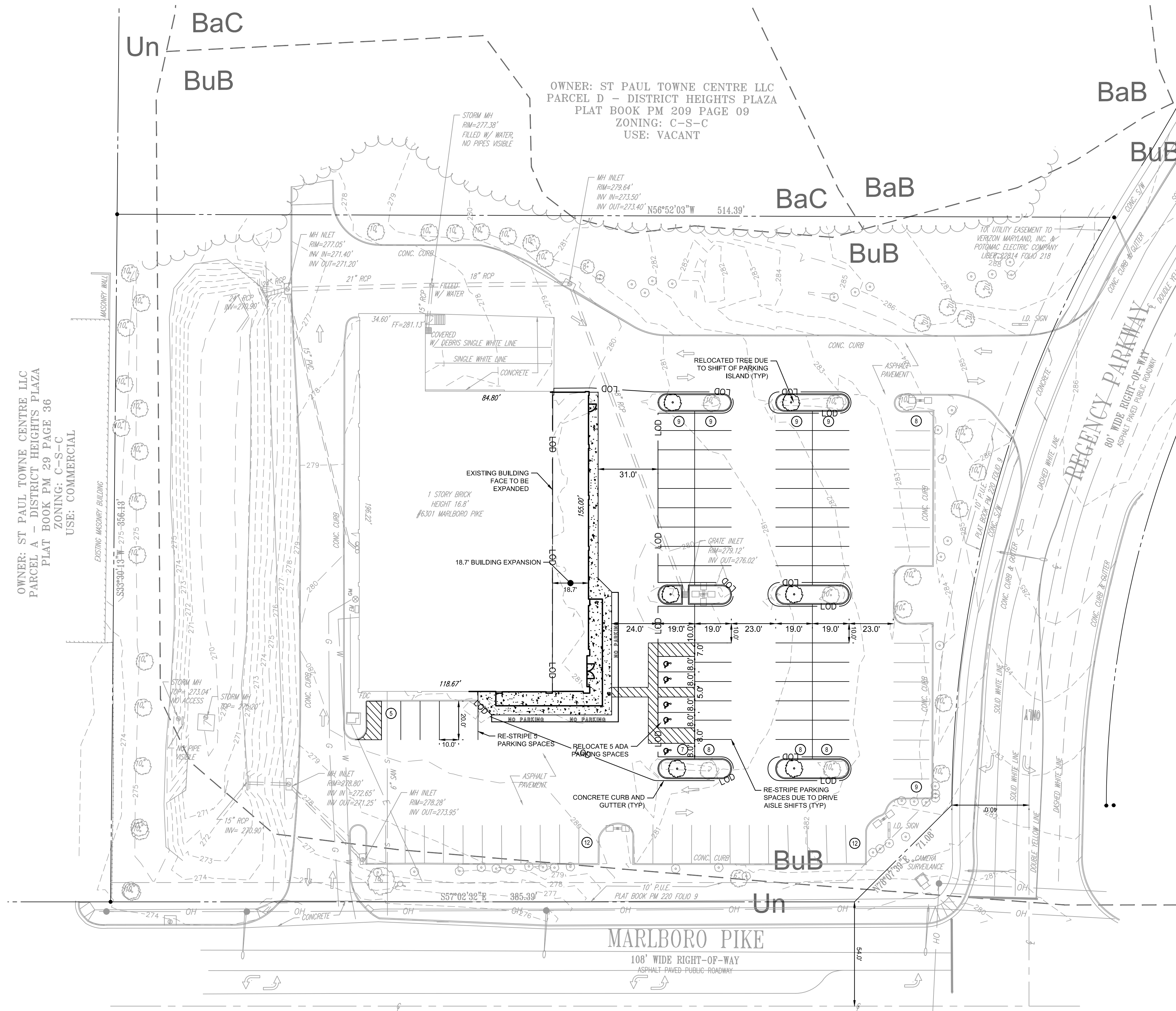
Arthur J. Horne, Jr.

