


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 14741 Governor Oden Bowie Drive
 Upper Marlboro, Maryland 20772
 www.mncppc.org/pgco

May 23, 2019

RECEIVED

MAY 29 2019

CLERK OF THE COUNCIL
 PRINCE GEORGE'S COUNTY MARYLAND

MEMORANDUM

TO: Redis Floyd
 Clerk of the Council

FROM: James Hunt, Division Chief
 Development Review Division



SUBJECT: Notification of Recommendation for Certification of Nonconforming Use

Permit Application Number: **58226-2018-U**

Specific Use(s): **Self Serve Auto Filling Station**

Location of Property: **5019 Marlboro Pike
 Temple Hills**

Current Zone(s): **M-U-I/Residential Development DDOZ in
 Marlboro Pike Sector Plan**

Sign Posting Date: **April 26, 2019**

Reason for Certification: **Certification of existing self serve auto filling station is required pursuant to the Marlboro Pike Sector Plan. An auto filling station is no longer permitted in the Residential Development DDOZ; however, any use which was lawful prior to the date of the Marlboro Pike Sector Plan and SMA does not need to meet the Marlboro Pike development district standards and can continue by certification of a nonconforming use. This self serve auto filling station was built in 1996 and has continuously operated from then to the present.**

This is to advise that the above-captioned permit application relating to certification of a nonconforming use has been reviewed by this office. It has been found to fulfill the requirements

of the Zoning Ordinance for administrative certification of the use in question, and no request for the Planning Board to conduct a public hearing was received within the time period specified on the public notice sign. Therefore, we are recommending that the use be certified as nonconforming.

Pursuant to Section 27-244(e) of the Zoning Ordinance (as amended by CB-78-1991), the District Council has the option of reviewing this recommendation, provided it votes to do so within 30 days of receipt of the recommendation. If you advise us that the Council has not elected to review this recommendation after expiration of the 30-day period, we will certify this use as nonconforming and transmit that action to the Department of Environmental Resources, so that the permit may be issued.

APPLICATION FORM

DO NOT WRITE IN THIS SPACE

Application No.(s): 58226-2018 Planning Board Review Planning Director Review

Acceptance Date: 4/18/19 70-day limit Limit waived–New limit _____

Posting Date: 4/26/19 No. of Signs Posted: 2 Agenda Date: _____

Filing Fee: _____ Posting Fee: \$0 Case Reviewer: Kelsey Shaffer

Date: _____

Referral Mail-Out Date: _____ Referral Due Date: _____

Date of Informational Mailing: _____ Date of Acceptance Mailing: _____

APPLICATION TYPE: Nonconforming Use Cert Revision of Case # N/A

Case(s): 58226-2018-U

PROJECT NAME: 5019 Marlboro Pike

Complete address (if applicable) and Geographic Location (distance related to or near major intersection)
5019 Marlboro Pike Capitol Heights, MD 20748. This property is located at the intersection of Marlboro Pike and Nova Ave.

Total Acreage: 0.57		Election District: 06
Tax Map/Grid: 0072/00E4	Current Zone(s): MUI & Resi Dist Overlay	Council District: 7
WSSC Grid: 202SE05	Existing Lots/Blocks/Parcels: 1/NA/0055	Dev. Review District: N/A
COG TAZ: 842	PG TAZ: 878	Aviation Policy Area: N/A
Planning Area: <u>75A</u>	In Municipal Boundary: <u>TEMPLE HILLS</u>	Is development exempt from grading permit pursuant to 32-127(a)(6)(A): <input checked="" type="checkbox"/> Y <input type="checkbox"/> N

(2002) General Plan Tier: Developed Developing Rural Area of proposed LOD: 0 SF

Proposed Use of Property and Request of Proposal:
Existing/Proposed Use - Self Auto Filling Station with Kiosk, Applying for certification of non conforming use

Please list and provide copies of resolutions of previously approved applications affecting the subject property:
N/A

