

APPLICATION FORM**DO NOT WRITE IN THIS SPACE**

Application No.(s): _____ Planning Board Review ☐ Planning Director Review ☐
 Acceptance Date: _____ 70-day limit _____ Limit waived–New limit _____
 Posting Waived ☐ Posting Date: _____ No. of Signs Posted: _____ Agenda Date: _____
 Application Fee: _____ Posting Fee: _____ Case Reviewer: _____
 Subdivision Development Review Committee Date: _____
 Referral Mail-Out Date: _____ Referral Due Date: _____
 Date of Informational Mailing: _____ Date of Acceptance Mailing: _____

APPLICATION TYPE: SE ☐ Revision of Case # _____ Companion Cases: _____
 Payment option: ☐ Check (payable to M-NCPPC) ☐ Credit Card General Plan Growth Policy: Established Communities

PROJECT NAME: Royal farms #393 - East West Highway

Complete address (if applicable) 1821 East West Highway, Hyattsville, MD 20783 Tax Account #: 1890581

Geographic Location (distance related to or near major intersection) _____ Police District #: 1

Southwest quadrant of the intersection of East West Highway and Riggs Road.

Total Acreage: <u>1.9 acres</u>	Aviation Policy Area: <u>N/A</u>	Election District: <u>17</u>
Tax Map/Grid: <u>41-C1</u>	Current Zone(s): <u>C-S-C</u>	Council District: <u>2</u>
WSSC Grid: <u>208NE02</u>	Existing Lots/Blocks/Parcels: <u>Parcel A</u>	Dev. Review District: <u>N/A</u>
Planning Area: <u>65</u>	In Municipal Boundary: <u>N/A</u>	Is development exempt from grading permit pursuant to 32-127(a)(6)(A): <input type="checkbox"/> Y <input checked="" type="checkbox"/> N

(2002) General Plan Tier: ☒ Developed ☐ Developing ☐ Rural Area of proposed LOD: _____

Proposed Use of Property and Request of Proposal:
Food and Beverage Store in combination with a Gas Station

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

Applicant Name, Address & Phone:
RF East West Hyattsville, LLC
3611 Roland Avenue
Baltimore, Maryland 21211
 Owner Name, Address & Phone:
 (if same as applicant indicate same/corporation see Disclosure)
Child Care Prop Limited Partnership
c/o Nellis Corp
7811 Montrose Road, Suite 420
Potomac, Maryland 20854

Consultant Name, Address & Phone:
McNamee Hosea
6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770
 Contact Name, Phone & E-mail:
Matthew C. Tedesco
Tel. 301-441-2420
MTedesco@mhlawyers.com

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

Childcare Properties Limited Partnership
 By: *MC Associates Corp.; General Partner*
 By: *[Signature]*

Owner's Signature typed & signed

Date

5/11/21

Applicant's Signature typed & signed

Date

Contract Purchaser's Signature typed & signed

Date

Applicant's Signature typed & signed

Date



M-NCPPC – Development Review Division

April 2020

Prince George's County Planning Department ♦ 14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772 ♦ 301-952-3530

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Southwest quadrant of the intersection of East West Highway and Riggs Road.

Total Acreage: 1.9 acres	Aviation Policy Area: N/A	Election District: 17
Tax Map/Grid: 41-C1	Current Zone(s): C-S-C	Council District: 2
WSSC Grid: 208NE02	Existing Lots/Blocks/Parcels: Parcel A	Dev. Review District: N/A
Planning Area: 65	In Municipal Boundary: N/A	Is development exempt from grading permit pursuant to 32-127(a)(6)(A): <input type="checkbox"/> Y <input checked="" type="checkbox"/> N

(2002) General Plan Tier: ☒ Developed ☐ Developing ☐ Rural Area of proposed LOD:

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 Baltimore, Maryland 21211

Owner Name, Address & Phone:

(if same as applicant indicate same/corporation see Disclosure)

Child Care Prop Limited Partnership
 c/o Nellis Corp
 7811 Montrose Road, Suite 420
 Potomac, Maryland 20854

Consultant Name, Address & Phone:

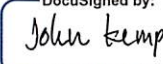
McNamee Hosea
 6411 Ivy Lane, Suite 200
 Greenbelt, Maryland 20770

Contact Name, Phone & E-mail:

Matthew C. Tedesco
 Tel. 301-441-2420
 MTedesco@mhlawyers.com

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

Owner's Signature typed & signed _____ Date _____

DocuSigned by:
 John Kemp 5/11/2021
 80B5CDE53101#434
 Applicant's Signature typed & signed _____ Date _____

Contract Purchaser's Signature typed & signed _____ Date _____

Applicant's Signature typed & signed _____ Date _____

SUBDIVISION CASES – PRELIMINARY PLAN/CONSERVATION SKETCH PLAN:**Type of Application (Check all that apply)**

Conventional <input type="checkbox"/>	Comprehensive Design <input type="checkbox"/>	Conservation Sketch Plan <input type="checkbox"/>	Pre-Preliminary Plan <input type="checkbox"/>
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Variation, Variance or Alternative Compliance Request(s)
 Yes ☐ No ☐

Applicable Zoning/Subdivision Regulation Section(s):

Total Number of Proposed:

Lots _____ Outlots _____ Parcels _____ Outparcels _____

Number of Dwelling Units:

Attached _____ Detached _____ Multifamily _____

Gross Floor Area (Nonresidential portion only):

SUBDIVISION CASES – FINAL PLAT:Water/Sewer: DER ☐ Health Dept. ☐

Number of Plats:

CSP/DSP/SDP No.:

WSSC Authorization No.:

Preliminary Plan No.:

Approval Date of Preliminary Plan:

URBAN DESIGN AND ZONING CASES:

Details of Request:

Food and Beverage Store in combination with a Gas Station

Zoning Ordinance Section(s):

27-317
 27-355
 27-358
 27-454

Total Number of Proposed:

Lots _____ Outlots _____ Parcels _____ Outparcels _____

Number of Dwelling Units:

Attached _____ Detached _____ Multifamily _____

Gross Floor Area (Nonresidential portion only):

Variance Request

Yes ☐ No ☐

Applicable Zoning/Subdivision Regulation Section(s):

Departure Request

Yes ☐ No ☐

Application Filed

Yes ☐ No ☐

Alternative Compliance Request

Yes ☐ No ☐

Application Filed

Yes ☐ No ☐

APPLICATION FORM DISCLOSURE

List all persons having at least five percent (5%) interest in the subject property **ONLY** required for Special Exception and Zoning Map Amendment Applications.

Owner(s) Name - printed	Signature and Date	Residence Address
Child Care Prop Limited Partnership	Child Care Properties Limited Partnership By: MC Associates Corp, General Partner By: [Signature] 5/11/21	c/o Nellis Corp 7811 Montrose Road, Suite 420 Potomac, Maryland 20854

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

Officers	Date Assumed Duties	Residence Address	Business Address

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

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

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14741 GOVERNOR ODEN BOWIE DRIVE
UPPER MARLBORO, MD 20772
DEVELOPMENT REVIEW DIVISION
301-952-3530



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

June 13, 2022

Maurene Epps-McNeil
Zoning Hearing Examiner
County Administration Building
Upper Marlboro, MD 20772

RE: SE-4846 - Royal Farms#393

Dear Ms. Epps-McNeil:

On June 9, 2022, after review of the technical staff report, the Prince George's County Planning Board approved the transmittal of the recommendation. Therefore, the application is hereby transmitted directly to the District Council/Zoning Hearing Examiner, and the technical staff's recommendation constitutes the Planning Board's recommendation.

Very truly yours,

James R. Hunt, Chief
Development Review

Enclosure

cc: Persons of Record



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Historic Preservation Section

(301) 952-3680
www.mncppc.org

Historic Preservation/Archeology Pre-Submittal Checklist for Development Applications

Project Name:_____ Applicant's Name:_____

Application Type:_____ Project Number (if applicable):_____

Contact/Agent:_____ Phone/Fax:_____

E-mail Address:_____ Associated/Previous Project Numbers:_____

- Provide photographs of all standing structures or structural remains, such as foundations or man-made landscape features, on the property.
- Provide chain of title information on the property to at least 1900.
- Provide a list and location of any known historic resources or cemeteries on or adjacent to the property.

To be completed by Historic Preservation Section staff.

Required Information	Yes	No	N/A	Requirement for this Applicant
Photographs of all structures or structural remains				If checked Yes or N/A, no further information needed.
Chain of title				If checked Yes or N/A, no further information needed.
List of known historic resources and cemeteries				If checked Yes or N/A, no further information needed.

Additional Information Required:_____

 _____
Historic Preservation Staff Signature Date

Historic Preservation Staff Name (printed)

Historic Preservation Staff Phone and E-mail



McNamee Hosea
Attorneys & Advisors

McNamee Hosea
6411 Ivy Lane, Suite 200 O 301.441.2420
Greenbelt, Maryland 20770 F 301.982.9450

mhlawyers.com

Bryan Spell
Land Use Coordinator/Law Clerk

E-mail: BSpell@mhlawyers.com
Direct Dial: Extension 267

November 15, 2021

Via Hand Delivery

Cheryl Summerlin
Supervisor, Applications
Development Review Division
M-NCPPC
County Administration Building
Upper Marlboro, MD 20772

**Re: SE-4846; Royal Farms #393 – East West Highway (Hyattsville)
Acceptance Submission**

Dear Cheryl:

On behalf of the applicant, please find enclosed herein the following items for pre-review:

- Application;
- Statement of Justification;
- Zoning Sketch Map;
- NRI Equivalency Letter (NRI-012-2021);
- Woodland Conservation Letter of Exemption;
- Archeology Checklist;
- Informational Notification Letter, Affidavit and Receipt with List of Addresses;
- Acceptance Notification Letter, Affidavit and Receipt with List of Addresses;
- SE Site Plan (SE-4846);
- Redlined Boundary Survey;
- Architectural Elevations;
- State Ethics Affidavits;
- Needs Analysis;
- Email dated 11/5/2021 from Marc Juba re EPS Comment;
- Transportation Checklist;
- Stormwater Management Concept Plan (In for Review); and
- Copy of Check #0201071(Please Note: check will be submitted via the Drop Box).

If you have any questions, please do not hesitate to contact me at 301-441-2420.

Sincerely,

Bryan Spell

Enclosures

April 5, 2021

Via First Class Mail

TO: Adjoining Property Owners, Municipalities within One Mile, Persons of Record, and Registered Associations

FROM: Matthew C. Tedesco, Esq.

RE: SE-4846, Royal Farms #393 (Hyattsville)

Dear Parties of Record, Adjoining Property Owners, and Registered Associations & Municipalities:

A special exception for the above-referenced project will be submitted for review to the Development Review Division of the Maryland-National Capital Park and Planning Commission ("M-NCPPC").

The address of the subject property is 1821 East West Highway, Hyattsville, Maryland 20783, which is located at the southwest quadrant of the intersection of East West Highway (MD 410) and Riggs Road. The nature of the review is for the development of a food and beverage store in combination with a gas station.

If you wish to become a Person of Record to this application, you may submit your request online at <http://www.pgplanning.org/1586/Become-a-Person-of-Record> or by written request to the Development Review Division of the M-NCPPC, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please reference the Pre-Application Number and the Name of Project in your request. At this time no government agency has reviewed the application. **After** the application has been filed, you may contact the M-NCPPC at 301-952-3530.

IMPORTANT: This notice is your opportunity to interact with the applicant prior to the acceptance of the subject application. Once an application is accepted, it may be subject to mandatory action time frames that are established by law. Contacting the applicant as soon as possible after receiving this notice will help facilitate your ability to receive information and/or establish a time when the applicant may meet with you or your civic group to provide information and answer questions about the development proposed. Any concerns regarding an applicant's failure to provide information or engage in dialogue about the proposed development should be directed in writing to the same mailing address listed for becoming a party of record. Please be sure to include the application number with any such correspondence.

If you are interested in receiving more information about this application, reviewing a copy of a site plan, or meeting to discuss the project, you may contact Matthew C. Tedesco at 301-441-2420.

Sincerely,



Matthew C. Tedesco



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George's County Planning Department (301) 952-3208
Planning Information Services (301)-952-3195
14741 Governor Oden Bowie Drive, Suite L2 www.mncppc.org
Upper Marlboro, MD 20772

Date: 2/19/21

MAILING LIST - RECEIPT

This receipt is to acknowledge that Bryan Spell of (name
of company, if applicable) McNamee Hosea
received the following lists as described by the categories below:

<input checked="" type="checkbox"/> Registered community organization list	Total Record(s):	<u>12</u>
<input checked="" type="checkbox"/> Adjoining property owners list	Total Record(s):	<u>10</u>
<input checked="" type="checkbox"/> Municipalities within one mile list	Total Record(s):	<u>1</u>

This list is valid for 180 days from the date referenced above. Applicants shall obtain an updated mailing list if notifications are not sent within 180 days.

This property is located on WSSC Grid: 208NE02

Gregory E. McClain

Planning Information Services Staff

NOTE: Copy of this form must be included with Application submittal package.

