



The Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530

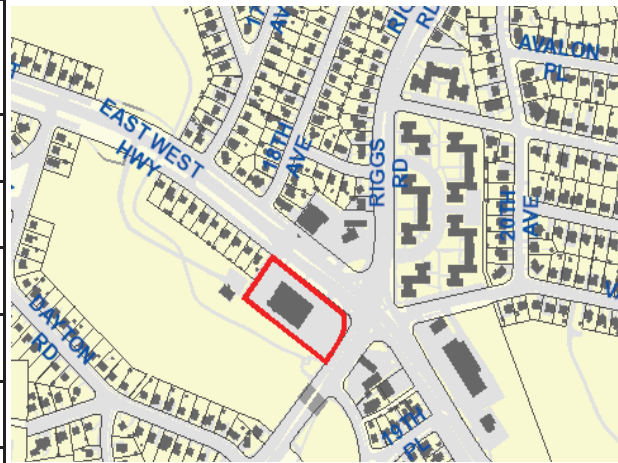
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

# Special Exception Royal Farms #393

## SE-4846

REQUEST	STAFF RECOMMENDATION
Special exception to construct a 4,655-square-foot food and beverage store, in combination with a gas station.	With the Conditions Recommended herein: <ul style="list-style-type: none"> <li>• Approval of Special Exception SE-4846</li> </ul>

<b>Location:</b> At the southwest quadrant of MD 410 (East West Highway) and Riggs Road.	
Gross Acreage:	1.90
Zone:	CGO
Zone Prior:	C-S-C
Dwelling Units:	0
Gross Floor Area:	4,655 sq. ft.
Lots:	0
Parcels:	1
Planning Area:	65
Council District:	02
Municipality:	None
<b>Applicant/Address:</b> RF East West Hyattsville, LLC 1821 East West Highway Hyattsville, MD 20783	
<b>Staff Reviewer:</b> Dominique Lockhart <b>Phone Number:</b> 301-952-3411 <b>Email:</b> <a href="mailto:Dominique.Lockhart@ppd.mncppc.org">Dominique.Lockhart@ppd.mncppc.org</a>	



Planning Board Date:	06/09/2022
Planning Board Action Limit:	N/A
Staff Report Date:	05/24/2022
Date Accepted:	11/18/2021
Informational Mailing:	04/06/2021
Acceptance Mailing:	11/05/2021
Sign Posting Deadline:	N/A

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT:**

TO: The Prince George's County Planning Board  
The Prince George's County District Council

VIA: Jeremy Hurlbutt, Supervisor, Zoning Review Section,  
Development Review Division

FROM: Dominique Lockhart, Planner II, Zoning Review Section,  
Development Review Division

SUBJECT: Special Exception SE-4846  
Royal Farms #393

REQUEST: Special exception to allow food and beverage store in combination with a gas station

RECOMMENDATION: **APPROVAL with conditions**

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**NOTE:**

The Planning Board has scheduled this application on the consent agenda for transmittal to the Zoning Hearing Examiner on the agenda date of June 9, 2022.

You are encouraged to become a person of record in this application. Requests to become Persons of Record should be submitted electronically by email to: ZHE@co.pg.md.us. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

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**FINDINGS:**

1. **Location and Site Description:** The subject property is located on the southwest quadrant of the intersection of MD 410 (East West Highway) and Riggs Road. There is one existing structure on the property in the Commercial, General and Office (CGO) Zone and consists of one parcel. The structure on the subject property will be razed to construct a 4,655-square-foot food and beverage store, in combination with a gas station.
2. **History and Previous Approvals:** The subject property is located on Tax Map 41 in Grid C-1, consisting of Parcel A, and containing a total of 1.90 acres of land in the CGO Zone. The subject property contains a shopping center in Parcel A of the Parklawn subdivision, recorded by plat among the Prince George’s County Land Records in Plat Book WWW 17, page 79, dated June 1950.
3. **Neighborhood and Surrounding Uses:** The general neighborhood is bounded to the north by MD 410, Riggs Road to the east, Dayton Road to the south, and Chillum Manor Road to the west. The neighborhood primarily includes residential and commercial/retail uses. The immediate uses surrounding the subject property are as follows:
  - North—** MD 410 and beyond by commercial/retail and single-family residential uses in the CGO and RSF-65 Zones.
  - East—** Riggs Road and beyond by retail/commercial in the CGO and RSF-65 Zones.
  - South—** Parklawn Park and single-family residential in the ROS and RSF-65 Zones.
  - West—** Parklawn Park and single-family residential in the ROS and RSF-65 Zones.
4. **Request:** The applicant requests approval of a special exception to construct a 4,655-square-foot food and beverage store, in combination with a gas station.

5. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	CGO	CGO
Use(s)	Shopping Center	Food and Beverage Store with a Gas Station
Acreage	1.9	1.9
Parcels	1	1
Gross Floor Area	15,301 sq. ft.	4,655 sq. ft.
Dwellings	0	0

6. **Required Findings:** The application was pending before the effective date of April 1, 2022, of the current Prince George’s County Zoning Ordinance and was accepted on November 18, 2021, per Section 27-1703(a):

**Any development application, including a permit application or an application for zoning classification, that is filed and accepted prior to the effective date of this Ordinance may be reviewed and decided in accordance with the Zoning**

**Ordinance and Subdivision Regulations in existence at the time of the acceptance of said application. An application for zoning classification decided after the effective date of this Ordinance must result in a zone set forth within this Ordinance.**

Based on the above section, the subject application is being reviewed according to the applicable zoning standards for the subject property and is pursuant to the prior Zoning Ordinance including, but not limited to, the requirements of the Commercial Shopping Center (C-S-C) Zone.

A special exception is subject to the general findings for approval of all special exceptions contained in Section 27-317(a) of the Prince George’s County Zoning Ordinance. Part 4 of the Zoning Ordinance also includes additional required findings for specific uses. A food and beverage store is subject to the additional findings of Section 27-355 of the Zoning Ordinance, and gas stations are subject to Section 27-358 of the Zoning Ordinance. The analysis of all required findings for approval are provided below.

In support of the application, the applicant filed a statement of justification (SOJ) submitted October 7, 2021, incorporated by reference herein. This case was heard at the Subdivision and Development Review Committee (SDRC) meeting on December 10, 2021. The applicant submitted a waiver of the 150-day limit to the Zoning Hearing Examiner, dated March 18, 2022. The applicant submitted revised site and landscape plans for the subject property, which were received on April 22, 2022, as requested by staff at the SDRC meeting.

**General Special Exception Findings—Section 27-317(a) provides the following:**

**(a) A Special Exception may be approved if:**

**(1) The proposed use and site plan are in harmony with the purposes of this Subtitle.**

The purposes of Subtitle 27 of the Prince George’s County Code, as set forth in Section 27-102(a)(1–15) of the Zoning Ordinance, are generally to protect the health, safety, and welfare of the public, to promote compatible relationships between various land uses, to guide orderly development, and to ensure adequate public facilities and services. Staff finds that the proposed use will provide jobs within the area. The proposed use will provide services, including food, beverage, and gas for the convenience of the surrounding community. There will be additional tax revenue created by sales tax and gasoline tax, ensuring economic stability within all parts of the County.

In addition, the site is located within the Established Communities policy area. The 2014 Plan Prince George’s 2035 General Plan describes Established Communities as areas appropriate for context-sensitive infill and low- to medium-density development, and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met. The proposed food and beverage store, in

combination with a gas station, serves the needs of both vehicles and pedestrians along the heavily trafficked MD 410 commercial corridor.

**(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

The proposed use is in conformance with the requirements and regulations set forth in Subtitle 27. Most notably, a food and beverage store, in combination with a gas station are both permitted uses, subject to the requirements in Sections 27-355 and 27-358.

**(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.**

Special Exception SE-4846, as requested, conforms to this finding. The proposed use of the property as a food and beverage store with a gas station will not substantially impair the 1989 *Approved Master Plan for Langley Park–College Park–Greenbelt and Adopted Sectional Map Amendment for Planning Areas 65, 66 and 67*. The subject property is located in the C-S-C Zone, and each of the proposed use designations are permitted as special exceptions. The master plan applicable to the property is the 1989 *Approved Master Plan for Langley Park–College Park–Greenbelt*. Largely, the goal for commercial activities included locations that provided integrated transportation systems composed of pedestrian and bicycle movements, a variety of commercial uses and spaces, and commercial activities that are convenient to dwelling units, in order to minimize the need for frequent automobile trips. The proposed development displays a bicycle lane along the subject property's frontage of Riggs Road, subject to Maryland State Highway Administration approval. In addition, a condition has been added to provide sidewalks from the street frontages to the food and beverage store for improved pedestrian circulation to and from the site. These improvements will provide a more pedestrian and bicycle friendly environment, while simultaneously serving the needs of automobile users.

**(4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

The proposed use will not have adverse effects on the health, safety, or welfare of residents, due to the proposed layout location on the site, which will place the eight gas pumps on the east side of the corner lot, facing MD 410, with the food and beverage store located on the western part of the site. The food and beverage store will screen the gas pumps from nearby residential development, located west of the subject property.

The proposed development provides a safe, internal circulation for vehicles and pedestrians, in addition to safe ingress and egress of vehicles from surrounding public rights-of-way. The number of access points along MD 410 will be reduced from two to one, and an additional point of access will remain on Riggs Road. In addition, a bicycle lane is proposed along the subject property's eastern boundary, adjacent to Riggs Road. Staff finds that the proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area.

**(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

The subject property directly abuts Parklawn Park Building to the south and west. Parklawn Park Building is a 15-acre MNCPPC operated park which contains a playground, picnic benches, a community building, parking lot, Sligo Creek trail, and open play fields. In concordance with the Prince George's County Department of Parks and Recreation, the applicant will remove the playground and provide the equivalent of the cost of the playground in park improvements. The applicant has proffered to make improvements including new pathways, upgrading multi-purpose fields, plaza area, seating areas, and landscaping. The southern property boundary adjacent to the park will contain a 20-foot landscaped bufferyard. A condition has also been added for a black, vinyl-clad, chain-link fence (4 feet high at a minimum) to be added along the property line to discourage the cut-through of the store patrons to the park. A general concept plan has been provided by the applicant in preparation for the upcoming recreation facilities agreement between the applicant and Parks and Recreation.

Staff finds that the proposed use is compatible with the surrounding existing commercial and residential development. The development shall comply with required site design standards, physical features, and align with the harmony of the community. Ultimately, the proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

**(6) The proposed site plan is in conformance with an approved Tree Conservation Plan; and**

No tree conservation plan is required because the project is exempt from the Woodland and Wildlife Habitat Conservation Ordinance (WCO).

- (7) The proposed site plan demonstrates 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).**

A Standard Letter of Exemption from the WCO was issued for this site (S-014-2021). The site is exempt from the provisions of the WCO because the property contains less than 10,000 square feet of woodland and has no previous tree conservation plan (TCP) approvals.

The southeastern corner of the property is within the 100-year floodplain, and the proposed redevelopment will require stormwater management approval with the required floodplain controls in place.

**Specific Special Exception Requirements:**

**Section 27-355—Food or Beverage Store.**

- (a) A food and beverage store may be permitted, subject to the following:**

- (1) The applicant shall show a reasonable need for the use in the neighborhood;**

A market study from Valbridge Property Advisors, dated June 29, 2020, was conducted for the proposed use. MD 410 and Riggs Road are arterial master plan rights-of-way and major commuter routes, providing connections to multiple commercial hubs. Utilizing the daily traffic counts, a food and beverage store with a gas station would serve commuters travelling along MD 410 with competitive fuel prices and access to convenient food options. Based on the analysis done in the market study, this criterion has been met.

- (2) The size and location of, and access to, the establishment shall be oriented toward meeting the needs of the neighborhood;**

Staff finds that the proposed development meets the fueling station demands of the Hyattsville residential and commercial areas. Also, the two access points adequately serve the site, reducing the impact of traffic congestion. Overall, the site accessibility and major connections to MD 410 and Riggs Road will ensure adequate traffic flow on-site and within the surrounding neighborhood.

In addition, the proposed size of the building conforms to the requirements of the Commercial Shopping Center (C-S-C) Zone. The size and location of the proposed development, and access to the food and beverage store and gas station, are oriented toward meeting the needs of the neighborhood.



- (3) The proposed use shall not unduly restrict the availability of land, or upset the balance of land use, in the area for other allowed uses;**

The proposed use will not unduly restrict the availability of land, or upset the balance of land use, in the area for other allowed uses. The special exception is being developed on the site of an existing retail strip center. The site's redevelopment should not pose an obstacle for other potential uses which might want to move into the area. It may also help to revitalize surrounding retail by improving the existing partially vacant site with a development that serves the needs of both commuters and pedestrians.