Applicant Name, Address & Phone:
ALLIANCE ENERGY LLC,
PO BOX 9161
WALTHAM MA 02454

Consultant Name, Address & Phone:
Bhoopendra Prakash,
9506 B Lee Hwy, Fairfax, VA 22031
bprakash@plan-source.com
Cell: 571-249-3448

Owner Name, Address & Phone:
(if same as applicant indicate same/corporation see Disclosure)
ALLIANCE ENERGY LLC,
PO BOX 9161
WALTHAM MA 02454

Contact Name, Phone & E-mail:
Curtis Williams
Curtis.Williams@globalp.com
(339) 368-0065

SIGNATURE (Sign where appropriate; include Application Form Disclosure for additional owner's signatures)

Dino M. DeThomas 2/15/2019 [Signature] 3/6/19
 Owner's Signature typed & signed Date Applicant's Signature typed & signed Date
Dino M. DeThomas, Senior Vice President of Retail Development

Contract Purchaser's Signature typed & signed Date Applicant's Signature typed & signed Date

SUBDIVISION CASES – PRELIMINARY PLAN/CONSERVATION SKETCH PLAN:

Type of Application (Check all that apply) N/A

Conventional <input type="checkbox"/>	Comprehensive Design <input type="checkbox"/>	Conservation Sketch Plan <input type="checkbox"/>	Pre-Preliminary Plan <input type="checkbox"/>
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Variation, Variance or Alternative Compliance Request(s) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Applicable Zoning/Subdivision Regulation Section(s): N/A
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Total Number of Proposed:
 Lots N/A Outlots N/A Parcels N/A Outparcels N/A

Number of Dwelling Units: Attached <u>N/A</u> Detached <u>N/A</u> Multifamily <u>N/A</u>	Gross Floor Area (Nonresidential portion only):
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SUBDIVISION CASES – FINAL PLAT:

Water/Sewer: DER <input type="checkbox"/> Health Dept. <input type="checkbox"/>	Number of Plats:
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CSP/DSP/SDP No.:	WSSC Authorization No.:
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Preliminary Plan No.:

Approval Date of Preliminary Plan:

URBAN DESIGN AND ZONING CASES:

Details of Request: The property was rezoned from the C-M Zone to the M-U-I Zone on November 17, 2009 by the Marlboro Pike Sector Plan. The property is also located within the Residential Development District Overlay Zone. A gas station is a prohibited use in this character area. We hereby apply for a certification of non-conforming use with an administrative review.	Zoning Ordinance Section(s): Section 27-241(b) of the Prince George's County Zoning Ordinance requires that in order for a nonconforming use to continue, a use and occupancy permit must be issued identifying the use as nonconforming, and the use must be certified in accordance with Section 27-244.
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Total Number of Proposed:
 Lots N/A Outlots N/A Parcels N/A Outparcels N/A

Number of Dwelling Units: Attached _____ Detached _____ Multifamily _____	Gross Floor Area (Nonresidential portion only): N/A
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Variance Request Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Applicable Zoning/Subdivision Regulation Section(s): Section 27-244
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Departure Request Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application Filed Yes <input type="checkbox"/> No <input type="checkbox"/>
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Alternative Compliance Request Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application Filed Yes <input type="checkbox"/> No <input type="checkbox"/>
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APPLICATION FORM DISCLOSURE

List all persons having at least five percent (5%) interest in the subject property.

Owner(s) Name - printed	Signature and Date	Residence Address

If the property is owned by a corporation, please fill in below.

Officers	Date Assumed Duties	Residence Address	Business Address
SEE ATTACHED			

Board of Directors	Date Assumed Duties	Date Term Expires	Residence Address	Business Address
SEE ATTACHED				

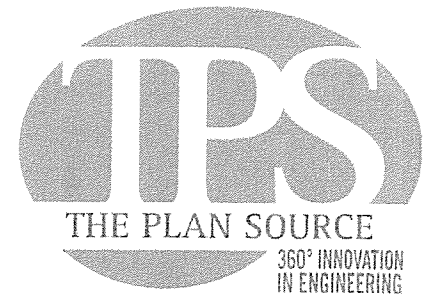
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 GOVERNOR ODEN BOWIE DRIVE
UPPER MARLBORO, MD 20772
DEVELOPMENT REVIEW DIVISION
301-952-3530

Attachment A to Application Form Disclosure

The property is owned by a limited liability company – see below.

