

**IN RE:**

DETAILED SITE PLAN (DSP-18013)

**APPLICANT:**

7618 MARLBORO PROPERTIES, LLC

**AGENT/ CORRESPONDENT:**

Lawrence N. Taub, Esquire  
Nathaniel Forman, Esquire  
O'Malley, Miles, Nysten & Gilmore, P.A.  
11785 Beltsville Drive, 10<sup>th</sup> Floor  
Calverton, MD 20785

### **STATEMENT OF JUSTIFICATION**

The Applicant hereby requests approval of a Detailed Site Plan ("DSP") to construct a three story 110,050-square-foot consolidated storage building upon property located at 7618 Marlboro Pike, which is in an unincorporated area of Prince George's County, shown as Parcel 195 on Tax Map 81, Grid F-4, and encompassing approximately 3.46 acres on the north side of Marlboro Pike, approximately 150 feet west of its intersection with Forestville Road ("Property" or "Subject Property"). The Property is zoned C-S-C and was retained in that zone through the 2009 Approved Marlboro Pike Sector Plan and Sectional Map Amendment ("Sector Plan"). In November 2016, the Property was included within the boundaries of the Military Installation Overlay Zone ("MIOZ"), and within the MIOZ, it was included within Accident Potential Zone 2 ("APZ 2"). The Subject Property is currently vacant, but it is bordered by existing development, as follows: to the north by Ritchie Road, beyond which lies a church and cemetery zoned R-55 and surveyor's office zoned C-O; to the northeast by office condominiums zoned C-S-C; to the east by Old Forestville Road, beyond which lies a church zoned R-55; to the southeast and southwest by gas stations zoned C-S-C; to the south by Marlboro Pike, beyond which lie retail uses zoned M-U-I/D-D-O; and to the west by a bank zoned C-S-C. Consolidated storage is permitted by right at this location, subject to DSP approval.

#### **I. REQUEST**

The Applicant proposes improving the Subject Property with a three story, 110,050-square-foot consolidated storage building. The Subject Property is conveniently located near the intersection of Marlboro Pike and Forestville Road, and is in close proximity to Pennsylvania Avenue (MD 4) near its intersection with the Capital Beltway (I-495). The Property has frontage on, and will be accessible from, three roads—Ritchie Road, Marlboro Pike and Old Forestville Road. The neighborhood in which the Property is located includes a variety of commercial uses, including, but not limited to: gas stations, banks, and retail stores, and the proposed use upon the Subject Property will be compatible with these uses.

The consolidated storage building will be constructed of high-quality materials, including glass, metal and masonry. In addition to the varying materials, the building will be comprised of various colors, including red, grey, and white. This mixture of materials and colors will create a visually

interesting, but not overpowering, façade that will be noticeable from Marlboro Pike. Numerous windows are proposed throughout the building to provide the interior space with natural light.

Three (3) monument signs are proposed upon the Property. One (1) sign will be placed at the entrance of Marlboro Pike, Old Forestville Road and Ritchie Road. These signs exhibit a similar design aesthetic and color scheme to the architectural elevations. The consolidated storage facility will provide all of the required twenty-two (22) parking spaces, two (2) of which will be van-accessible handicapped spaces, and all five (5) of the required loading spaces.

## **II. CONFORMANCE WITH ZONING ORDINANCE REQUIREMENTS**

1. The proposed development conforms to the general purposes of Detailed Site Plans pursuant to § 27-281(b), described in more detail below:

(b) General purposes.

(1) The general purposes of Detailed Site Plans are:

- (A) To provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;
- (B) To help fulfill the purposes of the zone in which the land is located;
- (C) To provide for development in accordance with the site design guidelines established in this Division; and
- (D) To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.

*The Subject Property was zoned C-S-C/M-I-O pursuant to the 2009 Approved Marlboro Pike Sector Plan and Sectional Map Amendment ("Sector Plan") and within that Sector Plan, it is located within a "Transition Area." It is also located within the M-I-O Zone, and within that zone, it is located within Accident Potential Zone 2 ("APZ 2"); as such, it is permitted at this location, subject to DSP approval.*

2. The proposed development conforms to purposes of the C-S-C Zone, as set forth in § 27-454 of the Zoning Ordinance, as described below:

(a) Purposes.

(1) The purposes of the C-S-C Zone are:

- (A) To provide locations for predominantly retail commercial shopping facilities;
- (B) To provide locations for compatible institutional, recreational, and service uses;

- (C) To exclude uses incompatible with general retail shopping centers and institutions; and
- (D) For the C-S-C Zone to take the place of the C-1, C-2, C-C, and C-G Zones.

*The Subject Property is located along Marlboro Pike in an area dominated by retail and service commercial uses. The proposed use upon the Property will be compatible with the existing commercial uses in the area, and it will not be incompatible with general retail shopping centers and institutions.*

(b) Landscaping and screening.

- (1) Landscaping and screening shall be provided in accordance with Section 27-450.