- (4) In the I-1 and I-2 Zones, the proposed use shall be located in an area which is (or will be) developed with a concentration of industrial or office uses;**

The subject property was previously located in the C-S-C Zone and is now located in the CGO Zone; therefore, this requirement does not apply.

- (5) The retail sale of alcoholic beverages from a food and beverage store approved in accordance with this Section is prohibited; except that the District Council may permit an existing use to be relocated from one C-M zoned lot to another within an urban renewal area established pursuant to the Federal Housing Act of 1949, where such use legally existed on the lot prior to its classification in the C-M Zone and is not inconsistent with the established urban renewal plan for the area in which its located.**

There will be no alcoholic beverages sold in the proposed food and beverage store.

#### **Section 27-358—Gas Stations.**

On November 2, 2021, the Prince George's County District Council adopted Prince George's County Council Bill CB-48-2021 amending certain provisions of Section 27-358 to revise the method for measuring distance, add a distance requirement from structures used as a residence, and require the installation of at least two Level 3 or DC fast charging stations on-site for public use. In addition, CB-48-2021 added the following paragraph:

- (12) Any Special Exception or Detailed Site Plan application filed prior to January 1, 2022, and approved shall not be subject to this provision and shall be deemed a conforming use.**

Staff was unable to determine from a strict reading of paragraph 12 whether the subject application is subject to the new requirements imposed by CB-48-2021. Reviewing the legislative history, however, staff determined that the District Council

intended to exempt applications filed prior to January 1, 2022 from the new requirements. Staff, therefore, evaluates this application for compliance with the requirements of Section 27-358 in existence prior to the amendments approved in CB-48-2021.

**(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 has 371 feet of frontage along MD 410 and 200 linear feet of frontage on Riggs Road. The plan proposes two access points. One access point on MD 410 will have a right-of-way width of 150 feet. The second access point on Riggs Road will have a right-of-way width of 100 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;**

This criterion has not been met. An outdoor playground is approximately 40 feet away from the southern property boundary.

Parklawn Park Building is a 15-acre Maryland-National Capital Park and Planning Commission-operated park, which contains a playground, picnic benches, one-story community building with a parking lot, master-planned Sligo Creek trail, and open play fields.

The Prince George's County Department of Parks and Recreation, however, (DPR) has determined that the existing playground is underutilized, and other amenities would better serve the park. The applicant has been in discussion with DPR and is proposing to remove the playground and provide park improvements equivalent to the cost of a new playground. Improvements include, but are not limited to, new pathways, multipurpose fields, seating areas, and landscaping. A new playground will not be constructed in order for this criterion to be met. The applicant has provided a general concept plan.

A condition has also been added that the existing playground at Parklawn Park Building shall be removed, prior to issuance of a building permit for the proposed Royal Farms.

- (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.**

This plan does not include the display and rental of cargo trailers, trucks, or similar uses.

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

This plan does not include the storage or junking of wrecked vehicles.

- (5) Access driveways shall not be less than 30 feet wide unless width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Public Works and Transportation, whichever is applicable, and shall be constructed in accordance with the minimum standards required by the County Road Ordinance or the 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 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 12 feet from the side or rear lot line of any adjoining lot.**

This proposal includes two access driveways: a 35-foot-wide access driveway on MD 410 and a 30.9-foot-wide access driveway on Riggs Road. Since the special exception is on a corner lot, each of the access driveways is more than 20 feet from the point of curvature. The driveways are more than 12 feet from the side and rear lot lines of any adjoining lots.

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

As shown on the special exception site plan, the access driveways are to be defined by curbing.

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

The proposed development has the following sidewalks: a 13.2-foot-wide sidewalk along the building frontage, a 6.7-foot-wide sidewalk along the east side of the building, and a 4.7-foot-wide sidewalk along the west side of the building. There is also an existing sidewalk along the frontages of MD 410 and Riggs Road.

A condition has been added for a 5-foot-wide sidewalk to be provided from both street frontages to the food and beverage store, connecting all proposed and existing sidewalks to the main building for convenient pedestrian access.

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

The gas station meets this requirement. All gas pumps are more than 25 feet behind street lines.

- (9) Repair service shall be completed within forty-eight (48) hours after the vehicle 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 material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surround with screening material. Screening shall consist of a wall, fence, or fence, or sight-tight landscape material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan; and**

There will be no vehicle repair service at the site.

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

The special exception site plan includes architectural elevations in the submission. The architecture of the building incorporates a band of PVC trim and cementitious siding at the top portion, brick veneer in the middle, and stone veneer at the base of the building. The main entrance, with a standing seam roof, projects from the rest of the building. The front elevation is accented with a pitched roof and a cupola over the main entrance. Oversized windows help break up the horizontal mass of the building. The rear elevation presents long, uninterrupted bands of the composite siding, in combination with red brick and stone veneer. The gasoline pumps and canopy are designed to coordinate well with the architecture and materials of the main building. Based on the architectural elevations provided, the proposed buildings will be compatible with the current and proposed surrounding development.

- 7. Parking Regulations:** In accordance with the parking and loading regulations contained in Section 27-568 of the Zoning Ordinance, for an eating and drinking establishment, there is one space required for every three seats. For a gas station, one space is required for each employee. In addition, one handicap-accessible space is required. The proposed food and beverage store will contain twelve seats and will have two employees.

Based on the requirements, a minimum of 15 parking spaces must be provided. There are 63 proposed parking spaces provided, which exceeds the minimum requirement by 238 percent. A condition has been added to limit the number of parking spaces provided to avoid overparking of the site.

One loading space is also provided for the site, satisfying the requirement for the development. All parking and loading spaces are appropriately sized.

8. **2010 Prince George's County Landscape Manual Requirements:** The landscape plan provided displays landscaping, screening, and buffering that is in general conformance with the 2010 *Prince George's County Landscape Manual* requirements.
9. **Tree Canopy Coverage:** The subject site was located within the C-S-C Zone and is required to provide 10 percent of the site area in tree canopy coverage (TCC). The subject site is 1.92 acres in size and a total of 0.192 acre or 8,364 square feet of TCC is required. The TCC schedule provided by the applicant indicates that 10,105 square feet of coverage is to be provided, exceeding and satisfying the requirement.
10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is exempt from the provisions of the WCO because the property contains less than 10,000 square feet of woodland and has no previous TCP approvals. A Standard Letter of Exemption from the WCO was issued for this site (S-014-2021).
11. **Signage:** The signage chart, sign details, and sign location key map are shown on Sheet 5 of the special exception site plan.

**Freestanding signage**–The site plan shows two pylon signs, one along each street frontage. There is also a gateway/directional sign proposed along Riggs Road.

**Building- and canopy-mounted signage**–The series of building- and canopy-mounted signage shown on the plans appear to be in general conformance with the applicable requirements of Section 27-613 of the prior Zoning Ordinance.

12. **Referral Comments:** The following referrals were received and are incorporated herein by reference. All of the comments are addressed on the site plan, or as part of this technical staff report:
  - a. Parks and Recreation, dated January 03, 2022 (Sun to Sievers)
  - b. Environmental Planning, dated May 06, 2022 (Juba to Lockhart)
  - c. Transportation Planning, dated May 06, 2022 (Ryan to Lockhart)
  - d. Community Planning, dated April 25, 2022 (Mierow to Sievers)
  - e. Subdivision, dated April 22, 2022 (Diaz-Campbell to Lockhart)
  - f. Historic Preservation, dated December 01, 2021 (Stabler and Smith to Sievers)
  - g. Permit Review, dated January 03, 2022 (Jacobs to Sievers)

- h. Prince George's County Department of Permitting, Inspections and Enforcement, dated December 03, 2021 (Branch to Sievers)
- i. Maryland State Highway Administration, dated November 19, 2021 (Woodroffe to Sievers)
- j. Special Projects, dated November 23, 2021 (Perry to Sievers)
- k. Verizon, dated November 19, 2021 (Higdon to Sievers)
- l. AT&T, dated November 26, 2021 (Abdulkader to Sievers)

## RECOMMENDATION

A special exception use is considered compatible with uses permitted by right within the Commercial Shopping Center (C-S-C) Zone if specific special exception criteria are met. A special exception must be approved if the applicant satisfies the required criteria which are intended to address any distinctive adverse impacts associated with the use.

Based on the applicant's statement of justification, the analysis contained in the technical staff report, associated referrals, and materials in the record, the applicant has demonstrated conformance with the required special exception findings, as set forth in Section 27-317 (in general), Section 27-355 (food and beverage store), and Section 27-358 (gas station) of the prior Prince George's County Zoning Ordinance. Staff finds the proposed application satisfies the requirements for approval and finds the application will be in conformance with the Zoning Ordinance requirements.

Therefore, staff recommends APPROVAL of Special Exception SE-4846, for Royal Farms #393, subject to the following conditions:

1. Prior to signature approval of the special exception site plan, the following revision shall be made:
  - a. All plan drawings shall be revised to show a consistent square footage for the building gross floor area.
  - b. Gateway and Pylon sign setbacks to be shown on the special exception plan.
  - c. Provide a sign location key map on the signage plan.
  - d. Revise parking table to show requirements for Gas Station and Eating and Drinking Establishment only.
  - e. Revise parking table to specify the number of employees and the number of indoor and outdoor seats provided.
  - f. Revise parking table to show loading space dimension standards.



# ROYAL FARMS #393, HYATTSVILLE

Special Exception

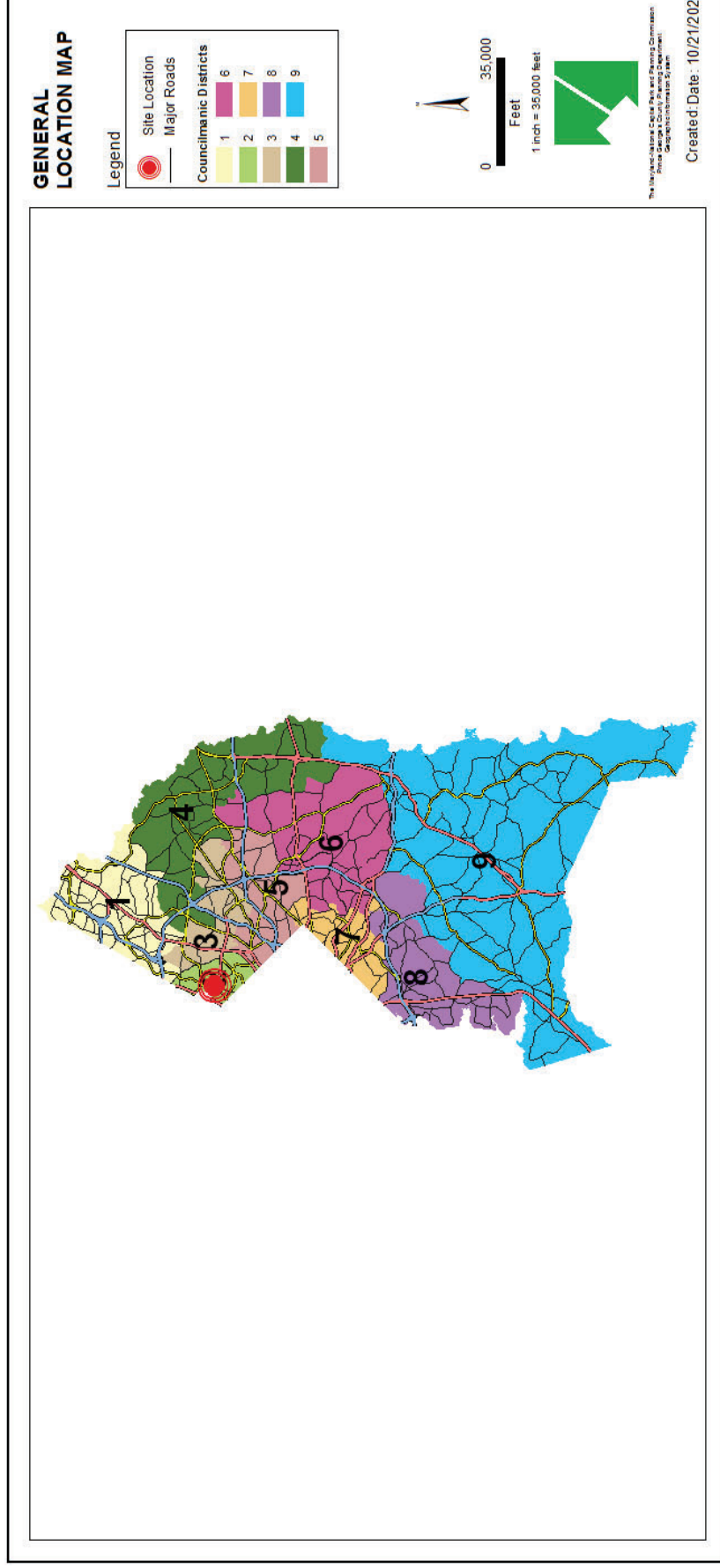
Staff Recommendation: APPROVAL with conditions