The Maryland-National Capital Park & Planning Commission Results

Prince George's County Planning Department

Date: 2/19/2021

Time: 2:37:25 PM

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Total Record(s): 10
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Layer_Namr	ACCOUNT	LOT	BLOCK	PARCEL	PLAT	PROPERTY_DESC
Property	1926724		1 M	<null>	A17-1704	<null>
Property	1878768	<null>	<null>	<null>	17125062	PT PARCEL B EQ 12237.6 SF
Property	1853191	<null>	<null>	<null>	17125062	PT PARCEL B EQ 13521 SF
Property	1853217	<null>	<null>	<null>	17125062	PT PARCEL B EQ 3920.4 SF
Property	1842038	<null>	<null>	<null>	A17-1819	PT BLK 1 EQ 1.352 AC BLK 2 EX 6595 SQFT EQ 5.605 A
Property	1834514		10 L	<null>	A17-1682	<null>
Property	1890581	<null>	L	<null>	A17-1682	PAR A EX 1000 SQ FT AT FR
Property	1914654	<null>	<null>	175	<null>	<null>
Property	1860899	<null>	M	<null>	A17-1704	PAR A EX 24211 SQ FT AT S PT(422 SF DFR TO ST OF MD RW/38 2003)
Property	1967934	<null>	M	<null>	A17-1704	PT PAR A AT S PT

HOUSE_NL	HOUSE_SU	STREET_NAME	STREET_TY	STREET_DII	CONDO_UI	CITY	ZIP5	MAIL_IND
1750	<null>	EAST WEST	HWY	<null>	<null>	HYATTSVILLE	20783	O
6727	<null>	RIGGS	RD	<null>	<null>	HYATTSVILLE	20782	I
6727	<null>	RIGGS	RD	<null>	<null>	HYATTSVILLE	20782	I
6727	<null>	RIGGS	RD	<null>	<null>	HYATTSVILLE	20782	I
1900	<null>	AMHERST	RD	<null>	<null>	HYATTSVILLE	20783	I
1807	<null>	EAST WEST	HWY	<null>	<null>	HYATTSVILLE	20783	O
1821	<null>	EAST WEST	HWY	<null>	<null>	HYATTSVILLE	20783	I
0	<null>	EAST WEST	HWY	<null>	<null>	HYATTSVILLE	20783	I
1800	<null>	EAST WEST	HWY	<null>	<null>	HYATTSVILLE	20783	O
6820	<null>	RIGGS	RD	<null>	<null>	HYATTSVILLE	20783	O

OWNER_NAME	ICO_NAME	MAIL_STREET	MAIL_CITY	MAIL_STAT
ANTHONY LUCY S	<null>	1750 EAST WEST HWY	HYATTSVILLE	MD
GTY MD LEASING INC	SUITE 110	TWO JERICO PLAZA	JERICO	NY
GTY MD LEASING INC	SUITE 110	TWO JERICO PLAZA	JERICO	NY
GTY MD LEASING INC	SUITE 110	TWO JERICO PLAZA	JERICO	NY
NEWBURY APARTMENTS L L C	C/O STE 100	3809 CLARKS LN	BALTIMORE	MD
KHAN MOHAMMED L & MAKAI M	<null>	1807 EAST WEST HWY	HYATTSVILLE	MD
CHILD CARE PROP LIMITED PTNSHP	NELLIS CORP STE 420	7811 MONTROSE RD	POTOMAC	MD
MNCPPC	CHIEF PK&P DIVPKS & REC-ROOM 303	6600 KENILWORTH AVE	RIVERDALE	MD
TRUONG CHUAN Q QUY T LIV TRS	<null>	14354 STILTON CIR	SILVER SPRING	MD
KHORASANIAN MOHAMMAD ETAL	<null>	7205 DUBUQUE CT	DERWOOD	MD

MAIL_ZIP5	MAIL_ZIP4
20783	3034
11753	1681
11753	1681
11753	1681
21215	<null>
20783	3032
20854	<null>
20737	1314
20905	5990
20855	2704

The Maryland-National Capital Park & Planning Commission Results
Prince George's County Planning Department

Date: 2/19/2021

Time: 2:35:52 PM

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Total Record(s): 12

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Registered Association	515	24 Polygon	57	24	
Registered Association	558	573 Polygon	64	573	
Registered Association	2072	113 Polygon	91	113	
Registered Association	2092	785 Polygon	94	785	
Registered Association	519	704 Polygon	114	704	
Registered Association	1273	767 Polygon	119	767	
Registered Association	1593	768 Polygon	120	768	
Registered Association	587	761 Polygon	147	761	
Registered Association	452	744 Polygon	153	744	
Registered Association	560	729 Polygon	160	729	
Registered Association	1674	779 Polygon	6	779	
Registered Association	952	766 Polygon	13	766	

ARCDDBA.CMS_COMS_DB.ORGANIZATION_NAME
 AVONDALE NORTH WOODRIDGE CITIZENS' ASSOCIATION
 HYATTSVILLE COMMUNITY DEVELOPMENT CORPORATION
 COOL SPRING TERRACE CIVIC ASSOCIATION (CSTCA)
 SAVE OUR SUSTAINABLE HYATTSVILLE
 AVONRIDGE COMMUNITY DEVELOPMENT CORPORATION
 MELWOOD PARK ASSOCIATION C/O PROCOM
 ARTS DISTRICT EAST HOMEOWNERS ASSOCIATION C/O LEGOMAND NORMAN
 LEWISDALE CITIZENS' ASSOCIATION
 EVER MAY VILLAGE HOMEOWNERS ASSOCIATION
 UNIVERSITY HILLS AREA CIVIC ASSOCIATION (UHACA)
 ARDMORE SPRINGDALE CIVIC ASSOCIATION
 TAKOMA BRANCH CIVIC ASSOCIATION

ARCDDBA.CITY	ARCDDBA.CITY	ARCDDBA.CMS_COMS_DB.STREET
<null>	<null>	PO BOX 5891
<null>		4314 FARRAGUT STREET
<null>		8301 RAMBLER DRIVE
<null>		4204 FARRAGUT STREET
<null>	<null>	P. O. BOX 5933
<null>		400 SERENDIPITY DRIVE
<null>		3130 FAIRVIEW PARK DRIVE
<null>		6613 22ND PLACE
<null>		1007 HIGGINS WAY
<null>		7117 PONY TRAIL LANE
<null>		9801 APOLLO DRIVE
<null>		6810 RED TOP ROAD

ARCDDBA.CMS_ ARCDDBA.CMS_ ARCDDBA.CMS_ ARCDDBA.CMS_ ARCDDBA.CMS_ ARCDDBA.CMS_COMS_DB.REGISTRATION_DATE

<null>	HYATTSVILI MD	20782	32	8/18/2003
<null>	HYATTSVILI MD	20781	10	6/1/2006
<null>	HYATTSVILI MD	20783	315	1/12/2005
<null>	HYATTSVILI MD	20781	20	9/14/2020
<null>	HYATTSVILI MD	20782	25	2/2/2012
<null>	MILLERSVILI MD	21108	7	5/23/2018
SUITE #200	FALLS CHUI VA	22042	3	8/7/2018
<null>	HYATTSVILI MD	20782	175	10/10/2017
<null>	HYATTSVILI MD	20782	71	6/9/2016
<null>	HYATTSVILI MD	20782	400	7/17/2014
#7377	LARGO MD	20792	45	10/31/2019
APT. #3	TAKOMA P. MD	20912	8	5/7/2018

The Maryland-National Capital Park & Planning Commission Results
Prince George's County Planning Department

Date: 2/19/2021

Time: 2:34:35 PM

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Total Record(s): 1

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Layer_Name	OBJECTID	NAME	MUNICIPAL	DAMS_LIN	OFFICIALS_NAME	TITLE
Municipal One Mile Buffer	2106	HYATTSVILLE	88	88	Candace B. Hollingsworth	Mayor

ADDRESS	CITY	ZIP_CODE	EXECUTIVE	EXEC_TERM	ACREAGE	BUFF_DIST	ORIG_FID	SHAPE	TELEPHONE
4310 Gallatin Street	Hyattsville	20781	Elected	5/1/2023	9137.706	5280	1045	Polygon	301-985-5000

EMAIL

tnicholsondouglas@hyattsville.org

SHAPE.ARE SHAPE.LEN

3.98E+08 74721.18



DEVELOPMENT REVIEW BULLETIN

Bulletin No. 4-2014

Subject: Informational Mailings to the Chamber of Commerce and the Greater Prince George's Business Roundtable

Resource: Development Review Division

Date: December 12, 2014

On October 28, 2014, the Prince George's County Council, sitting as the District Council adopted CB-59-2014 for the purpose of adding the requirement for applicants to send an informational mailing to the Prince George's Chamber of Commerce and the Greater Prince George's Business Roundtable for Detailed Site Plan (DSP), Specific Design Plan (SDP), and Special Exception (SE) applications.

Effective immediately informational mailing notice affidavits for DSPs, SDPs, and SEs must include a separate list documenting that the notices were mailed to the Prince George's Chamber of Commerce and the Greater Prince George's Business Roundtable at the following addresses: The

Prince George's Chamber of Commerce
David Harrington, President and CEO
4640 Forbes Boulevard, Suite 130
Lanham, Maryland 20706

Greater Prince George's Business Roundtable
M.H. Jim Estepp, President and CEO
10201 Martin Luther King, Jr. Highway, Suite 220
Bowie, MD 20720

If you have any questions regarding this process, please contact Cheryl Summerlin at 301-952-3578 or cheryl.summerlin@ppd.mncppc.org.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George's County Planning Department (301) 952-3530
Development Review Division
14741 Governor Oden Bowie Drive www.mncppc.org
Upper Marlboro, MD 20772

Date: 10/21/21

MAILING LIST - RECEIPT

- ☒ DRD application SE-4846
☐ County application

This receipt is to acknowledge that Bryan Spell of (name
of company, if applicable) McNamee Hosea
received the following lists as described by the categories below:

<input checked="" type="checkbox"/> Registered community organization list	Total Record(s):	<u>13</u>
<input checked="" type="checkbox"/> Adjoining property owners list	Total Record(s):	<u>10</u>
<input checked="" type="checkbox"/> Municipalities within one mile list	Total Record(s):	<u>1</u>

This list is valid for 180 days from the date referenced above. Applicants shall obtain an updated mailing list if notifications are not sent within 180 days.

This property is located on WSSC Grid: 208NE02

Hilary Covington

Development Review Division Staff

NOTE: Copy of this form must be included with Application submittal package.

The Maryland-National Capital Park & Planning Commission Results

Prince George's County Planning Department

Date: 10/21/2021

Time: 10:00:56 AM

=====
Total Record(s): 10
=====

Layer_Name	ACCOUNT	LOT	BLOCK	PARCEL	PLAT
Property	1878768	<null>	<null>	<null>	17125062
Property	1853217	<null>	<null>	<null>	17125062
Property	1853191	<null>	<null>	<null>	17125062
Property	1842038	<null>	<null>	<null>	A17-1819
Property	1834514	10	L	<null>	A17-1682
Property	1890581	<null>	L	<null>	A17-1682
Property	1914654	<null>	<null>	175	<null>
Property	1835016	<null>	<null>	23	<null>
Property	1967934	<null>	M	<null>	A17-1704
Property	1860899	<null>	M	<null>	A17-1704

=====

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PROPERTY_DESC	HOUSE_NL	HOUSE_SU
PT PARCEL B EQ 12237.6 SF	6727	<null>
PT PARCEL B EQ 3920.4 SF	6727	<null>
PT PARCEL B EQ 13521 SF	6727	<null>
PT BLK 1 EQ 1.352 AC BLK 2 EX 6595 SQFT EQ 5.605 A	1900	<null>
<null>	1807	<null>
PAR A EX 1000 SQ FT AT FR	1821	<null>
<null>	0	<null>
<null>	6565	<null>
PT PAR A AT S PT	6820	<null>
PAR A EX 24211 SQ FT AT S PT(422 SF DFR TO ST OF MD RW/38 2003)	1800	<null>

STREET_NAME	STREET_TY	STREET_DI	CONDO_UI	CITY	ZIP5	MAIL_IND
RIGGS	RD	<null>	<null>	HYATTSVILLE	20782	I
RIGGS	RD	<null>	<null>	HYATTSVILLE	20782	I
RIGGS	RD	<null>	<null>	HYATTSVILLE	20782	I
AMHERST	RD	<null>	<null>	HYATTSVILLE	20783	I
EAST WEST	HWY	<null>	<null>	HYATTSVILLE	20783	O
EAST WEST	HWY	<null>	<null>	HYATTSVILLE	20783	I
EAST WEST	HWY	<null>	<null>	HYATTSVILLE	20783	I
AGER	RD	<null>	<null>	HYATTSVILLE	20782	I
RIGGS	RD	<null>	<null>	HYATTSVILLE	20783	O
EAST WEST	HWY	<null>	<null>	HYATTSVILLE	20783	O

OWNER_NAME

GTY MD LEASING INC

GTY MD LEASING INC

GTY MD LEASING INC

NEWBURY APARTMENTS L L C

KHAN MOHAMMED L & MAKAI M

CHILD CARE PROP LIMITED PTNSHP

MNCPPC

6581 AGER LIMITED PARTNERSHIP

KHORASANIAN MOHAMMAD ETAL

TRUONG CHUAN Q QUY T LIV TRS

ICO_NAME

SUITE 110

SUITE 110

SUITE 110

C/O STE 100

<null>

NELLIS CORP STE 420

CHIEF PK&P DIVPKS & REC-ROOM 303

STE 200

<null>

<null>

MAIL_STREET	MAIL_CITY	MAIL_STAT	MAIL_ZIP5	MAIL_ZIP4
TWO JERICHO PLAZA	JERICHO	NY	11753	1681
TWO JERICHO PLAZA	JERICHO	NY	11753	1681
TWO JERICHO PLAZA	JERICHO	NY	11753	1681
3809 CLARKS LN	BALTIMORE	MD	21215	<null>
1807 EAST WEST HWY	HYATTSVILLE	MD	20783	3032
7811 MONTROSE RD	POTOMAC	MD	20854	<null>
6600 KENILWORTH AVE	RIVERDALE	MD	20737	1314
7811 MONTROSE RD	POTOMAC	MD	20854	3300
7205 DUBUQUE CT	DERWOOD	MD	20855	2704
14354 STILTON CIR	SILVER SPRING	MD	20905	5990

