

STATEMENT OF JUSTIFICATION

HABITAT FOR HUMANITY METRO MARYLAND INC.

SPECIAL EXCEPTION FOR INTERIM LIMITED RETAIL USE

The applicant for this special exception is Habitat for Humanity Metro Maryland Inc. Habitat for Humanity is a United States non-governmental non-profit organization whose mission is to build affordable housing. Habitat for Humanity Metro Maryland Inc. is a subsidiary of Habitat for Humanity. Among other things, that entity operates Habitat for Humanity ReStores in Maryland. Habitat for Humanity Metro Maryland ReStores are home improvement stores, retail outlets and donation centers that accept commercial and private donations of furniture, appliances, décor, building materials, home décor items, appliances, cabinets, flooring, lighting, and building materials, all of which are sold at steep discounts to the general public. Each ReStore is managed by a professional staff and supported by volunteers. The purpose of ReStores is to generate unrestricted revenue for the mission of providing affordable home ownership opportunities within the local community. One of the missions of ReStores is to "Reduce, Re-use and Recycle". This allows Habitat for Humanity the opportunity to generate unrestricted revenue. It is estimated that ReStores divert approximately 2,000 tons of material from area landfills each year.

PROPERTY

The property forming the subject matter of this special exception application consists of approximately 4.377± acres which bears a street address of 8003 Laurel Lakes Court, Laurel, Maryland 20707 (the "Property"). The Property is also known as Parcel B-4 and is the subject of a recorded Final Plat of Subdivision known as "Parcel B-4 and Outlot A, Laurel Lakes Corporate Center" as per plat thereof recorded among the Land Records of Prince George's County, Maryland on September 23, 1996 in Plat Book NLP-129, Plat No. 4. It is located in the southwest quadrant of the intersection of Baltimore Avenue (US Route 1) and Laurel Lakes Court (the "Property"). The Property is located within the municipal limits of the City of Laurel. A copy of the recorded Final Plat for Parcel B-4 is marked Exhibit "A" and attached hereto. The Property is owned by Jemal S. Cayre Laurel Lakes LLC. The Property is improved with an existing two-story building. A copy of an aerial photograph depicting the existing two-story building is marked Exhibit "B" and attached hereto. As can be seen from a review of the aerial photographs, access is obtained directly via a driveway connection to Laurel Lakes Court. Parking is located primarily adjacent to the front of the building which is oriented to Laurel Lakes Court. Additional parking is located along the east side of the building as well as the west side of the building. Additional parking and loading areas are located at the rear or south side of the building. There are existing loading spaces where overhead doors are located. Attached

as Exhibit "C" is a sheet advertising space available for lease within the building. As can be seen from a review of this Exhibit, the building is constructed of red brick with substantial glazing. The appearance is professional and well maintained.

The Property is situated in the I-RTP (Industrial Research and Technology Park) Zone. A copy of the Zoning Map with the Property outlined in red is marked Exhibit "D" and attached hereto. The Property is also the subject of an overlay zone designated "PDA-E" ("Planned Development Area - Existing"). A copy of a map depicting the PDA-E Overlay is marked Exhibit "E" and attached hereto.

SURROUNDING USES

As can be seen from a review of the aerial photograph, the Property is located within an area which is for the most part fully developed. Access to Laurel Lakes Court may be gained from US Route 1 through a right-in/right-out connection. Additional access is provided from Cypress Street which intersects with US Route 1 at a signal controlled intersection. Laurel Lakes Court terminates in a cul-de-sac located just west of Parcel D-4. At the end of the cul-de-sac are the Laurel Lakes Apartments, a multifamily residential use. Beyond that property and to the west/northwest are individual single family residential homes. Immediately south of the Property are industrial uses. Immediately north of the Property is the Corporate Center Office Park which consists of a number of existing warehouse/office uses. Laurel Lakes Avenue runs generally in a

north-south direction from Laurel Lakes Court to Cypress Street. The Corporate Center Office Park is located generally in the northeast quadrant of the intersection of Laurel Lakes Court and Laurel Lakes Avenue. Immediately north of Cypress Lane is the Laurel Lakes Shopping Center which contains numerous retail commercial establishments. Located to the east across US Route 1 are more scattered commercial/industrial uses as well as numerous single family detached residential communities.