*With one exception (for which Alternative Compliance is being requested), the landscaping and screening proposed upon the Subject Property are in conformance with the requirements of the Prince George's County Landscape Manual.*

(c) Uses.

- (1) The uses allowed in the C-S-C Zone are as provided for in the Table of Uses (Division 3 of this Part).

*Consolidated storage is permitted in the C-S-C/M-I-O Zone at this location, subject to detailed site plan approval.*

(d) Regulations

- (1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the C-S-C Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Table (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.

*With the exception of one regulation from the Landscape Manual (for which Alternative Compliance is being requested), the Subject Property will otherwise comply with all regulations for development in the C-S-C/M-I-O Zone as shown on the submitted site plan.*

- 3. The proposed development conforms to Part 10C, Military Installation Overlay Zone under § 27-548.50 *et seq.*, as described below:

Sec. 27-548.54. Requirements for Height:

...

- (e) The Planning Board shall verify certification of height using the formulae proscribed in this Section as described below:

...

- (2) The figures calculated through the measurements in this Section should add the difference in elevation between the runways at Joint Base Andrews and the highest elevation on the subject property: properties lower than 274 feet in elevation should add this difference in elevation; properties higher than 274 feet in elevation should subtract this difference in elevation to determine the maximum height:

...

- (B) Surface B (Approach-Departure) Surface:  
Structures shall not exceed a height (in feet) equivalent to the distance between Surface A and nearest boundary of the subject property, divided by 50.

*Although the ultimate determination of the maximum permissible height will be made by the Planning Board, based on the formula described above, the maximum height permitted is approximately 155 feet, far exceeding the three-story height proposed in this application.*

Sec. 27-548.56. Requirements Part 10C:

(a) Prohibited Uses.

- (1) In order to protect the public health, safety, and welfare of the communities surrounding Joint Base Andrews and to protect air operations at Joint Base Andrews, the following uses are strictly prohibited in Accident Potential Zones 1 and 2 and the Clear Zone (also referred to collectively as the "Safety Zones") within the Military Installation Overlay Zone:

- (A) Schools that offer a complete program of nursery school education accredited by the Maryland State Department of Education or a complete program of academic elementary (including pre-kindergarten and kindergarten), junior high (middle), or senior high school education or public or private institutions of higher learning, colleges, or universities;
- (B) Club or lodge, or public building;
- (C) Commercial recreational or entertainment attractions (indoor or outdoor), community building, performance art center, arena, stadium, auditorium, museum, art gallery, theater, movie theater;

- (D) Congregate living, hotel/motels, senior or retirement housing, multi-family housing;
- (E) Day care center for children or adults, assisted living facility, hospital, adult rehabilitation center, medical or health campus, nursing or care home, medical day care, homeless or transitional shelter;
- (F) Class III landfill, transfer station;
- (G) Commercial and Industrial uses that include the sales, handling, above-ground storage, refining, fabrication or manufacturing of explosives, fireworks, or gunpowder; fertilizers, pesticides and insecticides; petroleum products (other than gas station or vehicle repair and service station), and other products constituting a potential hazard by fire, explosion or other means should an aircraft accident occur. May include refinery, asphalt mixing plant, cement manufacturing, distillery, dry cleaning plant; and
- (H) Any type of use, activity or storage, including temporary and accessory uses, that would cause any of the following impacts:
  - (i) Release into the air any substance, such as steam, dust, or smoke which would impair visibility or otherwise interfere with the operation of aircraft;
  - (ii) Produce light emissions, either direct or indirect (reflective), which would interfere with pilot vision;
  - (iii) Produce electrical emissions which would interfere with aircraft communication systems or navigation equipment.
- (I) Cement manufacturing, concrete batching or cement mixing plant, concrete recycling facility, sand and gravel wet-processing, surface mining.
- (J) New uses on the Limited Use List in Section 27.548.56(b)(1) beyond the size limitations described therein.

*The Subject Property is located within Accident Potential Zone 2 ("APZ 2") within the Military Installation Overlay Zone. A consolidated storage facility is not a limited or prohibited use in the APZ 2; it was, in fact, specifically permitted by right at this location through enactment of CB-125-2017.*

### III. CONCLUSION


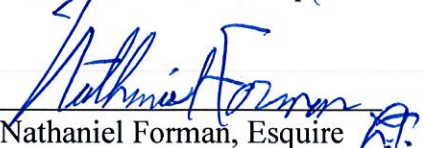
For all of the above-stated reasons, the Applicant respectfully requests approval of the proposed Detailed Site Plan for a consolidated storage facility upon the Subject Property.

DSP-18013  
7618 Marlboro Properties, LLC  
May 14, 2018

Respectfully submitted,

O'MALLEY, MILES, NYLEN & GILMORE, P.A.

