

RESOLUTION NO. 2020-154(A)	*	IN THE
BY THE PRINCE GEORGE'S	*	COUNTY COUNCIL FOR
COUNTY PLANNING BOARD	*	PRINCE GEORGE'S COUNTY
14741 Governor Oden Bowie Drive	*	SITTING AS THE
Upper Marlboro, Maryland 20772	*	DISTRICT COUNCIL
IN THE CASE OF	*	CASE NO. _____
DETAILED SITE PLAN		
DSP-19045		
ROYAL FARMS GREENBELT		

* * * * *

PETITION FOR APPEAL AND REQUEST FOR ORAL ARGUMENT

Petitioners, the City of Greenbelt, by its attorney, Todd K. Pounds, and Thomas Watts, Jr., Liaqut Masood, William Novick, Javed Umar, Nik Patel, Ali Murtaza, Karan Singh, Mohammad Anvari, Yong Hwang and Joe Aulisio (collectively, “Small Business Owners”), by their attorney, G. Macy Nelson, file this Petition for Appeal of the Prince George’s County Planning Board’s (“Planning Board’s”) approval of Resolution No. 2020-154(A) which authorized DSP-19045 for Greenbelt Royal Farms for the reasons set forth below.

FACTS

This case concerns the Planning Board’s approval of DSP-19045 which authorized a 4,649-square-foot Royal Farms food and beverage store, a gas station, and a separate 4,368-square-foot commercial building (“Greenbelt Royal Farms”). Resolution at 2. The proposed Greenbelt Royal Farms is located in the City of Greenbelt on the north side of

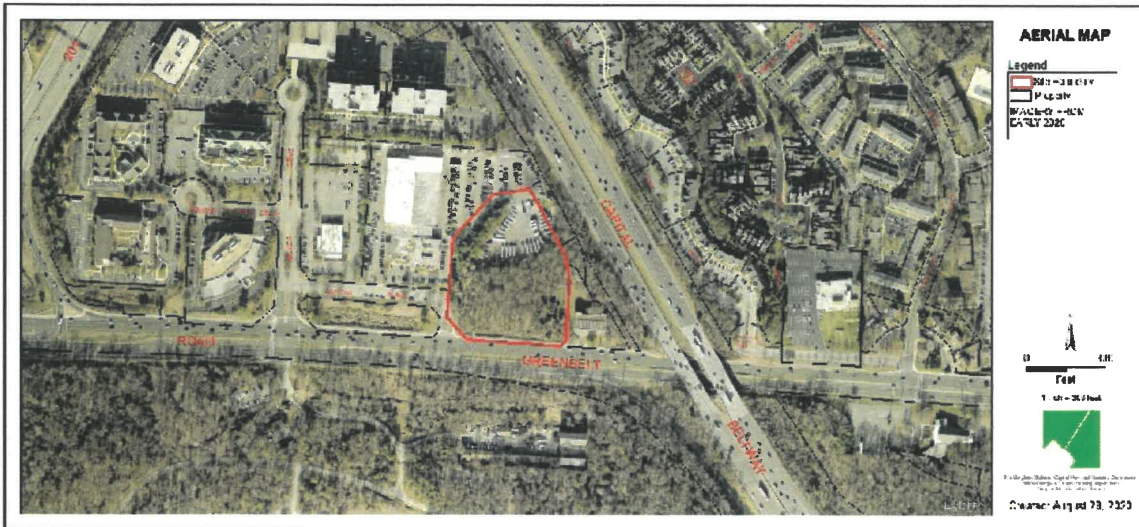
The architecture and lighting of the proposed Greenbelt Royal Farms will be similar to other new Royal Farm stores in Prince George's County. Small Business Owners set forth below a photo of the new National Harbor Royal Farms:



Planning Board Exhibit 6.

Slides 6 and 9 of Technical Staff's PowerPoint depict the vehicular access to the proposed Greenbelt Royal Farms:

AERIAL MAP



Slide 6 of 17

10/15/2020



ILLUSTRATIVE SITE PLAN



Slide 9 of 17

10/15/2020



The proposed Greenbelt Royal Farms is within the Golden Triangle Office Park Focus Area of the 2013 Approved Greenbelt Metro Area and MD 193 Corridor Sector

Plan and Sectional Map Amendment (“Sector Plan”). *See* Sector Plan 103, 109. The Sector Plan has a goal of promoting and strengthening existing office and retail markets and facilitating the revitalization and redevelopment of existing commercial properties to enhance the competitiveness of area businesses. *Id.* at 147. These goals focus on aiding and protecting existing commercial land use instead of allowing new development which may negatively impact existing commercial land use in the area. The Sector Plan also states the policy for the Golden Triangle, the area in which the project is located, as “promot[ing] a successful and competitive regional office park.” *Id.* at 103. It states as Strategy 1.1 that this should be accomplished by “support[ing] existing office uses and retain[ing] zoning.” *Id.* at 109.

