

PGCPB No. 2020-154(A)

File No. DSP-19045

A M E N D E D R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George’s County Code; and

*WHEREAS, by letter dated November 18, 2020, the applicant requested reconsideration of PGCPB Resolution No. 2020-154 in accordance with Section 10(a) of the Planning Board’s Rules of Procedure; and

*WHEREAS, on December 3, 2020, the Planning Board approved the request for reconsideration due to other good cause and in furtherance of substantial public interest; and

*WHEREAS, on December 17, 2020, the Planning Board heard testimony regarding the reconsideration.

WHEREAS, in consideration of evidence presented at a public hearing on October 29, 2020, regarding Detailed Site Plan DSP-19045 for Royal Farms Greenbelt, the Planning Board finds:

1. **Request:** The subject detailed site plan (DSP) requests approval for the development of a 4,649-square-foot food and beverage store, a gas station, and a separate 4,368-square-foot commercial building.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	C-O	C-O
Use(s)	Vacant	Eating and drinking establishment, food or beverage store, gas station, and commercial
Gross Acreage	4.07	4.07
Total Gross Floor Area	0 sq. ft.	9,017 sq. ft.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

OTHER DEVELOPMENT DATA

Parking Spaces

Royal Farms	Required	Provided
Retail- 4,649 sq. ft. @ 1 space/150 sq. ft. of first 3,000 sq. ft. and 1 space/200 sq. ft. above 3,000 sq. ft.	29	53
Gas Station – 8 employees @ 1 space/employee	8	
Eating or drinking establishment, not including drive-through service – 18 outdoor seats and 11 indoor seats @ 1 space/3 seats	10	
Handicap-Accessible*	2	3
Total – Royal Farms	47	56

Commercial Building	Required	Provided
Retail – 4,368 sq. ft. @ 1 space/150 sq. ft. for the first 3,000 sq. ft. and 1.0 space/200 sq. ft. above 3,000 sq. ft.	27	32
Handicap-Accessible*	2	2
Total – Commercial Building	27	34
Total Parking*	74	90

Note: *Total required and provided parking includes accessible and van-accessible spaces.

Loading Spaces

	Required	Provided
Royal Farms	1	1
Commercial Building	1	1
Total	2	2

Bicycle Spaces

	Required	Provided
Royal Farms	0	4
Commercial Building	0	4
Total	0	8

3. **Location:** The subject property is located on the north side of MD 193 (Greenbelt Road), approximately 635 feet east of its intersection with Walker Drive. Further, the property is located within the Golden Triangle Office Park Focus Area of the *2013 Approved Greenbelt Metro Area and MD 193 Corridor Sector Plan and Sectional Map Amendment*.
4. **Surrounding Uses:** The subject property is bounded to the north and west by property in the Commercial Miscellaneous Zone developed with an automobile dealership, Capitol Cadillac. Capitol Drive abuts the southwest portion of the site, with undeveloped land in the Commercial Shopping Center Zone beyond. To the east are properties in the Commercial Office (C-O) Zone, including one property developed with a public utility use, and multiple undeveloped properties, with I-95/I-495 (Capital Beltway) beyond. The property is bounded to the south by Greenbelt Road, with the Greenbelt Park property in the Reserved Open Space Zone beyond.
5. **Previous Approvals:** The site is subject to a previous Preliminary Plan of Subdivision (PPS) 4-75259 and Final Plat 5-76063. Prior approvals were associated with a planned expansion of the adjacent automobile dealership that did not occur. The site also has an approved Stormwater Management (SWM) Concept Plan, 19609-2019-00, which is valid through May 4, 2023.
6. **Design Features:** The subject 4.07-acre site is predominantly undeveloped and wooded. An existing gravel parking area, in the northern portion of the site, is associated with the adjacent automobile dealership use and proposed to be removed. A Prince George's County historic site, the ruins of a historic house known as the Toaping Castle, 18PR801, is in the southeast corner of the site. The historic resource is to be preserved, with an interpretive sign provided, and split-rail fence proposed to encircle it.

The subject application proposes the development of a Royal Farms gas station and food and beverage store, with an eating and drinking establishment component, including 29 seats. A separate, second commercial building is proposed to include future commercial retail or service uses. A specific use or user has not been presented for the commercial building and is not a required finding for the approval of a DSP.

Royal Farms will occupy the western portion of the site, with the commercial building sited on the east side. The northern area of the property is to be reforested. The site fronts on Greenbelt Road and Capitol Drive. At the hearing, the applicant proposed a single driveway with access to the site at Capitol Drive. Landscaping and storm water management features separate the site from Greenbelt Road.

Adequate site circulation is provided, as are parking and loading spaces for each building and their respective uses. Parking for the commercial building is provided, in accordance with the Normal Parking Generation Group for Commercial Trade/Services generally associated with retail and service uses. However, as few retail or service uses are permitted in the C-O Zone, should a non-retail or service use be proposed with a different parking ratio than provided, an amendment to the DSP may be required. Bicycle racks and trash enclosures are provided for each building. The photometric plan provided shows that adequate lighting is provided for all active areas of the site with off-site impacts minimized.