By:

  
\_\_\_\_\_  
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\_\_\_\_\_  
Nathaniel Forman, Esquire  
11785 Beltsville Drive, 10<sup>th</sup> Floor  
Calverton, MD 20785  
301-572-3248  
*Attorneys for Applicant*

**STATEMENT OF JUSTIFICATION**  
**FOR ALTERNATIVE COMPLIANCE**  
**IN CONJUNCTION WITH DETAILED SITE PLAN NO. DSP-18013**

7618 Marlboro Properties, LLC ("Applicant") hereby requests alternative compliance from § 4.7 of the Prince George's County Landscape Manual ("Landscape Manual"). This request has been submitted in conjunction with Detailed Site Plan No. DSP-18013 for the construction of a three-story 110,050-square-foot consolidated storage building upon property located at 7618 Marlboro Pike, which is in an unincorporated area of Prince George's County, shown as Parcel 195 on Tax Map 81, Grid F-4, and encompassing approximately 3.46 acres on the north side of Marlboro Pike, approximately 150 feet west of its intersection with Forestville Road ("Property" or "Subject Property"). The Property is zoned C-S-C and was retained in that zone through the 2009 Approved Marlboro Pike Sector Plan and Sectional Map Amendment ("Sector Plan"). In November 2016, the Property was included within the boundaries of the Military Installation Overlay Zone ("MIOZ"), and within the MIOZ, it was included within Accident Potential Zone 2 ("APZ 2").

Within the current Landscape Manual, the proposed use upon the Subject Property is classified as "Consolidated Storage," which, within the matrix of "Use Impact Categories" (Table 4.7-1), is a "High" impact use. The Subject Property abuts a bank (with drive-through) in the C-S-C Zone along its western boundary, which is considered a "Medium" impact use. Under Table 4.7-2, "Minimum Bufferyard Requirements", the proposed "High" impact use against the existing "Medium" use requires a "B" bufferyard. The landscaping required for a "B" bufferyard, and the landscaping being proposed along the western boundary line is described herein:

**REQUIRED: 4.7 Buffering Incompatible Uses, along western property line, adjacent to bank (with drive-through):**

Length of bufferyard:	243 feet
Minimum building setback:	30 feet
Landscaped yard:	20 feet
Plant units	195

**PROVIDED:**

Length of bufferyard:	243 feet
Minimum building setback:	30 feet
Landscaped yard:	*12.2 feet
Fence or wall:	No
Plant units:	195

\*Note: This number reflects the shallowest point of the proposed bufferyard.



The Applicant submits that alternative compliance in this matter is justified because the impact, if any, on the bank (without drive-through) along the western boundary will be minimal. The site is able to accommodate most of the required 20-foot bufferyard along its western boundary; it is only 36.5 linear feet of the total 243 linear feet of bufferyard as shown on the attached Landscape Plan that does not meet the minimum 20-foot requirement because of site constraints. Even at its most shallow point, the landscape buffer is still eleven (11) feet wide, meaning this request only requests relief from nine (9) feet of the required 20 feet. Indeed, the bank building (including its drive-through) abuts an area of the site in which the required 20' foot landscape buffer will be provided (see Attachment 1). Thus, the alternative compliance only affects the area of the bank's parking lot, not the bank building itself. Furthermore, the Applicant proposes retaining the existing trees in this area, to the maximum extent practicable. Retention of the existing, mature trees will provide effective buffering and screening that will be above what is required pursuant to the Landscape Manual.

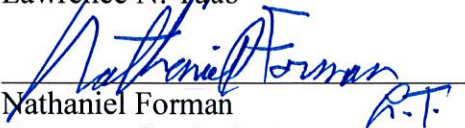
Moreover, the Subject Property, while classified as "High" does not exhibit negative effects similar to other "High" impact uses. As shown on the DSP, the building will be three-stories tall and will exhibit design characteristics that are both visually interesting and aesthetically pleasing. It is, in fact, difficult to discern why this use would be classified as "High"—it does not generate significant trip counts, noise or vibrations, fumes, dust or high levels of vehicle exhaust. Furthermore, its hours of operation are reasonable: 9:30 am to 6:00 pm, Monday through Friday, 8:30 am to 5:00 pm on Saturday and 11:00 am to 3:00 pm on Sunday.

Section 1.3 of the Landscape Manual, permits requests for alternative compliance if the following condition exists: "Space limitations, unusually shaped lots, prevailing practices in the surrounding neighborhood, in-fill sites, and improvements and redevelopment in older communities." The Subject Property is located in an older and well-established area of the County that has been fully developed. The Subject Property is an oddly-shaped parcel proposed to be improved with infill development. Given these facts, the site faces several site limitations from the neighboring commercial developments, road requirements, as well as modern environmental regulations. The Subject Property has been designed to maximize vehicle circulation and access given that it must accommodate vehicles capable of hauling furniture (and other large items) to and from the site, while implementing modern stormwater management design techniques. Overall, the site proposes additional landscaping above what is required under the Landscape Manual in areas suitable to the additional landscaping.

For all of the above-stated reasons, we respectfully submit that alternative compliance from the above-noted sections of the Landscape Manual, as described herein, is justified.