DEVELOPMENT PROPOSAL

As noted previously, the building consists of two levels. The front of the building as well as most of the parking is oriented toward Laurel Lakes Court. The building consists of a total of 71,406 square feet. The building presently contains only two tenants. Specifically, an elevator sales and repair company, CCI Elevators of Maryland, Inc., occupies the entire second level. CCI Elevators of Maryland, Inc. specializes in the fabrication and installation of elevator systems. The first floor is presently vacant with the exception of an area which is occupied by Celebree School, a school and daycare provider. Celebree School presently occupies 9,325 square feet within the building. The leased area includes classrooms as well as an outdoor playground which consists of approximately 6,000 square feet. Habitat for Humanity Metro Maryland proposes to lease Units 102 and 103 which consist of 8,207 square feet and 7,893 square feet respectively. In total, Habitat

for Humanity will lease 16,100 square feet of space located on the first level of the building. A document depicting the Celebree School area as well as the space to be leased by Habitat for Humanity is marked Exhibit "F" and attached hereto.

Habitat for Humanity proposes no changes to the footprint of the building. The interior of the building space to be occupied by Habitat for Humanity will be renovated to identify individual spaces where sales of certain items will be completed. A copy of the proposed floor plan has been filed with the Site Plan package. A copy of the overall existing Site Plan showing the building as well as parking and access points has also been filed with the Detailed Site Plan package. Habitat for Humanity does propose to install two overhead doors at the rear of the building aligning with the space it will lease. This will allow for trucks to bring donated items to the ReStore to be sorted and ultimately offered for sale.

NATURE OF REQUEST

Habitat for Humanity Metro Maryland would like to locate and operate one of its ReStores within the office building located at 8309 Laurel Lakes Court. As noted above, the building in question is modern yet it is only approximately one-half occupied. There is ample parking and the site is somewhat remote given the fact that it located on the edge of the office/industrial park. The approval needed to locate this use in the existing building requires the grant of a special exception.

CONFORMANCE WITH ZONING ORDINANCE REQUIREMENTS

As noted earlier, the Property is the subject of the PDA-E Overlay Zone. Pursuant to Section 20-22.50 of the Uniform Land Development Code, Interim Limited Retail Uses may be permitted in the PDA-E Zone but only in those areas of the PDA-E Zone designated primarily for Industrial, Research and Technology Park uses. Specifically, the criteria for the grant of this special exception provide as follows:

Sec. 20-22.50. Interim limited retail uses.

- (a) In the PDA-E zone, but only in those areas of a PDA-E zone designated primarily for Industrial Research and Technology Park uses, interim limited retail uses, as described herein, may be allowed, upon a finding, in addition to the requirements of Sections 20-21.1 and 20-22.1, that:**
 - (1) The interim limited retail use proposed for such locations be a specialty in nature, having the characteristics of low or off-peak traffic and parking generation needs, such as, but not limited to, apparel, sporting goods (but not the sale of guns), crafts, books, and other similar specialty stores. Such uses shall not include restaurants, convenience stores or any other use deemed to have parking requirements that exceed those permitted as main uses within the Industrial Research and Technology Park (I-RTP) zone, unless such excess parking requirements are generated only during periods in which the only uses in the building or complex are not in operation;**

RESPONSE: The nature and operational characteristics of the Habitat for Humanity ReStore has been described above. Clearly, that use is specialty in nature given that the operation involves receiving, rehabilitating where necessary, and then reselling specialty items to the general public. What adds to the specialty nature of this operation is the fact that donated items are being sold to further

the purpose of Habitat for Humanity. That is, funds generated from sale of items will be used to assist Habitat for Humanity in providing residential opportunities for needy persons within our community.

- (2) The commencement or continuation of permitted uses within the specific location is premature, or that the location has been rendered vacant, because of market conditions, or other extraordinary economic conditions beyond the control of the property owner; and**

RESPONSE: As has been noted earlier, the building in which the ReStore is proposed to be located has been substantially vacant for some time notwithstanding the fact that it is attractive and relatively modern. This has occurred due to market conditions and other extraordinary economic conditions. Simply put, due to the COVID-19 pandemic, many businesses and their employees are working from home. The pandemic contributed to the vacancy at this location. The only uses in the building are the daycare/children's school and an elevator company. Allowing this use on an interim basis at this location will certainly aid in occupying a location that has been rendered vacant by market conditions.

- (3) Such conditions or circumstances are only temporary in nature.**

RESPONSE: No one knows exactly how long a lack of demand for commercial building space will continue. However, the Habitat for Humanity ReStore offers a perfect opportunity to occupy this space in a temporary manner.

- (b) The special exception granted pursuant to this section shall be only for the specific use for which and the specific user for who it was granted, and shall not constitute a permanent land use.

RESPONSE: Habitat for Humanity will exclusively use the space for the operation of its ReStore and will not allow the space to be used for another purpose or to be occupied by another person or entity.

Habitat for Humanity also understands that allowing its business to operate at this facility is not a permanent arrangement.