# GENERAL LOCATION MAP

Council District: 02  
Planning Area: 65



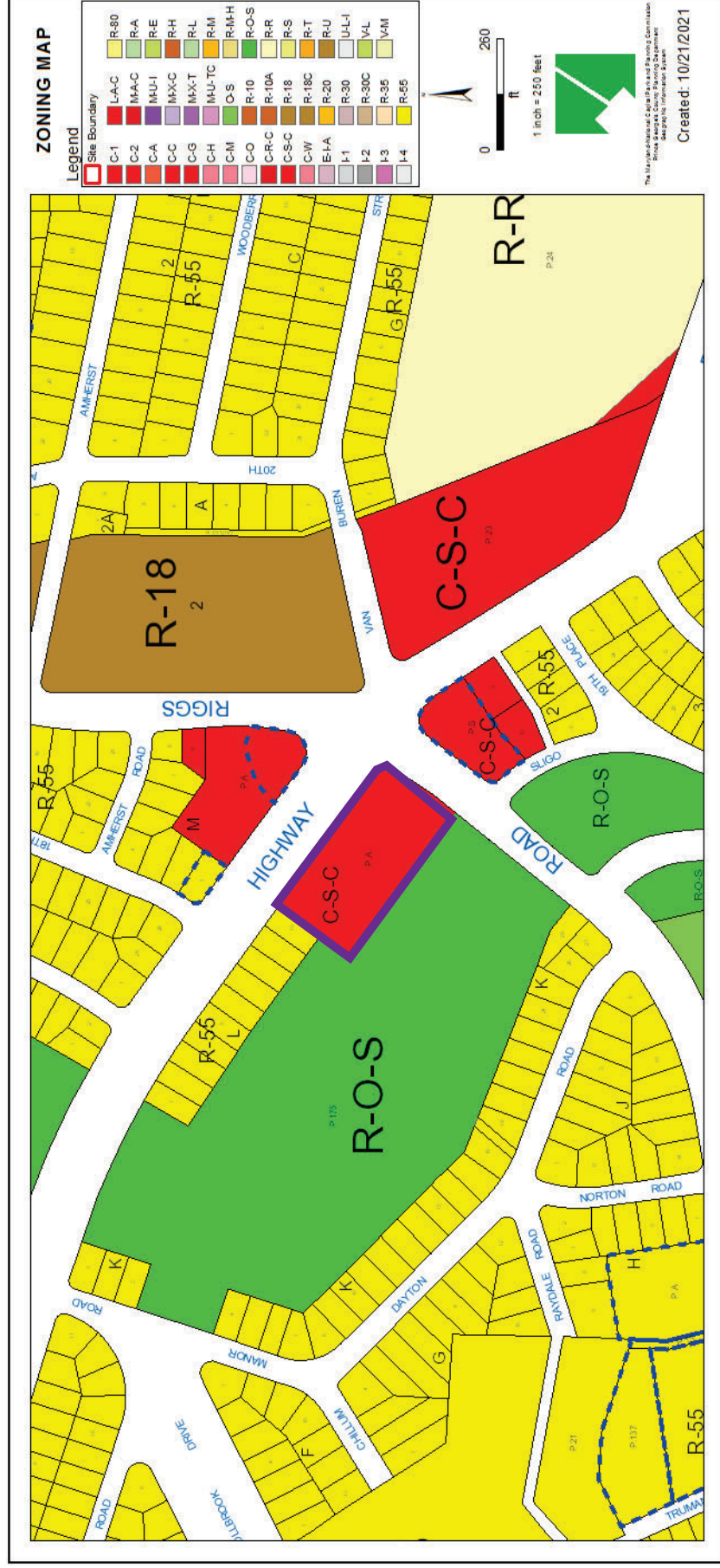
# SITE VICINITY MAP





# PRIOR ZONING MAP

Property Zone: C-S-C

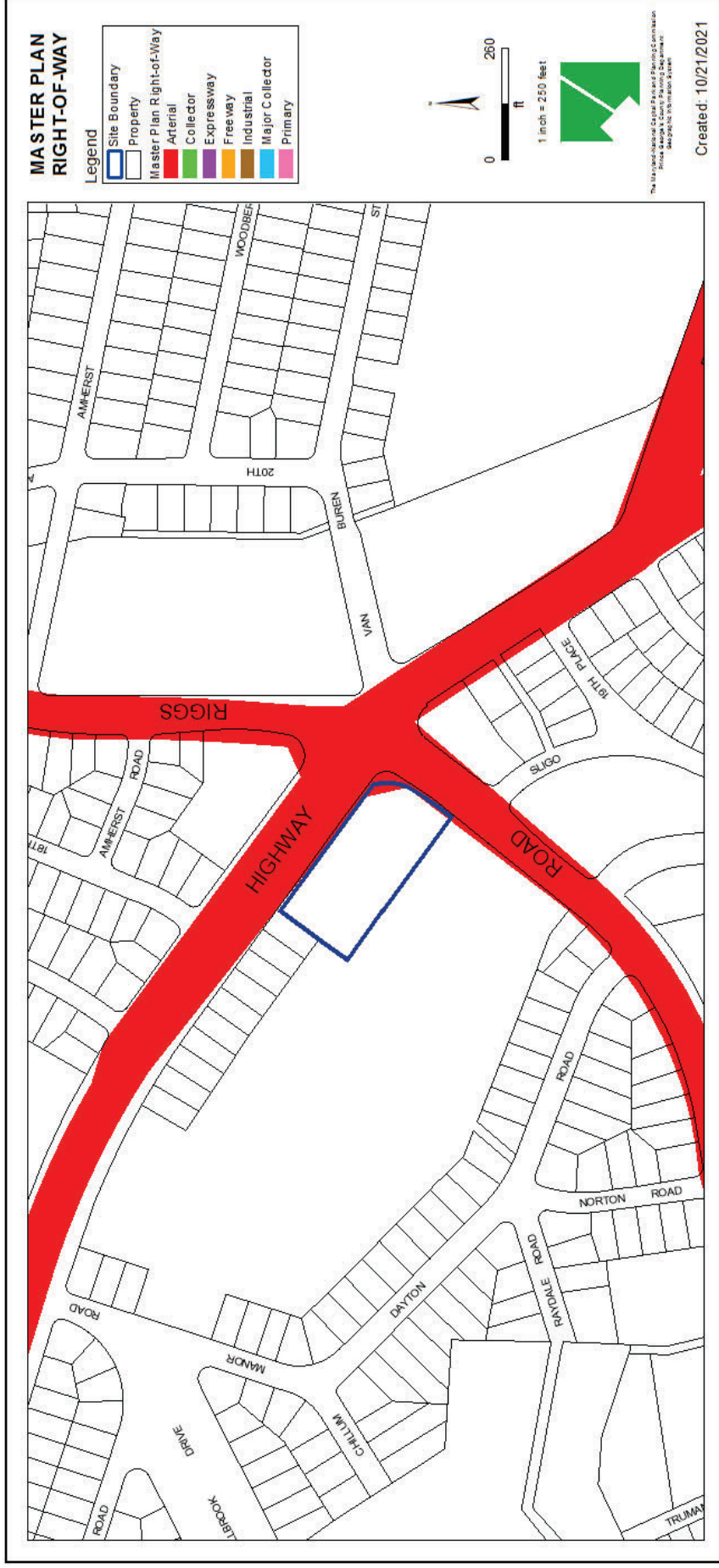


# AERIAL MAP





# MASTER PLAN RIGHT-OF-WAY MAP



# BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED









# PARKLAWN PARK CONCEPT PLAN





# LEFT AND RIGHT ELEVATIONS





# STAFF RECOMMENDATION

**APPROVAL with 2 Conditions**

**Major/Minor Issues:**

- No Major Issues

**Applicant Community Engagement:**

- Informational Mailing: 4/6/2021
- Acceptance Mailing: 11/5/2021
-

**STATEMENT OF JUSTIFICATION**  
**SE-4846**  
**Royal Farms #393 East West Highway (Hyattsville)**

**OWNER:** Child Care Properties Limited Partnership  
c/o Nellis Corp  
7811 Montrose Road, Suite 420  
Potomac, Maryland 20854

**APPLICANT:** RF East West Hyattsville, LLC  
d/b/a Royal Farms  
3611 Roland Avenue  
Baltimore, Maryland 21211

**ATTORNEY/AGENT:** Matthew C. Tedesco, Esq.  
McNamee, Hosea, Jernigan, Kim, Greenan & Lynch, P.A.  
6411 Ivy Lane, Suite 200  
Greenbelt, Maryland 20770  
(301) 441-2420 Voice  
(301) 982-9450 Fax  
MTedesco@mhlawyers.com

**CIVIL ENGINEER:** Bohler  
Attn: Joe DiMarco, P.E.  
16701 Melford Blvd., Ste. 310  
Bowie, Maryland 20715  
(301) 809-4500  
JDimarco@bohlereng.com

**REQUEST:** Pursuant to Sections 27-317, 27-355(a), and 27-358(a), a Special Exception is being filed to develop a food or beverage store in combination with a gas station in the C-S-C Zone.

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**I. DESCRIPTION OF PROPERTY**

1. Address – 1821 East West Highway, Hyattsville, MD 20783.
2. Use – Food or Beverage Store in combination with a Gas Station.
3. Incorporated Area – None.
4. Council District – 2.
5. Property – Parcel A.
6. Total Area – 1.9 Acres.
7. Tax Map/Grid – 41/C1.



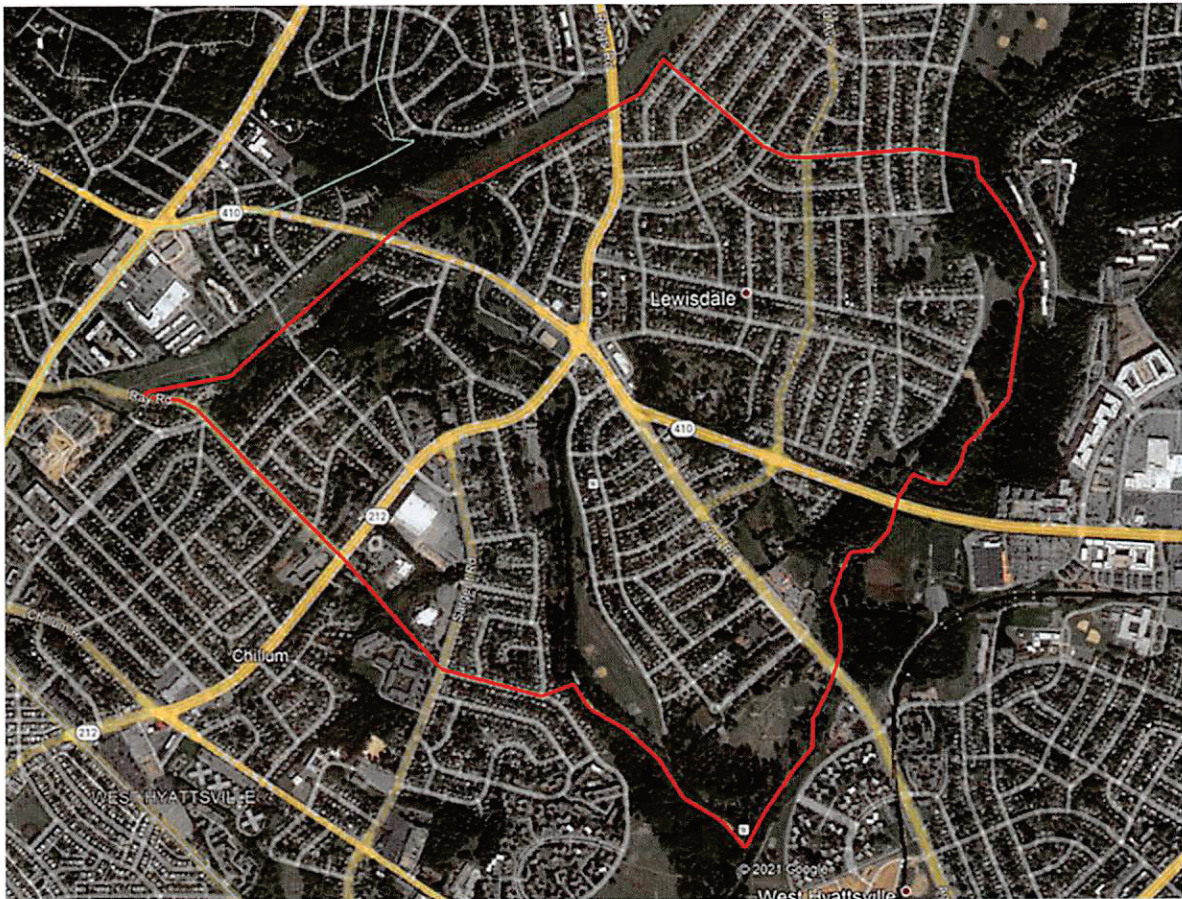
8. Location – The site is located on the southwest quadrant of the intersection of East-West Highway and Riggs Road.
9. Zoned: C-S-C.
10. 200 Sheet – 208NE02.