The Maryland-National Capital Park & Planning Commission Results

Prince George's County Planning Department

Date: 10/21/2021

Time: 10:03:40 AM

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Total Record(s): 13

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Layer_Name	ARCDBA.Re	ARCDBA.Re	ARCDBA.Re	ARCDBA.C	ARCDBA.C
Registered Association	558	573 Polygon	63	573	
Registered Association	519	704 Polygon	92	704	
Registered Association	560	729 Polygon	110	729	
Registered Association	452	744 Polygon	124	744	
Registered Association	587	761 Polygon	134	761	
Registered Association	952	766 Polygon	139	766	
Registered Association	1273	767 Polygon	140	767	
Registered Association	1593	768 Polygon	141	768	
Registered Association	2092	785 Polygon	158	785	
Registered Association	2738	792 Polygon	165	792	
Registered Association	3051	800 Polygon	173	800	
Registered Association	515	24 Polygon	3	24	
Registered Association	2072	113 Polygon	9	113	

ARCDDBA.CMS_COMS_DB.ORGANIZATION_NAME	ARCDDBA.CM:
HYATTSVILLE COMMUNITY DEVELOPMENT CORPORATION	STUART
AVONRIDGE COMMUNITY DEVELOPMENT CORPORATION	<null>
UNIVERSITY HILLS AREA CIVIC ASSOCIATION (UHACA)	<null>
EVER MAY VILLAGE HOMEOWNERS ASSOCIATION	AGNES
LEWISDALE CITIZENS' ASSOCIATION	<null>
TAKOMA BRANCH CIVIC ASSOCIATION	<null>
MELWOOD PARK ASSOCIATION C/O PROCOM	<null>
ARTS DISTRICT EAST HOMEOWNERS ASSOCIATION C/O LEGOMAND NORMAN	<null>
SAVE OUR SUSTAINABLE HYATTSVILLE	GREG
CALVERT HILLS CITIZENS ASSOCIATION	ROSE
CANTERBURY ESTATES CIVIC ASSOCIATION	JAMES
AVONDALE NORTH WOODRIDGE CITIZENS' ASSOCIATION	<null>
COOL SPRING TERRACE CIVIC ASSOCIATION (CSTCA)	<null>

ARCDDBA.CMS_COM	ARCDDBA.CMS_COM	ARCDDBA.CMS_COMS_DB.ADDF	ARCDDBA.CMS_COM
EISENBERG	<null>	4314 FARRAGUT STREET	<null> HYATTSVILLE
<null>	<null>	<null> P. O. BOX 5933	<null> HYATTSVILLE
<null>	<null>	7117 PONY TRAIL LANE	<null> HYATTSVILLE
BROWN	<null>	1007 HIGGINS WAY	<null> HYATTSVILLE
<null>	<null>	6613 22ND PLACE	<null> HYATTSVILLE
<null>	<null>	6810 RED TOP ROAD	APT. #3 TAKOMA PARK
<null>	<null>	400 SERENDIPITY DRIVE	<null> MILLERSVILLE
<null>	<null>	3130 FAIRVIEW PARK DRIVE	SUITE #200 FALLS CHURCH
SMITH	<null>	4204 FARRAGUT STREET	<null> HYATTSVILLE
GREENE COLBY	<null>	4615 DRESEL ROAD	<null> COLLEGE PARK
MCCLYDE	<null>	1764 ALBERT DRIVE	<null> BOWIE
<null>	<null>	<null> PO BOX 5891	<null> HYATTSVILLE
<null>	<null>	8301 RAMBLER DRIVE	<null> HYATTSVILLE

ARCDBA.C\ARCDBA.CMS_COMS_DB.ZIP

MD	20781
MD	20782
MD	20782
MD	20782
MD	20782
MD	20912
MD	21108
VA	22042
MD	20781
MD	20740
MD	20721
MD	20782
MD	20783

The Maryland-National Capital Park & Planning Commission Results
Prince George's County Planning Department
Date: 10/21/2021
Time: 10:02:34 AM

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Total Record(s): 1

=====

Layer_Name	OBJECTID	NAME	MUNICIPAL DAMS_LIN	OFFICIALS_NAME
Municipal One Mile Buffer	2106	HYATTSVILLE	88	88 Kevin Ward

TITLE	ADDRESS	CITY	ZIP_CODE	EXECUTIVE	EXEC_TERM	ACREAGE
Mayor	4310 Gallatin Street	Hyattsville	20781	Elected	5/1/2023	9137.706

BUFF_DIST	ORIG_FID	TELEPHONE	EMAIL	SHAPE	SHAPE.ARE
5280	1045	301-985-5000	tnicholson@douglas@hyattsville.org	Polygon	3.98E+08

SHAPE.LEN
74721.18



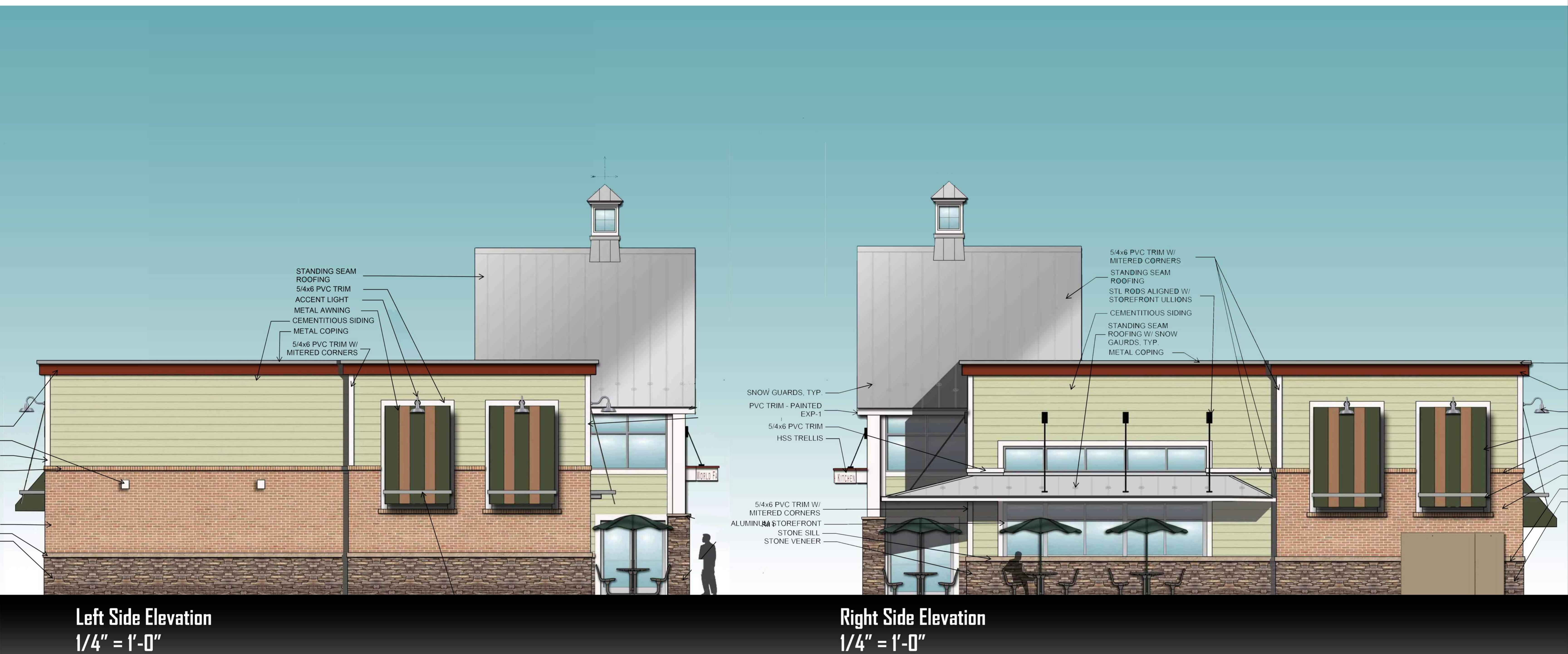
Front Elevation
1/4" = 1'-0"

ROYAL FARMS

ROYAL FARMS #393
PROPOSED ELEVATIONS
1823 EAST WEST HIGHWAY
HYATTSVILLE, MD 20783

RA RATCLIFFE
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153
Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com



ROYAL FARMS

ROYAL FARMS #393
PROPOSED ELEVATIONS
1823 EAST WEST HIGHWAY
HYATTSVILLE, MD 20783

RATCLIFFE
ARCHITECTS

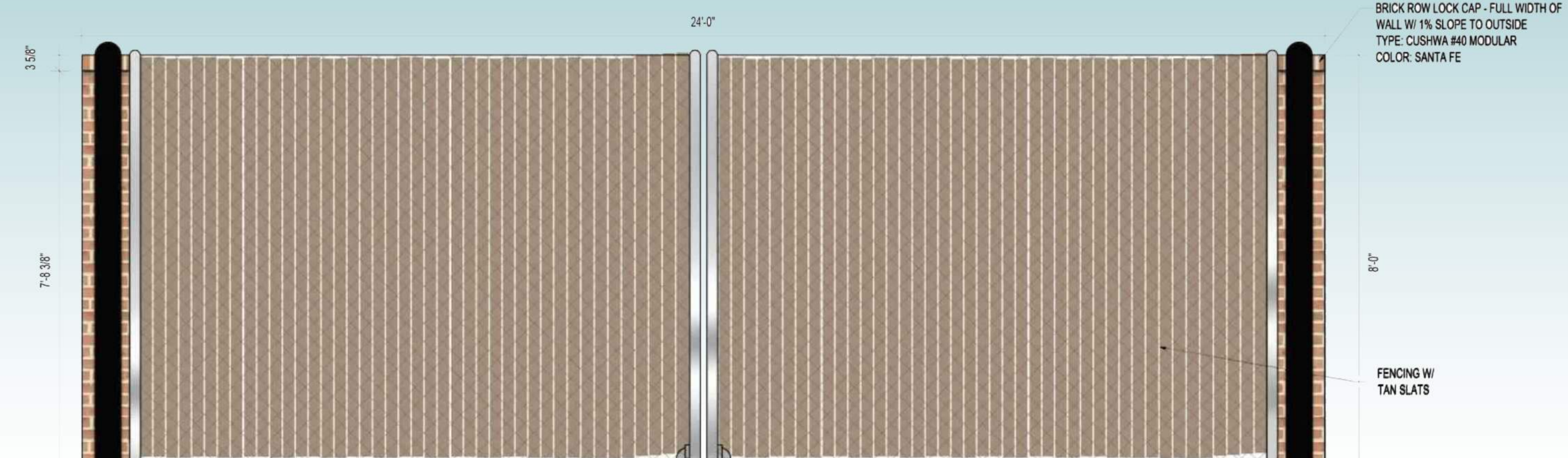
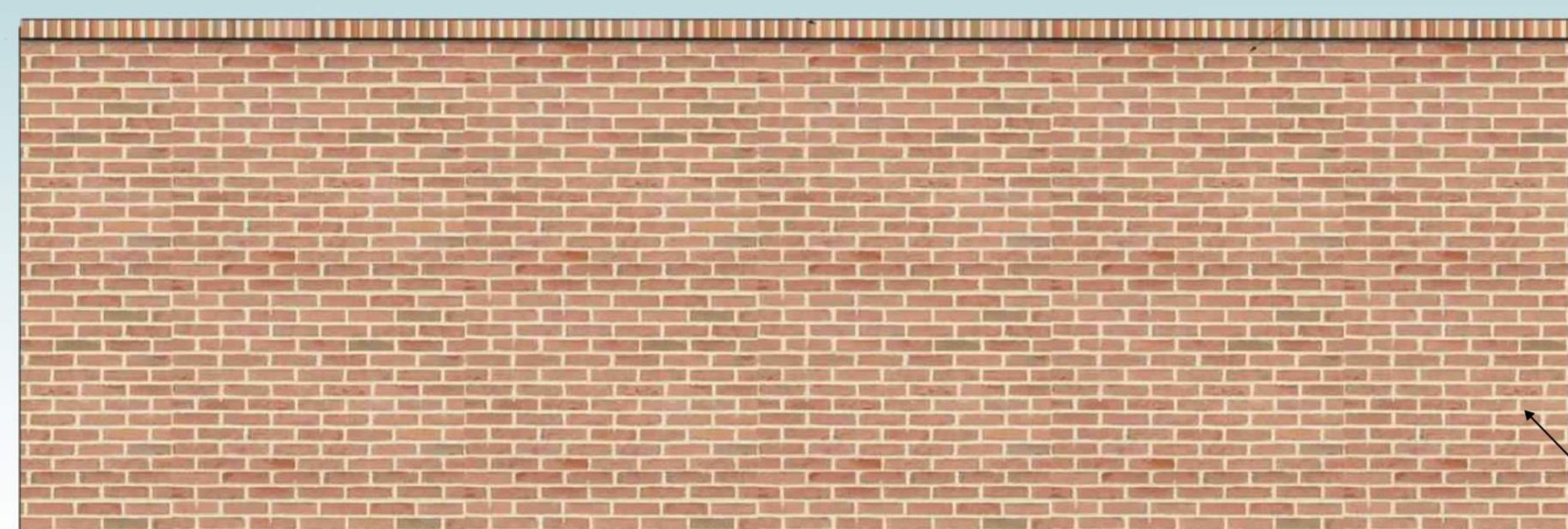
10404 Stevenson Road • Stevenson, Maryland 21153
Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com



Rear Elevation
 1/4" = 1'-0"