- (c) Any special exception granted pursuant to this section shall cease automatically upon the happening of the first to occur of any of the following events:

- (1) Five years after the granting of the special exception;
or
- (2) The termination of the tenancy or occupancy of the premises of the tenant to whom the special exception is granted.

- (d) If this special exception is requested for more than five (5) years based on the existence of a lease with an initial term of longer than five (5) years, satisfactory proof thereof shall be presented by the applicant which shall include a certified copy of the original lease and any amendments thereto.

RESPONSE: Habitat for Humanity is negotiating a lease to occupy the space for ten (10) years. That will be a sufficient period of time for Habitat for Humanity. A copy of the lease which has not completed full negotiation and therefore is not yet signed, has been attached to this application. Habitat for Humanity understands that at the end of its lease period this special exception will terminate and they will need to vacate the premises. That being said, Habitat

for Humanity believes it will be an ideal tenant to occupy space in a building with substantial vacancy during that period of time.

The Applicant would like to bring one further issue to the attention of staff and the Board of Appeals. The Unified Land Development Code contains a reference at the bottom of Section 20-22.50 which indicates as follows:

"No special exceptions may be granted pursuant to this Section unless an application for such special exception is made on or before August 1, 1993."

The Applicant is at a loss to understand or explain how this provision remains in a special exception use provision in the current Unified Land Development Code. If this provision were to be effective, it would have meant that this use would not have been permitted by special exception for the last 37 years. It is hard for the Applicant to believe this is the intent of the provision. After consultation with the City Attorney, it was determined that we would file the special exception and attempt to resolve this obvious inconsistency during the processing of the special exception.

In addition, every special exception application must satisfy criteria set forth in Section 20-21.1. That section provides as follows:

Sec. 20-21.1

(a) A special exception may be granted when the Board of Appeals, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

(1) The proposed use is in harmony with the purpose and intent of the comprehensive master plan, as embodied in this chapter and in any master plan or portion

thereof adopted or proposed as part of such comprehensive master plan.

RESPONSE: The base zone of the Property is I-RTP. The purpose of this zoning classification is to provide areas for industries and business organizations to locate. Clearly, the Habitat for Humanity Metro Maryland ReStore qualifies as a business organization which can function compatibly with other businesses which surround the Property. (Master Plan text, p. 72). The Property is also subject to a PAD-E (Planned Unit Development Area - Existing) which overlays the Industrial zoning classification. This Overlay Zone generally permits uses covered by Preliminary and Final Plans for Development. The Applicant has inquired of City staff as to whether or not a Preliminary or Final Plan for development of the Property is available. Unfortunately, staff was not aware of the existence of any such plans. Notwithstanding, the use being requested is a permitted use by special exception in the PDA-E Overlay Zone. The Comprehensive Land Use Map contained within the Master Plan at page 67 recommends the Property to be developed with "Planned Development". That designation corresponds with the overlay zone assigned to the Property. Once again, given that the use being proposed is permitted by special exception in that overlay zone, there is a legislative predetermination that the use will be compatible and in conformance with the Master Plan recommendations. A copy of the Comprehensive Land Use Map with the general area of the Property outlined in red is marked Exhibit "G" and attached hereto.

- (2) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;

RESPONSE: As can be seen from a review of the maps and photographs filed with this application, the building in which the Habitat for Humanity ReStore will be located is somewhat isolated. It fronts on Baltimore Avenue (US 1) and is generally located within a cluster of other commercial buildings. The Habitat for Humanity ReStore will operate from 10:00 a.m. to 5:00 p.m. Tuesday thru Saturday. Sunday hours will be from 11:00 to 5:00 p.m. Deliveries will be received at the rear of the building where loading docks will be located. Other loading docks already exist at the rear of the building. Habitat for Humanity will locate two additional loading areas where overhead doors will provide access into the building. Donations will be received and taken inside. From that point, all operations will be conducted inside the building. As discussed earlier, donations include furniture, home décor, appliances, cabinets, lighting, etc. All donated items are sold at steep discounts to the general public. Donations are either dropped off or delivered by truck five days a week. Stores will always be arranged in a neat and orderly fashion and items will be sold within departments located within the building itself. Each store is managed by professional staff, supported by volunteers and overseen by a vice president with extensive experience. Again, the purpose of ReStores is to generate unrestricted revenue for the mission of providing affordable home

ownership opportunities to the local community. Habitat for Humanity Metro Maryland currently operates two very successful ReStores in Montgomery County. This location will be the first in Prince George's County. However, the nature of the operation and the experience and concern of the Habitat for Humanity staff will certainly ensure that the operation will not adversely impact health, safety or welfare of residents or workers in the area.