Respectfully submitted,

  
Lawrence N. Taub

  
Nathaniel Forman  
*Attorneys for Applicant*



# Attachment 1

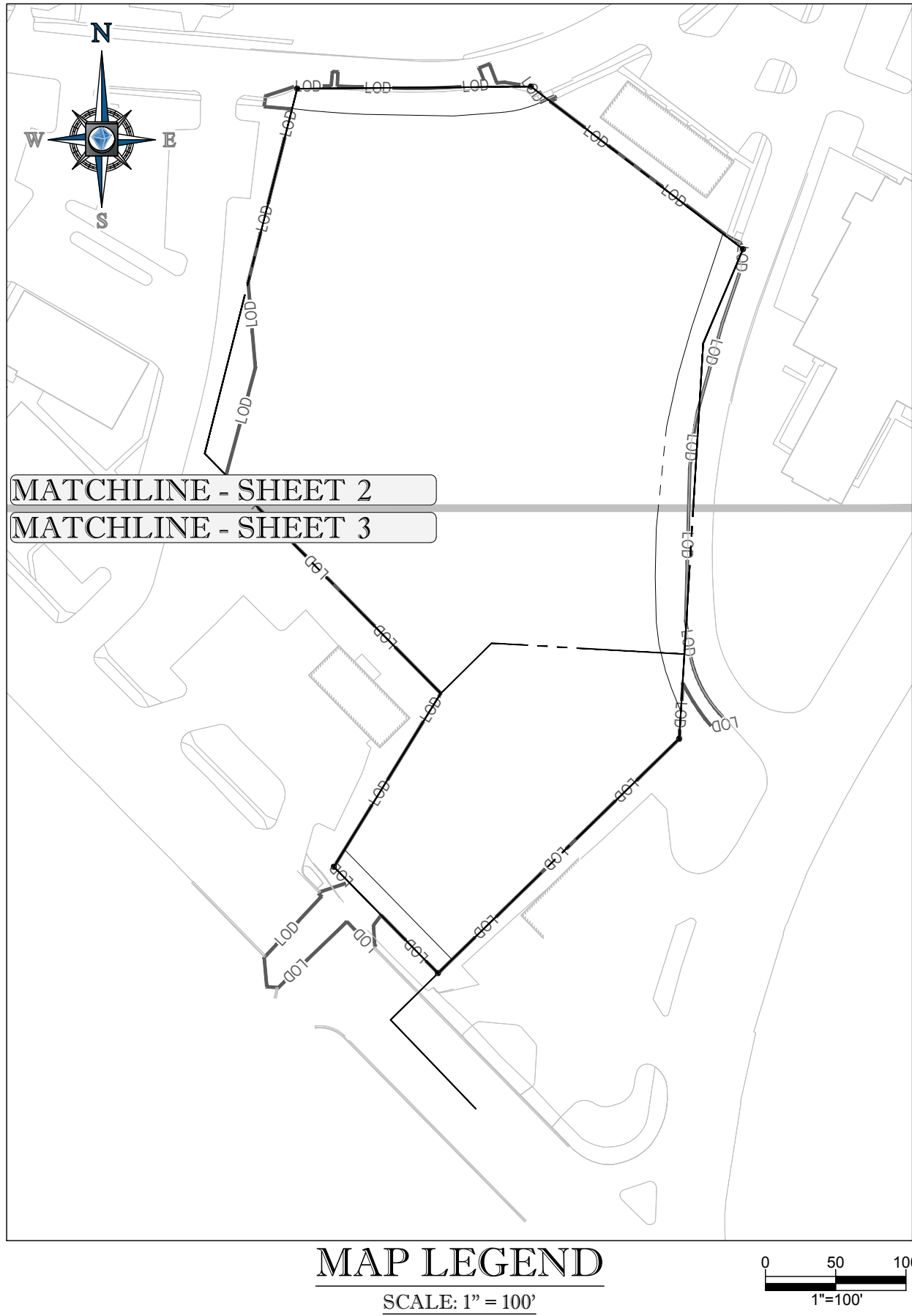
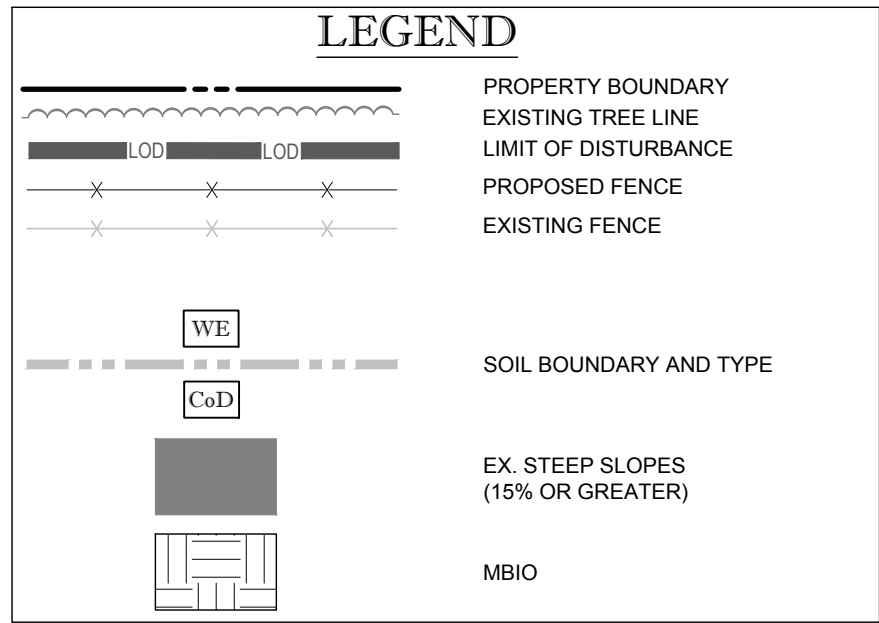
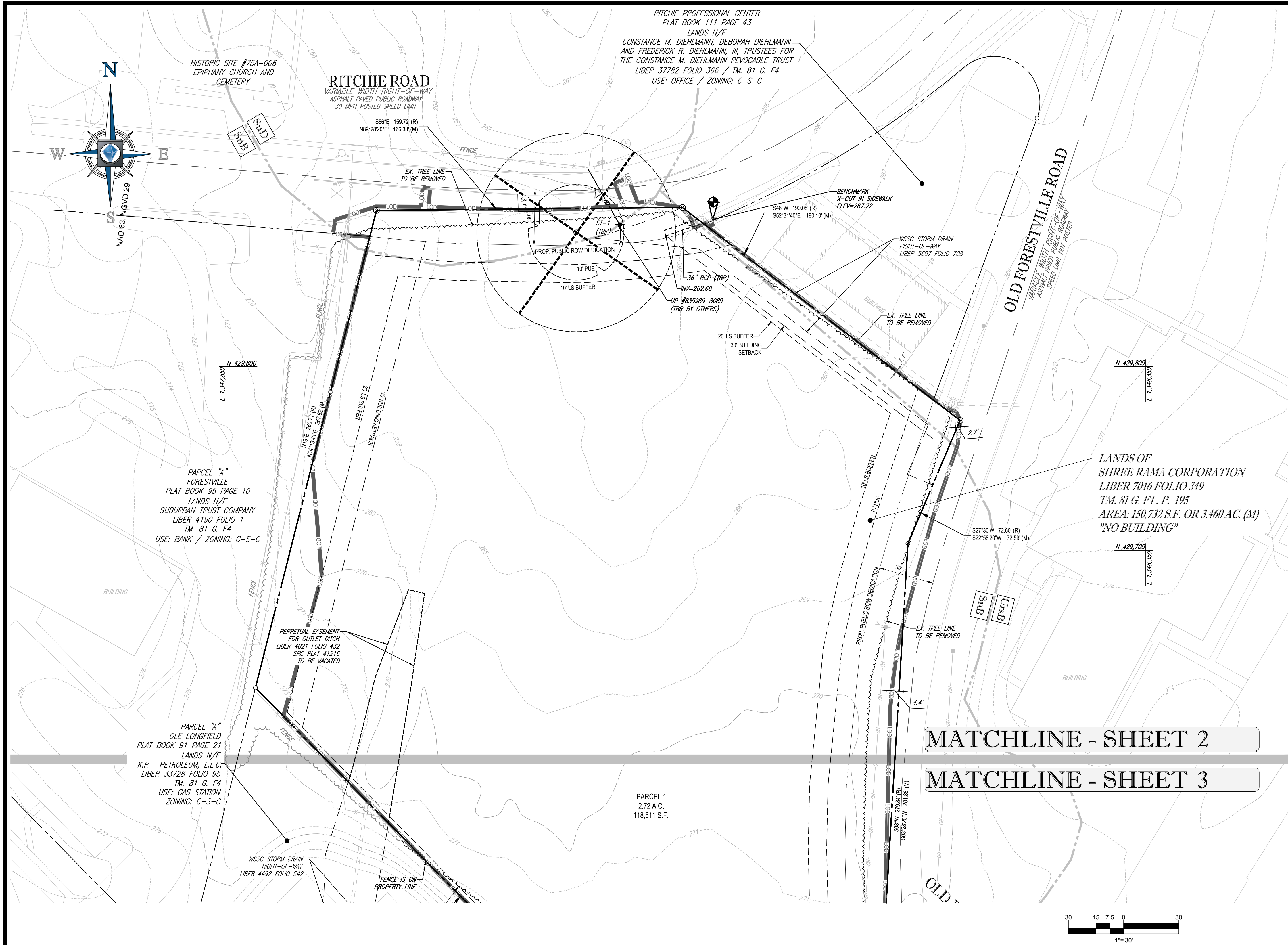
7618 Marlboro Pike