Architecture

The proposed 4,649-square-foot Royal Farms food and beverage store is a single-story rectangular structure oriented parallel to Greenbelt Road. The associated 5,280-square-foot gas station canopy, with eight multi-product dispensers, is located south of the building, closer to Capitol Drive and Greenbelt Road. The canopy will be 19 feet in height and the building will be 21 feet in height to the top of its parapet. The southern elevation of the building includes a gable-covered main entrance with a height of approximately 32.5 feet. A decorative cupola tops the gable and extends to a height of approximately 38.5 feet. Facades of the building are faced with a combination of beige cementitious siding and brick and stone veneers. Red and white trim, white steel canopies, and green awnings are used in combination to add visual interest to the design. The gas station canopy includes pillars clad with stone veneer and topped with a white steel canopy with red trim which compliments the building façade design.

The proposed 4,368-square-foot commercial building is a single-story, rectangular building oriented perpendicular to Greenbelt Road. It is 18 feet in height, with a raised parapet height of 20 feet at the building's southwest corner, where the main entrance is located. Larger windows and wood-tone cement panel siding is utilized in the southwest corner area to further emphasize the entrance. Ample fenestration is provided on the western and southern facades of the building. Façades on all sides of the building are to be brick veneer and cement panel siding in tones of gray.

Signage

A comprehensive signage program is provided that includes freestanding, canopy-mounted, and building-mounted signs for Royal Farms and the commercial building. A departure from sign design standards was originally filed with the City of Greenbelt to accompany this DSP. The departure request was withdrawn, and the signage was redesigned to conform with the applicable requirements of the Prince George's County Zoning Ordinance.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the C-O Zone of the Zoning Ordinance:
 - a. In accordance with the commercial use table in Section 27-461(b) of the Zoning Ordinance, an eating or drinking establishment, excluding drive-through service, and limited types of general retail or service uses are permitted in the C-O Zone. A food or beverage store, in combination with a gas station, is a permitted use subject to DSP review, in accordance with Part 3, Division 9 subject to Footnote 71. A gas station is also a permitted use subject to Footnote 71. While testimony at the hearing pointed out that uses similar to the applicant's proposed uses are normally found in other zones,

the Planning Board notes that the applicable law for this application is what is allowed in the C-O Zone.

Footnote 71 states:

71 Permitted use, provided that:

- (A) The proposed use is on property that has a minimum of 1.75 and maximum of eight (8) acres;**
- (B) The property on which the use will be located abuts the right of way for a roadway with a functional transportation classification of arterial or higher; and**
- (C) The Planning Board and/or District Council finds that the proposed gas station use conforms with all regulations set forth in Section 27-358(a) of this Subtitle.**

The proposed development is on a 4.07-acre property and abuts Greenbelt Road which is classified as an arterial roadway. Conformance with the regulations set forth in Section 27-358(a) of the Zoning Ordinance is as follows:

(a) A gas station may be permitted, subject to the following:

- (1) The subject property shall have at least one hundred and fifty (150) feet of frontage on and direct vehicular access to a street with a right-of-way width of at least seventy (70) feet;**

The subject property includes 150 feet of frontage on and direct access to Capitol Drive that has a right-of-way width of 70 feet.

- (2) The subject property shall be located at least three hundred (300) feet from any lot on which a school, outdoor playground, library or hospital is located;**

No schools, outdoor playgrounds, libraries, or hospitals are located within 300 feet of the subject site.

- (3) The use shall not include the display and rental of cargo trailers, trucks, or similar uses, except as a Special Exception in accordance with the provisions of Section 27-417;**

The display and rental of cargo trucks and trailers, or similar uses, is not proposed by this application.

- (4) **The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;**

The storage or junking of wrecked motor vehicles is not proposed.

- (5) **Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Permitting, Inspections, and Enforcement, whichever is applicable, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than twenty (20) feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter. A driveway may begin or end at a point not less than twelve (12) feet from the side or rear lot line of any adjoining lot;**

A single driveway will be provided to the site at Capitol Drive. The driveway is 35 feet wide and provides ingress and egress to all proposed development. Curbing is provided along the lengths of the driveway.

- (6) **Access driveways shall be defined by curbing;**

Curbing is provided along the length of the driveway.

- (7) **A sidewalk at least five (5) feet wide shall be provided in the area between the building line and the curb in those areas serving pedestrian traffic;**

Five-foot-wide sidewalks are provided in areas between the building line and curb, along the northern side of the driveway, and around the commercial buildings. A five-foot-wide crosswalk is provided between the two buildings.

- (8) **Gasoline pumps and other service appliances shall be located at least twenty-five (25) feet behind the street line;**

Gasoline pumps and all other service appliances are located at least 109 feet from Capitol Drive and 150 feet from Greenbelt Road.

- (9) **Repair service shall be completed within forty-eight (48) hours after the vehicle is left for service. Discarded parts resulting from any**

work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored either inside the main structure or in an accessory building used solely for the storage. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan.