SUMMARY OF ARGUMENT

The Planning Board made the following errors:

1. The Planning Board failed to give appropriate notice that it approved Resolution No. 2020-154(A) which authorized DSP-19045 for the Greenbelt Royal Farms.
2. The Planning Board incorrectly interpreted Section 27-274 by limiting its applicability to only to on-site vehicular and pedestrian circulation.
3. The Planning Board did not adequately articulate how the proposed single access driveway for the development from Capitol Drive complied with Section 27-274(a)(2)(C).
4. The record lacked substantial evidence supporting the conclusion that the proposed single access driveway for the development from Capitol Drive complied with Section 27-274(a)(2)(C). The Planning Board made certain incorrect factual findings regarding how it complied with Section 27-274(a)(2)(C).
5. The Planning Board erred legally when it ruled “master plan conformance is not a required finding for approval of a DSP.”

6. The Planning Board did not adequately articulate how the Greenbelt Royal Farms complied with the Sector Plan's goal of protecting and promoting existing businesses.

7. The record lacks substantial evidence that the proposed Greenbelt Royal Farms complies with the Sector Plan. The Planning Board made certain incorrect factual findings regarding the DSP's alleged conformance with the Sector Plan. Small Business Owners proffer correct factual findings based on the testimony of Ruth Grover.

8. The Planning Board failed to adequately articulate how the proposed Greenbelt Royal Farms complied with the architectural conditions set forth in Section 27-358(a)(10) and PPS 4-75259.

9. The record lacks substantial evidence that the proposed Greenbelt Royal Farms complies with the architectural conditions set forth in Section 27-358(a)(10) and PPS 4-75259.

10. The Resolution failed to comply with Condition 3 of PPS 4-75259.

ARGUMENT

I. The Planning Board failed to give appropriate notice that it approved Resolution No. 2020-154(A) which authorized DSP-19045 for Royal Farms Greenbelt.

The Planning Board mailed a copy of the Resolution to various Persons of Record, but not all Persons of Record. For example, counsel for the Small Business Owners is a Person of Record and he did not receive the Resolution from the Planning Board. Moreover, as of the morning February 8, 2021, the Planning Board had not uploaded the final, signed Resolution.

II. The Planning Board erred legally when it ruled that Section 27-274(a)(2)(C) related only to on-site vehicular and pedestrian circulation.

Section 27-285(b) of the Zoning Ordinance requires that, in order to approve a detailed site plan, the Planning Board must find that the project is a reasonable alternative to satisfying the site design guidelines of Section 27-274 for conceptual site plans made

applicable to detailed site plans by Section 27-283 of the Zoning Ordinance. The Planning Board recognized that the detailed site plan must conform “with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance, as cross-referenced in Section 27-283 of the Zoning Ordinance.” Resolution 7.

Section 27-274(a)(2)(C) sets forth the requirements for parking, loading and circulation:

Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers. To fulfill this goal, the following guidelines should be observed:

- (i) The location, number and design of driveway entrances to the site should minimize conflict with off-site traffic, should provide a safe transition into the parking lot, and should provide adequate acceleration and deceleration lanes, if necessary;
- (ii) Entrance drives should provide adequate space for queuing[.]

The Planning Board erred legally when it ruled that Section 27-274a)(2)(C) applies only to on-site vehicular and pedestrian circulation. Resolution 12. Section 27-274a)(2)(C)(i) explicitly states that it also applies to potential conflicts with off-site traffic. Section 27-274 (a)(2)(C)(i) requires the Applicant to prove that “[t]he location, number and design of driveway entrances to the site should minimize conflict with off-site traffic.” For that reason, the Planning Board erred legally when it determined that it need not consider conflicts with off-site traffic.

III. The Planning Board did not adequately articulate how the proposed single access driveway for the development from Capitol Drive complied with Section 27-274(a)(2)(C).