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OR LABEL CERTIFIES THAT THIS PLAN MEETS CONDITIONS OF FINAL APPROVAL BY THE PLANNING BOARD, ITS DESIGNEE OR THE DISTRICT COUNCIL.

M-NCPPC APPROVAL

PROJECT NAME: 7618 MARLBORO PROPERTIES, LLC

PROJECT NUMBER: 4-18002

FOR CONDITIONS OF APPROVAL SEE SITE PLAN COVER SHEET OR APPROVAL SHEET REVISION NUMBERS MUST BE INCLUDED IN THE PROJECT NUMBER

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PRELIMINARY PLAN \_\_\_\_\_

TCP \_\_\_\_\_

PLANNING BOARD ACTION: \_\_\_\_\_

PER PGCPB RESOLUTION #: \_\_\_\_\_

ADOPTION DATE: \_\_\_\_\_

SIGNATURE APPROVAL DATE: \_\_\_\_\_

AUTHORIZED SIGNATURE \_\_\_\_\_

**BOHLER ENGINEERING**

SITE CIVIL/AND CONSULTING ENGINEERING  
LAND SURVEYING DESIGN  
SUSTAINABLE DESIGN  
PERMITTING SERVICES  
TRANSPORTATION SERVICES

CHARLOTTE, NC  
BALTIMORE, MD  
BIRMINGHAM, AL  
CHICAGO, IL  
COLUMBIA, SC  
DENVER, CO  
FORT LAUDERDALE, FL  
HOUSTON, TX  
LOS ANGELES, CA  
MIAMI, FL  
MINNEAPOLIS, MN  
NEW YORK, NY  
PHILADELPHIA, PA  
PORTLAND, ME  
SAN ANTONIO, TX  
SAN JOSE, CA  
SEATTLE, WA  
SPRINGFIELD, IL  
TAMPA, FL  
WASHINGTON, DC  
WICHITA, KS

**REVISIONS**

REV	DATE	COMMENT	BY
1	04/20/18	PER MNCPPC COMMENTS	PMR

**NOT APPROVED FOR CONSTRUCTION**

PROJECT No.: MB172095  
DRAWN BY: JIP  
CHECKED BY: AE  
DATE: 02/06/18  
SCALE: 1" = 30'  
CAD I.D.: PPD

**PRELIMINARY PLAN OF SUBDIVISION (PPS 4-18002)**

FOR

**7618 MARLBORO PROPERTIES, LLC**

LOCATION OF SITE  
7618 MARLBORO PIKE  
ELECTION DISTRICT NO. 6  
PRINCE GEORGE'S COUNTY  
MARYLAND 20747  
TM 81, G F4

**BOHLER ENGINEERING**

16701 MELFORD BLVD., SUITE 310  
BOWIE, MARYLAND 20715  
Phone: (301) 809-4500  
Fax: (301) 809-4501  
E: [DEAN@bohlereng.com](mailto:DEAN@bohlereng.com)