Executive Officers	Date Assumed Duties	Residence Address	Business Address
Eric Slifka, Chief Executive Officer	March 2012	9 Clark Road Wellesley, MA 02481	800 South Street, Suite 500 Waltham, MA 02453
Andrew Slifka, President	May 2008	14 Lehigh Road Wellesley, MA 02481	800 South Street, Suite 500 Waltham, MA 02453
Daphne H. Foster, Chief Financial Officer	July 2013	27 Fairgreen Place Brookline, MA 02467	800 South Street, Suite 500 Waltham, MA 02453
Mark Romaine, Chief Operating Officer	July 2013	155 Hawthorn Road Braintree, MA 02184	800 South Street, Suite 500 Waltham, MA 02453
Edward J. Faneuil, Executive Vice President, General Counsel and Secretary	May 2008	100 Belvidere Street, Unit 5H Boston, MA 02199	800 South Street, Suite 500 Waltham, MA 02453
Matthew Spencer, Chief Accounting Officer	January 2018	4 Upland Road Southborough, MA 01772	800 South Street, Suite 500 Waltham, MA 02453

Board of Directors	Date Assumed Duties	Residence Address	Business Address
Eric Slifka	March 2012	9 Clark Road Wellesley, MA 02481	800 South Street, Suite 500 Waltham, MA 02453



March 12, 2019

Kelsey Shaffer,
MNCPPC-Development Review Division,
Prince Georges County Planning Department,
14741 Governor Oden Bowie Drive,
Upper Marlboro, MD 20772

Ref: Application No: 58226-2018-U, 5019 Marlboro Pike Capitol Heights, MD

Dear Kelsey,

We hereby submit this statement of justification to allow the following project scope:

Use: Self Auto Filling Station with Kiosk

Lot Size: 24,994 sf

Location of the use to be certified: 5019 Marlboro Pike Capitol Heights, MD 20748

Dates upon which the use first commenced: 12/22/1995

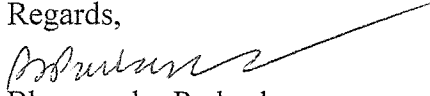
Use became nonconforming on: 11/17/2009

The property was rezoned from the C-M Zone to the M-U-I Zone on November 17, 2009 by the Marlboro Pike Sector Plan. The property is also located within the Residential Development District Overlay Zone. A gas station is a prohibited use in this zone. It was determined all uses which were lawful at the time of adoption of the sector plan but are not permitted will require certification of non-conforming use. We hereby apply for a certification of non-conforming use with an administrative review.

Section 27-241(b) of the Prince George's County Zoning Ordinance requires that in order for a nonconforming use to continue, a use and occupancy permit must be issued identifying the use as nonconforming, and the use must be certified in accordance with Section 27-244.

Hence, we hereby request for a non-conforming use certification with an administrative review process.

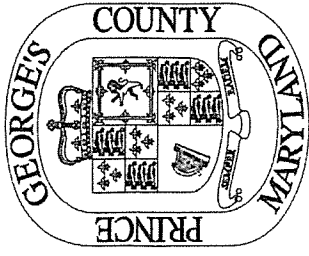
Regards,


Bhoopendra Prakash

The Plan Source, Inc.

bprakash@plan-source.com

571-249-3448



PRINCE GEORGE'S COUNTY
DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT
PERMITTING CENTER
9400 PEPPERCORN PLACE, 1st FLOOR, LARGO, MD 20774 (301) 883-5900

YOU MUST COMPLY WITH MUNICIPAL, HOMEOWNER/CIVIC ASSOCIATION AND LOCAL COVENANTS. A FINE MAY BE IMPOSED IF CONSTRUCTION IS BEGUN WITHOUT REQUIRED APPROVALS.