II. COMMUNITY/NEIGHBORHOOD

The subject property is located in the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Sectional Map Amendment for Planning Areas 65, 66 and 67*. The property is bounded to the north by East-West Highway and beyond by various commercial/retail use and single family residential in the C-S-C and R-55 Zones; to the east by Riggs Road and beyond by retail/commercial, residential apartments and single family residential in C-S-C, R-18 and R-55 Zones; to the south and west by Parklawn Park and single family residential in the R-O-S and R-55 Zones.

For zoning purposes, the applicant’s proposed neighborhood, as graphically depicted below, is defined by the following boundary:

- Northwest: PEPCo right-of-way
- Southwest: Ray Road & Sligo Creek
- East: Northwest Branch
- North: Drexel Street



The character of the community/neighborhood is generally a mix of residential and commercial/retail uses.

### III. APPLICANT'S PROPOSAL

The special exception boundary is currently improved with one building. The total area of the property (i.e., the boundary of the proposed special exception) is 1.9 acres, and is known as Parcels A, which is reflected on plat recorded in Plat Book WWW 17 at Page 79. Parcel A was developed circa 1960s as a shopping center. The subject property contains approximately 15,301 square feet of existing development. The structure on the subject property (i.e., within the boundary of the special exception area) is proposed to be razed and replaced with a 5,154 square foot food or beverage store and eight (8) multi-product fueling dispensers to accommodate a new and modern Royal Farms.

A Royal Farms is unique in that it offers various convenience needs to its patrons and serves as a food and beverage store, a quasi-eating or drinking establishment (with indoor and outdoor seating), and offers the retail sale of gasoline. It is incorrect to broadly label a Royal Farms as a "gas station" or service station. This is especially true given the definition of a "gas station" in the Zoning Ordinance<sup>1</sup> does not accurately capture or define Royal Farms.

Regarding Royal Farms, its mission is "To Be the Best." The proposed development will include a 5,154 square foot food and beverage store, indoor and outdoor seating, and eight (8) multi-product gas dispensers, which will facilitate the development of this property with a modern and attractive commercial retail development that satisfies the needs of the modern consumer. The proposed project will result in a new attractive development that will use sustainable building materials; will utilize environmental site design techniques to the fullest extent practical; will add attractive landscaping; will provide for the convenience needs of the surrounding community; will create jobs for the local economy; and will increase the County's tax base.

#### Design Features

The site plan proposes a total of two points of vehicular access, all of which are full access entrances. Currently, there are two points of access on East-West Highway; however, with the proposed redevelopment, the applicant is proposing to consolidate these two access points into one access on East-

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<sup>1</sup> (99) Gas Station (Automobile Filling Station): (A) A "Building" or "Lot" having pumps and storage tanks, where the primary "Use" is the retail sale of motor vehicle fuels. No storage or parking space shall be offered for rent. Vehicle-related services may be offered incidental to the primary "Use," such as:

- (i) Sales and servicing of spark plugs, batteries, and distributors and distributor parts; tune-ups;
  - (ii) Tire servicing and repair, but not recapping or regrooving;
  - (iii) Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
  - (iv) Washing and polishing, and sale of automotive washing and polishing materials;
  - (v) Greasing, lubrication, and radiator flushing;
  - (vi) Minor servicing and repair of carburetors, fuel, oil and water pumps and lines, and minor engine adjustments not involving removal of the head or crank case or racing the engine;
  - (vii) Emergency wiring repairs;
  - (viii) Adjusting and repairing brakes;
  - (ix) Provision of road maps and other information to travelers.
- (B) Services allowed at a "Gas Station" shall not include major chassis or body work; repair of transmissions or differentials; machine shop work; straightening of body parts; or painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in "Gas Stations."

West Highway. The other access point is proposed on Riggs Road (currently, there is one). The proposed site design places the primary gas station canopy, with four pump islands containing eight multi-product dispensers, and the food and beverage store parallel to the alignment of East-West Highway (a master planned arterial roadway). This design ensures that the gas pumps and food and beverage store are along East-West Highway, which is a heavily traveled arterial road, and a 20 foot landscape buffer and site design acts as a buffer to Parklawn Park. Surface parking is proposed abutting the front of the proposed store, and along the perimeters of the property to ensure safe and efficient on-site circulation. In addition, and more importantly, the proposed layout creates a safe environment for patrons utilizing all of the services offered by Royal Farms. Further, as an expert in the field and having designed numerous sites that are aesthetically pleasing and safe and efficient, the applicant very strongly contends that its layout will result in a very successful and high quality development.

The retail building for the Royal Farms is designed to reflect a somewhat rural aesthetic which is a trademark of Royal Farms. The new model has been constructed throughout Maryland and most recently in a number of locations throughout Prince George's County. The building design incorporates a band of composite siding at the top portion of the building, brick veneer in the middle, and stone veneer at the base of the building. The main entrance projects from the rest of the building and features two side entry points. The front elevation is accented with a shed-style roof over the main entrance supported by stone veneer and painted steel columns and topped with a cupola, and over-sized windows that help break up the horizontal mass. The rear elevation presents long uninterrupted bands of the composite siding, red brick and stone veneer, with one additional entrance to the store. The applicant is proposing one (1) twenty-five foot tall pylon signs with a decorative stone base on its frontage on East-West Highway, east of the site entrance.

There is no question that the proposed exterior building materials, which include stone, brick, and composite siding, are of notable quality and durability. The pumps and canopy are reflective of the architecture and materials of the main building. Due to the visibility of the pumps, canopy, and retail building, the design of these features are important and are of high quality. The quality of design is currently on display at many locations throughout the County. The applicant anticipates that the proposed development will have a similar positive impact to the County in the form of new jobs, reinvestment, increased taxes, etc. As evidenced by a number of previously approved detailed site plans, the applicant uses high end finishes, and designs a project that is often used as the model for other similar uses. Indeed, from 2006-2008, the applicant began to incorporate energy and water-efficient "green" building features, and by 2010, the applicant had fully embraced sustainability and has since incorporated sustainable building designs into its construction. Since 2010, all of the vegetable oil used to prepare Royal Farms' famous chicken has been converted into biofuel. The majority of materials are purchased locally, and over 85% of all waste from construction is recycled or repurposed.

Pursuant to Sections 27-317(a), 27-355(a) and 27-358(a), a Special Exception is being filed to develop a food or beverage store in combination with a gas station. As discussed in detail below, the applicant contends that all of the requirements for a special exception site plan have been met.

#### IV. CRITERIA FOR APPROVAL

##### **Section 27-317. Required findings.**

##### **(a) A Special Exception may be approved if:**

- (1) The proposed use and site plan are in harmony with the purpose of this Subtitle;**
- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;**

COMMENT: The plan complies with the general purposes of this Subtitle, and is in compliance with all requirements and regulations set forth in Subtitle 27. Specifically, a food or beverage store in combination with a gas station is a permitted use, subject to special exception approval in the C-S-C Zone and the proposal complies with the specific gas station and food or beverage requirements set forth in Sections 27-358(a) and 27-355(a), respectively.

Specifically, the general purposes of the Zoning Ordinance are found in Section 27-102. The instant Application satisfies the following purposes for the reasons provided:

*To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County.*

The use is one that serves the needs of all County residents that rely on their automobile as a means of transportation. The applicant will also be providing much needed stormwater management and landscaping that currently does not exist on site. Finally, the food or beverage store will provide citizens and patrons with a variety of food options to serve their needs in a convenient and expedited way. Indeed, the food options within a Royal Farms are very similar to grocery stores, but on a smaller scale to serve the convenient needs of the community. Food options are not limited to Royal Farms' famous fried chicken, but also include a number of other healthy food options throughout the store and on its menu. Accordingly, this purpose is met.

*To implement the General Plan, Area Master Plans, and Functional Master Plans.*

The 2014 General Plan ("Plan 2035") placed the property within the Established Communities Growth Policy Area. This proposal furthers Plan 2035's vision of context sensitive infill development. This proposal includes the co-location of two uses in combination with the other (a food or beverage store and gas station); accordingly, this purpose is satisfied.

*To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities.*

Redevelopment of the subject property in the manner proposed will have no negative impact on the public facilities within the area since there will be few additional vehicular trips and no other public facility is impacted by the uses. Indeed, because the redevelopment proposes to consolidate four existing access points onto East-West Highway into one, the transformational public facility for safe and efficient access is being served.

*To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development.*

The gas station and food or beverage store are to be developed in accordance with all applicable laws concerning screening and buffering, and the photometric plan will not impact adjacent uses. This purpose is, therefore, met.

*To encourage economic development activities that provide desirable employment and a broad, protected tax base/to ensure the social and economic stability of all parts of the County.*

The uses ensure that a certain number of jobs will be provided and that commercial property taxes will be increased and paid into the County's coffers. Moreover, the redevelopment of the property, with a new modern commercial development, will result in higher tax assessments, which will encourage economic

redevelopment; not to mention the additional tax revenue that will be created by the co-location of the uses in the form of sales tax and gasoline tax.

*To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions.*

The proposed uses will bring a relatively small number of additional trips to the site, as most vehicle trips associated with the proposed use are pass-by trips that are already on the road networks. As mentioned previously, the reduction of entrances along East-West Highway into the site will also lessen the danger and congestion of traffic in that area. Although the use is an auto-oriented use, accommodations for pedestrian and bicyclists – in the form of sidewalks and crosswalks – are being accommodated.

The purposes of the commercial zones found in Sections 27-446 and 454 are also met since the two uses provide convenience to the residents and businesses in the area; there will be sufficient buffering and screening to lessen any impact upon adjacent uses; the uses meet the intent of the General and Sector Plans (as discussed below); and, the new uses are more compatible with the other commercial uses at the neighboring intersection and are compatible with general retail uses.

Accordingly, the provisions of Section 27-317(a)(1) are met.

- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;**

COMMENT: SE-4846 conforms to this finding. The Approved Prince George’s County General Plan, Plan 2035, places the property within Established Communities Growth Policy, which recommends context-sensitive infill development. The proposed development is infill of an existing development that is predominately vacant and development decades ago. The 1989 Master Plan recommended “Retail Commercial” land use for the subject property and the surrounding commercial cluster, and the SMA rezoned the subject property from the obsolete C-1 Zone to the C-S-C Zone. The property is in the “Chillum-Takoma Park” community. In the “Commercial Areas and Activity Centers” element, the plan noted, “Other Strip Commercial Areas, as retail and other commercial uses exist along New Hampshire Avenue, Greenbelt Road, Riggs Road, Sargent Road and Chillum Road. May of the recommendations proposed for the U.S. Route 1 commercial strip are applicable to these areas and should be considered during planning of any improvements or additions or while reviewing any zoning, special exception or subdivision applications.” (Page 104). Again, the property is located in the C-S-C Zone, and the use is permitted subject to a special exception. At the time of ZHE hearing, the applicant also intends to provide a Land Planning Report from an expert Land Planner, which will further supplement this finding

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

COMMENT: SE-4846 provides for a safe internal circulation for vehicles and pedestrians, as well as a safe ingress and egress of vehicles from East-West Highway and Riggs Road. The applicant is proposing to reduce the number of access points along East-West Highway from two to one, which will create a far safer environment for the citizens, pedestrian, and motorists in the area and the public traveling on East-West Highway. The uses will be developed in a context sensitive manner; will provide up to date stormwater management; and will provide convenience goods to the traveling public and residents/workers in the area. Also, since the food choices within a Royal Farms are similar to that of a grocery store, just in a more convenient – grab and go – format. Healthy food options are available if desired. Accordingly, it will not adversely affect the health, safety, or welfare of residents/workers in the area, nor be detrimental to the use

or development of adjacent properties or the general neighborhood. Finally, all other required Federal, State, and County regulations regarding fuel dispensing and the underground storage tanks will be met.

- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**

COMMENT: SE-4846 is to develop a food or beverage store in combination with a gas station. As provided on the site plan filed in conjunction with this application, the proposed use will not be detrimental to the development of the adjacent properties, but will enhance the existing uses by supplementing them with this co-located service. By making this use a permitted use in the C-S-C Zone, subject to the approval of a special exception, a determination has already been made that the use is prima facie compatible with the neighborhood, and, as provided in the additional studies and site plans filed in conjunction with the application, no adverse impacts associated with the proposed use will exceed those inherent to said use.