**N. B. SPEACH**

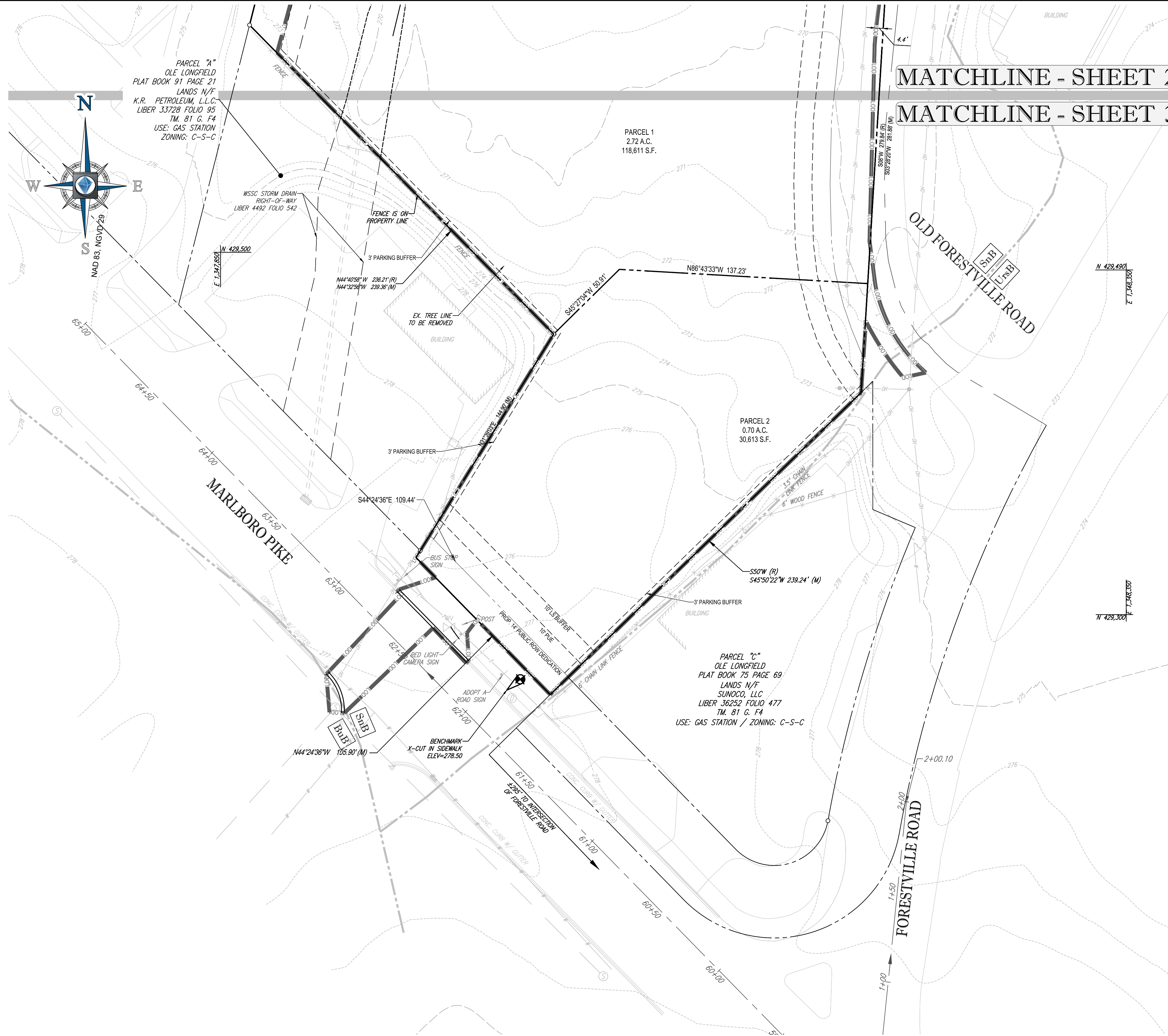
PROFESSIONAL ENGINEER 27116

PROFESSIONAL CERTIFICATION  
I, NICHOLAS B. SPEACH, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME, AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAW OF THE STATE OF MARYLAND. LICENSE NO. 4606, EXPIRATION DATE: 8/14/2019

SHEET TITLE:  
**PRELIMINARY PLAN OF SUBDIVISION**

SHEET NUMBER:  
**2**





**LEGEND**

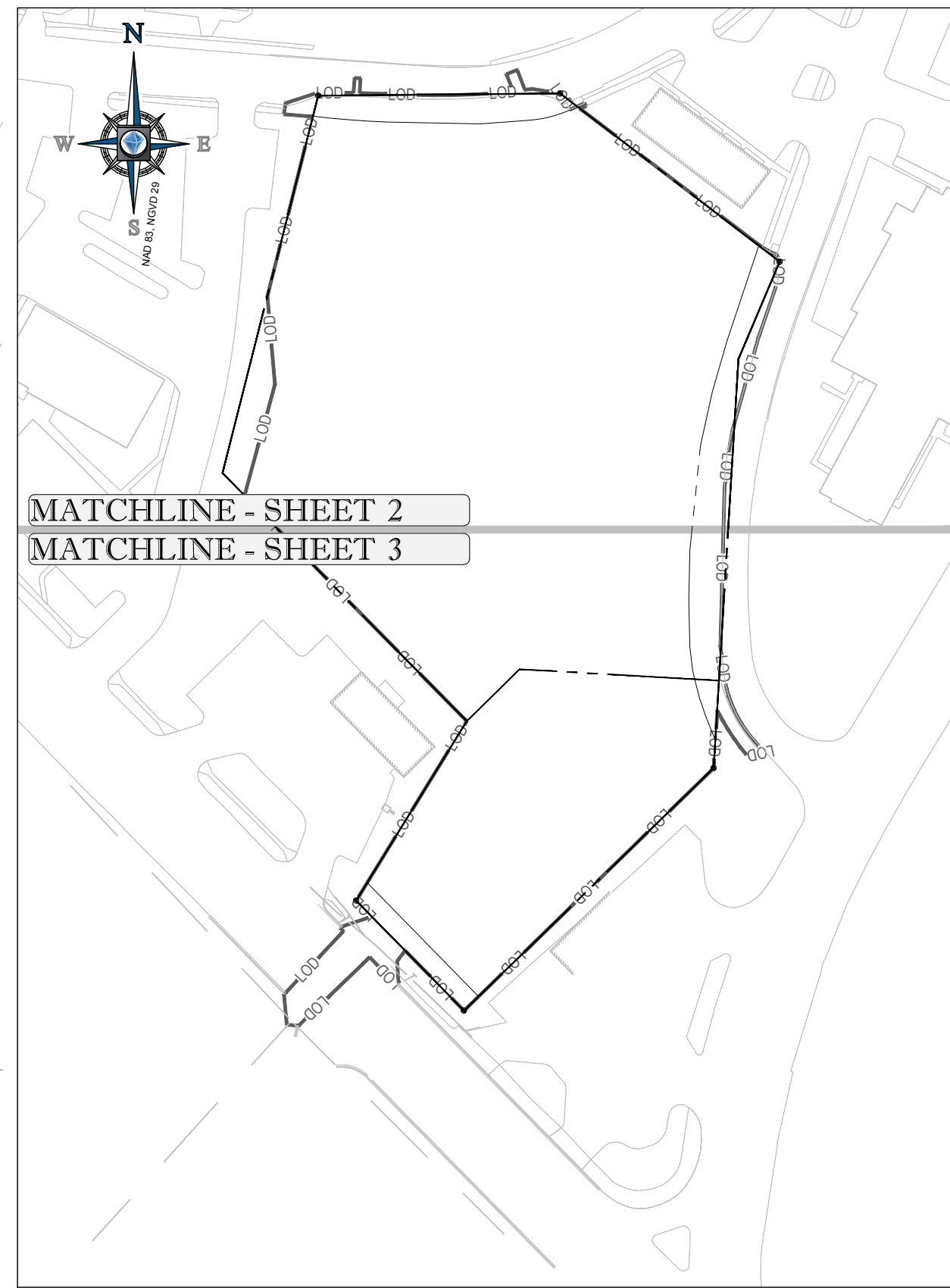
PROPERTY BOUNDARY  
EXISTING TREE LINE  
LIMIT OF DISTURBANCE  
PROPOSED FENCE  
EXISTING FENCE