Vehicle repair services are not proposed by this DSP.

- (10) Details on architectural elements such as elevation depictions of each façade, schedule of exterior finishes, and description of architectural character of proposed buildings shall demonstrate compatibility with existing and proposed surrounding development.**

Details regarding architectural elements of all proposed structures were reviewed by the Planning Board and demonstrated the two buildings and gas station canopy will be compatible with existing surrounding development which includes, for example, an auto dealership and hotels.

- b. The Planning Board finds the DSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance, as cross-referenced in Section 27-283 of the Zoning Ordinance. For example, the subject development provides adequate on-site parking, loading, vehicular and pedestrian circulation, lighting, and pedestrian access to the site from the public right-of-way. In addition, the architecture proposed for the buildings employs a variety of architectural features and designs, such as projections, colors, and materials.

- 8. Preliminary Plan of Subdivision 4-75259, Detailed Site Plan DSP-05038, and Final Plat 5-76063:** These cases were previously approved by the Prince George's County Planning Board for a proposed expansion of the adjacent automobile dealership (Capitol Cadillac) that was not constructed or permitted. DSP-05038 subsequently expired and the conditions related to that approval are no longer applicable.

Preliminary Plan of Subdivision (PPS) 4-75259 was approved by the Planning Board on February 12, 1976, and a final plat recorded in Plat Book NLP 94 page 52 in 1976. The resolution and other documents from the approval of PPS 4-75259 are no longer available. The case file for DSP-05038, however, contained a referral memorandum from the Subdivision Section dated August 29, 2005 that lists the conditions of approval of PPS 4-75259. The subject DSP has been reviewed for conformance with the conditions of PPS 4-75259 as follows:

1. **Approval of a site plan for each individual parcel at the building permit stage, such site plan to be evaluated in its relationship to other approved site plans to include:**
 - a. **Site analysis in regard to natural development constraints;**
 - b. **General location of proposed land uses on the site, and intensities of development;**
 - c. **The relationship of the proposed uses to access, internal circulation, parking and open space;**
 - d. **Above is for the purpose of reference as to:**
 1. **Proper configuration of the proposed individual lots;**
 2. **Landscaping proposals with particular regard to visibility of the property from the Beltway;**
 3. **Provision of a storm water management program.**

The subject DSP fulfills the intent of this condition that a site plan be reviewed prior to approval of a permit. This condition is also contained on the final plat. This DSP was evaluated with regard to environmental features, general location of proposed land uses, intensity of the use, access, internal circulation, parking, and open space.

The configuration of the features on the lot is deemed to be acceptable.

Proposed afforestation on the north side of the site will minimize visibility of the site from the I-95/I-495 (Capital Beltway). Stormwater management was evaluated through Stormwater Management Concept Plan #19609-2019-00.

2. **Provision of satisfactory assurance of the limitation of office building development to 450,000 square feet until it is demonstrated that increased capacity of access roads would permit the establishment of a new ceiling.**

Lot 7 is the only remaining lot subject to PPS 4-75259 and it currently contains only a gravel parking area and an archeological site. The construction of 9,017 square feet of commercial floor area would be well within the development entitlement of 450,000 square feet of office space approved with PPS 4-75259 for this site. Though the original approval was for office uses, the proposed food or beverage store, gas station, and commercial building do not represent a substantial revision to office uses. As a result, it is not necessary for the applicant to demonstrate an increase in capacity of access roads. In addition, the proposed uses do not require new Subtitle 24 adequacy findings as further described in Finding 12.n.

3. That the Planning Board will consult with the City of Greenbelt in its review of the site plans for individual parcels.

The subject DSP was referred to the City of Greenbelt for comments and the Greenbelt City Council voted 4-3 to oppose the DSP with 14 suggested conditions if the DSP is approved. The City's findings and recommendations are summarized in Finding 12.1. and detailed in its letter to the Planning Board dated October 12, 2020 which is included in the record for the subject DSP. Seven of the City's 14 requested conditions are incorporated in this Resolution.

4. Provision for sufficient access to the property on the northern end of the tract owned by the City of Greenbelt.

Development of this property will not impact access to the nearby property now or formerly owned by the City of Greenbelt. This property is about 700 feet north of the subject property. It is shown on the plat in Plat Book NLP 11-44, and it is identified there as being recorded in Liber 1593 Folio 314.

In addition to the four conditions, the Subdivision Section memorandum contained the following preamble to the conditions taken from the resolution of PPS 4-75259:

“Development of this property [shall] take into account the strategic location of the property with respect to major transportation routes of the County and provide for an integrated development of the parcels of the property to achieve a coherent and aesthetically desirable development and including but not limited to the unification of architectural elements such as color, texture, height, signs, lighting etc., which affect the visual image of the site and bring benefit to the community and economic benefit to the development.”