- (3) Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity;**

RESPONSE: As is noted above, the building currently includes loading areas in the rear which are not visible to the general public. The building has operated in the past without causing any adverse impact. The nature of the Habitat for Humanity operation assures that it certainly will not create any impact which will impair peaceful enjoyment, economic value or development on surrounding properties in the general neighborhood. Since all arrangement of stock and sales of merchandise will occur inside a modern building, the operation will certainly not cause any objectionable noise, vibration, fumes, odors, dust, glare or physical activity.

- (4) Will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public improvements; and

RESPONSE: It must be borne in mind that this is an existing building. Prior to construction, the subdivision and platting of the lot in question was subjected to an adequacy of public facilities test. A determination was made that operation of this commercial building would not adversely impact public facilities including parking, schools, police and fire protection. The building is served by public water and sewer. The nature of the ReStore operation is such that it will not generate a significant traffic impact on adjoining roadways.

- (5) Meets the definition and specific standards set forth elsewhere in this article for such particular use.

RESPONSE: The Applicant submits this use is permitted as an Interim Limited Retail Use pursuant to Section 20-22.50. Conformance with the provisions of that section have been analyzed above.

Section 20-22.1 of the Code contains special provisions available to the Board of Appeals when it considers a request for a special exception. These include the potential for height limitations, meeting parking requirements, or addressing any other terms, conditions or restrictions deemed advisable by the Board of Appeals. Habitat for Humanity believes that its operation in general will be beneficial for the immediate area and the neighborhood.

Further, since they are occupying an existing building which is currently approximately half vacant, they will not be creating additional impacts. Adequate parking is provided and height limitations were observed at the time of construction of the building.

CONCLUSION

In view of all of the above, the Applicant, Habitat for Humanity Metro Maryland submits that all required criteria for the grant of this special exception are met and satisfied. It is therefore requested that the special exception be granted as requested.



Edward C. Gibbs, Jr., Esquire
GIBBS AND HALLER
1300 Caraway Court, Suite 102
Largo, Maryland 20772
Phone: (301) 306-0033
Fax: (301) 306-0037



SURVEYORS CERTIFICATE

I hereby certify that the plan shown hereon is correct, that it is all of the land acquired by Laurel Lakes Corporate Center Limited Partnership, a Maryland Limited Partnership from Laurel Lake Associates, Inc. by deed dated August 4, 1986 and recorded among the Land Records of Prince Georges County, Maryland in Liber 6502 of Folio 575; and is also a re-subdivision of Parcel B-1, Laurel Lakes Corporate Center as recorded among the Land Records of Prince Georges County, Maryland in Plat Book NLP 127 on Plot 16 62; and that the total area included in this plan of re-subdivision is 19,669 square feet or 4,500.7 acres of land. There is no fraud declaration by this plat.

July 23, 1986
 Date
 Douglas H. Rupp III
 Professional Land Surveyor
 Md. Reg. No. 10712

OWNER'S DECLARATION

We, Laurel Lakes Corporate Center Limited Partnership, a Maryland Limited Partnership, owners of the property shown and described hereon, hereby adopt this plan of re-subdivision. Property markers will be placed in accordance with Section 24-120(b)(6)(7)(8) of the Prince Georges County Code. There are no suits, actions of law, liens, or mortgages affecting the property included in this plan of re-subdivision.

Witness
 Date
 General Partner
 General Partner
 General Partner

Lot	Area	Area	Area	Area	Area
1	6409.00'	2278.00'	1284.00'	18.44'	5.44'
2	3040.00'	1718.00'	1.64'	18.44'	5.44'
3	2050.00'	4718.00'	245.79'	271.00'	547.24'