cc: Rachel Kegerise  
Richard Moller

AJH/fms



OWNER: ST PAUL TOWNE CENTRE LLC  
PARCEL A - DISTRICT HEIGHTS PLAZA  
PLAT BOOK PM 29 PAGE 36  
ZONING: C-S-C  
USE: COMMERCIAL



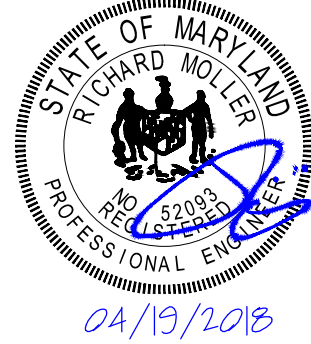
PRELIMINARY PLAN GENERAL NOTES  
(IN ORDER)

PARCEL/LOT: PARCEL E  
DEED BOOK/PAGE: L:12446 F:244  
PLAT NUMBER: WWW 77@35  
TAX MAP/GRID: TAX MAP 81, GRID C-3  
WSSC 200 FOOT MAP: 204SE06  
PURPOSE OF SUBDIVISION: INCREASING FLOOR AREA OF EXISTING BUILDING AND ADDITIONAL 3,000 SF. TO TEST FOR ADEQUACY OF TRANSPORTATION PER CONDITIONS OF APPROVAL RELATED TO THE PROPERTY PER PP 4-02082 AND 4-06059.  
PRELIMINARY PLAN OF SUBDIVISION: 4-02082  
PRELIMINARY PLAN OF SUBDIVISION: 4-06059  
PRIOR APPROVALS: TCP 1 PLAN: TCPI/15/02  
TCP 2 PLAN: TCPI/116/97  
SWM CONCEPT: 21558-2002-00  
FINAL PLAT OF SUBDIVISION: 5-07293  
TOTAL ACREAGE OF SITE: 3.70 AC  
NET DEVELOPABLE AREA OUTSIDE OF PMA: 3.70 AC; SITE IS NOT LOCATED INSIDE PMA  
ENVIRONMENTAL REGULATED FEATURES: NO  
100-YEAR FLOODPLAIN: NO  
ROAD DEDICATION: NO  
EXISTING ZONING/USE: C-S-C; COMMERCIAL/RETAIL  
PROPOSED USE: COMMERCIAL/RETAIL  
MINIMUM LOT SIZE REQUIRED BY ZONING: N/A  
MINIMUM LOT WIDTH: N/A  
SUSTAINABLE GROWTH TIER: 1  
MILITARY INSTALLATION OVERLAY ZONE: NO  
CENTER OR CORRIDOR LOCATION: NO  
EXISTING GROSS FLOOR AREA: 16,792 SF  
PROPOSED GROSS FLOOR AREA: 19,792 SF  
STORMWATER MANAGEMENT CONCEPT: 7856-2018-0  
WATER/SEWER CATEGORY DESIGNATION: W-3/S-3 (COMMUNITY SYSTEM)  
AVIATION POLICY AREA: NO  
MANDATORY PARK DEDICATION REQUIREMENT: NO  
CEMETERIES ON OR CONTIGUOUS TO SITE: NO  
HISTORIC SITES ON OR IN VICINITY OF SITE: NO  
TYPE ONE CONSERVATION PLAN: YES  
WITHIN CHESAPEAKE BAY CRITICAL AREA: NO  
WETLANDS: NO  
STREAMS: NO  
SOIL TYPES ON SITE: BuB - BELTSVILLE URBAN LAND COMPLEX, 0-5% SLOPES - TYPE "C" SOIL  
Un - URBAN LAND - TYPE "C" SOIL (SEE NRI FOR ADDITIONAL INFORMATION)  
NO  
PARKING REQUIRED: 1 SP PER 150 SF GFA (FIRST 3,000 SF) + 1 SP PER 200 SF (AFTER 3,000 SF); 103 TOTAL SPACES REQUIRED  
REQUIRED ADA SPACES: 5 SPACES  
PARKING PROVIDED: 10'X20' SPACES: 46 SPACES  
10'X19' SPACES: 62 SPACES  
ADA SPACES: 5 SPACES  
TOTAL SPACES PROVIDED: 113 SPACES