The Planning Board reviewed the development application and its location along with the neighboring transportation routes (as further discussed in Finding 12.c), the submitted traffic studies, and testimony on the subject at the hearing. The Planning Board finds the proposed DSP will provide a complimentary development that will be integrated with the surrounding existing uses which consist of, for example, an automobile dealership and hotels. In addition, the proposed food or beverage store, gas station, and commercial buildings and structures, as reviewed through the applicant's submitted architectural drawings, are harmonious with the existing commercial, office, and hotel buildings on nearby parcels, and are appropriate uses to have near major transportation routes. In addition, signage and lighting were evaluated with the DSP and deemed to meet all applicable requirements of the Zoning Ordinance.

9. 2010 Prince George's County Landscape Manual: Development proposed by this DSP is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; and Section 4.9, Sustainable Landscaping Requirements. The Planning Board has determined the proposal conforms with the requirements

of Section 4.2, Section 4.3, Section 4.4, and Section 4.9 of the Landscape Manual, as shown on the plans.

10. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 2 Tree Conservation Plan, TCP2-117-05, was previously approved for this site but was never implemented and has expired. A revision to this Type 2 Tree Conservation Plan, TCP2-117-05-01, was submitted with the current DSP application, but since the current application is not grandfathered, it was reviewed *de novo* under the current 2010 Woodland and Wildlife Habitat Conservation Ordinance.

The overall site is 4.07 acres, within the C-O Zone, with a total of 2.68 acres of existing woodlands on the net tract. The site has a Woodland Conservation Threshold of 15 percent of the net tract, which is 0.61 acre. The TCP2 shows a total woodland conservation requirement of 1.74 acres with the requirement being met with 0.61 acre of on-site afforestation/reforestation and 1.13 acres of off-site woodland conservation credits.

There appears to be additional woodland clearing that occurred between 2000 and 2005 that is not accounted for on the current TCP2. The previous amount of existing woodland needs to be accounted for in the TCP worksheet as well. Because the previously approved tree-line appears to have been approved in error, the Planning Board determined that the aerial image from 2000 should be used as the basis for the previously existing tree-line for the additional area that was cleared onsite. The previously cleared area must be incorporated into the TCP2 worksheet in both the total for existing woodlands and clearing on-site and the TCP worksheet must be revised accordingly. Additional minor technical revisions to the TCP2 are conditioned herein.

11. Prince George's County Tree Canopy Coverage Ordinance: Section 25-128, Tree Canopy Coverage Requirements, requires properties in the C-O Zone to provide a minimum tree canopy coverage (TCC) of 10 percent. The 4.07-acre subject site is required to provide 0.41 acre in TCC. Through the subject DSP, the applicant has shown that approximately 0.79 acre of TCC will be provided satisfying this requirement.

12. Further Planning Board Findings and Comments from Other Entities: The subject application was referred to the following agencies and divisions. The referral comments are summarized, as follows, and are incorporated herein by reference:

- a. **Community Planning**—The Planning Board adopts, herein by reference, a memorandum dated August 20, 2020 (Sams to Bossi), which notes that pursuant to Part 3, Division 9, Subdivision 3, of the Zoning Ordinance, master plan conformance is not a required finding for approval of a DSP. While the Planning Board heard testimony that the purposes of the Zoning Ordinance and commercial zoning (Sections 27-102(a)(2) and 27-446(a)(6) respectively) are to implement master plans, it also heard testimony that

those purposes are applicable to the adoption of the Zoning Ordinance, but are not findings required for approval of a DSP.

Although master plan conformance is not required for approval of a DSP, the Planning Board finds the DSP conforms with the goals or objectives for the Golden Triangle in the *Approved Greenbelt Metro Area and MD 193 Corridor Sector Plan and Sectional Map Amendment*. While testimony at the hearing noted the *Sector Plan* contained one strategy supporting existing office uses and one goal to promote and strengthen the existing office and retail markets, the findings in the Sams to Bossi letter, and testimony received at the hearing, identified that page 91 of the *Sector Plan* specifically identifies future land uses for the subject property as “Commercial Office and/or Retail.”

- b. **Trails**—The Planning Board adopts, herein by reference, a memorandum dated August 24, 2020 (Ryan to Bossi), which noted that there are no binding prior conditions of approval on the subject property specific to pedestrian or bicycle improvements that are relevant to the subject application. Pedestrian and bicyclist circulation on the site are designed to be safe, efficient, and convenient, pursuant to Sections 27-283 and 27-274(a)(2) of the Zoning Ordinance, and the relevant design guidelines for transportation. The submitted DSP is acceptable from the standpoint of pedestrian and bicycle transportation.
- c. **Transportation Planning**—The Planning Board adopts, herein by reference, a memorandum dated August 26, 2020 (Hancock to Bossi) which noted the subject site is adjacent to master plan rights-of-way for the Capital Beltway and Greenbelt Road, and is not impacted by the ultimate right-of-way for either facility. The site is on an existing parcel platted pursuant to PPS 4-75259. Initially, the site was proposed as an expansion of the adjacent car dealership but that never occurred. During the approval of this PPS, a trip cap was not provided but the conditions were cited in the record of at least one subsequent DSP. One of the conditions refers to a maximum of 450,000 square feet of office space and this quantity would have been determined to generate 900 AM and 833 PM peak-hour trips.