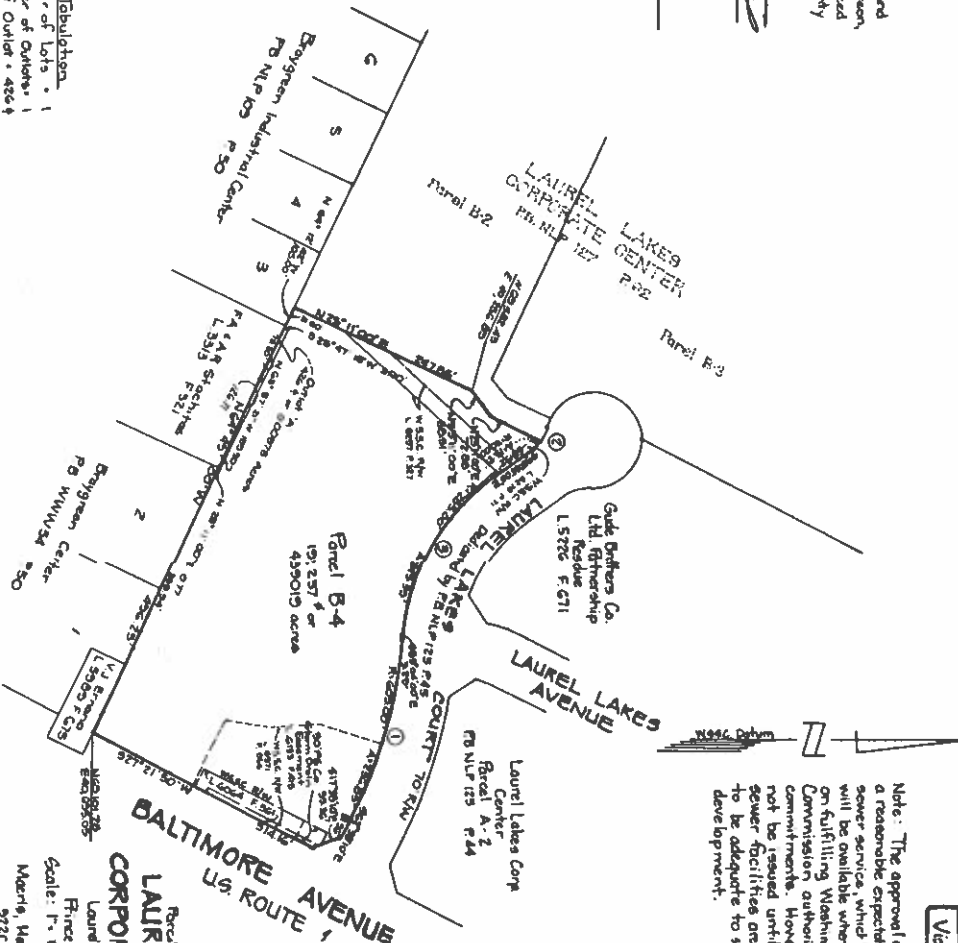
For Public Notice and Survey Only

Health Department
 Prince Georges County, Maryland
 Approved: 2 Aug 1986
 Health Officer

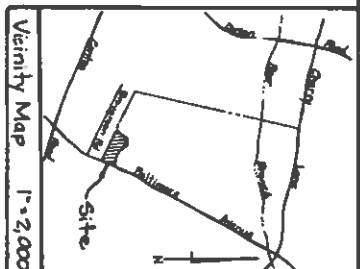
City of Laurel Planning Commission
 Approved: 5/19/86
 Chairman
 Date

RECORDED 2-23-86
 PLAT BOOK NLP 129
 PLAT 4

Plot Subdivisions:
 Number of Lots: 1
 Area of Outlot: 450.7
 Area of Lot: 191,257
 Area of Dedication: 0
 Total: 191,657
 4,500.7 acres