The Resolution failed to articulate how the proposed single access driveway for the development from Capitol Drive complied with Section 27-274(a)(2)(C). The Resolution stated:

The Planning Board finds the DSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance, as cross-referenced in Section 27-283 of the Zoning Ordinance. For example, the subject development provides adequate on-site parking, loading, vehicular and pedestrian circulation, lighting, and pedestrian access to the site from the public right-of-way.

Resolution 7.

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

Id. at 12 (emphasis added).

Nothing in the Resolution articulates how the design will minimize potential conflicts with off-site traffic. Maryland's articulation jurisprudence requires that the Resolution state more than just a conclusion.

IV. The record lacked substantial evidence supporting the conclusion that the proposed single access driveway for the development from Capitol Drive complied with Section 27-274(a)(2)(C). The Planning Board made certain incorrect factual findings regarding how it complied with Section 27-274(2)(a)(2)(C). Small Business Owners proffer the following correct factual findings based on the testimony of Lawrence Green.

Lawrence Green, PE, PTOE testified on behalf of the Small Business Owners. Mr. Green opined that DSP-19045, Greenbelt Royal Farms, does not meet the required findings for a detailed site plan from a transportation planning perspective. Section 27-285(b) specifies that the Planning Board “may approve a detailed site plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.” Section 27-274 sets forth the design guidelines. In Mr. Green’s opinion, the proposed access to the site does not meet the requirements of Section 27-274, site design guidelines, especially with respect to safety and efficiency. Section 27-274(a)(2)(C) specifically states “(i) The location, number and design of driveway entrances to the site should minimize conflict with off-site traffic, should provide a safe transition into the parking lot, and should provide adequate acceleration and deceleration lanes, if necessary; [and] (ii) Entrance drives should provide adequate spacing for queuing.” The justification for the conclusion that DSP-19045 fails to meet the guidelines for approval is shown by the following analyses of Mr. Green.

The proposed Greenbelt Royal Farms development includes a 4,649-square-foot Food and Beverage Store with a Gas Station (ITE Land Use Code 960) and a

4,368-square-foot Commercial Building (ITE Land Use Code 933 assumed). Access to the proposed Greenbelt Royal Farms site and Commercial Building is proposed from one full movement driveway on Capitol Drive. There is approximately 130 feet of stacking area for vehicles along southbound Capitol Drive to queue prior to the full movement site access driveway.

Mr. Green testified that the site is not capable of processing the outbound site generated traffic. The MD 193 at Capitol Drive intersection is controlled by a STOP sign on Capitol Drive. MD 193 has a 45 MPH speed limit and provides four lanes in both the eastbound and westbound directions. Based upon a May 2018 traffic count on MD 193 from the Maryland State Highway Administration’s Traffic Monitoring System near Capitol Drive, MD 193 services over 4,000 vehicles during the AM peak hour and over 4,600 vehicles during the PM peak hour. Therefore, any vehicles attempting to turn left from southbound Capitol Drive to eastbound MD 193 will need to wait several minutes (or longer) to find an acceptable gap in traffic to make this turning movement.

Mr. Green performed a site access assessment. He used the ITE Trip Generation Manual, 10th Edition, to generate the AM and PM peak hour trips. Shown below is a table of the site generated trips.

Proposed 4,649 Square Foot Convenience Market with Gasoline Pumps + 4,368 Square Foot Commercial Building Trip Generation

Land Use	AM Peak Hour Trips	PM Peak Hour Trips
4,649 sq. ft. Convenience Market with Gasoline Pumps (ITE Land Use 960)	387	322

4,368 sq. ft. Commercial Building (ITE Land Use 933)	232	213
TOTAL PROPOSED TRIPS	619	535

Mr. Green explained that a portion of the proposed development will be considered “pass-by trips” that will divert existing traffic from the adjacent roadway to the Convenience Market and Commercial Building. However, the table above represents the actual traffic activity during the AM and PM peak hours that the proposed site will generate at the site access point(s).