DSPs are not subject to traffic-related findings, but they are reviewed at the time of submission to determine if the proposed development will generate trips exceeding what was previously approved for the subject property. If so, the applicant may be required to meet additional findings of adequacy under Subtitle 24. The Planning Board reviewed and evaluated the numerous preliminary plans approved for the Golden/Greenbelt Triangle and determined that the only PPS governing current Lot 7 is PPS 4-75259. Based on information provided in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th edition*, the proposed super convenience market/gas station (ITE-960) will generate approximately 97 AM and 79 PM peak-hour trips and the proposed commercial development (ITE 933) will generate approximately 55 AM and 62 PM peak-hour trips. Also, the AM and PM peak-hour of adjacent streets factors were used in the trip generation estimate calculation for this development. Finally, in the case

of both developments, the manual also recommends a pass-by trip reduction rate of 76 percent which is also included in the trip computation above.

The Planning Board also reviewed recent traffic study data from an expert for the applicant who concurred with staff's findings and also testified that the expected additional trips generated by the development were significantly under allowable caps. The expert also testified that intersections where traffic would be directed had capacity to appropriately handle increased traffic from the development. The expert also submitted a traffic study reviewed by the Planning Board that supported his testimony. Staff also testified that the intersection of Capitol Drive and Greenbelt Road (MD-193) was rarely used and that the intersection at Greenbelt Road and Walker Drive operated at Level Service "A." Testimony was also received by an expert for an opponent of the project, without documentary support, that the proposed development would generate a higher number of trips than estimated by the (ITE) *Trip Generation Manual* and that the intersections would cause an unacceptable amount of queuing. The Planning Board weighed the evidence and agreed with the staff's analysis.

The only existing use within the area of PPS 4-75259 (which is inclusive of Lots 6, 6A, 7, 8, and 9) is the car dealership on Lot 8 of Greenbelt Triangle. The 80,562-square foot automobile dealership (ITE-840) generates 151 AM and 196 PM peak-hour trips. Adding the trips associated with the proposal to the existing automobile dealership trips would result in 303 AM and 337 PM peak-hour trips. The Planning Board finds that the testimony and documentation contained in the record shows that the additional trips are well within the trip generation anticipated by PPS 4-75259 and supports the conclusion that a new PPS is not required for this site and that the proposal is in compliance with the adequacy requirements of Subtitle 24.

Testimony was also received that the applicant's proposal does not meet the design guidelines for 27-274(a)(2)(C)(i) and (ii) because of the aforementioned higher trip counts and queuing at intersections. However, testimony from applicant's counsel noted that those design guidelines related only to "on-site" vehicular and pedestrian circulation. The Board agrees with applicant's counsel. However, since the Board already determined that the traffic studies and testimony provided by the applicant, as well as the findings of staff support the traffic counts estimates and meet the requirements for adequacy, even if the design guidelines did intend to evaluate off-site traffic, the Board's findings would satisfy the requirements of 27-274(a)(2)(C)(i) and (ii). The Planning Board also approves the proposed single access driveway for the development from Capitol Drive. There is no direct access to Greenbelt Road. The access driveway is full movement allowing ingress and egress into the site. The design of on-site circulation is also acceptable. From the standpoint of transportation, therefore, it is determined that this plan is acceptable and meets the finding required for a DSP as described in the Zoning Ordinance.

- d. **Permits**—The Planning Board adopts, herein by reference, a memorandum dated September 4, 2020 (Linkins to Bossi), which identified minor technical corrections to be made to the parking and loading schedules.

- e. **Environmental Planning**—The Planning Board adopts, herein by reference, a memorandum dated August 24, 2020 (Juba to Bossi) which indicated that an approved Natural Resources Inventory, NRI-001-05-01, was submitted with the application. No regulated environmental features such as streams, wetlands, 100-year floodplain, associated buffers, or primary management areas (PMA) are located on-site. No specimen or historic trees are associated with this site. This site is currently associated with one forest stand totaling 2.68 acres. It was noted that the tree-line and existing woodlands totals differ from the previously approved NRI-001-05 and TCP2-117-05 for a reduction of 1.04 acres of woodlands. A review of historic aerial photos on PGAtlas and use of the measuring tool indicates that additional on-site clearing of woodlands occurred between the years of 2000 and 2005 for the expansion of parking and that the amount of additional clearing appears to be 0.38 acre.

Soils

The predominant soils found to occur on-site according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Russett-Christiana-Urban land complex (0-5 percent slopes) and Issue-Urban land complex occasionally flooded. Although soils containing Marlboro clay have not been identified, unsafe soils containing Christiana complexes have been identified on-site. These clays are associated with previously developed urban land soils and are proposed on slopes that will be fairly flat. This application was not referred to DPIE for review as the proposed development should remain fairly stable after construction.

A geotechnical review was not requested with this application but may be required for review with a future development application.

Stormwater Management

An approved SWM concept letter and plan were submitted with the subject application (19609-2019-00). Floodplain compensatory storage has been provided. The proposed SWM features include several micro-bioretenion facilities. The concept approval expires on May 4, 2023. No further information pertaining to SWM is required.