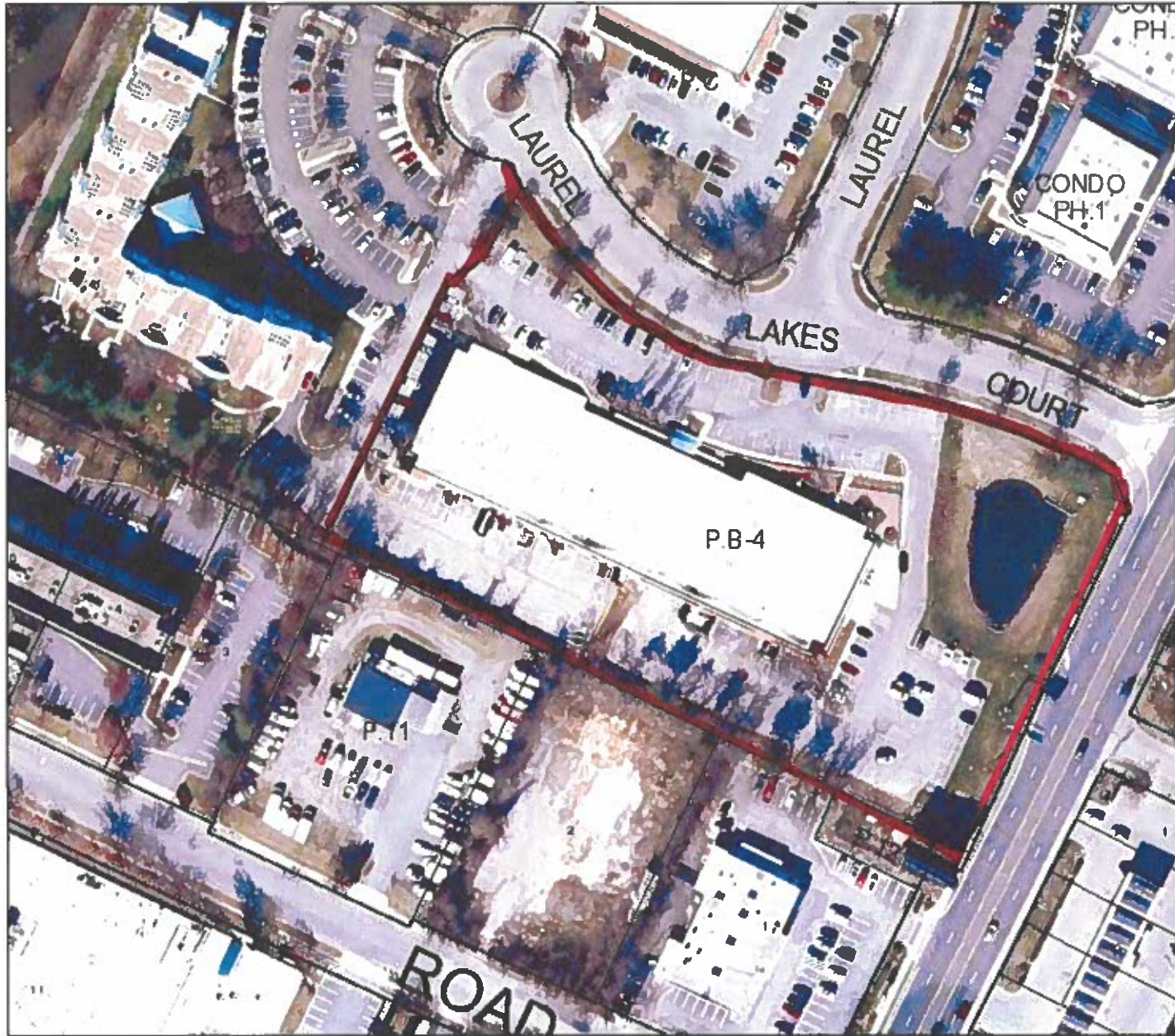
Note: The approval of this plat is based upon a reasonable expectation that public water and sewer service, which is planned for the development will be available when needed and is conditioned on fulfilling Washington Suburban Sanitary Commission authorization # SAWA-56125-W. However, building permits may not be issued until the planned water and sewer facilities are completed and determined to be adequate to serve the proposed development.



Parcel B-4 and Outlot A
LAUREL LAKES CORPORATE CENTER
 Laurel (10th) Election District
 Prince Georges County, Maryland
 Scale: 1" = 100'
 Marris, Wendricks, and Wilmer, P.A.
 9222 Weyman Road
 Gaithersburg, Maryland 20878
 301-970-0640