Mr. Green testified that the inbound/outbound of the site generated trips of the proposed site is roughly a 50/50 split based upon the ITE Trip Generation Manual, 10th Edition. Therefore, approximately 310 AM and 268 PM outbound trips will be generated by the Greenbelt Royal Farms site. Very few of the site generated trips that have destinations towards eastbound MD 193 will be able to get through the MD 193/Capitol Drive intersection during the AM and PM peak hours. Since a significant portion of site generated traffic volumes will originate from the existing traffic patterns, it was determined from the existing traffic flows that 40% of the AM site generated traffic and 60% of the PM site generated traffic desire to exit the site towards eastbound MD 193. This equates to approximately 124 AM peak hour (0.4 x 310) and 161 PM peak hour (0.6 x 268) that want to exit the site to eastbound MD 193. After revealing the very heavy traffic on MD 193 from the Maryland State Highway Administration traffic database, very few of these vehicles (if any) will be able to utilize the MD 193 at Capitol Drive

intersection to make the southbound Capitol Drive to eastbound MD 193 turning movement.

Mr. Green relied on slide 6 of 17 in the DSP-19045 power point presentation. It shows MD 193 at Capitol Drive intersection, the Walker Drive at Capitol Drive intersection and the MD 193 at Walker Drive intersection. Since it was determined that outbound site generated vehicles destined to eastbound MD 193 will be severely restricted by the inability of vehicles to turn left from southbound Capitol Drive to eastbound MD 193, the primary option for the outbound Royal Farms vehicles to eastbound MD 193 will be the signalized MD 193 at Walker Drive intersection. As shown in slide 6 of 17 of the power point presentation, Capitol Drive parallels MD 193 and intersects Walker Drive via a STOP sign-controlled intersection. Walker Drive is a four-lane divided roadway that serves a large business park, restaurants and hotels. The distance along Walker Drive between MD 193 and Capitol Drive is approximately 100 feet. Therefore, traffic queues (pre-COVID) would frequently queue beyond Capitol Drive during the PM peak period. Thus, 161 PM peak hour site generated trips are projected to attempt to turn left from westbound Capitol Drive to southbound Walker Drive from a STOP signed approach at an intersection that will be frequently blocked from queued vehicles at the MD 193 at Walker Drive intersection during the PM peak hour. Mr. Green stated that this represents a safety and operational concern. In order to get into the queue along southbound Walker Drive, the left-turning vehicles from westbound Capitol Drive to southbound Walker Drive will need to stop in the median area to wait for the courtesy of other drivers to allow these vehicles into the queue

waiting to turn left at MD 193 during the PM peak period. These median dwelling vehicles will partially block the left lane along northbound Walker Drive into the business park and this represents a safety concern.

In summary, Mr. Green testified that although it is true that a significant portion of the Greenbelt Royal Farms development site generated traffic will be drawn from the existing traffic flows, the *full trip generation* of the proposed development will be experienced at the site access points on MD 193, and this report has identified a number of safety and operational concerns that the proposed development will create.

Mr. Green opined that due to the control of the MD 193 at Capitol Drive intersection via a STOP sign and the thousands of AM and PM peak hour vehicles on MD 193, vehicles from the Greenbelt Royal Farms site to eastbound MD 193 cannot effectively perform the left turn movement from southbound Capitol Drive to eastbound MD 193. In addition, the redistribution of the outbound site-generated vehicles to eastbound MD 193 to the Capitol Drive/Walker Drive and MD 193 at Walker Drive intersections creates other operational/safety issues. Walker Drive serves a large business park, restaurants, and hotels that generates a significant amount of peak period traffic. Due to the high traffic generating characteristic of the Walker Drive corridor, traffic queues along southbound Walker Drive from the traffic signal at MD 193 frequently extend beyond the Capitol Drive intersecting point along Walker Drive during the PM peak period. Therefore, it will be particularly difficult for the projected 161 PM peak hour Greenbelt Royal Farms generated traffic volumes to navigate into the southbound Walker Drive traffic queue to MD 193 via the STOP sign controlled Walker

Drive/Capitol Drive intersection; and the magnitude of this traffic volume performing this traffic movement through a queued intersection raises a safety concern.

For these reasons, Mr. Green concluded that the proposed Greenbelt Royal Farms site does not meet the detailed site plan requirements as outlined in Section 27-274. The District Council was persuaded by, and accepts, the testimony of Mr. Green.