ROYAL FARMS

ROYAL FARMS #393
 PROPOSED ELEVATIONS
 1823 EAST WEST HIGHWAY
 HYATTSVILLE, MD 20783



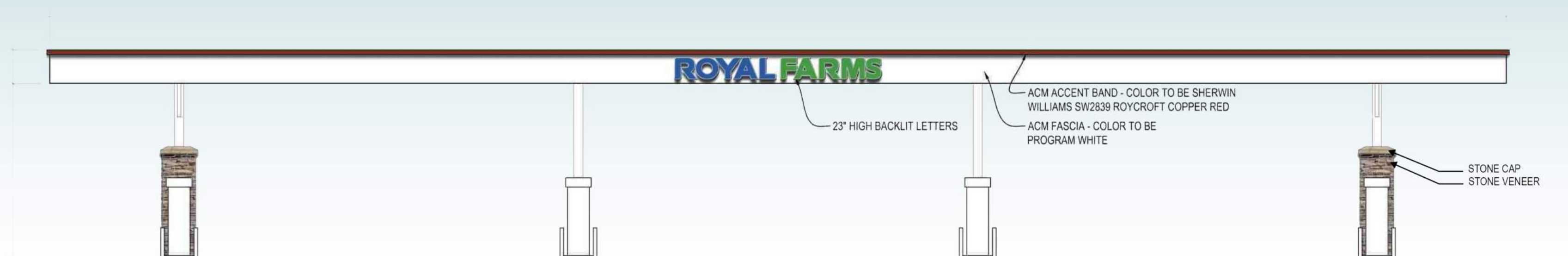
Dumpster Enclosure Elevations
 1/2" = 1'-0"

ROYAL FARMS

ROYAL FARMS #393
 PROPOSED ELEVATIONS
 1823 EAST WEST HIGHWAY
 HYATTSVILLE, MD 20783

RATCLIFFE
 ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153
 Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com



Fuel Canopy Elevations
1/8" = 1'-0"

ROYAL FARMS

ROYAL FARMS #393
PROPOSED ELEVATIONS
1823 EAST WEST HIGHWAY
HYATTSVILLE, MD 20783

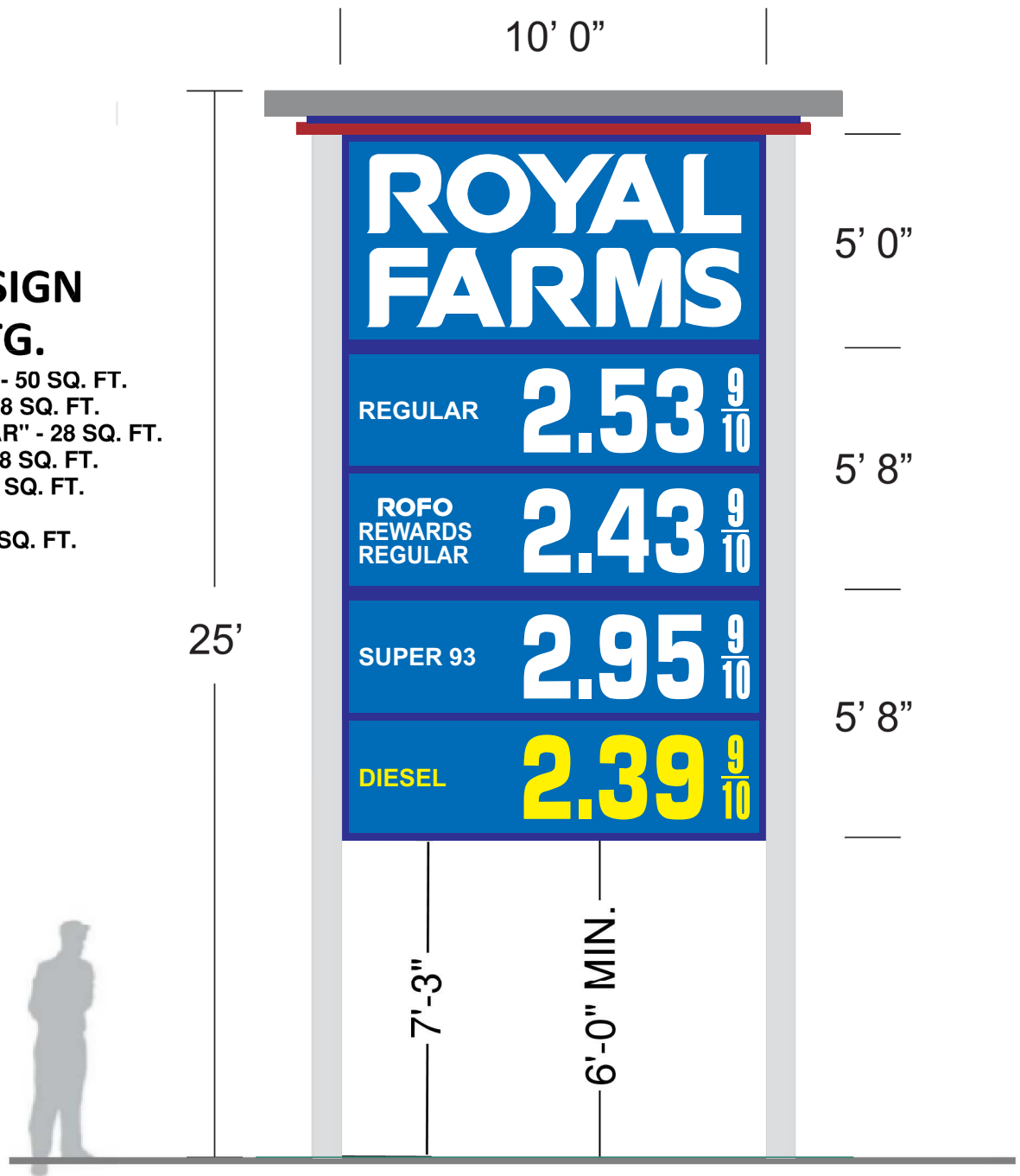
RA | RATCLIFFE
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153
Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com

**PYLON SIGN
SQ. FTG.**

"ROYAL FARMS" - 50 SQ. FT.
 "REGULAR" - 28 SQ. FT.
 "REWARDS REGULAR" - 28 SQ. FT.
 "SUPER 93" - 28 SQ. FT.
 "DIESEL" - 28 SQ. FT.

TOTAL - 162 SQ. FT.



1

2020 GOALPOST W/OUT CAR WASH

NOT TO SCALE



CABINET: 0.40 ALUMINUM WITH ACRYLIC LETTERING.
ILLUMINATED WITH LED LIGHTS.

INSTALLATION: WALL MOUNT.

TOTAL SIGN SQUARE FOOTAGE: 37.85



ROYAL FARMS BUILDING CHANNEL LETTERS

NOT TO SCALE

← 23' - 6" →

6" ↓
↑

WORLD FAMOUS CHICKEN & FRESH KITCHEN

@ FRONT TRELLIS

FONT: COPPERPLATE GOTHIC BOLD
COLOR: ROYCROFT COPPER RED
NOTE: FIRST LETTER OF EACH WORD ARE
UPPERCASE, ALL OTHER LETTERS ARE
LOWERCASE.
TOTAL SIGN SQUARE FOOTAGE: 11.75

← 13' - 3" →

4" ↓
↑

WORLD FAMOUS CHICKEN & FRESH KITCHEN

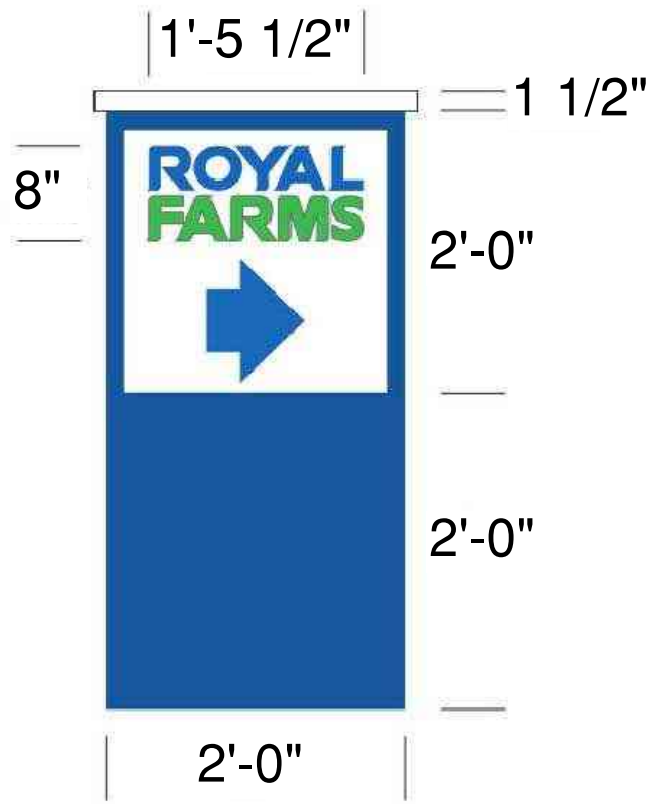
@ REAR ENTRY CANOPY

FONT: COPPERPLATE GOTHIC BOLD
COLOR: ROYCROFT COPPER RED
NOTE: FIRST LETTER OF EACH WORD ARE
UPPERCASE, ALL OTHER LETTERS ARE
LOWERCASE.
TOTAL SIGN SQUARE FOOTAGE: 4.41



ROYAL FARMS CHANNEL LETTERS

NOT TO SCALE



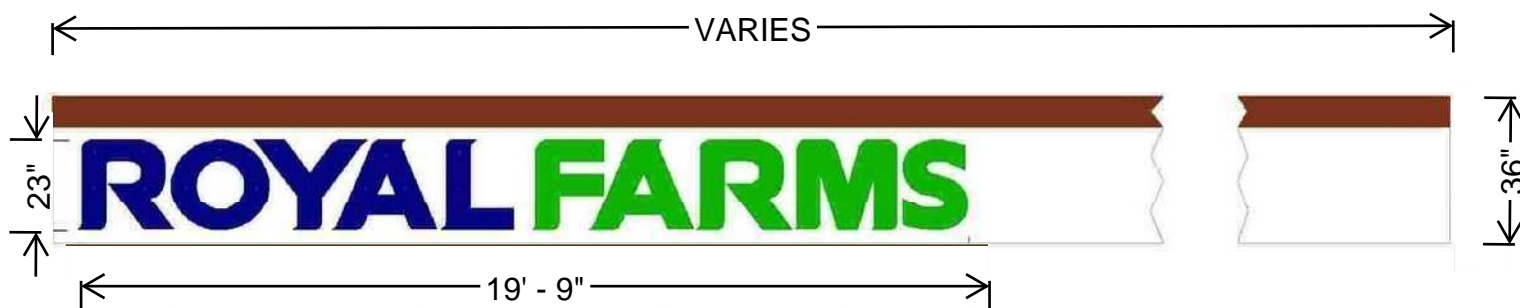
TOTAL SIGN SQUARE FOOTAGE: 1



STANDARD DIRECTIONAL SIGN

NOT TO SCALE

FUEL CANOPY FRONT:

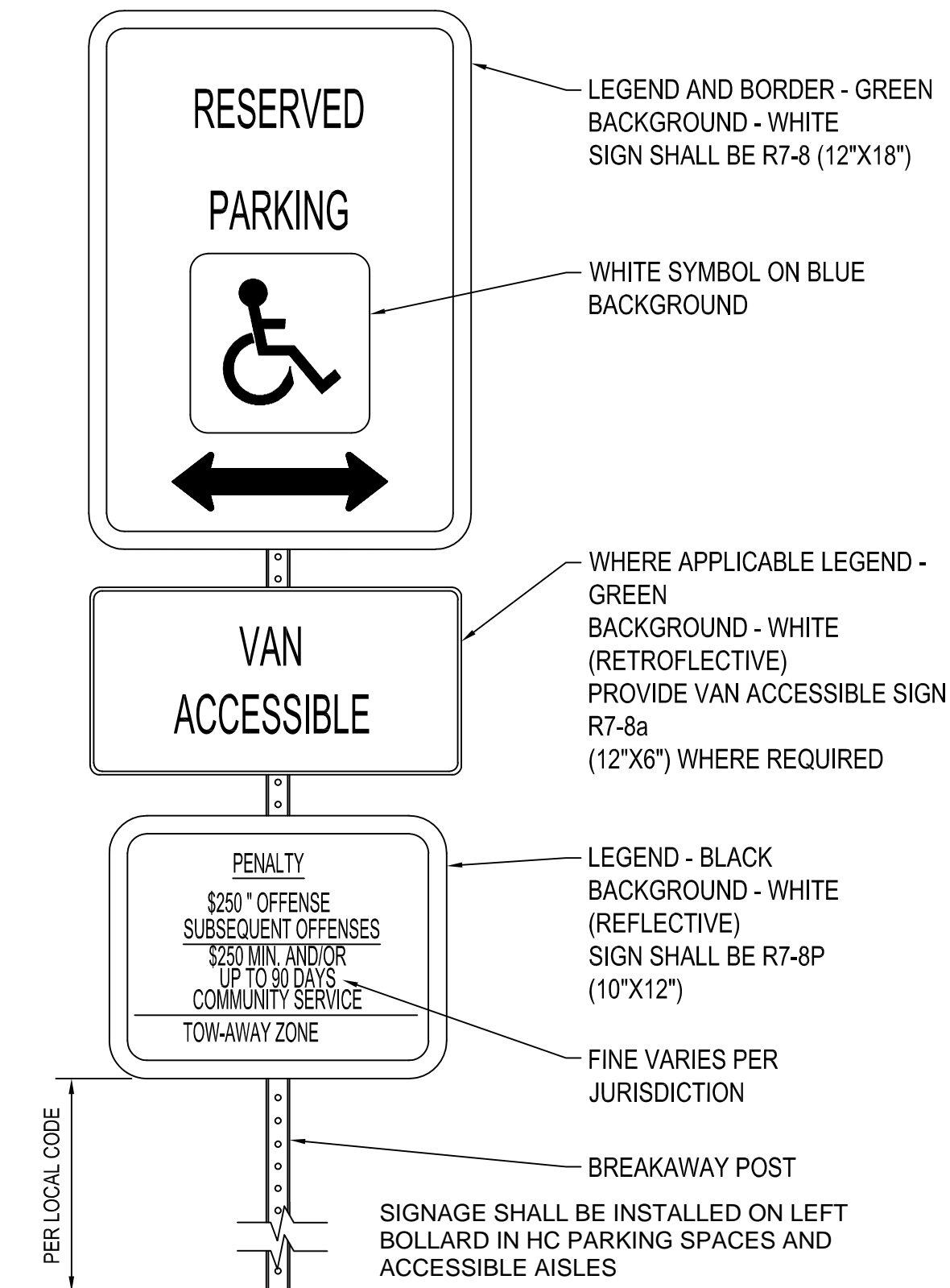


TOTAL SIGN SQUARE FOOTAGE (FRONT): 37.85 SQFT

FUEL CANOPY BACK:

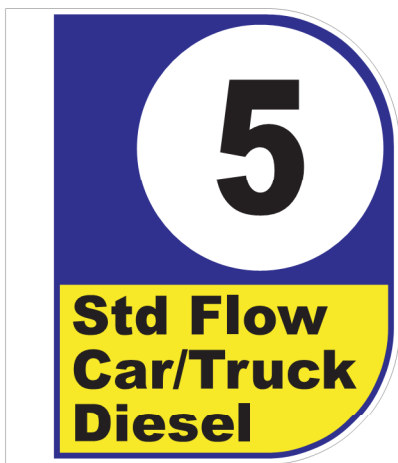


TOTAL SIGN SQUARE FOOTAGE (BACK): 24.2 SQFT



NOTE:

1. SIGNS SHALL MEET THE REQUIREMENTS OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
2. SIGNS ATTACHED WITH ACORN NUT TYPE FASTENERS.