PERMIT APPLICATION FILING FEES ARE NON-REFUNDABLE

Case Number: 58226-2018-00

LOT:
BLOCK: 055
PARCEL:

PERMIT APPLICATION

MUI zone
Developed Tier
Marlboro Pk. Sec Plan

ACTIVITY: DPE UOW
WORK DESCRIPTION: CHANGE IN OWNERSHIP
USE TYPE: Commercial/Service
EXISTING USE: AUTOMOBILE FILLING STATION
PROPOSED USE: AUTOMOBILE FILLING STATION

Date: 12/04/2018

SITE INFORMATION

SITE ADDRESS: 5019 MARLBORO TEMPLE HILLS	PIKE 20748	PROJECT NAME: ALLIANCE ENERGY U&O SUBDIVISION:	EST. CONSTRUCTION COST: \$ 0.00 ELECTION DISTRICT: 06 PROPERTY TAX ACCOUNT #: 0560102
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OWNER ALLIANCE ENERGY LLC 9161 PO BOX 9161 WALTHAM MA 02454	OCCUPANT ALLIANCE ENERGY LLC 5019 MARLBORO PIKE CAMP SPRINGS MD 20748	CONTRACTOR	ARCHITECT
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FOR OFFICE USE ONLY			
Reviewer	Date	Reviewer	Date
M-NCPPC		Fire Eng.	
Site / Road Eng.		Mechanical Eng.	
Structural Eng.		Health	
Electrical Eng.		Issuance	

I hereby certify that I have permission of the property owner to submit this application on his/her behalf and that the information is complete and correct.

APPLICANT BHOOPENDRA PRAKASH **NAME** AG **PHONE** (571) 354 - 5650 **SIGNATURE** [Signature]

SIGN POSTING AND INSPECTION AFFIDAVIT - PLANNING DIRECTOR REVIEW

I, BHOOPENDRA PRAKASH, hereby certify that the subject property was posted with
(print or type name)

2 sign(s) on 4/26/2019
(specify number) (date)

Signature: *Bhupendra Prakash*

Application Number: CNU-58226-2018 Name: 5019 Marlboro Pike

Date: 4/26/2019

Address: 5019 MARLBORO PIKE , CAPITOL HEIGHTS, MARYLAND, 20743

Telephone: 5712493448

Capacity in which you are acting: AGENT
(owner, applicant, agent)

NOTE: Take legible photograph(s) showing sign(s) in place, (see attached map for posting locations) and return (email) this affidavit and photographs, saved as one PDF to PGCReferrals@ppd.mncppc.org Subject: CaseNo-CaseName and "Posting Affidavit"