- (6) The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan; and**
- (7) The proposed site plan demonstrates 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).**

COMMENT: A Natural Resources Inventory Equivalency Letter (NRI-012-2021) and Woodland Conservation Letter of Exemption (S-014-2021) were approved for the property due to the fact that no regulated environmental features are located on the property or no on-site regulated environmental features will be impacted and the property contains less than 10,000 square feet of woodland. These findings have been met. The Site Development Concept Plan for this project has been assigned Case Number 1747-2021-0.

- (b) In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:**
  - (1) Where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or**
  - (2) Where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.**

COMMENT: SE-4846 is not located within a Chesapeake Bay Critical Overlay Zone, this finding does not apply.

#### C-S-C ZONE REQUIREMENTS

The proposed food or beverage store is a permitted use in the C-S-C Zone. The inclusion of a gas station is permitted subject to the approval of a special exception in the C-S-C Zone. Specifically, the application complies with Section 27-358 as follows:

#### **Section 27-358**

- (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;**

COMMENT: The subject property is has frontage on two roads, and has approximately 370 linear feet of frontage along East-West Highway and approximately 200 linear feet of frontage on Riggs Road. SE-

4846 proposes one access point on East-West Highway, which has a right-of-way width that measures approximately 150 feet, and is designated as a master planned arterial (A-15). One access point is proposed on Riggs Road, which has a variable width right-of-way width of approximately 100 feet, and is designated as a master planned arterial (A-12).

- (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;**

COMMENT: Adjacent to the subject property is the Parklawn Park, which is a 15 acre park (N72) located at 1601 East-west Highway, Hyattsville, Maryland 20783, and owned by the Maryland-National Capital Park and Planning Commission. The Commission property has vehicular access from both East-West Highway and Riggs Road and is currently improved with a playground, two picnic benches, a one-story brick and mortar enclosed building, a trail, field, parking lot, roadways, and other natural amenities. As such, the existing playground triggers this provision and the need to address the same.

For more than two years, the applicant and the Commission have been working on a comprehensive master plan for the redevelopment of and improvements to Parklawn Park, which was commissioned by the applicant and reviewed by the Department of Parks and Recreation. The park concept master plan sets forth a variety of amenities and improvements to the park facility that include improvements to the entrance to the park from East-West Highway and Riggs Road; improvements to the existing field; re-pave and realign the existing paved asphalt trail; creation of ten (10) additional parking spaces; and providing ornamental fencing. The improvements also include the removal of the playground.

It is expected that the improvements, including the removal of the playground, will go through a mandatory referral process with the Planning Department and an RFA between the Commission and the applicant will be executed to memorialize and bind the parties to the requirements associated with the park improvements. The RFA, among other things, will require the removal of the playground should SE-4846 be approved and the applicant actually proceed with the project. Consequently, since there is an agreement in place that will be formalized with an RFA regarding the ultimate removal of the playground, the applicant contends that the provisions of Section 27-358(a)(2) are met.

- (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.**

COMMENT: There will be no display or rental of cargo trailers, trucks, or similar uses, and a note to this effect is provided on the site plan.

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

COMMENT: The applicant will not store motor vehicles at the subject property, and note to this effect is provided on the site plan.

- (5) Access driveways shall not be less than 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 Public Works and Transportation, whichever is applicable, and shall be constructed in accordance with the minimum standards required by the County Road Ordinance or the 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 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 12 feet from the side or rear lot line of any adjoining lot.**

COMMENT: This proposal provides for a total of two access driveways: one 35' wide access driveway onto East-West Highway, and one 35' wide access driveway onto Riggs Road. All proposed driveways are more than 20' from the point of curvature. The driveways are at least 12 feet from the side or rear lot line of any adjoining lots.

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

COMMENT: As shown on the special exception site plan submitted in conjunction with this application, the access driveways are defined by curbing.

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

COMMENT: An 12' 4" wide sidewalk is provided along the western sides of the proposed building, a 6' wide sidewalk is provided along the eastern and southern side of the proposed building, and a 12' wide sidewalk along the northern side of the proposed building is provided; all of which will serve pedestrian traffic and allow pedestrians to move safely between the parking field(s) and the store. Finally, there is an existing sidewalk along the frontage of both East-West Highway and Riggs Road.

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

COMMENT: This criteria is met. All gasoline pumps and service appliances are located more than twenty-five (25) feet behind the street lines. Indeed, the gasoline pumps are approximately 78' from East-West Highway, and approximately 60' from Riggs Road.

**(9) Repair service shall be completed within forty-eight (48) hours after the vehicle 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 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 landscape material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan; and**

COMMENT: There is no vehicle repair service proposed.

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

COMMENT: Architectural elevations for the proposed store and gas canopy have been submitted in conjunction with the special exception site plan. The applicant believes that the architectural character of the proposed store, gas canopy, and pump islands (with the use of brick, stone and metal) will be consistent with the surrounding development/community, and is compatible with the commercial character of the area.

**(b) In addition to what is required by section 27-296(c), the site plan shall show the following:**

**(1) The topography of the subject lot and the abutting lots (for a depth of at least fifty (50) feet;**



- (2) The location and type of trash enclosure; and**
- (3) The location of exterior vending machines or vending area.**

COMMENT: The site plan submitted in conjunction with this application shows the topography of the subject property as well as the topography of the abutting property for a depth of at least 50 feet. The location and the type of the trash enclosure to serve the site are shown on the site plan west of the proposed store and are reflected on the detail sheets, respectively. There are no vending machines proposed.

- (c) Upon abandonment of the gas station, the Special Exception shall terminate and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this subsection, the term “abandonment” shall mean nonoperation as a gas station for a period of fourteen (14) months after the retail services cease.**

COMMENT: The applicant will comply with this provision, if even applicable.

- (d) The District Council shall find that the proposed use:**
  - (1) Is necessary to the public in the surrounding area; and**
  - (2) Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.**

COMMENT: The Zoning Ordinance and the County Code do not define the term “necessary.” However, undefined words or phrases shall be construed according to common usage, while those that have acquired a particular meaning in the law shall be construed in accordance with that meaning. (Prince George’s County Code, Section 27-108.01(a)). Webster’s New World Dictionary (2nd College Edition) defines necessary as “essential” and “indispensable.” In *Brandywine Enterprises, Inc. v. County Council*, 117 Md. App. 525, 540 (1997), the Court of Special Appeals addressed the definition of “necessary” in the County’s Zoning Ordinance as it relates to rubble fills and noted that “‘necessary’ . . . means necessary rather than reasonably convenient or useful.” The Court went on to note that the best method for determining need for a rubble fill would be to assess whether there would be an actual deficit of capacity. In a case involving liquor licenses, *Baltimore County Licensed Beverage Association, Inc. v. Kwon*, 135 Md. App. 178, 194 (2000), the Court of Special Appeals held that the meaning is dependent upon the context in which “necessary” is used. The Court then found that “‘necessary,’ in this instance, means that the transfer of the liquor license to the transfer site will be ‘convenient, useful, appropriate, suitable, proper, or conducive’ to the public in that area.” The District Council has determined that the proper standard to apply in the review of the instant request is whether the gas station will be “convenient, useful, appropriate”, etc., given the nature of the use.

The subject gas station will be located along a busy commuter route in the County and within close proximity to densely populated residential development (including a number of multifamily buildings) and employment areas. Therefore, the proposed gas station will be reasonably convenient to residents and workers in the area. Furthermore, the use will not unduly restrict the availability of land in that the proposed station is being developed on land that is currently developed with a commercial use.

The practice of co-locating a gas facility with a food or beverage store arises from the appropriateness of a site with high vehicular traffic for both gas and food or beverage uses. Not to mention, it responds to the modern consumers desire to have a one-stop shop for its convenience needs. The combination of uses has the added benefit for providing for increased vehicular trip efficiency by allowing customers to expediently combine trips and minimize traffic on the roads. In other words, the combining of a food or beverage store with a gas station makes the combined uses reasonably convenient for the consumer. There is no debate that combining a gas component with the existing food or beverage store, at this location, is convenient,

useful, suitable, appropriate or conducive to the public in that area. Furthermore, the use will not unduly restrict the availability of land in that the proposed station is being developed on land is already developed. Finally, in further support of the gas station being convenient or useful, the applicant has included a Market Study from Valbridge Property Advisors dated July 20, 2020. Moreover, the applicant, given its own internal analysis contends that demand in the market area exists and that the addition of a gas station will be useful to the area.

In addition, although the food or beverage store is a permitted use in the C-S-C Zone, it is worth mentioning that it too meets the criteria for special exception approval set forth in Section 27-355 of the Zoning Ordinance as follows:

**Section 27-355. Food or beverage store.**

**(a) A food and beverage store may be permitted, subject to the following:**

- (1) The applicant shall show a reasonable need for the use in the neighborhood;**
- (2) The size and location of, and access to, the establishment shall be oriented toward meeting the needs of the neighborhood;**

COMMENT: It is well established that this criterion requires that an applicant demonstrate that a proposed food or beverage store is reasonably convenient, useful, appropriate, etc. That is, the holdings regarding Section 27-358(d)(1) have also been held to apply to the requirements in Section 27-355(a)(1) concerning Food or Beverage Stores since “need” has been similarly defined. *See Lucky Stores, Inc. v. Board of Appeals*, 270 Md. 513, 517, 32 A. 2d 758, 766 (1973), *citing Neuman v. Mayor & Council of Baltimore*, 251 Md. 92, 246 A. 2d 583 (1968) (“Need ... must be considered as elastic and necessary ... [and] does not mean absolute necessity...”). As provided in the Market Analysis, and supported by the practice of collocation of gas facilities with food or beverage stores, the need for the later make the former reasonably convenient or useful. Further the proposed size of the new facility is appropriate for the site and conforms to the applicable regulations in the C-S-C Zone. The size and location of the new building, as well as access points to the food or beverage store are oriented toward meeting the needs of the neighborhood.

In further support of the required finding, the applicant has also provided a Market Study from Valbridge Property Advisors dated July 20, 2020.

- (3) The proposed use shall not unduly restrict the availability of land, or upset the balance of land use, in the area for other allowed uses;**

COMMENT: As indicated above and supported by the site plan filed in conjunction with this application, the food or beverage store with the combined gas station facility, will not restrict the availability of land or upset the balance of land use in the area. SE-4846 proposes access driveways on East-West Highway and Riggs Road.

- (4) In the I-1 and 1-2 Zones, the proposed use shall be located in an area which is (or will be) developed with a concentration of industrial or office uses;**

COMMENT: The subject property is located within the C-S-C Zone; therefore, this criterion does not apply.

- (5) The retail sale of alcoholic beverages from a food and beverage store approved in accordance with this Section is prohibited; except that the District Council may permit an existing use to be relocated from one C-M zoned lot to another within an urban renewal area established pursuant to the Federal Housing Act of 1949, where such use legally existed on the lot prior to its classification in the C-M Zone and is not inconsistent with the**

**established urban renewal plan for the area in which it is located.**

COMMENT: Alcoholic beverages will not be sold within the proposed food or beverage store.

V. CONCLUSION

Based on the foregoing, as well as the special exception site plan filed in conjunction with this application, the applicant respectfully requests the approval of SE-4846 in order to develop a food or beverage store in combination with a gas station.

Respectfully submitted,

**MCNAMEE HOSEA, P.A.**



By: \_\_\_\_\_  
Matthew C. Tedesco, Esq.

Date: October 7, 2021



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

## MEMORANDUM

DATE: January 3, 2022

TO: Thomas Sievers, Senior Planner  
Zoning Section  
Development Review Division  
Planning Department

VIA: Sonja Ewing, Land Acquisition, Planning Program Manager *SME*  
Park Planning and Development Review Division  
Department of Parks and Recreation

FROM: Paul J. Sun, Land Acquisition Specialist *PJS*  
Park Planning and Development Review Division  
Department of Parks and Recreation

SUBJECT: **SE-4846- Royal Farms #393**

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The Department of Parks and Recreation (DPR) staff has reviewed and evaluated the requested Special Exception request for conformance with the requirements and regulations of: approved 1989 Approved Master Plan for Langley Park-College Park- Greenbelt and Vicinity and Sectional Map Amendment for Planning Areas 65, 66 and 67, the Formula 2040: Functional Master Plan for Parks, Recreation and Open Space, and the Land Preservation, Parks and Recreation Program (LPPRP) for Prince George's County and the Prince George's County Zoning Ordinance (Subtitle 27), as they pertain to public parks and recreation.

### BACKGROUND & ANALYSIS

The property is bounded to the north by East-West Highway and beyond by various commercial/retail use and single family residential in the C-S-C and R-55 Zones; to the east by Riggs Road and beyond by retail/commercial, residential apartments and single family residential in C-S-C, R-18, and R-55 Zones; to the south and west by Maryland-National Capital Park and Planning Commission (M-NCPPC) property (Parklawn Park Building) and single family residential in the R-O-S and R-55 Zones.