NLP-129-4

8.5X11_Landscape



Data provided by Prince George's County



**CUSHMAN &
WAKEFIELD**

OFFICE / FLEX SPACE FOR LEASE

8003 – 8039 Laurel Lakes Court

Laurel, Maryland 20707

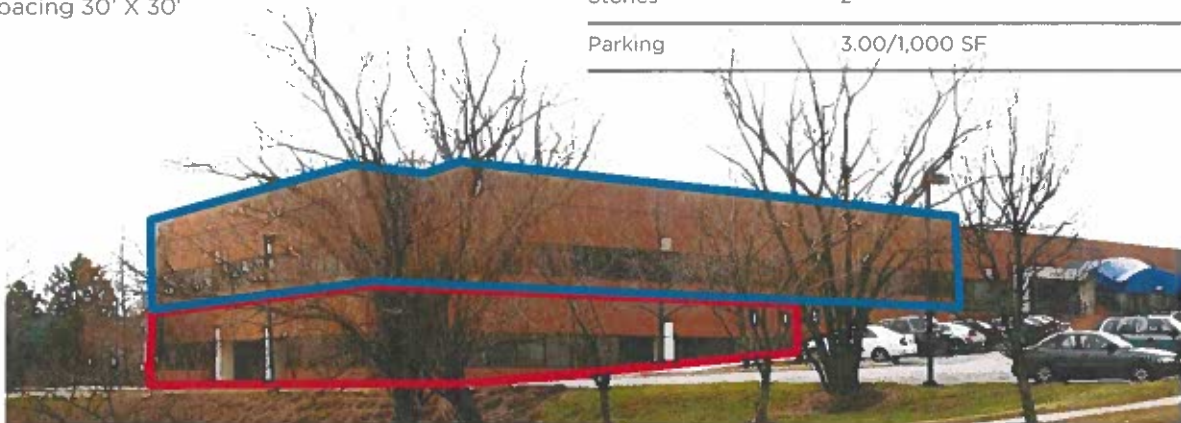


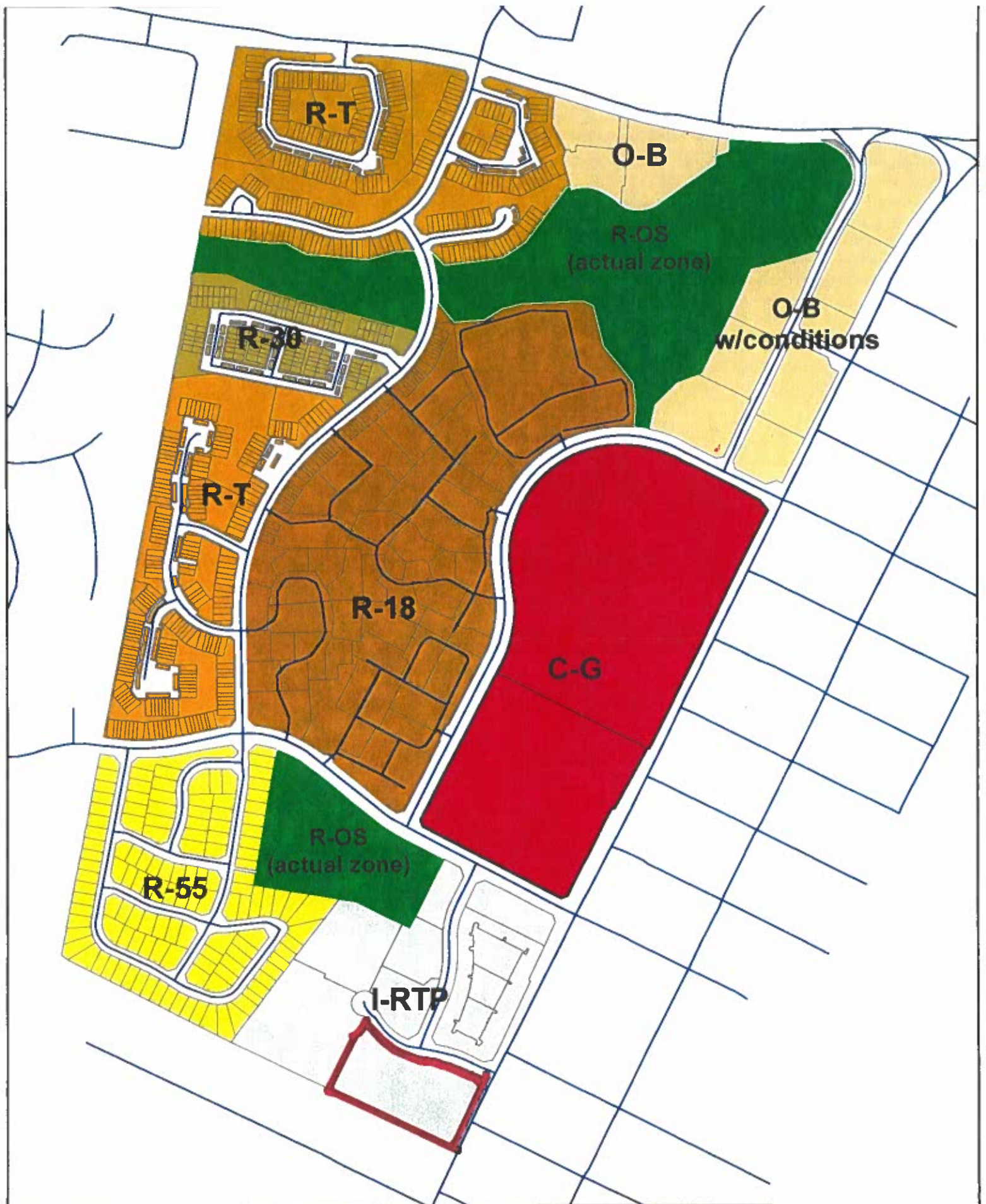
Property Highlights

- Two-story building, brick exterior with large glass windows line
- Complete range of business services available nearby including restaurants, health clubs, Laurel Lakes Centre and the bucolic Laurel Lakes Park
- Excellent & convenient access to major roadways including I- 95, Route198 and US Route 1
- Drive-in door can be added
- Zoned I-RTP, permitted uses include medical office, banking, flex, catering, and animal hospital
- Column spacing 30' X 30'
- 14' ceiling