- f. **Historic Preservation**—The Planning Board adopts, herein by reference, a memorandum dated September 21, 2020 (Historic Preservation Commission to Bossi) which provided the Historic Preservation Commission's (HPC) findings and recommendations regarding the DSP and an on-site historic site, the ruins of the Toaping Castle Site, 18PR801. HPC designated the Toaping Castle Site as a Prince George's County historic site on September 15, 2020. Key conclusions of HPC noted that based on their review of the DSP and Phase I and Phase II archeological investigations, no additional archeological investigations were recommended, proposed split-rail fencing and interpretive signage for the historic feature were appropriate, the applicant should work with the City of Greenbelt to develop the interpretive signage, and that the proposed development will not impact the historic site. HPC provided recommendations for the submission of a final archeological investigation report, use of super silt fence around the

historic site during construction, and illustration of the limits of the Toaping Castle Historic Site on all future iterations of this DSP.

- g. **Prince George's County Fire Department**—The Planning Board adopts, herein by reference, an email dated June 25, 2020, (Reilly to Bossi), which indicated that the Fire Department has no comments on this DSP.
- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board adopts, herein by reference, a memorandum dated August 28, 2020 (Giles to Bossi), in which DPIE noted that none of the roads associated with the project site are County maintained. DPIE further noted that the DSP is consistent with the approved SWM concept plan.
- i. **Prince George's County Police Department**—The Police Department did not offer comments on the subject application.
- j. **Prince George's County Health Department**—The Health Department did not offer comments on the subject application.
- k. **Maryland State Highway Association (SHA)**—The Planning Board adopts, herein by reference, an email dated June 16, 2020 (Woodroffe to Bossi) in which SHA indicated that no work is proposed in the state right-of-way.
- l. **City of Greenbelt**—The Planning Board received a letter dated October 12, 2020 (Byrd to Hewlett) which noted that the Greenbelt City Council reviewed and voted to oppose the subject DSP 4-3 at its October 5, 2020 meeting and recommended the Planning Board disapprove the DSP. Key concerns of the City Council regarding the proposed project, as further presented through testimony at the hearing from counsel to the City and the City Mayor, included generalized concerns regarding traffic concerns, environmental concerns, suitability of this land use, the economic impact and demand of the proposed development, the necessity of developments to utilize local hiring practices and to contract with local Minority Business Enterprises (MBEs), increased noise and traffic that will impact the residential areas to the east of the site, concerns about the intersection of Capitol Drive and Greenbelt Road (MD 193) impacts on the operation of Capitol Drive, on-street parking on both sides of Capitol Drive, adverse environmental impacts, storm water runoff, and the clearing of the existing trees on the site. The City Council also believed the use is not the highest and best use for the subject property and expressed concern about economic demand and long-term viability of the site. The City also expressed concern about the preservation and maintenance of the Toaping Castle Site, and the speculative development of the second commercial building. The City is opposed to the inclusion of the second commercial building in this DSP.

The Planning Board considered all of the City's concerns and determined the findings of the Board, as provided in this Resolution, address the City's generalized concerns regarding traffic, the environment, suitability of this land use, noise, the intersection of

Capitol Drive and Greenbelt Road (MD 193), on-street parking, adverse environmental impacts, storm water runoff, and the clearing of the existing trees on the site, and historic preservation.

The City Council also believed the use is not the highest and best use for the subject property and expressed concern about economic demand and long-term viability of the site. The City also expressed concern about the preservation and maintenance of the Toaping Castle Site, and the speculative development of the second commercial building. The City is opposed to the inclusion of the second commercial building in this DSP.

In addition, the Planning Board notes that the City's remaining concerns, regarding the economic impact and demand of the proposed development, the necessity of developments to utilize local hiring practices and to contract with local MBEs, and the economic impact on other businesses are not issues that the Planning Board is allowed to consider when evaluating a DSP.

The City also requested, should the Planning Board determine to approve the application, that the Board consider adding 14 additional conditions to its approval. Through a combination of proffers by the applicant, and conditions imposed by the Board, the Board agrees to impose seven of the City's 14 request conditions. The Board also identified those conditions the Board is not legally permitted to impose.

- m. **Washington Suburban Sanitary Commission (WSSC)**—The Planning Board adopts, herein by reference, a letter dated July 19, 2019 (Madagu to Royal Farms Greenbelt RE LLC), in which WSSC provided standard hydraulic analysis comments on the project's conceptual water and sewer plan.
- n. **Subdivision and Zoning**—The Planning Board adopts, herein by reference, a memorandum dated October 21, 2020 (Diaz-Campbell to Bossi), which noted that the subject site, Lot 7 of Greenbelt Triangle, is subject to PPS 4-75259, approved on February 12, 1976, and a final plat recorded in Plat Book NLP 94 p. 52 in 1976. The boundary of Lot 7 was modified via a subsequent resubdivision of part of Lot 7, recorded in Plat Book NLP 97 p. 71, in 1977. This second plat established the adjacent Lots 8 and 9 of Greenbelt Triangle, and with it, a portion of Lot 7's land area was reassigned to Lot 8. Via the land reassignment and later right-of-way dedication (SHA Plat 55639), the size of Lot 7 was reduced from 6.5 acres to 4.07 acres. Subdivision staff has verified this DSP application includes Lot 7 in its entirety.