The purpose of this Special Exception is to develop the subject property with food or beverage store and eight (8) multi- product fueling dispensers to accommodate a new and modern Royal Farms store.

As noted above, the subject property directly abuts Parklawn Park Building to the south and west. The is a 15-acre M-NCPPC operated park which contains a playground, picnic benches, a one-story

community building with a parking lot, the master planned Sligo Creek trail, and open play fields. Vehicular access to the existing park is from East-West Highway, approximately 1,000 feet west of the subject property.

Section 27-358 (a) (2) of the Prince George's County Zoning Ordinance permits a food or beverage store. The inclusion of a gas station may be permitted subject to the approval of a special exception, provided that: *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.*

As the applicant has stated, they have been discussion with The Department of Parks and Recreation (DPR) regarding the playground for some time now. DPR staff has analyzed the playground facility and determined that the existing playground is not heavily used (perhaps due to its poor location) and that other facilities or replacement amenities would better serve the Park and its patrons. The existing playground is in fact, towards the end of its useful life and will be slated for replacement or removal in the near term. The site has been evaluated for opportunities for redesign consistent with its use as a linear park due to the trail facility and stream located onsite.

The applicant has proffered considerable Park improvements and amenities, to mitigate for the loss of the existing playground. The applicant and DPR have reached an agreement in principle and the playground will be removed should the Special Exception be approved. The new Park amenities and improvements are currently being designed in consultation with DPR staff. DPR staff and the applicant are reviewing both the proposed Royal Farms and Parklawn Park Building designs together so that the final developments for each will be compatible and harmonious with each other.

As part of our concepts review, DPR staff recommends that there be no direct connection from the proposed Royal Farms store to the Park, especially along the southwest corner of the subject property. The corner of the property contains the dumpster and loading areas for the store and will contain a landscaped bufferyard. We recommend that in addition to the landscaping, a black vinyl-clad chain link fence (4' high at a minimum) be added along the property line to discourage the cut-through of the store patrons to our park. Appropriate locations for park entry are identified.

As we complete the final design for the new park amenities and park improvements, the applicant will enter into a Recreational Facilities Agreement (RFA) with DPR to ensure that the new facilities and amenities will be constructed, along with the removal of the playground.

with the project. Consequently, since there is an agreement in place that will be formalized with an RFA regarding the ultimate removal of the playground, the applicant contends that the provisions of Section 27-358(a)(2) are met.

**Summary:**

In summary, DPR staff has no further issues with the applicant's request to develop a Royal Farms on the subject property. With execution of the RFA for additional park facilities and playground removal, Section 27-358 (a) (2) of the Prince George's County Zoning Ordinance will be met. DPR staff recommends approval of the Special Exception subject to the following condition:

1. The existing playground at Parklawn Park Building shall be removed prior to the issuance of a Building Permit for the proposed Royal Farms.

Countywide Planning Division  
Environmental Planning Section

301-952-3650

May 6, 2022

**MEMORANDUM**

**TO:** Dominique Lockhart, Planner II, Zoning Section, DRD

**VIA:** Thomas Burke, Supervisor, Environmental Planning Section, CWPD *TB*

**FROM:** Marc Juba, Planner III, Environmental Planning Section, CWPD *MJ*

**SUBJECT: SE-4846, Royal Farms 393**

The Environmental Planning Section (EPS) has reviewed the special exception (SE-4846) submitted for Royal Farms 393, electronically stamped as received on November 15, 2021. Comments were delivered to the applicant at the Subdivision and Development Review Committee (SDRC) meeting on December 10, 2021. Revised plans and documents in response to these comments were accepted for review on April 22, 2022. The EPS recommend approval, subject to no conditions.

**Background**

The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan or Natural Resources Inventory #	Authority	Status	Action Date	Resolution Number
NA	NRI-012-2021	Staff	Approved	1/19/2021	NA
NA	S-014-2021	Staff	Approved	1/19/2021	NA
SE-4846	NA	Planning Board	Pending	Pending	Pending

**Proposed Activity**

The current application is a SE for a food and beverage store, in combination with a gas station.

**Grandfathering**

The project is subject to the environmental regulations of Subtitle 25 and 27 that came into effect on September 1, 2010, and February 1, 2012, because there are no previous development application approvals.

### **Site Description**

The subject application area is 1.90 acres. The current zoning for the site is Commercial, General and Office (CGO); however, the applicant has opted to apply the zoning standards to this application that were in effect prior to April 1, 2022, for the Commercial Shopping Center (C-S-C) Zone, located in the southwest quadrant of the intersection of MD 410 (East West Highway) and Riggs Road. The site has frontage on both MD 410 and Riggs Road, both of which are designated as master planned arterials. The roads are not identified as scenic or historic roadways.

### **Master Plan Conformance**

#### ***Prince Georges Plan 2035***

The site is located within the Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map, as designated by *Plan Prince George's 2035 Approved General Plan*, and the Established Communities of the General Plan Growth Policy (2035).

#### ***1989 Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and the 1990 Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67***

The site is in the *1989 Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and the 1990 Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67*. The Master Plan does not indicate any environmental issues associated with this property.

#### ***Countywide Green Infrastructure Plan***

The majority of this property is located outside of the designated network of the *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan* (May 2017). A small strip of property located along the southern boundary of the site (approximately 20 feet in width at its widest) is mapped within the regulated portion of the network. However, aerial imagery from PGAtlas shows that the site has been entirely developed since 1965 with a building, parking lot, and existing paving covering the entire site.

The site was entirely cleared, graded, and developed prior to the enactment of the Woodland and Wildlife Habitat Conservation Ordinance (WCO).

### **Environmental Review**

#### **Natural Resources Inventory/Existing Conditions**

The site has an approved Natural Resources Inventory Equivalency Letter (NRI-012-2021). According to PGAtlas, this site is fully developed and is not associated with any regulated environmental features (REF), such as streams, wetlands, or associated buffers. However, according to approved floodplain study (FPS 202107), approved by the Department of Permitting, Inspections, and Enforcement (DPIE), the southeastern corner of the site is within the existing 100-year floodplain. This area of floodplain is within the primary management area (PMA) associated with a stream, located to the south of the site.

According to PGAtlas, this site is fully developed. According to the Sensitive Species Project Review Area (SSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP), there are no rare, threatened, or endangered (RTE) species found to occur on or near this property. This site is in the Middle Potomac watershed, which flows into the Anacostia River.

### **Woodland Conservation**

The site is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property contains less than 10,000 square-feet of woodland and has no previous tree conservation plan (TCP) approvals. A standard letter of exemption from the WCO was issued for this site (S-014-2021), which expires on January 19, 2023. No additional information is required regarding woodland conservation.

### **Preservation of Regulated Environmental Features/Primary Management Area**

This site contains REF that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the prior Subdivision Ordinance. The on-site REF includes the 100-year floodplain.

Section 24-130(b)(5) of the prior Subdivision Ordinance states: "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of REF in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All REF shall be placed in a conservation easement and depicted on the final plat."

Impacts to the REF should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management (SWM) facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the REF. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

A letter of justification (LOJ) for the proposed impacts was date stamped as received on March 11, 2022. Only the southeastern corner of the property is within the 100-year floodplain. This feature comprises the entire PMA on the subject property in accordance with the prior Subdivision Ordinance.

The letter requests the validation of 0.21-acre (9,037 square-feet) of on-site existing impacts to the PMA for the removal and replacement of an existing parking lot, and for the installation of an underground SWM facility with associated water conveyance piping. Additional off-site impacts along the surrounding rights-of-way are also proposed for utilities and road improvements.



An exhibit was submitted, along with a letter, showing that the proposed use is for the general redevelopment of the site, including all associated infrastructure. Staff support this proposed impact since the site is already developed, and because the proposed redevelopment will require SWM approval with the required floodplain controls. This will lead to improved water quality over what exists on-site.

A copy of an approved floodplain waiver (202107) from DPIE dated June 14, 2021, was submitted with this application.

### **Soils**

The predominant soils found to occur, according to the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Urban land, and Russett-Christiana-Urban land complex, (0-5 percent slopes).

No unsafe soils containing Marlboro clay have been identified on or within the immediate vicinity of this property. Unsafe soils containing Christiana complexes are mapped only a small portion of the western property boundary; however, since the underlying soils are mapped as Urban Land and have been previously developed, they are not considered a significant issue for the development of this site. Much of the site is flat with limited steep slopes along the southern property boundary. DPIE may require a geotechnical report at later stages of review prior to permit.

### **Stormwater Management**

An unapproved SWM Concept Plan (Case #1747-2021) from DPIE was submitted with this application. The unapproved plan proposes to manage stormwater through the use of swales, sand filters, and an underground facility.

### **Summary of Recommended Findings**

The EPS has completed the review of SE-4846, and recommend approval, subject to the following finding:

#### **Required Finding**

1. The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible, based on the plans submitted.

If you have any questions concerning these comments, please contact me at [marc.juba@ppd.mncppc.org](mailto:marc.juba@ppd.mncppc.org).



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco

Countywide Planning Division  
Transportation Planning Section


301-952-3680

May 6, 2022

## **MEMORANDUM**

TO: Dominique Lockhart, Subdivision Section, Development Review Division

FROM: Benjamin Ryan, Transportation Planning Section, Countywide Planning Division

VIA:  William Capers III, PTP, Transportation Planning Section, Countywide Planning Division

**SUBJECT: SE-4846: Royal Farms #393**

### **Proposal:**

The subject application seeks to raze an existing building and replace it with a food and beverage store (specifically a Royal Farms) and a gas station. Specifically, the applicant proposes a 4,649 square-foot food and beverage store along with eight fueling dispensers. The property is located within the western quadrant of the intersection of East-West Highway and Riggs Road. Please note that the Special Exception application is subject to and was reviewed using the standards of Section 27 of the prior Zoning Ordinance.

### **Prior Conditions of Approval:**

There are no prior conditions of approval on the subject property.

### **Master Plan Compliance**

This application is subject to 2009 *Approved Countywide Master Plan of Transportation* (MPOT).

### **Master Plan Roads**

The subject property fronts East-West Highway (MD-410; MPOT Route ID #A-15) along its northern border and Riggs Road (MD-212; MPOT Route ID #A-12) along its eastern border. The MPOT recommends East-West Highway as a 4-6 lane arterial roadway constructed within 100-120 feet of right-of-way. The MPOT recommends Riggs Road as a 6-lane arterial roadway constructed within 120-feet of right-of-way. Both roadways fronting the subject property fall within the *1989 Langley Park – College Park – Greenbelt Approved Master Plan and Adopted Sectional Map Amendment* which recommends similar improvements. No additional right-of-way dedication is sought along either of these roads.

### **Master Plan Pedestrian and Bike Facilities**

The 2009 Approved Countywide Master Plan of Transportation (MPOT) recommends the following facilities:

Planned Bicycle Lane: East-West Highway and Riggs Road

### Hard Surface Trail: Sligo Creek Trail

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

**Comment:** The applicant's submission displays a bicycle lane along the subject property's frontage of Riggs Road, subject to Maryland State Highway Administration (SHA) approval. Staff supports the design of this facility as depicted on the site plan. While the subject property's frontage of East-West Highway is also a planned bicycle lane per the MPOT, staff does not find the current lane configuration and available right-of-way to be suitable for a bicycle lane at this location. SHA can require the construction of the master plan recommended bicycle lane along this portion of East-West Highway as appropriate, or it may be installed by SHA as part of a future roadway repaving or capital improvement project.

Additionally, a portion of the Sligo Creek Trail has already been constructed to the immediate south and west of the subject property. This trail originates along Riggs Road south of the site and runs west-northwest, where it connects to East-West Highway, providing an additional pedestrian connection between the subject property to both roads.

### **Transportation Planning Review**

#### **Zoning Ordinance Compliance**

Section 27-317 of the Prince George's County Zoning Ordinance (Ordinance) details the required findings for a special exception. For the purposes of transportation review, Section 27-317 (a) (3) is copied and analyzed below:

(a) A special exception may be permitted if:

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan.

**Comment:** The subject property falls with the *1989 Langley Park – College Park – Greenbelt Approved Master Plan and Adopted Sectional Map Amendment*. Pages 137-140 contain a series of guidelines related to circulation and transportation. Guidelines 17 and 21 are copied below:

17. A system of trails and walks for pedestrians, bicyclists and equestrians should be developed to connect neighborhoods, recreation areas, commercial areas, employment areas, and Metro stations.

21. As the local road system is expended and improved, bikeways should be incorporated in new highway designs, consistent with proposals in the Trails Plan and in this Master Plan.