TOTAL SIGN SQUARE FOOTAGE: 1.2

STATE ETHICS COMMISSION
45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MD 21401
410-260-7770
1-877-669-6085

This Form Is To Be Filed With:
CLERK OF THE COUNTY COUNCIL
COUNTY ADMINISTRATION BUILDING
ROOM 2198
UPPER MARLBORO, MD 20772
301-952-3600

Business Entity¹ Affidavit (Form PG 2)

General Information

The Prince George's County land use ethics law (General Provisions Article, §§ 5-833 to 5-839, Annotated Code of Maryland) ("Public Ethics Law") requires this affidavit to be filed where a business entity is deemed to be an applicant in an application filed with the District Council. This can occur, for example, when a business entity is a title owner or contract purchaser of land that is the subject of an application, a trustee having an interest in the land (except those described in a mortgage or deed of trust), or the holder of 5 percent or more interest in an entity having an interest in the land (provided that it has substantive involvement in the disposition of the land, or substantive activities pertaining specifically to land development in Prince George's County). Applicant can also include a business entity in which a 5 percent or greater interest is held by another applicant.

In completing this form, you should also review §§ 5-833 to 5-839 of the Public Ethics Law. These provisions include the affidavit requirement, define applicants and agents, set out District Council member disqualification requirements, and specify ex parte disclosure procedures. Please note that there may be situations where there is more than one applicant involved, requiring one or more submissions of this form (or Form PG 1 Individual Applicant Affidavit). You may direct questions about the affidavit or other requirements of the Law to the State Ethics Commission office by phone, at 410-260-7770, or in writing, at the above address. Copies of the Public Ethics Law may be obtained at the Commission's website <http://ethics.maryland.gov/public-ethics-law/>. Additionally, there is a Special Ethics Law Memo on the Prince George's County land use ethics law at <http://ethics.maryland.gov/download/local-gov/local-gov-forms/PG%20County%20Zoning%20Memo.pdf>, that contains additional filing information, including timing requirements.

If the applicant business entity is a corporation listed on a national stock exchange or regulated by the Securities Exchange Commission, then its officers, its directors, or its shareholders having a 5 percent or greater interest in the corporation are required to file an affidavit **only if** these persons have made a payment or have solicited a payment as outlined in the Public Ethics Law **and** if the corporation itself completes Part B of the affidavit. If required to file, these persons will file the Individual Applicant Affidavit, Form PG 1.

Filing Deadline

You must file a signed original of this affidavit with the Clerk of the County Council no later than 30 days prior to the District Council's consideration of the application. You must file a supplemental affidavit as expeditiously as possible whenever a payment/contribution is made after the original affidavit was filed and prior to Council's consideration. Please note that under § 5-835(a) of the Public Ethics Law, payments/contributions during the pendency of an application are generally prohibited.

PART A. Business Entity Applicant

Identifying Information

Name of Applicant RF East West Hyattsville, LLC Case No. (where applicable) SE-4846
Address of Applicant 3611 Roland Avenue, Baltimore Maryland 21211
Identity of the Property/
Subject of Application 1821 East West Highway, Hyattsville, MD 20783 Type of Application Special Exception
(see § 5-833(d))

¹Section 5-833 of the Public Ethics Law defines a business entity as a corporation, a general partnership, a joint venture, a limited liability company, a limited partnership or a sole proprietorship.

Applicant Payment/Contribution to Member Information (check or complete applicable blanks)

1. Was a payment/contribution made by the applicant to a treasurer or a continuing committee, either directly or through a political action committee (PAC), during the 36 months before the application was filed or during the pendency of the application? ____ Yes ____ No

If the answer to #1 above is yes, list below the name of the member or members and the date or dates of the payment/contribution:

<u>Name of Member</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____
_____	_____

If the payment/contribution was through a PAC, identify the PAC and the date of the transfer to the treasurer or continuing committee:

_____	_____
_____	_____

Solicitation and other Payment/Contribution Information

2. Did the applicant solicit a person or business entity to make a payment/contribution to a member during the 36 months before the application filing or during the pendency of the application? ____ Yes ____ No

If the answer to #2 above is yes, and a contribution was made, list below the name of the member or members, the date or dates of the payment/contribution, and the name of the contributor:

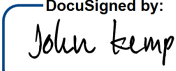
<u>Name of Member</u>	<u>Date</u>	<u>Name of Contributor</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

PART B. Directors, Officers and Stockholders (see § 5-838(b)) (For Corporations Only)

***Note: For a corporation's application to be processed, this section must be completed in full (place a check at the beginning of each question to indicate the action has been completed).**

1. ____ All directors, officers, and stockholders with a 5 percent or greater interest have been notified of the disclosure requirement as provided in the Law and are identified as follows (list name and title – if the corporation has no directors, officers or stockholders with a 5 percent or greater interest, so state):
- _____
- _____
- _____
2. ____ Affidavits (Form PG 1 Individual Applicant Affidavit) from those individuals identified in question #1 above, who have made or solicited contributions and are therefore required to disclose, are either attached or on file with the Clerk of the County Council **OR** there are no individuals required to file affidavits.

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief.

DocuSigned by:

 Signature (original to be filed with the Clerk)
 John Kemp
 Printed Name of Signer
 President
 Title of Signer (Authorized to sign for the business entity)

5/11/2021

Date

STATE ETHICS COMMISSION
45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MD 21401
410-260-7770
1-877-669-6085

This Form Is To Be Filed With:
CLERK OF THE COUNTY COUNCIL
COUNTY ADMINISTRATION BUILDING
ROOM 2198
UPPER MARLBORO, MD 20772
301-952-3600

Business Entity¹ Affidavit (Form PG 2)

General Information

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In completing this form, you should also review §§ 5-833 to 5-839 of the Public Ethics Law. These provisions include the affidavit requirement, define applicants and agents, set out District Council member disqualification requirements, and specify ex parte disclosure procedures. Please note that there may be situations where there is more than one applicant involved, requiring one or more submissions of this form (or Form PG 1 Individual Applicant Affidavit). You may direct questions about the affidavit or other requirements of the Law to the State Ethics Commission office by phone, at 410-260-7770, or in writing, at the above address. Copies of the Public Ethics Law may be obtained at the Commission's website <http://ethics.maryland.gov/public-ethics-law/>. Additionally, there is a Special Ethics Law Memo on the Prince George's County land use ethics law at <http://ethics.maryland.gov/download/local-gov/local-gov-forms/PG%20County%20Zoning%20Memo.pdf>, that contains additional filing information, including timing requirements.

If the applicant business entity is a corporation listed on a national stock exchange or regulated by the Securities Exchange Commission, then its officers, its directors, or its shareholders having a 5 percent or greater interest in the corporation are required to file an affidavit **only** if these persons have made a payment or have solicited a payment as outlined in the Public Ethics Law **and** if the corporation itself completes Part B of the affidavit. If required to file, these persons will file the Individual Applicant Affidavit, Form PG 1.

Filing Deadline

You must file a signed original of this affidavit with the Clerk of the County Council no later than 30 days prior to the District Council's consideration of the application. You must file a supplemental affidavit as expeditiously as possible whenever a payment/contribution is made after the original affidavit was filed and prior to Council's consideration. Please note that under § 5-835(a) of the Public Ethics Law, payments/contributions during the pendency of an application are generally prohibited.

PART A. Business Entity Applicant

Identifying Information

Name of Applicant Child Care Properties Limited Partnership Case No. (where applicable) SE-4846

Address of Applicant c/o Nellis Corporation 7811 Montrose Road, Suite 420, Potomac, MD 20854

Identity of the Property/

Subject of Application 1821 East West Highway, Hyattsville, MD 20783 Type of Application Special Exception
(see § 5-833(d))

¹Section 5-833 of the Public Ethics Law defines a business entity as a corporation, a general partnership, a joint venture, a limited liability company, a limited partnership or a sole proprietorship.

PDF

Applicant Payment/Contribution to Member Information (check or complete applicable blanks)

1. Was a payment/contribution made by the applicant to a treasurer or a continuing committee, either directly or through a political action committee (PAC), during the 36 months before the application was filed or during the pendency of the application? Yes XX No

If the answer to #1 above is yes, list below the name of the member or members and the date or dates of the payment/contribution:

<u>Name of Member</u>	<u>Date</u>
Not applicable	N/A
_____	_____
_____	_____
_____	_____

If the payment/contribution was through a PAC, identify the PAC and the date of the transfer to the treasurer or continuing committee:

<u>Name of Member</u>	<u>Date</u>
Not applicable	N/A
_____	_____

Solicitation and other Payment/Contribution Information

2. Did the applicant solicit a person or business entity to make a payment/contribution to a member during the 36 months before the application filing or during the pendency of the application? Yes XX No

If the answer to #2 above is yes, and a contribution was made, list below the name of the member or members, the date or dates of the payment/contribution, and the name of the contributor:

<u>Name of Member</u>	<u>Date</u>	<u>Name of Contributor</u>
Not applicable	N/A	N/A
_____	_____	_____
_____	_____	_____

PART B. Directors, Officers and Stockholders (see § 5-838(b)) (For Corporations Only)

***Note: For a corporation's application to be processed, this section must be completed in full (place a check at the beginning of each question to indicate the action has been completed).**

1. All directors, officers, and stockholders with a 5 percent or greater interest have been notified of the disclosure requirement as provided in the Law and are identified as follows (list name and title – if the corporation has no directors, officers or stockholders with a 5 percent or greater interest, so state):
Not applicable

2. Affidavits (Form PG 1 Individual Applicant Affidavit) from those individuals identified in question #1 above, who have made or solicited contributions and are therefore required to disclose, are either attached or on file with the Clerk of the County Council **OR** there are no individuals required to file affidavits.

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief.

Childcare Properties Limited Partnership
By: MC Associates Corp., General Partner
By: Peter J. Federawicz
Signature (original to be filed with the Clerk)
Printed Name of Signer Peter J. Federawicz
Title of Signer (Authorized to sign for the business entity) Vice President

5/10/21
Date

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.

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.

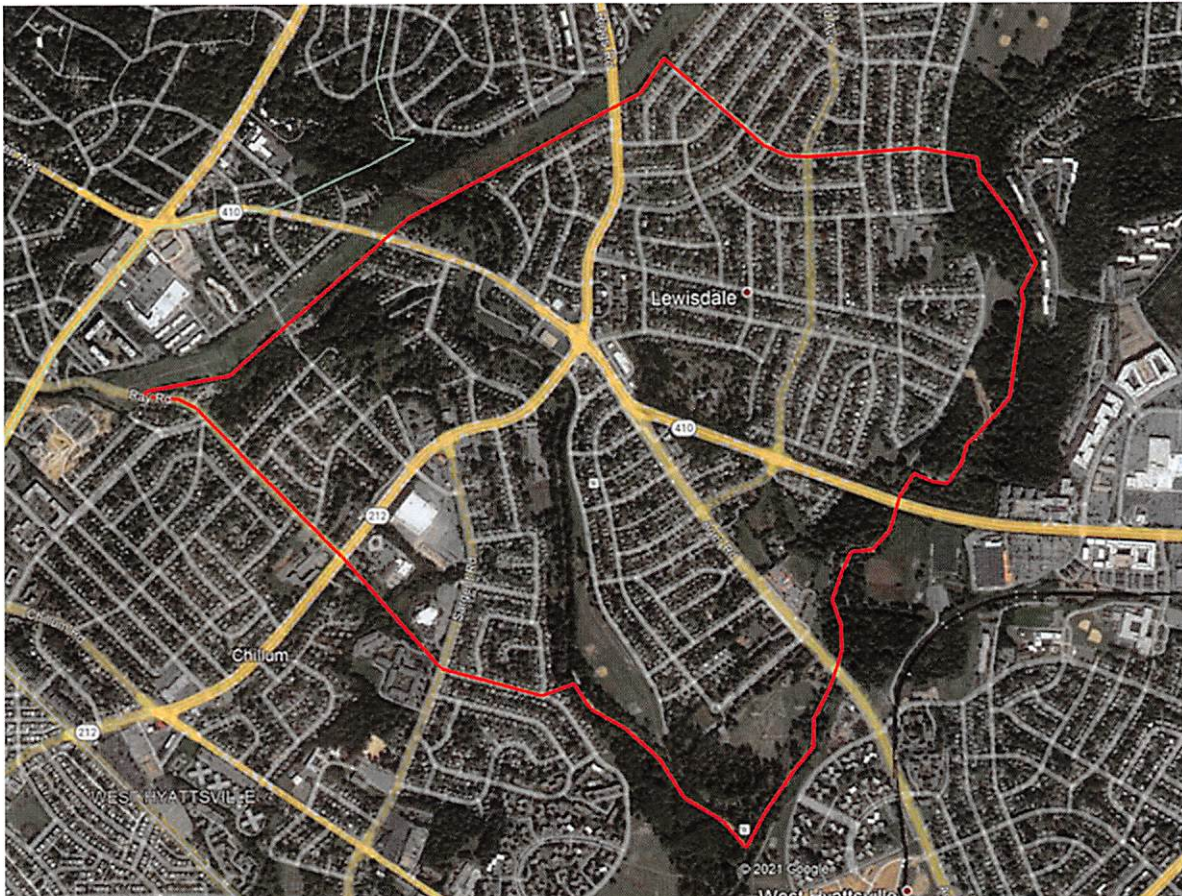
8. Location – The site is located on the southwest quadrant of the intersection of East-West Highway and Riggs Road.
9. Zoned: C-S-C.
10. 200 Sheet – 208NE02.