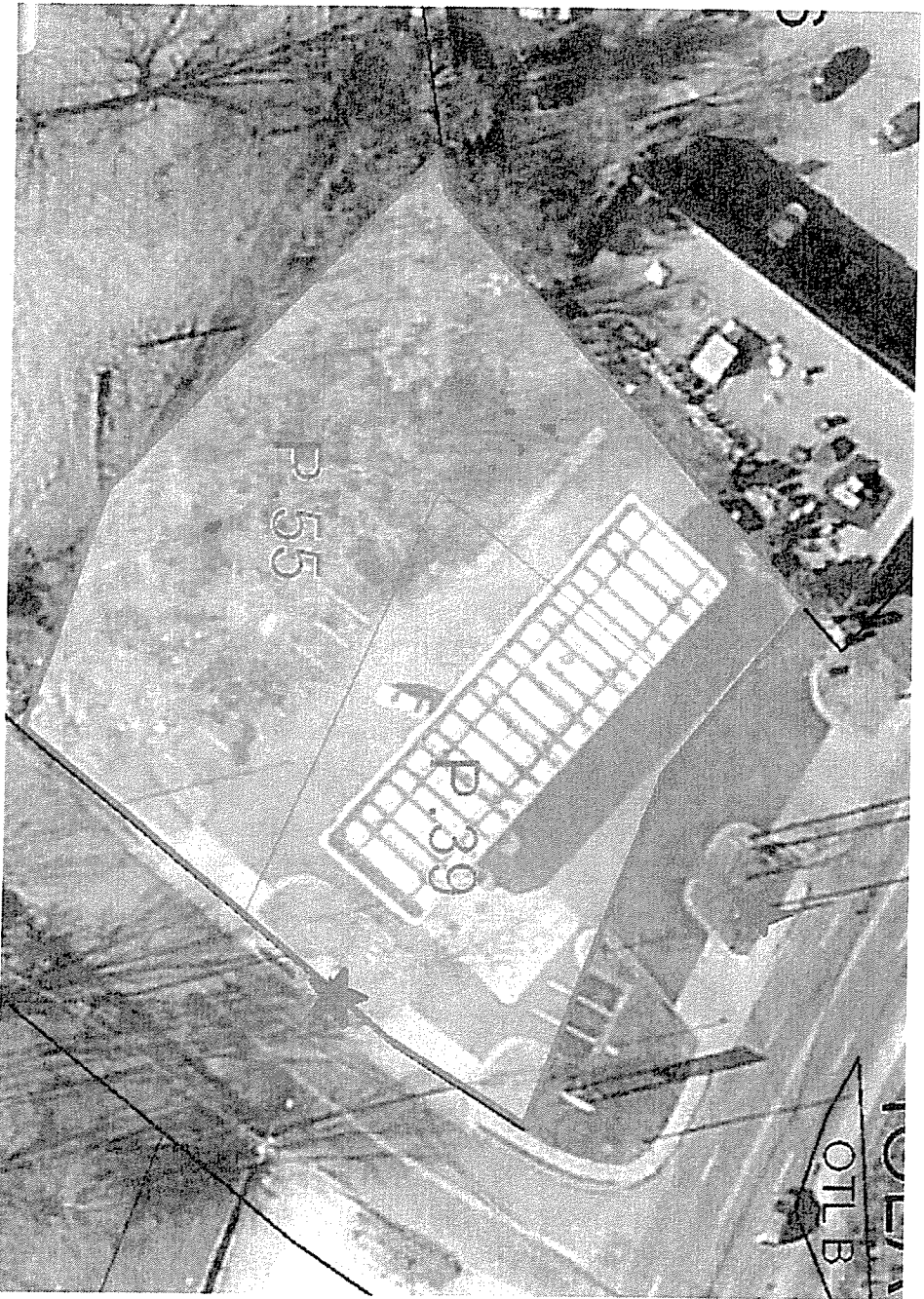
* * * * *

The affidavit must be received prior to the end of the 20-day posting period.

○ ○ ○
Planning director case: CNU-58226-2018; 5019 Marlboro Pike

Reviewer: Kelsey Shaffer

2 single-sided signs





NOTICE TO HOLD A PUBLIC HEARING
REGARDING THE 2012 BUDGET
AND APPLICATIONS FOR FUNDING
MICHIGAN DEPARTMENT OF CORRECTIONS
BUDGET OFFICE
1000 WEST WASHINGTON AVENUE
LANSING, MI 48207
www.mdcpc.org

**NOTICE
RIGHT TO REQUEST
PUBLIC HEARING**

For information or to review the file, call:
301-699-CALL

APPLICATION# CNU-58226-2018

REQUEST SELF AUTO

FILLING STATION

The Planning Director will act on this application unless a written request for public hearing is received by: **May 15, 2019**

Send hearing requests and contact information to:
Hearing.request@ppd.mncppc.org

or

**M-NCPPC Development Review
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772**

www.mncppc.org



NOTICE
RIGHT TO REQUEST
PUBLIC HEARING
on the Proposed Project
2025-08-04 CALL
APPLICATIONS DEADLINE
REQUEST ONLY AUTO
Public Hearing
on the Proposed Project
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