Staff finds that the proposed uses do not impair the ability to make transportation related recommendations that are supported by an approved Master Plan or Functional Master Plan. In this case, staff has requested the installation of a bicycle lane on the subject property's frontage of Riggs Road, per MPOT recommendations. Additionally, staff believes that the recommendations for a bicycle lane is consistent with the Sector Plan guidelines 17 and 21 listed above.

In regard to circulation, the current configuration of the site allows for two points of vehicle access along East-West Highway and an additional point of access along Riggs Road. The applicant's submission seeks to close the eastern most point of access along East-West Highway, thereby consolidating points of access to one point along each road frontage. Staff supports this design feature.

The applicant's submission includes a "Stop & No Left Turn" sign for vehicles egress at the access driveway along East-West Road. Staff supports the restricted movements at this location, but requests that the applicant provide a detailed sheet of the sign at the time of building permit. The point of vehicle access along Riggs Road functions as a right-in/right-out due to the center median which is currently in place along Riggs Road.

The proposed use results in a requirement of 58 onsite parking spaces and one loading space. The applicant's submission displays 63 parking spaces and one loading space. Staff finds the parking to be in conformance with the zoning ordinance.

Per staff request, the applicant has submitted a trip generation analysis comparing the proposed use for a convenience store/ gas station with the current uses. The analysis uses the Institute of Transportation Engineers (ITE) Trip Generation Manual 11<sup>th</sup> Edition. The applicant analyzed trips generated using 4,655 SF of convenience store/ gas station use which resulted in the generation of 102 AM peak period trips and 88 PM peak period trips. As a point of comparison, the applicant supplied trip generation for current uses which include 1,767 SF of retail use, 3,534 SF of fast food without drive-thru use, and 10,000 SF of pharmacy without drive-thru use, which resulted in 114 AM peak period trips and 113 PM peak period trips. Based on the results of the trip generation analysis, the site will generate fewer trips than the current uses onsite, and therefore will not have an impact to the existing road network. While the subject property does not fall under the purview of an approved preliminary plan of subdivision and therefore is not held to AM and PM peak-hour trips, staff finds the applicant's trip generation analysis to be suitable for the purposes of a special exception.

The applicant has also provided truck turning plans that shows truck access and circulation within the site, as well as access to the location of the underground gas tanks, which staff finds to be suitable. The truck turning plans show that trucks maneuvers to the fueling tanks onsite are sufficient. However, the trunk turning plans do not indicate how trucks will access the loading zone

area, located directly west of the proposed convenience store. Staff believes that the loading area is adequate, and the site provides sufficient space for truck movements to the proposed loading area.

Lastly, regarding pedestrian circulation and facilities, a sidewalk is displayed surrounding the entirety of the building as well as along the subject property's frontage of East-West Highway and Riggs Road. Parking is shown along the north and east frontages of the new building, as well as along the north, east, and south frontages of the site. A continental style crosswalk is displayed at both points of vehicle entry. As discussed, a loading area is located to the west of the new building. Bicycle parking is provided directly adjacent to the proposed building. Staff request the applicant provide a detail sheet for the bicycle parking racks.

**Conclusion:**


Overall, from the standpoint of The Transportation Planning Section it is determined that this plan is acceptable if the following conditions are met:


1. Prior to the issuance of the building permit, the applicant and the applicant's heirs, successors and/or assigns shall:
  - a. Provide a detailed sheet for the Stop & No Left Turn signage assembly at the point of vehicle exit along East-West Highway.
  - b. Provide a detail sheet for the bicycle racks, specifically an Inverted-U style or similar model that provides two points of contact to secure a parked bicycle of at least 20-inches in width.

December 1, 2021

## MEMORANDUM

TO: Thomas Sievers, Senior Planner, Subdivision and Zoning Section, Development Review Division

VIA: David A. Green, MBA, Master Planner, Community Planning Division 

FROM: Karen Mierow, AICP, Planner Coordinator, Neighborhood Revitalization Section, Community Planning Division 

SUBJECT: **SE-4846: Royal Farms #393**

## FINDINGS

The Community Planning Division finds that, pursuant to Section 27-317(a)(3), this application will not substantially impair the integrity of the 1989 *Approved Langley Park-College Park-Greenbelt Master Plan*.

## BACKGROUND

**Application Type:** Special Exception for a food or beverage store in combination with a gas station in the Commercial Shopping Center (C-S-C) Zone

**Location:** The subject site is located on the southwest quadrant of the intersection of MD 410 (East West Highway) and Riggs Road.

**Size:** 1.9 acres

**Existing Uses:** Fast food restaurants

**Proposal:** The applicant is proposing to construct a food or beverage store in combination with a gas station.

## GENERAL PLAN, MASTER PLAN, AND SMA

**General Plan:** This application is located within the Established Communities policy area. Plan 2035 describes Established Communities as areas appropriate for context-sensitive infill and low-

SE-4648 Royal Farms 393 East West Highway

to -medium density development and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met.

**Master Plan:** The 1989 *Approved Langley Park-College Park-Greenbelt Master Plan* recommends Retail Commercial land use on the subject property.

**Planning Area:** 65

**Community:** Langley Park & Vicinity

**Aviation/MIOZ:** This property is not located in an Aviation Policy Area or the Military Installation Overlay Zone.

**SMA/Zoning:** The 1990 Langley Park-College Park-Greenbelt Sectional Map Amendment retained the subject property in Commercial Shopping Center (C-S-C) Zone.

**MASTER PLAN SUBSTANTIAL IMPAIRMENT ISSUES:**

None.

cc: Long-range Agenda Notebook

Frederick Stachura J.D., Planning Supervisor, Neighborhood Revitalization Section, Community Planning Division

April 22, 2022

## MEMORANDUM

**TO:** Dominique Lockhart, Planner II, Zoning Review Section  
**VIA:** Mridula Gupta, Planner III, Subdivision Section *MG*  
**FROM:** Eddie Diaz-Campbell, Planner II, Subdivision Section *EDC*  
**SUBJECT:** SE-4846; Royal Farms 393

The subject property is known as Parcel A of Parklawn, recorded in Plat Book WWW 17 page 79 in 1950. The property is in the Commercial, General and Office (CGO) Zone, and it is subject to the 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity* and 1990 *Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67*. Special Exception SE-4846 proposes to raze the existing 15,301 square-foot retail building on the property and construct a 4,655 square-foot food or beverage (convenience) store in combination with a gas station on the property. This application, however, is reviewed pursuant to the prior Commercial Shopping Center (C-S-C) zoning of the subject property and pursuant to the prior Prince George's County Zoning Ordinance and Subdivision Regulations as required, in accordance with Section 24 1703(a).

There is one previous preliminary plan of subdivision (PPS) applying to the property, 12-1793. However, records pertaining to this PPS are no longer available. The plat of subdivision recorded in Plat Book WWW 17 page 79 does not contain notes relevant to development of the property. Since the plat dates from 1950, the development proposed on the property is exempt from resubdivision under Section 24-111(c)(2) of the prior Subdivision Regulations, because the total development proposed does not exceed 5,000 square feet of gross floor area (GFA). A new final plat of subdivision will not be required for the property following approval of the special exception.

### Additional Comments:

1. General Note #1 states that the building has a gross floor area of 4,655 square feet, however, the labels for the building on the plan drawings list a gross floor area of 4,649 square feet. This discrepancy should be corrected prior to signature approval of the special exception site plan.



**Recommended Conditions:**

1. Prior to signature approval of the special exception plan, General Note #5 and/or the plan drawings shall be revised to show a consistent square footage for the building gross floor area.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. All bearings and distances must be clearly shown on the special exception site plan and must be consistent with the record plat, or else permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Countywide Planning Division  
Historic Preservation Section

301-952-3680

December 1, 2021

**MEMORANDUM**

TO: Thomas Seivers, Subdivision Section, Development Review Division

VIA: Howard Berger, Historic Preservation Section, Countywide Planning Division **HSB**

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division **JAS**  
Tyler Smith, Historic Preservation Section, Countywide Planning Division **TAS**

**SUBJECT: SE-4846 Royal Farms #393**

The subject property comprises 1.90-acres located in the southwest quadrant of the intersection MD-410 (East West Highway) and Riggs Road. The subject application proposes a food and beverage store in combination with a gas station. The subject property is Zoned C-S-C.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any Prince George's County Historic Sites or resources. This proposal will not impact any historic sites, historic resources or known archeological sites. A Phase I archeology survey is not recommended. Historic Preservation staff recommend approval of SE-4846 Royal Farms #393 with no conditions.

January 3, 2022

**MEMORANDUM**

TO: Thomas Sievers, Senior Planner, Zoning Review Section

FROM: Alice Jacobs, Principal Planning Technician, Permit Review Section



SUBJECT: SE-4846 – Royal Farms 393

1. Loading space setback should be shown on the special exception plan to confirm meets 50-foot setback required in Section 27-579(b) of the Zoning Ordinance.
2. Exact building dimensions should be shown on the plan, not just general dimensions.
3. Gateway sign setback needs to be shown on the special exception plan.
4. Proposed location of the directional signage should be shown on the special exception plan.
5. ARCP-SE-4846, Sheets 1 and 2 show arrows but the labels appear to have been cut off (Sheet 1 from the bottom, Sheet 2 from the sides).
6. The Permit Review Section offers no further comments on this application.



Angela D. Alsobrooks  
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT  
Department of Permitting, Inspections and Enforcement  
Site/Road Plan Review Division



**MEMORANDUM**  
December 3, 2021

TO: Thomas Sievers, Subdivision Review Section  
Maryland-National Capital Park & Planning Commission

FROM: Shirley Anthony Branch, Water and Sewer Plan Coordinator *SAB*  
Site/Road Plan Review Division, DPIE

RE: SDRC Comments - Royal Farms #393, SE-4846

Below are my comments on a special exception that is scheduled for review at the **December 10, 2021** SDRC meeting. This is a first response for this special exception. Should you have any questions regarding the attached information, please feel free to call me at 301.636.2060.

SE-4846            Royal Farms, #393  
Tax ID: 1890581  
Tax map: 41 C-1  
Acres: 1.90; Zoned: C-S-C  
WSSC Grid: 208NE02

1. The 2018 Water and Sewer Plan designates this platted property in Water and Sewer Category 3, inside the Sewer Envelope, in the Growth Tier, and within Tier 1 under the Sustainable Growth Act, approved for development on the public sewer system. The aerial view reflects the property as being developed with what appears to be a commercial structure. Records indicate the property located at 1821 East-West Highway is currently served via the public water and sewer systems.
2. Water and sewer lines in East West Highway abut the property.

*The Department of Permitting, Inspections and Enforcement (DPIE) determines the validity in category designations of the Prince George's County Water and Sewer Category Maps. Information reflects the category designated by the 2018 Water and Sewer Plan and its amendments deemed accurate as of **December 3, 2021**. Any dispute of the designated category or comments herein may be addressed to the Site/Road Plan Review Division, Water and Sewer Plan Coordinator, at 301.636.2060.*

cc: Mary C. Giles, P.E., Associate Director, S/RPRD, DPIE

**From:** [Kwesi Woodroffe](#)  
**To:** [Sievers, Thomas](#)  
**Cc:** [PGCReferrals](#); [Tania Brown](#)  
**Subject:** RE: ACCEPTANCE REFERRAL - SE-4846; Royal Farms 393; SHA; KW  
**Date:** Friday, November 19, 2021 9:41:33 AM  
**Attachments:** [image010.png](#)  
[image011.png](#)  
[image012.png](#)  
[image013.png](#)  
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[image023.png](#)  
**Importance:** High

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**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Good morning Thomas.

An Access Permit will be required by the Applicant to close one existing access point on MD 410 and reconstruct the ones on MD 410 and MD 212.

The plans included in the referral will be distributed internally for review and Tania (copied) will copy you on the comment letter. The letter will be available with 30 days from today.