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 Ordinance¹ 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-

¹ (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 colocation 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.

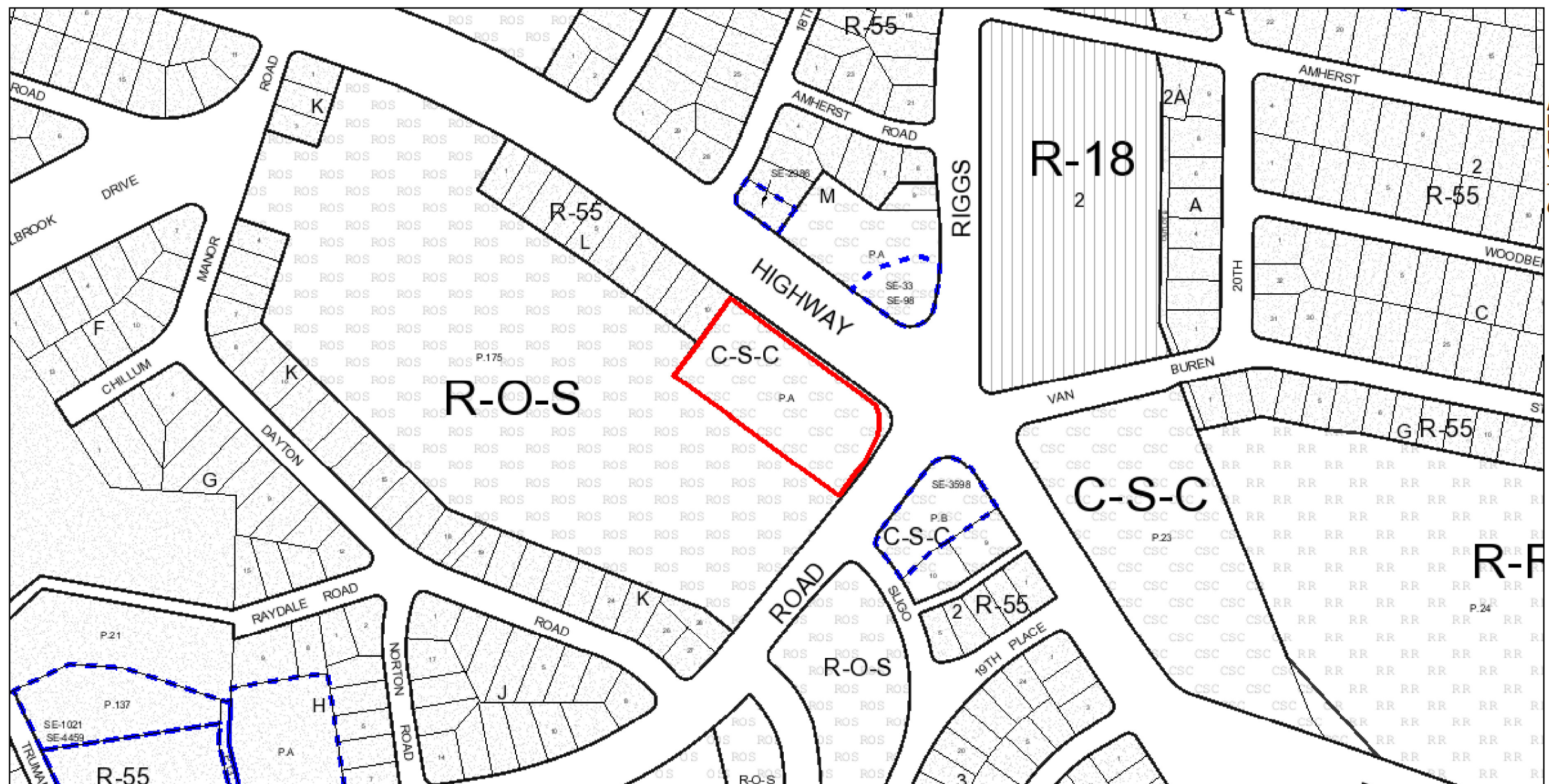
Respectfully submitted,

MCNAMEE HOSEA, P.A.



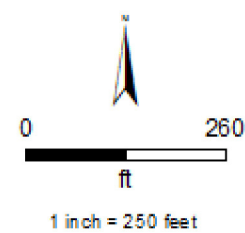
By: _____
Matthew C. Tedesco, Esq.

Date: October 7, 2021



ZONING SKETCH MAP

APP NO: SE-4846
EXISTING ZONE: _____
PLANNING AREA: 65
WSSC GRID: 208NE02
TAX MAP: 41
TAX GRID: C1
COUNCIL DISTRICT: 2



The Maryland-National Capital Park and Planning Commission
Prince Georges County Planning Department
Geographic Information System
Created: 10/21/2021

Two Farms, Inc.

0201071

DATE	LOC	REF	GROSS	DISC	NET	DATE	LOC	REF	GROSS	DISC	NET
11/11/21	850	11112021 #393	5,572.00	0.00	5,572.00						
11/11/21		6819 - MNCPPC							5,572.00	0.00	5,572.00

THIS CHECK IS VOID WITHOUT A BLUE BACKGROUND AND AN ARTIFICIAL WATERMARK PATTERN ON THE BACK - HOLD AT ANGLE TO VIEW

Two Farms, Inc.
3611 Roland Avenue
Baltimore, MD 21211
(410) 889-0200

Bank of America

88-130
1119

11/11/21

DATE

0201071

CHECK NUMBER

PAY EXACTLY THIS AMOUNT

AMOUNT

Five Thousand Five Hundred Seventy-Two Dollars

****5,572.00

VOID AFTER 180 DAYS

TO THE
ORDER
OF

MNCPPC
14741 GOVERNOR ODEN BOWIE DR.
UPPER MARLBORO, MD 20772

John M. Kemp
John M. Kemp

SIGNATURE HAS A COLORED BACKGROUND

⑈0201071⑈ ⑆111901302⑆ 002330025528⑈

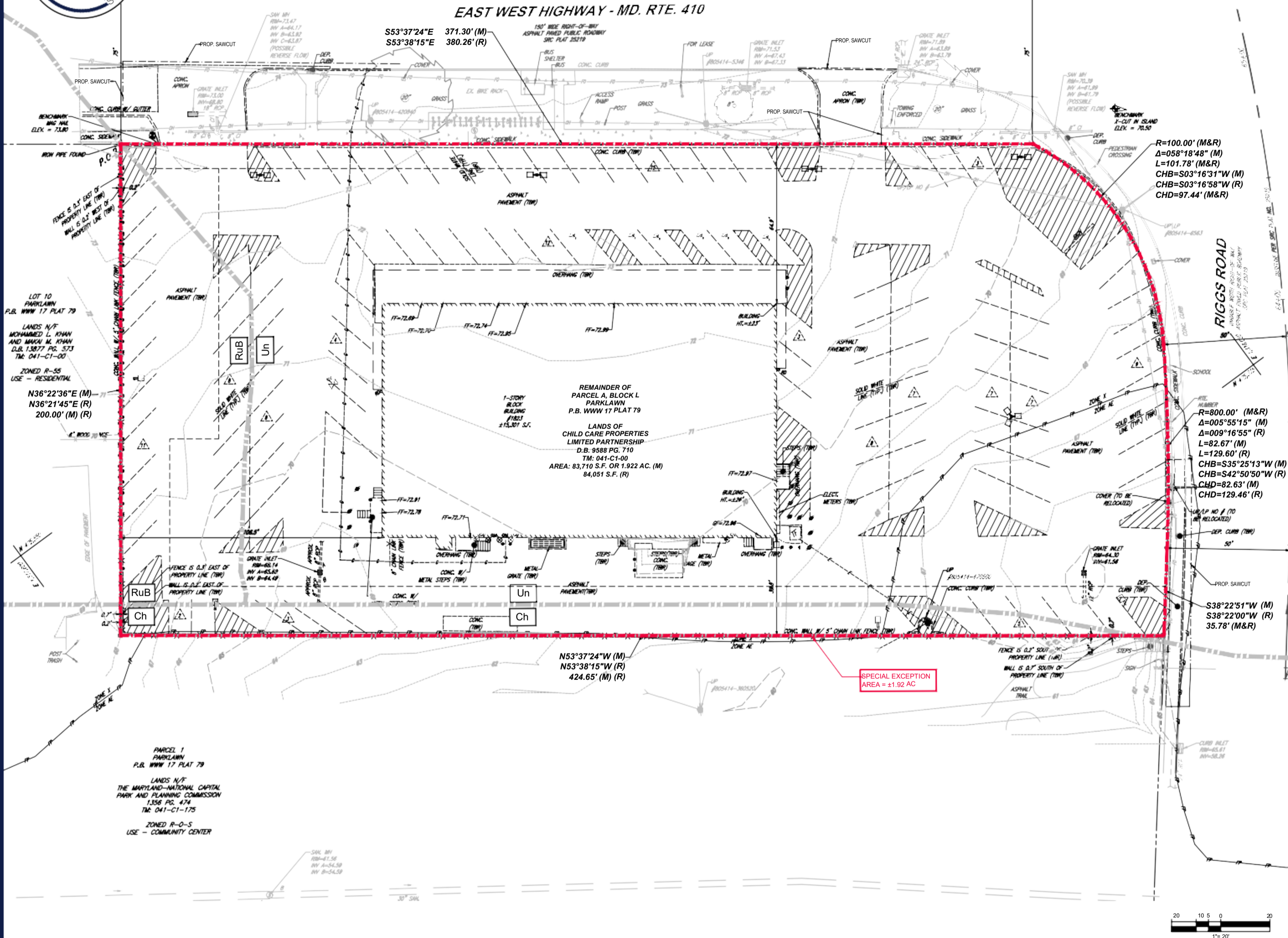
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NON-NEGOTIABLE • THIS PORTION IS NON-NEGOTIABLE • THIS PORTION IS NON-NEGOTIABLE

THIS CHECK IS VOID WITHOUT A COLORED BACKGROUND ON THE FRONT
AND AN ARTIFICIAL WATERMARK ON THE BACK
HOLD AT ANGLE TO VIEW

ENDORSE HERE

X

DO NOT WRITE BELOW THIS LINE
RESERVED FOR FINE PRINT INSTITUTION USE



SURVEY NOTES:

1. THE SUBJECT PROPERTY IS THE REMAINDER OF PARCEL A, BLOCK L, PARKLAWN AS RECORDED IN PLAT BOOK WWW 17 PLAT NUMBER 79 AND BEING THE LANDS OF CHILD CARE PROPERTIES LIMITED PARTNERSHIP AS RECORDED IN LIBER 8688 FOLIO 710, ALL AMONG THE LANDS RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND AND SHOWN ON TAX MAP 41 PER THE DEPARTMENT OF ASSESSMENTS.
 2. LEASE AREA = 83,710 SQUARE FEET OR 1.922 ACRES
 3. LOCATION OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE. SOURCE INFORMATION FROM PLANS AND MARKINGS HAS BEEN COMBINED WITH OBSERVED EVIDENCE OF UTILITIES TO DEVELOP A VIEW OF THOSE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.
 4. THIS SURVEY WAS PERFORMED IN THE FIELD ON SEPTEMBER 19, 2020 UTILIZING THE REFERENCE DOCUMENTS AS LISTED HEREON AND DEPICTS BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS.
 5. ELEVATIONS ARE BASED ON NGVD29 DATUM DETERMINED BY GPS OBSERVATIONS AND TIED TO WSEC BENCHMARK NO. 1713 WITH A PUBLISHED ELEVATION OF 71.719 FEET.
 6. THE PROPERTY IS LOCATED IN OTHER AREAS ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND IN SPECIAL FLOOD HAZARD AREAS (SFHAS) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD ZONE AE (BASE FLOOD ELEVATIONS DETERMINED, ELEVATION 68) PER MAP ENTITLED "FIRM, FLOOD INSURANCE RATE MAP, PRINCE GEORGE'S COUNTY, MARYLAND AND INCORPORATED AREAS, PANEL 126 OF 466", MAP NUMBER 2403301286, WITH A MAP EFFECTIVE DATE OF SEPTEMBER 16, 2016.
 7. ZONING: C-S-C (COMMERCIAL SHOPPING CENTER)
- BUILDING SETBACKS**
- | | 10 FEET |
|---------------------|---------|
| FRONT YARD: | 12 FEET |
| INTERIOR SIDE YARD: | NONE |
| STREET CORNER SIDE: | 25 FEET |
| REAR YARD: | 25 FEET |
- *OR THE BUFFER REQUIRED IN THE LANDSCAPE MANUAL, WHICH EVER IS GREATER
- ALL ZONING INFORMATION WAS PROVIDED IN A CONCEPTUAL SITE PLAN PREPARED BY KIMLEY-HORN AND ASSOCIATES, INC. DATED 12/31/2019 AND MUST BE VERIFIED PRIOR TO USE OR RELIANCE UPON SAME. TO CONFIRM THE ZONING INFORMATION REPRESENTS AND DEPICTS THE THEN-CURRENT SITE-SPECIFIC INFORMATION, SHOULD THERE BE ANY CHANGE IN USE, SETBACK(S) AND/OR SET BACK REQUIREMENTS, ZONING CLASSIFICATION AND/OR ANY OTHER CHANGE OR VARIATION FROM THE CONDITIONS RECORDED HEREIN, THE CLIENT MUST VERIFY COMPLIANCE WITH THE USE, SET BACK, ZONING CLASSIFICATION AND/OR ORDINANCE, REGULATION OR LEGAL REQUIREMENT, PRIOR TO USING OR RELYING UPON THE FINDINGS RECORDED HEREIN, OR REFERRING SAME AS RELATED TO THE PROPERTY, PROJECT AND/OR DEVELOPMENT.
8. PARKING: 106 STANDARD
6 ADA
112 TOTAL SPACES
 9. THE UNDERSIGNED WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS SURVEY AND THE SURVEYING WORK REFLECTED IN IT, ALL IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN "COMAR" SECTION 09.13.06.12.
 10. EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE FIELD SURVEY; HOWEVER, NO PHYSICAL INDICATIONS OF SUCH WERE FOUND AT THE TIME OF THE FIELD INSPECTION OF THIS SITE.
 11. THERE IS AN OVERHEAD POLE LINE THAT CROSSES THE PROPERTY TO THE EAST WITHOUT A POSSIBLE EASEMENT.

DEMOLITION LEGEND

	CONCRETE CURB & GUTTER (TBR)
	LIGHT (TBR)
	SIGN (TBR)
	PARKING COUNTS (TBR)
	SPECIAL EXCEPTION AREA

BOHLER

SITE CIVIL AND CONSULTING ENGINEERING

NO SURVEYING

PROPOSED CONSTRUCTION

LANDSCAPE ARCHITECTURE

SUSTAINABLE DESIGN

PERMITTING SERVICES

TRANSPORTATION SERVICES

REVISIONS			
REV	DATE	COMMENT	DESIGNED BY

811

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FOR CONCEPT PURPOSES ONLY

PROJECT NO.:	MB202122
DRAWN BY:	AAT
CHECKED BY:	TW
DATE:	01/22/2021
CAD L.D.:	SSO

PROJECT:

SPECIAL EXCEPTION PLAN (SE-4846)

FOR

ROYAL FARMS #393

LOCATION OF SITE

1823 EAST WEST HIGHWAY
PRINCE GEORGE'S COUNTY
HYATTSVILLE, MD 20783
17TH ELECTION DISTRICT
TM: 41, GRID: C1

BOHLER

16701 Melford Blvd., Suite 310
Bowie, Maryland 20715

Phone: (301) 809-4500
Fax: (301) 809-4501
MD@BohlerEng.com

J. DIMARCO

PROFESSIONAL ENGINEER

PROFESSIONAL CERTIFICATION

I, JOSEPH DIMARCO, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE NO. 34390, EXPIRATION DATE: 12/23/2022

SHEET TITLE:

EXISTING CONDITIONS PLAN

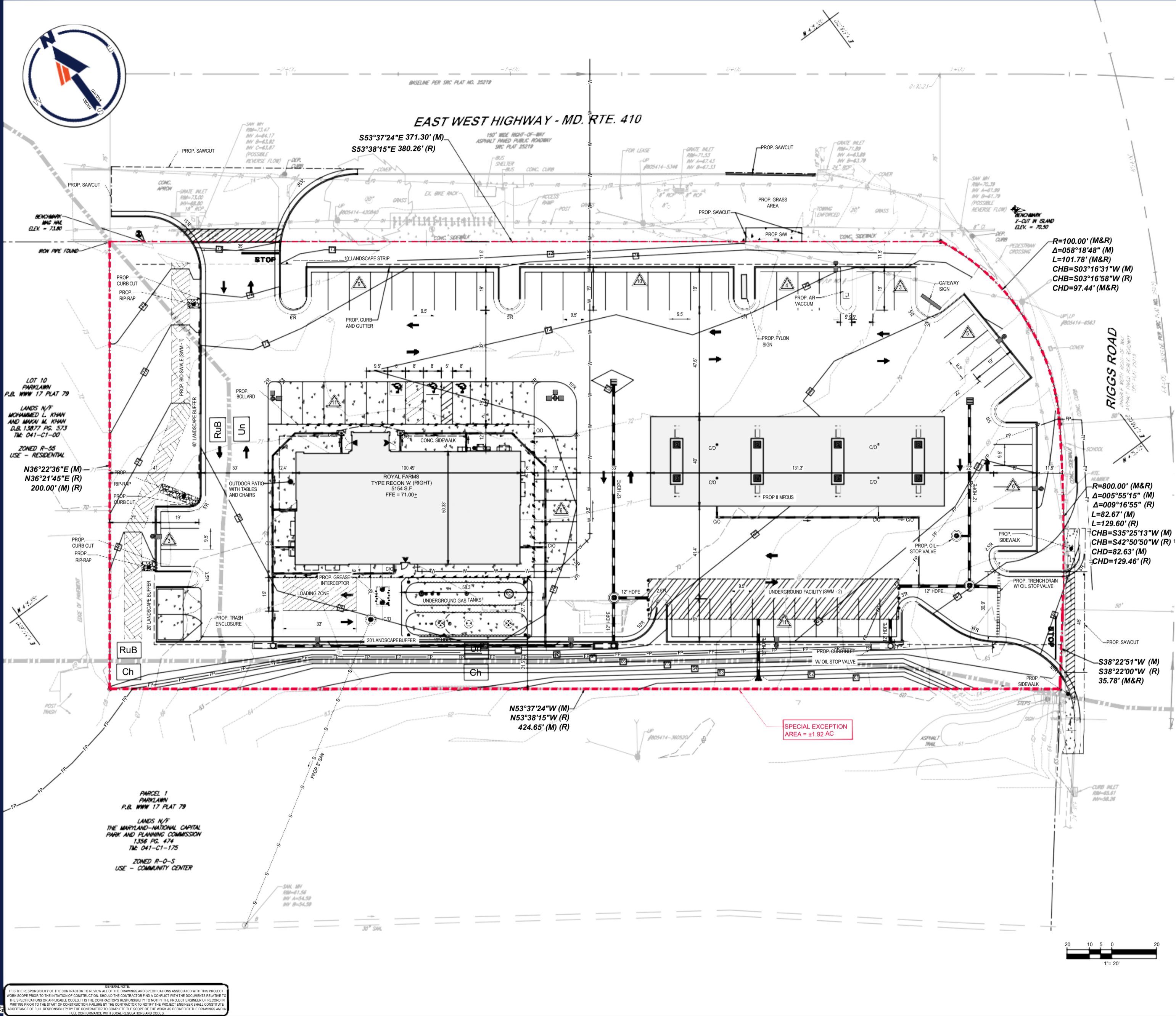
SHEET NUMBER:

2

ORG. DATE - 01/22/2021

DEPARTMENT PERMIT NUMBER	PARCEL AND/OR LOT AND BLOCK IDENTIFIERS
SE-4846	PARCEL 00

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT. WORK SHALL BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS AND REQUIREMENTS OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION.



GENERAL NOTES:

1. SITE DATA: PARCEL A - 1.922 AC OR 83,710 SF
SUBDIVISION - 6800
PLAT BOOK 17 NO. 79
TAX MAP - 41 GRID - C1
WSSC GRID - 208NE02
 2. ZONING: C-S-C (COMMERCIAL SHOPPING CENTER)
 3. EXISTING USE: RETAIL SHOPS (± 15,301 SF)
PROPOSED USE: CONVENIENCE STORE (± 5,134 SF) - BY RIGHT
GAS STATION (8 MPD DOMINO)
 4. GROSS FLOOR AREA: 5,134 SF
 5. SPECIAL EXCEPTION AREA: ± 1.92 AC
 6. BULK REQUIREMENTS:
- | | ALLOWED/REQUIRED | PROVIDED |
|--|------------------|-------------------------------------|
| A. MIN. LOT AREA | 1.92 AC | 1.92 AC
(SPECIAL EXCEPTION AREA) |
| B. GREEN SPACE | 10% | 21% |
| C. MIN. BUILDING SETBACK | | |
| CONVENIENCE STORE | | |
| FRONT SETBACK (EAST-WEST HWY) | 10' | 81.7' |
| SIDE SETBACK (WEST) | 50' | 57.1' |
| SIDE SETBACK (EAST) | 10' | 52.4' |
| REAR SETBACK | 30' | 59.5' |
| CANOPY | | |
| FRONT SETBACK (EAST-WEST HWY) | 25' | 55' |
| SIDE SETBACK (WEST) | 50' | 241.89' |
| SIDE SETBACK (EAST) | 10' | 52.8' |
| REAR SETBACK | 30' | 70.5' |
| D. MIN. PARKING SETBACK | | |
| FRONT SETBACK (EAST-WEST HWY) | 10' | 10' |
| SIDE SETBACK (WEST) | 20'/40' | 20'/40' |
| SIDE SETBACK (EAST) | 10' | 10' |
| REAR SETBACK | 20' | 20' |
| * NOTE: PLAN VIEW ANNOTATED TO FACE OF CURB. SETBACK NOTED ABOVE IS TO BACK OF CURB. | | |
| E. PARKING REQUIREMENTS | | |
| CONVENIENCE STORE | | |
| 1 SPACE PER 150 SF OF GLA UP TO 3000 SF AND 1 SPACE PER 200 SF OF GLA OVER 3000 SF (BUILDING AND FUEL CANOPIES = 9,888 SF) | 61 | 65 |
| ADA | | |
| 1 SPACE REQUIRED FOR TOTAL PARKING BETWEEN 0-25 SPACES
* INCLUDED IN TOTAL | 3 | 3 |
| TOTAL | 64 | 68 |
| LOADING | | |
| 2,000 TO 10,000 SF OF GFA | 1 | 1 |
| F. MIN. PARKING SPACE DIMENSIONS | | |
| STANDARD PARKING SPACE | 9.5X19' | 9.5X19' |
| ADA 1 PER 25 PARKING SPACES | 8X19' | 8X19' |
| G. MAX. BUILDING HEIGHT | | |
| CONVENIENCE STORE | N/A | TBD |
| CANOPY | N/A | TBD |



REVISIONS			
REV	DATE	COMMENT	DESIGNED BY



FOR CONCEPT PURPOSES ONLY

PROJECT No.: MB202122
DRAWN BY: AAT
CHECKED BY: TW
DATE: 01/22/2021
CAD LD.: SSO

SPECIAL EXCEPTION PLAN (SE-4846)

