

**CITY OF LAUREL BOARD OF APPEALS
RESOLUTION NO. 25-08-BOA**

A RESOLUTION OF THE CITY OF LAUREL BOARD OF APPEALS APPROVING A REQUEST BY HABITAT FOR HUMANITY METRO MARYLAND TO ESTABLISH AND OPERATE AN INTERIM LIMITED RETAIL USE (HABITAT RESTORE), LOCATED AT 8003 LAUREL LAKES COURT, LAUREL, MARYLAND 20707;

WHEREAS, on June 3, 2025, Habitat for Humanity Metro Maryland (the applicant) filed a Special Exception No. 974 application, to seek Special Exception approval to establish and operate an Interim Limited Retail (Habitat Restore), at 8003 Laurel Lakes Court, Laurel, Maryland, 20707 and;

WHEREAS, on August 6, 2025, a letter advising of the public hearing on the application before the Planning Commission and requesting comments regarding the application was sent to the Maryland State Highway Administration (SHA), Washington Suburban Sanitary Commission (WSSC), Prince George's County Health Department, Maryland Office of Planning, Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), Baltimore Gas and Electric, Verizon, Maryland-National Park and Planning Commission (MNPPC), Prince George's County Public Schools Department of Capital Programs. Responses received are stated in the staff report; and

WHEREAS, on August 6, 2025, a letter advising the public hearing on the application before the Planning Commission and requesting comments was sent to the City of Laurel Fire Marshal and Permit Services, City of Laurel Police Chief, City of Laurel Department of Public Works, and City of Laurel Department of Parks and Recreation. Responses received are stated in the staff report; and

WHEREAS, on August 13, 2025, a letter explaining the nature of the application and advising of the scheduled public hearings before the City of Laurel Planning Commission and Board of Appeals was sent by certified mail to all contiguous property owners. All return receipts were received; and

WHEREAS, at the regular meeting of the City of Laurel Planning Commission, held on September 9, 2025, the Planning Commission recommended that the City of Laurel Board of Appeals GRANT Special Exception Application No. 974; and

WHEREAS, on September 18, 2025, a notice of public hearing on the application before the Board of Appeals was advertised in the Prince George's Post; and

WHEREAS, an affidavit was signed by the applicant attesting that a zoning sign was posted on the subject property and it has remained and will remain on the subject property until a decision is reached by the City of Laurel Board of Appeals; and

WHEREAS, on September 25, 2025, the City of Laurel Board of Appeals held a public hearing, and all those wishing to be heard, were heard, and their testimony was recorded; and

WHEREAS, on September 25, 2025, after a public hearing at which the Board of Appeals received testimony and evidence regarding the Application, the City of Laurel Board of Appeals voted to approve Special Exception Application No. 974 with conditions and adopted this Resolution embodying its decision as is required by City Code, §20-5.2(k).

NOW, THEREFORE, BE IT RESOLVED, by the City of Laurel Board of Appeals that the Board of Appeals hereby makes and adopts the following findings of fact and conclusions of law in Special Exception No. 974:

FINDINGS OF FACT & ANALYSIS:

The applicant (Habitat for Humanity Metro Maryland) is seeking Special Exception approval to establish and operate an Interim Limited Retail Use (Habitat Restore, a retail use) at 8003 Laurel Lake Court. The property is zoned I-RTP (Industrial Research Technology Park).

The building has two levels. The front of the building and most of the parking lot face Laurel Lakes Court. The building totals 71,406 square feet. It currently houses two tenants: an elevator sales and repair company, CCI Elevators of Maryland, Inc., and the entire second floor is occupied by these tenants. The first floor is currently vacant except for an area occupied by Celebree School, a school and daycare provider. Celebree School currently occupies 9,325 square feet of the building.

Habitat for Humanity is a nonprofit organization in the United States dedicated to building affordable housing. Habitat for Humanity Metro Maryland Inc. is a subsidiary of Habitat for Humanity that operates Habitat for Humanity ReStores in Maryland. The ReStores are home improvement stores, retail outlets, and donation centers that accept donations of furniture, appliances, décor, building materials, and home items, all sold at significant discounts to the public.

Each ReStore is run by professional staff and supported by volunteers. The goal of these stores is to generate unrestricted revenue to support the mission of providing affordable homeownership opportunities in the local community.

Sections 20-22.50 of the Unified Land Development Code (ULDC) state that Interim limited retail uses are permitted in the I-RTP zone with special exception approval.

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 the general public. What adds to the specialty nature of this to operation is the fact that donated items are being sold to further the purpose of Habitat for Humanity. That is, funds generated 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.

- (b) *The special exception granted pursuant to this section shall be only for the specific use for which and the specific user for whom 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 which occupies this space for any use other than that as described for this application. 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 (5) 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 the 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. Such lease shall contain provision that in the event of any amendment to the lease which shortens its initial term, the holder of the special exception shall notify the Board of Appeals within thirty (30) days of the date of such amendment, in which event the date of the special exception shall automatically be amended to coincide with the revised expiration date of the initial lease term. Failure to give such notification shall result in the*

automatic revocation of the special exception, unless waived by the Board of Appeals for good cause. In addition, the holder of the special exception shall certify annually to the Board of Appeals that there has been no change in the initial term of the lease. Failure to do so will result in revocation of the special exception by the Board of Appeals unless waived by the Board of Appeals for good cause.

RESPONSE: Habitat for Humanity is negotiating a lease to occupy the space for ten (10) years. That will be a sufficient period 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. 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."

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. Currently, there is a text amendment pending to modify this section of the code.

Section 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

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 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 a steep discount 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 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 in mind that this is an existing Prior to construction, the subdivision and platting of the lot in question was subjected to an adequacy of public facilities test. 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 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.

RECOMMENDATION

It is recommended that the Planning Commission **RECOMMEND APPROVAL** of Special Exception Application No. 974, to the City of Laurel Board of Appeals, with the following conditions:

- 1) The Applicant shall obtain all required City of Laurel permits.
- 2) The Applicant shall comply with all federal, state and local laws and regulations for protection of the use of the property.
- 3) The Applicant shall adhere to the approved hours of operation stated in the Technical Staff Report, and if changed shall notify the City.
- 4) The Applicant shall comply with all federal, state, and local laws and regulations for protection of the use of the property.

- 5) Prior to the issuance of a use and occupancy permit for the subject space upon the subject property, the Applicant shall submit a copy of the lease between the Applicant and the Owner, fully and properly executed by all parties, demonstrating that the lease shall be for a period not to exceed ten (10) years.
- 6) The Special Exception for this application shall cease, and no longer be valid, ten (10) years from the date of the issuance of the use and occupancy permit for the subject space upon the subject property.

Resolution shall take effect from the date of its passage.

PASSED this 25th day of September 2025.

ATTEST:

Brooke Quillen
Secretary
City of Laurel Board of Appeals

Fredrick Smalls
Chairman
City of Laurel Board of Appeals