The District Council was not persuaded by the testimony of Wes Guckert. Mr. Guckert underestimated the site traffic impacts because of the following issues. First, Mr. Guckert assumed a significantly less trip-generating use for the second commercial parcel. The M-NCPPC had assumed that the use of this parcel would be a Fast Food Restaurant Without Drive-Thru (Land Use 933). Mr. Guckert assumed a general retail use for the second commercial parcel which generated 95% less traffic than the land use assumed by the M-NCPPC. Second, Mr. Guckert assumed that only 30% of the site generated traffic would enter the site from eastbound MD 193 and exit the site to eastbound MD 193. However, this site-related traffic movement describes a pass-by trip, and therefore, should correspond to ambient traffic flows. During the most critical PM peak period, 60% of the traffic on MD 193 is travelling eastbound. Therefore, Mr. Guckert underestimated the pass-by trips for this critical movement by a factor of two. Third, Mr. Guckert determined his finding of adequacy for the MD 193 at its Capitol Drive intersection by assuming that outbound site generated vehicles to eastbound MD 193 would dwell in the median prior to completing the traffic movement to eastbound MD 193. This was Mr. Guckert's rationale for using 4-5 seconds of gaps in traffic needed rather than normal engineering standard of 6-7 seconds of gaps in traffic to complete a

minor street left turn movement. However, up to 161 PM peak hour vehicles are projected to perform this traffic movement and these outbound site-generated vehicles would be competing against as many as 161 PM peak hour inbound left turning site generated vehicles and over 4,600 PM peak hour through vehicles on MD 193. The Council was not persuaded by Mr. Guckert's testimony there would be sufficient gaps in the MD 193 traffic for vehicles to safely exit the proposed Greenbelt Royal Farms.

V. The Planning Board erred legally when it ruled “master plan conformance is not a required finding for approval of a DSP.”

Section 27-102(a) states that a purpose of the Zoning Ordinance is to implement “the General Plan, Area Master Plans, and Functional Master Plans.” Section 27-446(a)(6) of the Zoning Ordinance places this requirement on development in commercial zones, stating that a general purpose of commercial zones is to promote the efficient and desirable use of land, in accordance with the purposes of the General Plan, Area Master Plan and this Subtitle.

The Planning Board erred legally when it disregarded Section 27-102(a) and Section 27-446(a)(6) of the Zoning Ordinance when it ruled “master plan conformance is not a required finding for approval of a DSP.” Resolution 10.

VI. The Planning Board did not adequately articulate how the Greenbelt Royal Farms complied with the Sector Plan's goal of protecting and promoting existing businesses.

The Sector Plan's Economic Development Vision includes the following goal: “Promote and strengthen the existing office and retail markets.” Sector Plan 147.

The Resolution stated:

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

Resolution 11. The Resolution also noted Greenbelt’s concerns “regarding the economic impact and demand of the proposed development, the necessity of developments to utilize local hiring practices and to contract with local MBEs, and the economic impact on other businesses are not issues that the Planning Board is allowed to consider when evaluating a DSP.” *Id.* at 15.

The Resolution inadequately articulated how the Greenbelt Royal Farms addresses the Sector Plan’s goal of promoting and strengthening existing retail markets and facilitating the revitalization and redevelopment of existing commercial properties to enhance the competitiveness of area businesses. No part of the Resolution addressed the existing small businesses on the Greenbelt Road corridor: Beltway Plaza Shell, US Fuel, Xtra Fuel, Berwyn Heights Shell, Greenbelt Road Shell, Greenbelt BP, Greenbelt Auto and Truck, Greenbelt Sunoco, and Greenbelt Exxon. The Resolution failed to address whether the Greenbelt Royal Farms would help or harm these businesses.

VII. The record lacks substantial evidence that the proposed Greenbelt Royal Farms complies with the Sector Plan. The Planning Board made certain incorrect factual findings regarding the DSP's alleged conformance with the Sector Plan. Small Business Owners proffer correct factual findings based on the testimony of Ruth Grover.

The District Council should find that the DSP does not conform to the Sector Plan. Ruth Grover testified that the Sector Plan has a goal of promoting and strengthening existing office and retail markets and facilitating the revitalization and redevelopment of existing commercial properties to enhance the competitiveness of area businesses. *See* Sector Plan 147. These goals focus on aiding and protecting existing commercial land use instead of allowing new development which may negatively impact existing commercial land use in the area.

Additionally, Ruth Grover testified that the Sector Plan states the policy for the Golden Triangle, the area in which the project is located, as “promoting a successful and competitive regional office park.” It states as Strategy 1.1 that this should be accomplished by “support[ing] existing office uses and retain[ing] zoning.” This policy and strategy are not being fulfilled by the subject proposal for a convenience store with gas pumps and an unspecified commercial use which would bring more traffic to the area and could create a variety of other negative offsite impacts. Sector Plan 109.