SITE PLAN NOTES

- ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB, UNLESS OTHERWISE NOTED.
- ALL PROPOSED CURB RADII ARE 5', UNLESS OTHERWISE NOTED.
- ALL ON-SITE CONCRETE CURB AND GUTTERS TO BE PRINCE GEORGE'S COUNTY STANDARD NUMBER 300.01.
- SITE BOUNDARY, TOPOGRAPHY, UTILITY AND ROAD INFORMATION TAKEN FROM A SURVEY BY GRS GROUP, LLC PERFORMED BETWEEN 12/01/2017 AND 12/06/2017.
- ALL BLACK ITEMS ARE PROPOSED AND ALL GRAY ITEMS ARE EXISTING TO REMAIN, UNLESS OTHERWISE NOTED.
- ALL PARKING SPACES SHALL BE MARKED WITH 4" WIDE WHITE PAINTED STRIPES.
- ALL COMPACT AND HANDICAP CAR SPACES INDICATED ON THE SITE PLAN SHALL BE IDENTIFIED BY ON-SITE SIGNAGE.
- ALL HANDICAP ACCESSIBLE ROUTES, INCLUDING RAMPS, LANDINGS, OR RAILINGS SHALL COMPLY WITH SECTION 4.6 THRU 4.85 OF THE AMERICAN NATIONAL STANDARD INSTITUTE (ANSI) MANUAL AS IT PERTAINS TO A.D.A.
- ALL PROPOSED BUILDING ADDITIONS SHALL BE FULLY EQUIPPED WITH A FIRE SUPPRESSION SYSTEM IN ACCORDANCE WITH THE NATIONAL FIRE PROTECTION AGENCY STANDARD (NFPA) 13, AND ALL APPLICABLE COUNTY REGULATIONS.
- AN EXISTING TEN (10) FOOT PUBLIC UTILITY EASEMENT IS ESTABLISHED ADJACENT TO ALL STREETS, AND IS RECORDED IN THE LAND RECORDS OF PRINCE GEORGE'S COUNTY IN PLAT BOOK PM 220, P. 9.

Issued:	Date:
A	
B	
C	
D	
Revisions:	Date:
1	
2	
3	
4	
5	



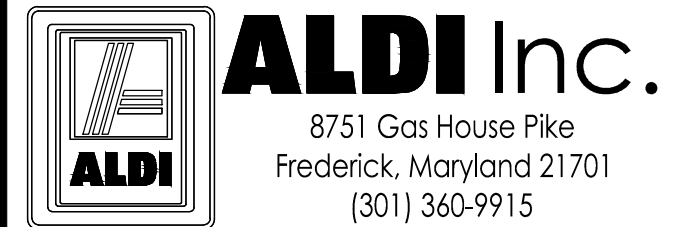
Seal	PROJECT ENGINEER	DATE
RM	PROJECT LEAD	04/19/2018
TJC	PROJECT DESIGNER	04/19/2018
TJC		04/19/2018

PROFESSIONAL CERTIFICATION:  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.  
LICENSE NO. 52093  
EXPIRATION DATE 12-14-2019

**Kimley»Horn**  
100 M Street SE, Suite 600  
Washington, DC 20003  
(202) 971-8225

M-NCPPC PRELIMINARY  
PLAN CASE NUMBER:  
4-17026

PROPERTY INFORMATION  
TAX MAP: 81  
GRID: C3  
ELECTION DISTRICT: 7



Project Name & Location:  
ALDI District Heights  
6301 Marlboro Pike  
District Heights, MD 20747  
(Marlboro Pike & Regency Pkwy)

Drawing Name:  
**PRELIMINARY PLAN  
DEVELOPMENT EXHIBIT**

Date:	Project No.
04/19/2018	110360045
Type:	
PPS	
Drawn By:	Drawing No.
TJC	2
Scale:	
As Noted	