Space Available

Available	+/- 16,100 SF Maximum Contiguous
Suite 102 8,207 SF	Recently completed, never occupied, fully conditioned open floor plan
Suite 103 7,893 SF	Cold dark Shell – can be subdivided to +/- 4,000 SF. Drive in door can be added. Fronts Route 1
Suite 201 25,875 SF	Warm lit Shell with power and two dock doors
Building Size	72,00 SF
Asking Rate	Negotiable
Stories	2
Parking	3.00/1,000 SF





Laurel Lakes Underlying Zoning

"Exhibit D"

ArcGIS Web Map



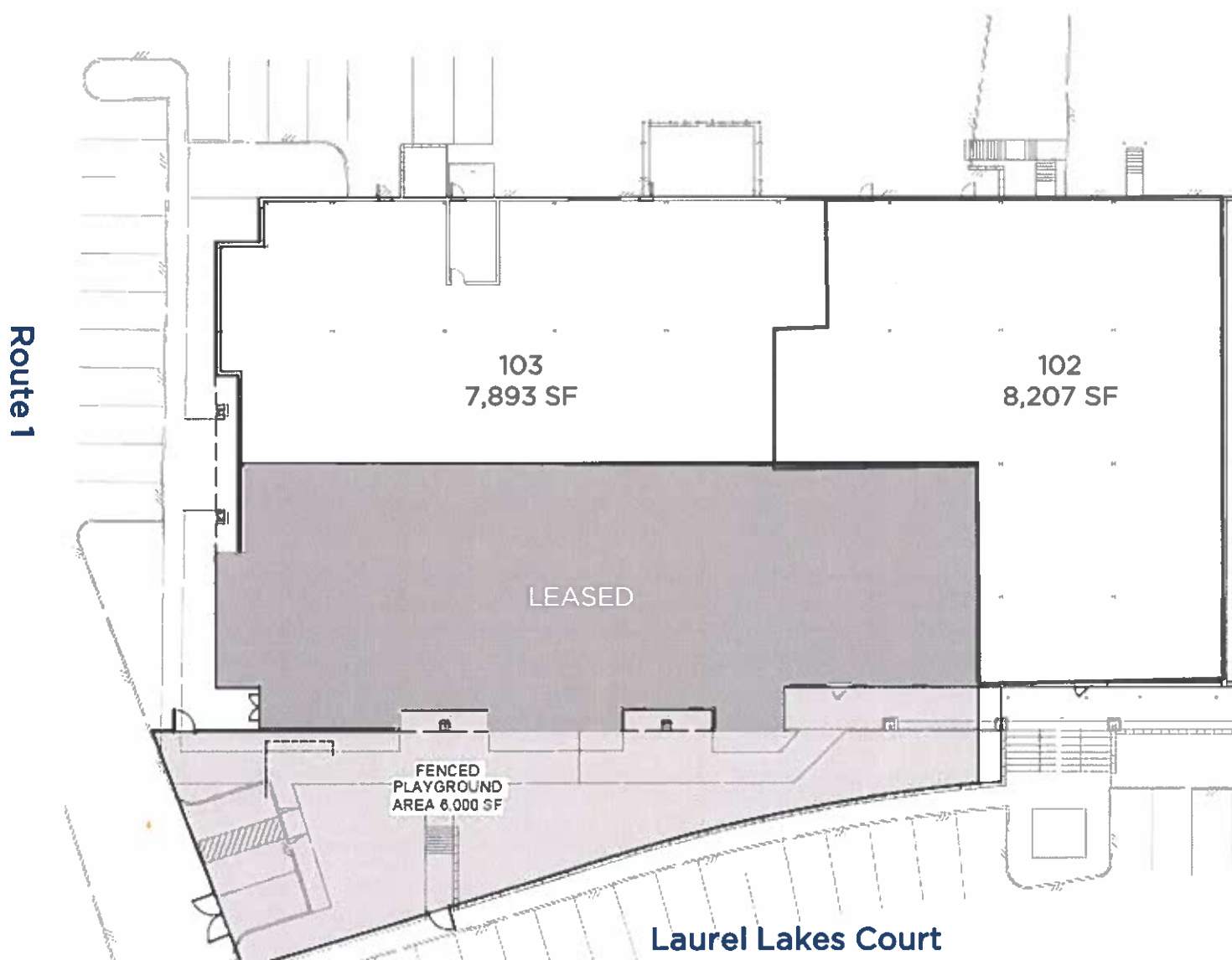
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■ ZoningLabels
□ laurelsde.DBO.Parcels_NewUpdateMethod

Address Points

0
0

FLOOR PLAN +/- 16,100 SF



For more information, please contact:

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