Third, Ruth Grover testified that the Sector Plan specifically suggests incorporating and celebrating the history of the Toaping Castle as part of the Golden Triangle's open space network, which this project does not entirely do. The ruins are to be preserved with a bench and a sign, but the open space surrounding the resource is to be

greatly compromised. The proposed Greenbelt Royal Farms is inconsistent with this objective.

VIII. The Planning Board failed to adequately articulate how the proposed Greenbelt Royal Farms complied with the architectural conditions set forth in Section 27-358(a)(10) and PPS 4-75259.

Section 27-358(a)(10) and PPS 4-75259 set forth the applicable architectural requirements for the proposed Greenbelt Royal Farms. Section 27-358(a)(10) provides:

Details on architectural elements such as elevation depictions of each facade, schedule of exterior finishes, and description of architectural character of proposed buildings shall demonstrate compatibility with existing and proposed surrounding development.

Regarding Section 27-358(a)(10), the Resolution stated:

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

Resolution 7.

PPS 4-75259 requires that the proposed Greenbelt Royal Farms:

provide for an integrated development of the parcels of the property to achieve a coherent and aesthetically desirable development and including but not limited to the unification of architectural elements such as color, texture, height, signs, lighting etc., which affect the visual image of the site and bring benefit to the community and economic benefit to the development.

Resolution 9.

Regarding PPS 4-75259, the Resolution stated:

The Planning Board finds the proposed DSP will provide a complimentary development that will be integrated with the surrounding existing uses which consist of, for example, an automobile dealership

and hotels. In addition, the proposed food or beverage store, gas station, and commercial buildings and structures, as reviewed through the applicant's submitted architectural drawings, are harmonious with the existing commercial, office, and hotel buildings on nearby parcels, and are appropriate uses to have near major transportation routes. In addition, signage and lighting were evaluated with the DSP and deemed to meet all applicable requirements of the Zoning Ordinance.

Id.

The Resolution failed to adequately articulate how the proposed Greenbelt Royal Farms is “a coherent and aesthetically desirable development” which will “bring benefit to the community and economic benefit to the development.”

IX. The record lacks substantial evidence that the proposed Greenbelt Royal Farms complies with the architectural conditions set forth in Section 27-358(a)(10) and PPS 4-75259. Small Business Owners proffer correct factual findings based on the testimony of Ruth Grover.

The record lacks substantial evidence that the proposed Greenbelt Royal Farms complies with the architectural conditions set forth in Section 27-358(a)(10) and PPS 4-75259. The Resolution described the architecture. *See* Resolution 4. The architecture and lighting of the proposed Greenbelt Royal Farms will be similar to other new Royal Farm stores in Prince George’s County. *See* Planning Board Exhibit 6. Ruth Grover testified that the proposed Greenbelt Royal Farms does not comply with PPS 4-75259.

IX. The Resolution failed to comply with Condition 3 of PPS 4-75259.

Condition 3 of PPS 4-75259 states “[t]hat the Planning Board will consult with the City of Greenbelt in its review of the site plans for individual parcels.” Resolution 8. Regarding this condition, the Resolution further states:

The subject DSP was referred to the City of Greenbelt for comments and the Greenbelt City Council voted 4-3 to oppose the DSP with 14

suggested conditions if the DSP is approved. The City's findings and recommendations are summarized in Finding 12.1. and detailed in its letter to the Planning Board dated October 12, 2020 which is included in the record for the subject DSP. Seven of the City's 14 requested conditions are incorporated in this Resolution.

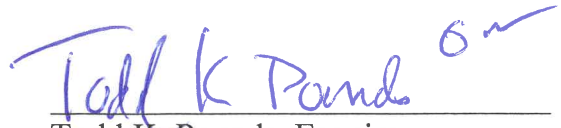
Id. at 9.

Ruth Grover testified that the Planning Board erred because this condition requires more deference to the City of Greenbelt's recommendation. Reporting Greenbelt's comments in the staff report and adding a few of Greenbelt's recommended conditions is insufficient, especially when there is no trigger for those conditions that has been included in staff's recommended conditions (New Conditions 4, 5, 6 and 7 on Page 6 of "Staff clarifications to Technical Report").