Thanks, Kwesi

**Kwesi Woodroffe**  
**Regional Engineer**  
**District 3 Access Management**  
**MDOT State Highway Administration**  
[KWoodroffe@mdot.maryland.gov](mailto:KWoodroffe@mdot.maryland.gov)  
**301-513-7347 (Direct)**  
**1-888-228-5003 – toll free**  
**Office Hours**  
**M-Thurs.: 6:30a-3:30p**  
**Fr: 6:30a-10:30a**  
**9300 Kenilworth Avenue,**  
**Greenbelt, MD 20770**  
<http://www.roads.maryland.gov>





**From:** ePlan <ePlan@ppd.mncppc.org>

**Sent:** Thursday, November 18, 2021 4:15 PM

**To:** PPD-DRD\_Referral\_Distribution <ppd-drd\_referral\_distribution@ppd.mncppc.org>; 'Reilly, James V' <JVReilly@co.pg.md.us>; SLToth@co.pg.md.us; ljdillon@co.pg.md.us; AMGullickson@co.pg.md.us; tgaskins@co.pg.md.us; rsdeguzman <rsdeguzman@co.pg.md.us>; Giles, Mary C. <mcgiles@co.pg.md.us>; Lord-Attivor, Rene <rlattivor@co.pg.md.us>; Snyder, Steven G. <SGSnyder@co.pg.md.us>; Abdullah, Mariwan <MAbdullah@co.pg.md.us>; Formukong, Nanji W. <nwformukong@co.pg.md.us>; Tayyem, Mahmoud <mtayyem@co.pg.md.us>; Salles, Cicero D. <cdsalles@co.pg.md.us>; sabranch@co.pg.md.us; jtarr@co.pg.md.us; Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>; Tania Brown <TBrown13@mdot.maryland.gov>; shayla.taylor@pgcps.org; rhianna.mccarter@pgcps.org; 'Aheart, Charlotte D.' <CDAheart@co.pg.md.us>; #DSG Intake <DSGIntake@wsscwater.com>; kenneth.l.barnhart@verizon.com; mark.g.larsen@verizon.com; jkoroma@pepco.com; wkynard@pepcoholdings.com; Charles.curry@bge.com; Herb.Reigel@smeco.coop; 'Ulrich,Keith' <Keith.Ulrich@SMECO.coop>; kencrouse@comcast.net; bm2692@att.com; 'AZZAM, ABDULKADER' <aa9168@att.com>; wi3400@att.com; 'sh3700@att.com' <sh3700@att.com>; pmartinez@washgas.com

**Cc:** PPD-DRD\_Applications Section\_Distribution <ppd-drd\_applicationssection\_distribution@ppd.mncppc.org>; Hunt, James <James.Hunt@ppd.mncppc.org>; Checkley, Andree <andree.checkley@ppd.mncppc.org>; Graham, Audrey <Audrey.Graham@ppd.mncppc.org>; Hurlbutt, Jeremy <Jeremy.Hurlbutt@ppd.mncppc.org>; Sievers, Thomas <Thomas.Sievers@ppd.mncppc.org>; Howle, Alexander <Alexander.Howle@ppd.mncppc.org>; Bryan C. Spell <bspell@mhlawyers.com>; Matthew C. Tedesco <mtedesco@mhlawyers.com>

**Subject:** ACCEPTANCE REFERRAL - SE-4846; Royal Farms 393

Greetings,

This is an EPlan ACCEPTANCE of **SE-4846; Royal Farms 393** to be reviewed at the **PLANNING Board** level.

This case was officially **accepted, November 18<sup>th</sup>, 2021**

nd

# Major Issues Deadline – December 2 , 2021

**SDRC DATE: December 10<sup>th</sup>, 2021**

**REFERRAL DUE DATE: January 3<sup>rd</sup>, 2022** (As shown on TSR Matrix)

- All responses must be emailed to the assigned reviewer and to [PGCReferrals@ppd.mncppc.org](mailto:PGCReferrals@ppd.mncppc.org) ;
- attach signed memo's on official letterhead
- attach a signed PDF and Word version of the document.
- The email subject must include: Case number + Case name + Dept + Reviewer initials.
- Please indicate in the body of your email if the attached response is the 1st, 2nd or 3rd

Please submit ALL comments to assigned reviewer Thomas Sievers and [PGCReferrals@ppd.mncppc.org](mailto:PGCReferrals@ppd.mncppc.org)

**Click on the hyperlink to view the Acceptance documents:**

[https://www.dropbox.com/sh/tp3xf4e2clhppy/AACvbLzplrT7u18Zxf4Ls\\_Jka?dl=0](https://www.dropbox.com/sh/tp3xf4e2clhppy/AACvbLzplrT7u18Zxf4Ls_Jka?dl=0)

If you need assistance please contact [Cheryl.summerlin@ppd.mncppc.org](mailto:Cheryl.summerlin@ppd.mncppc.org)

Respectfully,

**Kenneth (KJ) Staton**

*Principal Planning Technician | Development Review Division*

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**Prince George's County Planning Department**

14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

301-952-5402 | [kenneth.staton@ppd.mncppc.org](mailto:kenneth.staton@ppd.mncppc.org)





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco

Countywide Planning Division  
Special Projects Section

November 23, 2021

**MEMORANDUM**

TO: Thomas Sievers, Senior Planner, Zoning Review Section, Development Review Division

VIA: BR Bobby Ray, AICP, Supervisor, Special Projects Section, Countywide Planning Division

FROM: EP Elena Perry, Senior Planner, Special Projects Section, Countywide Planning Division

SUBJECT: **SE-4846 Royal Farms 393**

**Project Summary:**

This Special Exception project proposes development of a 5,154 square foot Royal Farms food and beverage store with gas station on 1.9-acre property zoned C-S-C.

The Prince George's County Code of Ordinances, Section 27-355 Food or beverage store (a) (1) states, "The applicant shall show a reasonable need for the use in the neighborhood" and (a) (2) states, "The size and location of, and access to, the establishment shall be oriented toward meeting the needs of the neighborhood." Therefore, a food and beverage store may be permitted if the applicant can show a reasonable need for the use in the neighborhood.

The Prince George's County Code of Ordinances, Section 27-358 "Gas station" (d) states, "When approving a Special Exception for a gas station, the District Council shall find that the proposed use:

(1) Is necessary to the public in the surrounding area;"

In this context, under Maryland law, "necessary" has been determined by the Prince George's Planning Board and District Council to be convenient and useful to the public.

The needs analysis completed by Valbridge Property Advisors dated July 20, 2020 considers "an automobile filling station and convenience store complex to be accommodating to the public need when it meets the demand of the public living and working within a reasonably defined trade area for retail convenience and fuel service, as analyzed according to standard market research methodologies". Additionally, the needs analysis says "the proposed convenience store with gas will be more convenient and therefore necessary to the residential households and commuters in the trade area" by providing, in a single location, fuel and a wide variety of fresh food and convenience options for purchase.

The proposed convenience store with gas will be located close to a multifamily residential community, single-family neighborhoods, and retail/commercial uses. The proposed project will also be less than two miles from a major retail destination, the Mall at Prince George's at Prince George's Plaza. The proposed project will serve commuters on MD-410 (East-West Highway) which connects the Bethesda, Silver Spring, and Hyattsville commercial districts. The site is also located in



close proximity to bus stop routes, the Sligo Creek Trail, part of the Anacostia Tributary Trail System, and a Capital Bikeshare station, and therefore intends to attract and serve a volume of pedestrian traffic. Staff agrees with the applicant's finding that the proposed convenience store with gas is reasonably convenient, useful to the public, and will serve the needs of the community.

## Lockhart, Dominique

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**From:** Higdon, Patrick E <patrick.e.higdon@verizon.com>  
**Sent:** Friday, November 19, 2021 7:32 AM  
**To:** PGCREferrals; Sievers, Thomas  
**Subject:** ACCEPTANCE REFERRAL - SE-4846; Royal Farms 393

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

[Preview attachment SE-4846; Royal Farm #393.pdf](#)



[SE-4846; Royal Farm #393.pdf](#)

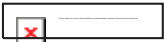
66 KB

Hello, 1st response. No major issue/problems found.

Thanks

Pat

--



**Patrick Higdon**

Engineering Assistant  
Outside Plant Engineering  
Verizon Consumer Group

O 2409706014  
M 2025151414

**From:** [AZZAM, ABDULKADER](#)  
**To:** [Sievers, Thomas](#); [PGCReferrals](#)  
**Cc:** [HWARY, AHMED ED](#); [IBRAHIM, WALID](#); [HWARY, SARA](#); [AZZAM, ABDULKADER](#)  
**Subject:** RE: ACCEPTANCE REFERRAL - SE-4846; Royal Farms 393  
**Date:** Friday, November 26, 2021 9:54:56 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)

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**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Thomas,

AT&T Local has cable along East West Hwy in Fiberlight duct. All documents must be obtained from Fiberlight.

Regards,

Sam Azzam  
Connect USA  
Email – [aa9168@att.com](mailto:aa9168@att.com)  
Mob – 304-871-6146

---

**From:** ePlan <[ePlan@ppd.mncppc.org](mailto:ePlan@ppd.mncppc.org)>  
**Sent:** Thursday, November 18, 2021 4:15 PM  
**To:** PPD-DRD\_Referral\_Distribution <[ppd-drd\\_referral\\_distribution@ppd.mncppc.org](mailto:ppd-drd_referral_distribution@ppd.mncppc.org)>; 'Reilly, James V' <[JVReilly@co.pg.md.us](mailto:JVReilly@co.pg.md.us)>; SLToth@co.pg.md.us; ljdillon@co.pg.md.us; AMGullickson@co.pg.md.us; tgaskins@co.pg.md.us; rsdeguzman <[rsdeguzman@co.pg.md.us](mailto:rsdeguzman@co.pg.md.us)>; Giles, Mary C. <[mcgiles@co.pg.md.us](mailto:mcgiles@co.pg.md.us)>; Lord-Attivor, Rene <[rlattivor@co.pg.md.us](mailto:rlattivor@co.pg.md.us)>; Snyder, Steven G. <[SGSnyder@co.pg.md.us](mailto:SGSnyder@co.pg.md.us)>; Abdullah, Mariwan <[MAbdullah@co.pg.md.us](mailto:MAbdullah@co.pg.md.us)>; Formukong, Nanji W. <[nwformukong@co.pg.md.us](mailto:nwformukong@co.pg.md.us)>; Tayyem, Mahmoud <[mtayyem@co.pg.md.us](mailto:mtayyem@co.pg.md.us)>; Salles, Cicero D. <[cdsalles@co.pg.md.us](mailto:cdsalles@co.pg.md.us)>; sabranch@co.pg.md.us; jtarr@co.pg.md.us; 'Kwesi Woodroffe' <[kwoodroffe@sha.state.md.us](mailto:kwoodroffe@sha.state.md.us)>; 'Tania Brown - SHA' <[TBrown13@mdot.maryland.gov](mailto:TBrown13@mdot.maryland.gov)>; shayla.taylor@pgcps.org; rhianna.mccarter@pgcps.org; 'Aheart, Charlotte D.' <[CDAheart@co.pg.md.us](mailto:CDAheart@co.pg.md.us)>; #DSG Intake <[DSGIntake@wsscwater.com](mailto:DSGIntake@wsscwater.com)>; kenneth.l.barnhart@verizon.com; mark.g.larsen@verizon.com; jkoroma@pepco.com; wkynard@pepcoholdings.com; Charles.curry@bge.com; Herb.Reigel@smeco.coop; 'Ulrich,Keith' <[Keith.Ulrich@smeco.coop](mailto:Keith.Ulrich@smeco.coop)>; kencrouse@comcast.net; bm2692@att.com; AZZAM, ABDULKADER <[aa9168@att.com](mailto:aa9168@att.com)>; wi3400@att.com; HWARY, SARA <[sh3700@att.com](mailto:sh3700@att.com)>; pmartinez@washgas.com  
**Cc:** PPD-DRD\_Applications Section\_Distribution <[ppd-drd\\_applicationssection\\_distribution@ppd.mncppc.org](mailto:ppd-drd_applicationssection_distribution@ppd.mncppc.org)>; Hunt, James

<James.Hunt@ppd.mncppc.org>; Checkley, Andree <andree.checkley@ppd.mncppc.org>; Graham, Audrey <Audrey.Graham@ppd.mncppc.org>; Hurlbutt, Jeremy <Jeremy.Hurlbutt@ppd.mncppc.org>; Sievers, Thomas <Thomas.Sievers@ppd.mncppc.org>; Howle, Alexander <Alexander.Howle@ppd.mncppc.org>; Bryan C. Spell <bspell@mhlawyers.com>; Matthew C. Tedesco <mtedesco@mhlawyers.com>

**Subject:** ACCEPTANCE REFERRAL - SE-4846; Royal Farms 393

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**SDRC DATE: December 10<sup>th</sup>, 2021**

**REFERRAL DUE DATE: January 3<sup>rd</sup>, 2022** (As shown on TSR Matrix)

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- attach a signed PDF and Word version of the document.
- The email subject must include: Case number + Case name + Dept + Reviewer initials.
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Please submit ALL comments to assigned reviewer Thomas Sievers and [PGCReferrals@ppd.mncppc.org](mailto:PGCReferrals@ppd.mncppc.org)

**Click on the hyperlink to view the Acceptance documents:**

[https://www.dropbox.com/sh/tp3xf4e2clhppyt/AACvbLzplrT7u18Zxf4Ls\\_Jka?dl=0](https://www.dropbox.com/sh/tp3xf4e2clhppyt/AACvbLzplrT7u18Zxf4Ls_Jka?dl=0)

If you need assistance please contact [Cheryl.summerlin@ppd.mncppc.org](mailto:Cheryl.summerlin@ppd.mncppc.org)

Respectfully,

## Kenneth (KJ) Staton

*Principal Planning Technician | Development Review Division*

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