It is noted that the triangle of land bound by MD 201, MD 193, and the Capital Beltway has had several Preliminary Plans of Subdivision approved within its boundaries for parcels other than Lot 7. These include PPS 4-76183, 4-77143, 4-80098, 4-81154, 4-85060, and 4-03135. Many of these plans re-subdivided previously subdivided land. Based on staff's finding, and its evaluation of the record including all testimony at the hearing, the Board finds 4-75259 is the only PPS applicable to the subject site and that

the DSP meets the requirements of this approved preliminary plan of subdivision and the requirements for public facility adequacy in the Subdivision Regulations.

13. For the aforementioned reasons, as required by Section 27-285(b) of the Zoning Ordinance, the Planning Board finds the DSP, if revised as conditioned, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of the Prince George's County Code, without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
14. Section 27-285(b)(4) of the Zoning Ordinance provides the following required finding for approval of a DSP:

(4) The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).

No regulated environmental features such as streams, wetlands, 100-year floodplain, associated buffers, and PMAs are located on-site.

15. Testimony at the hearing included a request by counsel for persons of record opposing the application that the Board discontinue the hearing, or otherwise postpone it for one week, pursuant to Section 27-125.05 of the Zoning Code. The first argument by opponent's counsel in support of his request was the publication by staff on October 22, 2020 of a memorandum clarifying the Technical Staff Report. Staff testified that the clarifying memorandum was required after documents were submitted by opponent's counsel and the City of Greenbelt, two days prior to the scheduled hearing date of October 15, requiring additional staff review and analysis. Testimony was also received by the Board that the Technical Staff Report was appropriately published on September 30, 2020. The Planning Board determined that submission of the clarifying memo did not violate the requirements of Section 27-125.05 with regard to the two-week posting requirement.

The second argument by the opponent's counsel in support of the request was that staff's clarifying memo, and an additional submission by the applicant on October 27, 2020, were "new information" that entitled a person of record to a one-week postponement. Again, both the clarifying memo and the applicant's submission were necessitated by documents submitted by opponent's counsel and the City of Greenbelt. The Board determined that persons of record were not entitled to a one-week postponement of the hearing.

- *16. Reconsideration Findings:** The notice of the December 3, 2020 Planning Board hearing for the applicant's request for reconsideration was mailed out to all parties of record on November 19, 2020. The applicant's request for reconsideration was made for the limited purpose of allowing persons of record an additional opportunity to review and respond to four specific documents submitted into the record after the publication of the technical staff report. Those documents consisted of:

City of Greenbelt's October 12, 2020 letter
Applicant's October 13, 2020 Memorandum
Staff's October 22, 2020 clarifying Memorandum
Applicant's October 27, 2020 supplemental Memorandum

At the December 3, 2020 hearing, the Planning Board heard testimony from the applicant in support of the request for reconsideration. Counsel for persons of record provided testimony against the approval of the applicant's request. The Planning Board considered testimony presented at the hearing and voted to approve the request for reconsideration for other good cause and in furtherance of the public interest in accordance with Section 10(e) of the Planning Board's Rules of Procedure.

The notice of the December 17, 2020 reconsideration hearing was mailed out to all parties of record on December 3, 2020. At the December 17, 2020 hearing, the Planning Board heard testimony from the applicant that reiterated their reasoning for the reconsideration, noting they were requesting no changes to the Board's findings and conditions of PGCPB Resolution No. 2020-154. The City of Greenbelt provided testimony that reiterated concerns previously presented in their October 12, 2020 letter and as presented at the October 29, 2020 hearing on the detailed site plan (DSP). The City also noted appreciation for the Board having incorporated a number of their requested conditions in PGCPB Resolution No. 2020-154. Counsel and a traffic expert representing persons of record in opposition provided additional testimony focused on traffic counts and associated information provided in the applicant's October 13th and 27th supplemental memorandums. This testimony argued certain applicant traffic counts related to intersections near the subject site were flawed but did not identify how such flaws, if true, caused the DSP to not be in conformance with the requirements of the Zoning Ordinance. Counsel and the traffic expert representing the applicant rebutted the opponent's testimony by identifying specific mistakes in the calculation methods used by the opponent's traffic expert and then explained why this DSP would not create traffic issues. The Planning Board considered all testimony provided and determined the findings and conditions of PGCPB Resolution No. 2020-154, as originally approved, did not warrant revision.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 2 Tree Conservation

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

Plan TCP2-117-05-01, and further APPROVED Detailed Site Plan DSP-19045 for the above described land, subject to the following conditions:

1. Prior to certification, the detailed site plan shall be revised, or additional information shall be provided, as follows:
 - a. Correct technical errors in the parking and loading schedule.
 - b. Provide a location and detail for an interpretive sign for the Toaping Castle Historic Site, to be reviewed by the City of Greenbelt. This sign shall be installed prior to the issuance of a use and occupancy permit.
 - c. Show the metes and bounds, the limits of the environmental setting, and the proper identification of the Toaping Castle Archeological Site (18PR801).
 - d. Provide a bicycle repair station at a location convenient to the Royal Farms building.
 - e. Show infrastructure for two electric vehicle charging stations, serving a minimum of four cars simultaneously, which shall be installed with the site development to facilitate the installation of charging stations in the future.
 - f. Provide a dog relief station to include signage, waste bags, and a trash can at an appropriate location.
2. Prior to certification of the detailed site plan, the Type 2 tree conservation plan (TCP2) shall be revised, as follows:
 - a. Identify the location of the previous tree-line on-site using the 2000 aerial image from PG Atlas and identify all associated previously cleared woodland areas on the plan.
 - b. Revise the TCP2 worksheet as follows:
 - (1) Revise the existing woodland value to incorporate the area of woodlands that existed in 2000 that were cleared subsequently.
 - (2) Incorporate the previously cleared area into the woodland cleared value of the worksheet.
 - (3) Account for all off-site clearing in the worksheet.
 - (4) Account for all areas of woodlands retained not cleared in the worksheet (remove the area of woodland retained not credited from woodland cleared total in the worksheet).

- (5) Place an asterisk next to the existing woodland and woodland cleared values, with a corresponding asterisk and the following footnote underneath the TCP worksheet:

“*Note: The existing woodland value includes ___ acreage of woodlands that previously existed and were cleared on-site.”

- c. Modify the note on the TCP2 to clarify that the off-site clearing within the right-of-way of MD 193 (Greenbelt Road) is pending review with the Maryland State Highway Administration.
- d. Show all existing to remain and proposed utility easements and public rights-of-way on the TCP2. Ensure no afforestation is placed on-top of any easements or public rights-of-way (except for surface drainage easements).
- e. The qualified professional must sign and date the TCP worksheet on the TCP2.
- f. The qualified professional must sign and date their landscape architect seal on each sheet of the TCP2.
- g. Have the Property Owners Awareness Certificate signed and dated by the owner or owner’s representative.
- h. Add the standard “Permanent (Split Rail) Tree Protection Fence for Reforestation Areas” detail to the plan. Show this fencing around all proposed reforestation and afforestation areas as required.
- i. Add the standard “Reforestation Area Sign” detail to the plan. Identify the locations of all proposed reforestation signs on the plan.
- j. Show all stormwater management structures.
- k. Revise General Note 3 by replacing “The Department of Public Works and Transportation or the Department of Environmental Resources” with the “Department of Permitting, Inspections and Enforcement (DPIE).”
- l. Add and complete the following standard additional notes:
 - (1) Add the notes entitled “When invasive plant species are to be removed by the permittee” Add a copy of the corresponding invasive management plan to the TCP2.
 - (2) Add the post development notes.

- m. Replace all proposed Virginia pines with an appropriate native evergreen that is not susceptible to wind throw.
- n. Remove all Woodland Preservation Area signs from the plan since no woodland preservation is being provided on-site.
- o. Add the standard tree pruning detail to the plan.
- p. Add the standard tree planting and maintenance calendar to the plan.
- q. Add the following note under the TCP2 certification block on Sheet 1:

“Woodlands preserved, planted, or regenerated in fulfillment of on-site woodland conservation requirements have been placed in a Woodland and Wildlife Habitat Conservation Easement recorded in the Prince George’s County Land Records at Liber ____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement.”

- 3. Prior to the issuance of a grading permit, the applicant shall:
 - a. Provide a final report detailing the Phase I and Phase II investigations and ensure that all artifacts are curated at the Maryland Archaeological Conservation Lab. Proof of the disposition of the artifacts shall be provided to Historic Preservation staff.
 - b. Install a super silt fence around the boundaries of the Toaping Castle Site, 18PR801, to protect the site during construction.
- 4. The applicant shall install a sign at the site exit directing vehicles wishing to travel east on MD 193 (Greenbelt Road) or south on I-295 to utilize the intersection of Walker Drive and Greenbelt Road.
- 5. The applicant shall revise the entrance to the site and provide for a single driveway and internal circulation.
- 6. Lighting on the site shall be certified by the International Dark Sky Association.
- 7. The applicant shall submit a copy of the Royal Farms sustainable construction practices, and note on the plan that the proposed Royal Farms shall be constructed in accordance with their sustainable construction practices.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council of Prince George’s County within thirty (30) days following the final notice of the Planning Board’s decision.

* * * * *

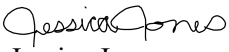
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 29, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of November 2020.

*This is to certify that the foregoing is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, December 17, 2020, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

*Adopted by the Prince George's County Planning Board this 7th day of January 2021.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:AB:nz

APPROVED AS TO LEGAL SUFFICIENCY
David S. Warner /s/
M-NCPPC Legal Department
Date: December 28, 2020

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