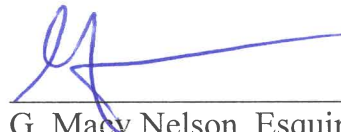
CONCLUSION

For all of the reasons, the City of Greenbelt and the Small Business Owners respectfully request that the District Council disapprove DSP-19045.

Respectfully submitted,

Handwritten signature of Todd K. Pounds in blue ink, with a horizontal line underneath.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of February, 2021, a copy of the foregoing Petition for Appeal and Request for Oral Argument was mailed electronically and by first-class, postage pre-paid to:

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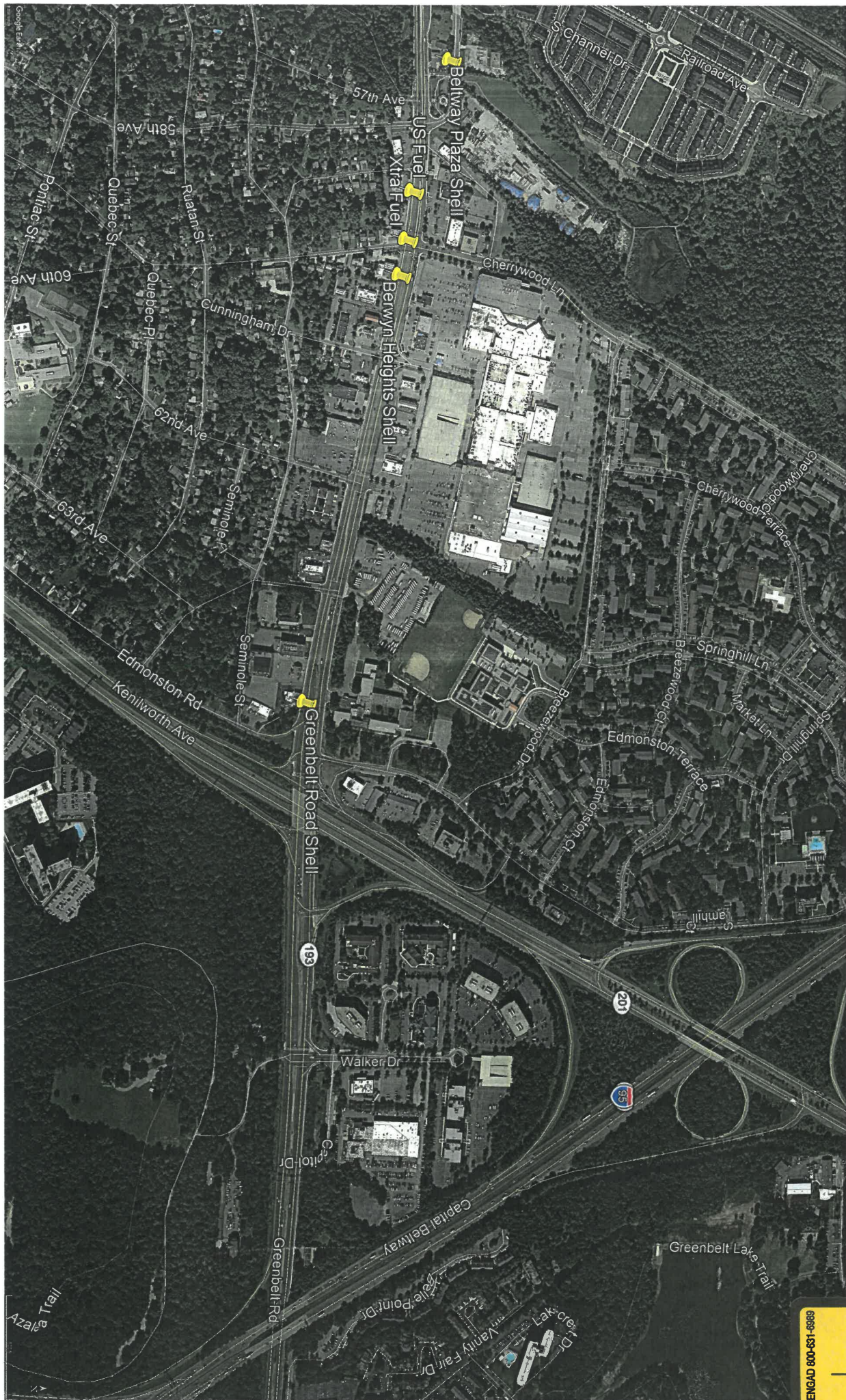
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EXHIBIT

1