SOIL BOUNDARY AND TYPE

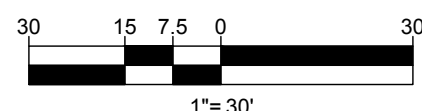
EX. STEEP SLOPES  
(15% OR GREATER)

MICRO-BIORETENTION FACILITY

PERMEABLE ASPHALT PAVEMENT



**MAP LEGEND**  
SCALE: 1" = 100'



THIS BLOCK IS FOR OFFICIAL USE ONLY

OR LABEL CERTIFIES THAT THIS PLAN MEETS CONDITIONS OF FINAL APPROVAL BY THE PLANNING BOARD, ITS DESIGNEE OR THE DISTRICT COUNCIL.

M-NCPPC APPROVAL

PROJECT NAME: 7618 MARLBORO PROPERTIES, LLC

PROJECT NUMBER: 4-18002

FOR CONDITIONS OF APPROVAL SEE SITE PLAN COVER SHEET OR APPROVAL SHEET  
REVISION NUMBERS MUST BE INCLUDED IN THE PROJECT NUMBER

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PRELIMINARY PLAN \_\_\_\_\_

TCP \_\_\_\_\_

PLANNING BOARD ACTION: \_\_\_\_\_

PER PGCPB RESOLUTION #: \_\_\_\_\_

ADOPTION DATE: \_\_\_\_\_

SIGNATURE APPROVAL DATE: \_\_\_\_\_

AUTHORIZED SIGNATURE \_\_\_\_\_

**BOHLER ENGINEERING**

SITE CIVIL AND CONSULTING ENGINEERING  
LAND SURVEYING DESIGN  
SUSTAINABLE DESIGN  
PERMITTING SERVICES  
TRANSPORTATION SERVICES

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SOUTH FLORIDA  
DALLAS, TX  
BALTIMORE, MD  
BOSTON, MA  
CHICAGO, IL  
DENVER, CO  
HOUSTON, TX  
LOS ANGELES, CA  
MIAMI, FL  
MINNEAPOLIS, MN  
NEW YORK, NY  
PHILADELPHIA, PA  
PORTLAND, ME  
SAN ANTONIO, TX  
SAN JOSE, CA  
WASHINGTON, DC

**REVISIONS**

REV	DATE	COMMENT	BY
1	04/20/18	PER MNCPPC COMMENTS	PMR

**NOT APPROVED FOR CONSTRUCTION**

THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE OF VIRGINIA, MARYLAND, THE DISTRICT OF COLUMBIA, AND DELAWARE CALL: 811 (WV 1-800-246-4848) (PA 1-800-242-1776) (DC 1-800-267-7777) (VA 1-800-552-7071) (MD 1-800-257-7777) (DE 1-800-282-8559)

**PRELIMINARY PLAN OF SUBDIVISION (PPS 4-18002)**

FOR

**7618 MARLBORO PROPERTIES, LLC**

LOCATION OF SITE  
7618 MARLBORO PIKE  
ELECTION DISTRICT NO. 6  
PRINCE GEORGE'S COUNTY  
MARYLAND 20747  
TM 81, G F4

**BOHLER ENGINEERING**

16701 MELFORD BLVD., SUITE 310  
BOWIE, MARYLAND 20715

Phone: (301) 809-4500  
Fax: (301) 809-4501  
E: [EDEAN@bohlereng.com](mailto:EDEAN@bohlereng.com)

**N. B. SPEACH**

PROFESSIONAL ENGINEER 27116

PROFESSIONAL CERTIFICATION  
I, NICHOLAS B. SPEACH, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME, OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAW OF THE STATE OF MARYLAND.  
LICENSE NO. 4066 EXPIRATION DATE: 01/01/2019

SHEET TITLE:  
**PRELIMINARY PLAN OF SUBDIVISION**

SHEET NUMBER:  
**3**