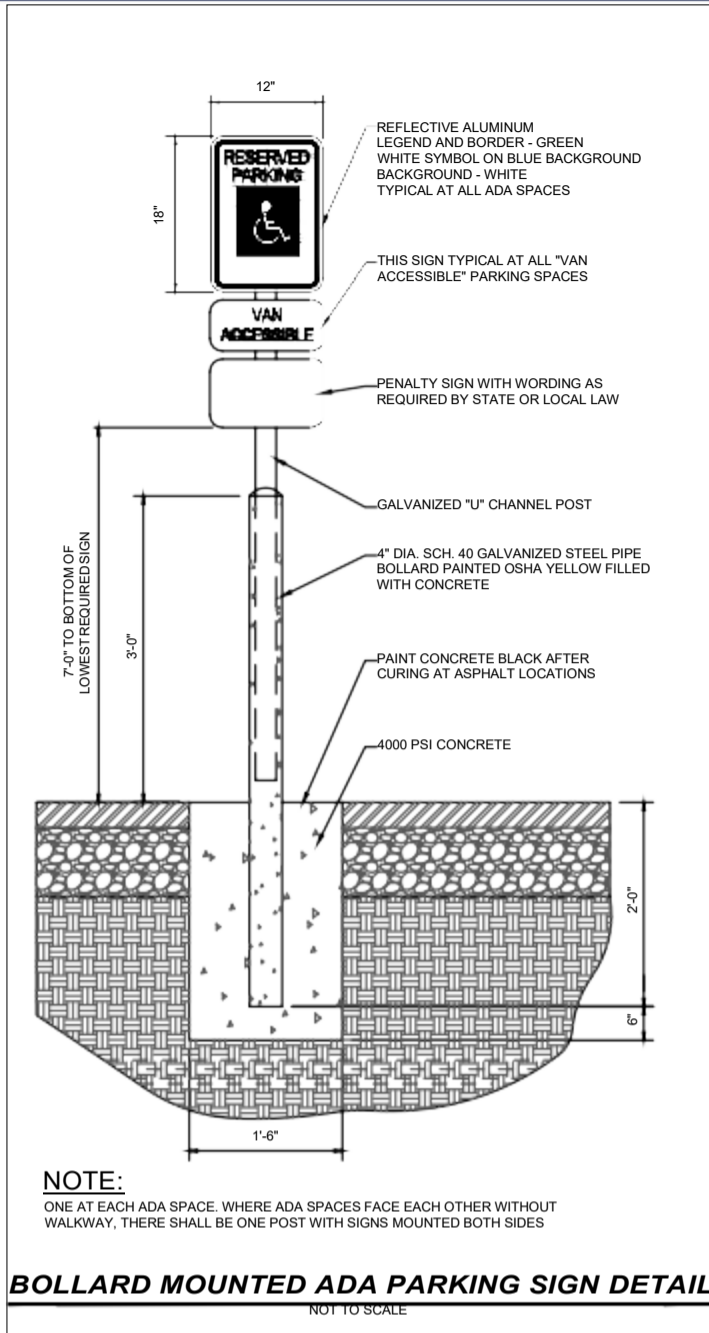
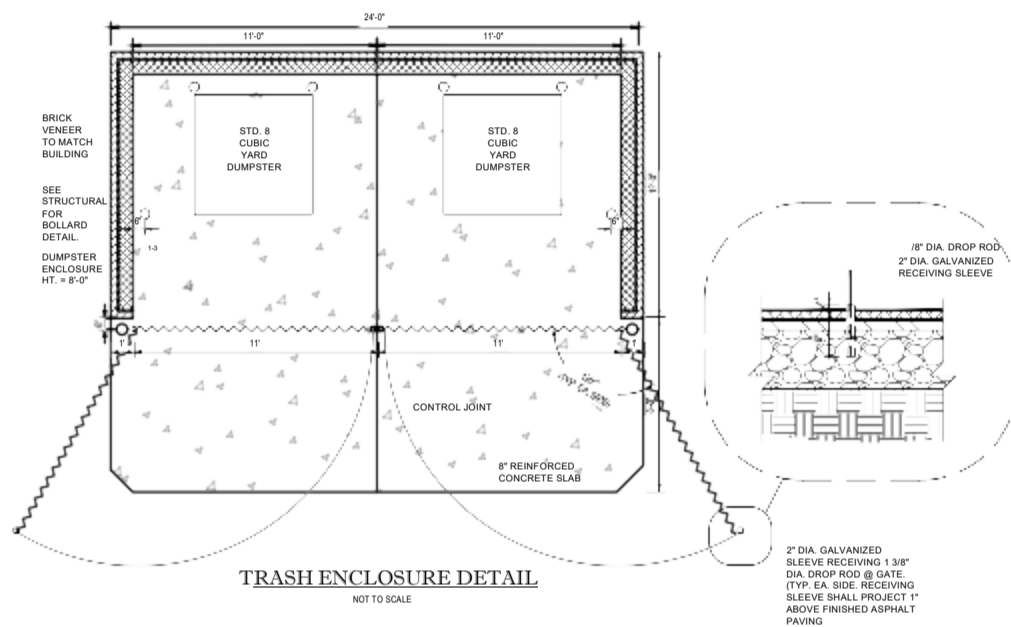
FOR
ROYAL FARMS #393
LOCATION OF SITE
1823 EAST WEST HIGHWAY
PRINCE GEORGE'S COUNTY
HYATTSVILLE, MD 20783
17TH ELECTION DISTRICT
TM: 41, GRID: C1

BOHLER
16701 MELFORD BLVD., SUITE 310
BOWIE, MARYLAND 20715
Phone: (301) 809-4500
Fax: (301) 809-4501
MD@BohlerEng.com

J. DIMARCO
PROFESSIONAL ENGINEER
PROFESSIONAL CERTIFICATION
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LICENSED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 34390, EXPIRATION DATE: 12/23/2022

SHEET TITLE:
SITE PLAN
SHEET NUMBER:
3
ORG. DATE - 01/22/2021

DEPARTMENT PERMIT NUMBER PARCEL AND/OR LOT AND BLOCK IDENTIFIERS	
SE-4846	PARCEL 00

[illegible]

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DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.:	MB202122
DRAWN BY:	AAT
CHECKED BY:	TW
DATE:	01/22/2021
CAD I.D.:	SS0

PROJECT:

***SPECIAL
EXCEPTION PLAN
(SE-4846)***

FOR

**ROYAL
FARMS #393**

LOCATION OF SITE

**1823 EAST WEST HIGHWAY
PRINCE GEORGE'S COUNTY
HYATTSVILLE, MD 20783
17TH ELECTION DISTRICT
TM: 41, GRID: C1**

BOHLER //
16701 MELFORD BLVD., SUITE 310
BOWIE, MARYLAND 20715
Phone: (301) 809-4500
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MD@BohlerEng.com

J. DIMARCO

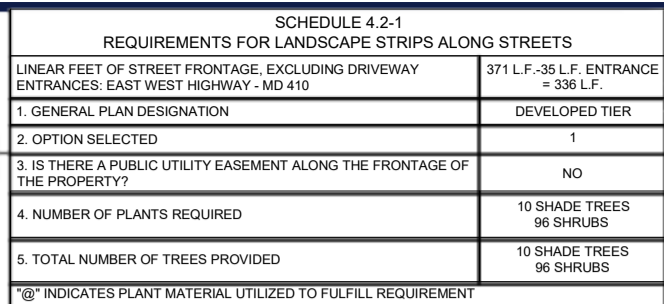
PROFESSIONAL ENGINEER
MARYLAND LICENSE NO. 34390

PROFESSIONAL CERTIFICATION
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LICENSED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MARYLAND,
LICENSE NO. 34390, EXPIRATION DATE: 12/23/2022

SHEET TITLE:

<i>SITE DETAILS</i>	
SHEET NUMBER: 4	
ORG. DATE - 01/22/2021	

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

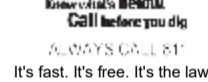


SECTION 4.4 SCREENING REQUIREMENT - TRASH AND RECYCLING FACILITIES	
PLANT MATERIAL PROVIDED	EVERGREEN SCREENING
% INDICATES PLANT MATERIAL UTILIZED TO FULFILL REQUIREMENT	

EAST WEST HIGHWAY - MD. RTE. 410

SECTION 4.9 SUSTAINABLE LANDSCAPING REQUIREMENT	
1. PERCENTAGE OF PLANT MATERIAL REQUIRED IN EACH CATEGORY:	
REQUIRED	PROVIDED
SHADE TREES: 42 x 50% = 21 ORNAMENTAL TREES: 32 x 50% = 16 EVERGREEN TREES: 59 x 30% = 18 SHRUBS: 162 x 30% = 49	SHADE TREES: 32 (76% NATIVE) ORNAMENTAL TREES: 32 (100% NATIVE) EVERGREEN TREES: 37 (62% NATIVE) SHRUBS: 66 (40% NATIVE)
2. ARE INVASIVE SPECIES PROPOSED	NO
3. ARE EXISTING INVASIVE SPECIES ON-SITE IN AREAS THAT ARE TO REMAIN UNDISTURBED	NO
4. IF "YES" IS CHECKED IN NUMBERS 2 OR 3, IS A NOTE INCLUDED ON THE PLAN REQUIRING REMOVAL OF INVASIVE SPECIES PRIOR TO CERTIFICATION IN ACCORDANCE WITH SECTION 1.5. CERTIFICATION OF INSTALLATION OF PLANT MATERIALS	N/A
5. ARE TREES PROPOSED TO BE PLANTED ON SLOPES GREATER THAN 3:1	NO

SCHEDULE 4.7-1 BUFFERING INCOMPATIBLE USES REQUIREMENTS: BUFFER YARD 2	
1. GENERAL PLAN DESIGNATION	DEVELOPED TIER
2. USE OF PROPOSED DEVELOPMENT:	CONVENIENCE STORE / GAS
3. IMPACT OF PROPOSED DEVELOPMENT	HIGH
4. USE OF ADJOINING DEVELOPMENT	COMMUNITY CENTER
5. IMPACT OF ADJOINING DEVELOPMENT	MEDIUM
6. MINIMUM REQUIRED BUFFERYARD (A, B, C, D OR E)	B
7. MINIMUM REQUIRED BUILDING SETBACK	30 FEET
8. BUILDING SETBACK PROVIDED	30 FEET
9. MINIMUM REQUIRED WIDTH OF LANDSCAPE YARD	20 FEET
10. WIDTH OF LANDSCAPE YARD PROVIDED	20 FEET
11. LINEAR FEET OF BUFFER STRIP REQUIRED ALONG PROPERTY LINE AND RIGHT-OF-WAY	494 L.F.
12. PERCENTAGE OF REQUIRED BUFFERYARD OCCUPIED BY EXISTING TREES	0%
13. IS A SIX FOOT HIGH FENCE OR WALL INCLUDED IN BUFFERYARD	NO
14. TOTAL NUMBER OF PLANT UNITS REQUIRED IN BUFFER STRIP	396 P.U.
15. TOTAL NUMBER OF PLANT UNITS PROVIDED	SHADE TREES 10 x 10 P.U. = 100 P.U. EVERGREEN TREES 35 x 5 P.U. = 175 P.U. ORNAMENTAL TREES 25 x 5 P.U. = 125 P.U. SHRUBS 0 x 1 P.U. = 0 P.U. TOTAL = 400 P.U.
*#F INDICATES PLANT MATERIAL UTILIZED TO FULFILL REQUIREMENT	

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PROJECT No.:	MB202122
DRAWN BY:	AAT
CHECKED BY:	TW
DATE:	01/22/2021
CAD I.D.:	LP0

PROJECT:

**SPECIAL
EXCEPTION PLAN
(SE-4846)**

FOR

ROYAL
FARMS #393

LOCATION OF SITE

823 EAST WEST HIGHWAY
PRINCE GEORGE'S COUNTY
HYATTSVILLE, MD 20783
17TH ELECTION DISTRICT
TM: 41, GRID: C1

BOHLER //

16701 MELFORD BLVD, SUITE 310
BOWIE, MARYLAND 20715

Phone: (301) 809-4500
Fax: (301) 809-4501

MD@BohlerEng.com

E.R. McWILLIAMS

REGISTERED PROFESSIONAL ARCHITECT
PROFESSIONAL CERTIFICATION
I, JOSEPH D'AMICO, HEREBY CERTIFY THAT
THESE DOCUMENTS WERE PREPARED OR
ENDORSED BY ME OR A FELLOW LICENSEE
AND THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME
AND I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MARYLAND.
UNIFORM AND
LICENSE NO. 14360 EXPIRATION DATE: 12/31/2022

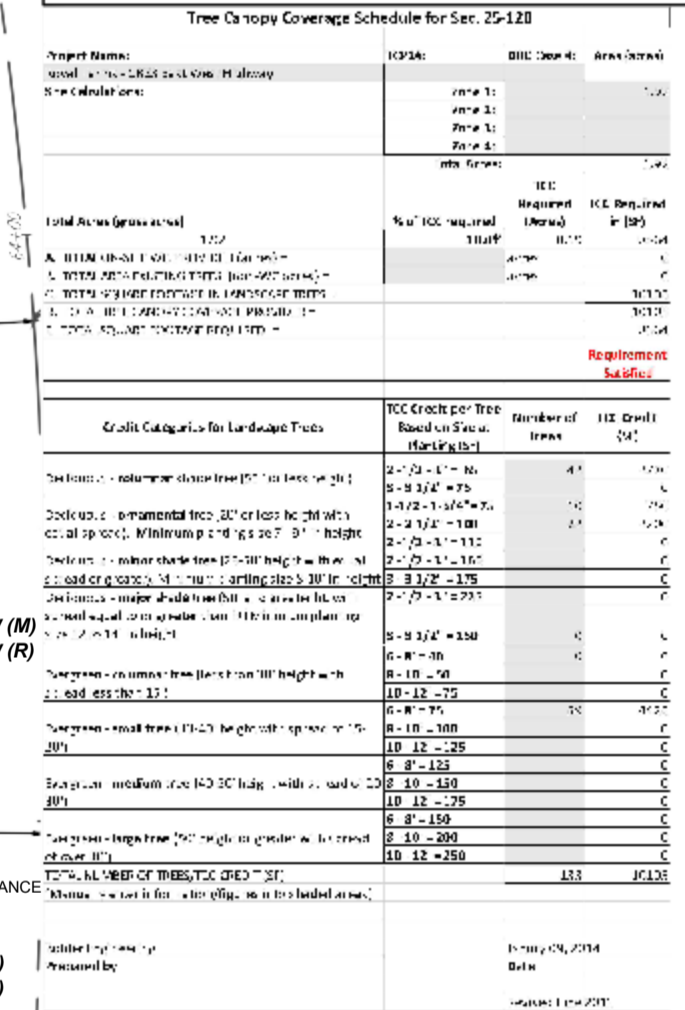
SHEET TITLE:

LANDSCAPE PLAN

SHEET NUMBER: _____

5

ORG. DATE - 01/22/2021



A detailed site plan of the proposed parking lot and interior landscape area. The plan shows a rectangular parking lot with a central island area. A north arrow is located in the upper left corner. A scale bar in the lower right corner indicates a scale of 1" = 200'. A legend in the lower left corner identifies the hatched area as the 'PARKING LOT AREA' and the solid black area as the 'INTERIOR LANDSCAPE AREA'.

LANDSCAPE SCHEDULE						
KEY	QTY.	BOTANICAL NAME	COMMON NAME	CAL. / HT.	CONT.	NATIVE
SHADE TREES						
AR	7	ACER RUBRUM	RED MAPLE	2 1/2-3' CAL / 12-14'	B+B	YES
QBC	12	QUERCUS BICOLOR	SWAMP WHITE OAK	2 1/2-3' CAL / 12-14'	B+B	YES
QP2	13	QUERCUS PALUSTRIS	PIN OAK	2 1/2-3' CAL	B+B	YES
TCOR	10	TILIA CORDATA	LITTLELEAF LINDEN	2 1/2-3' CAL	B+B	NO
SUBTOTAL:	42					
ORNAMENTAL TREES						
AC	10	AMELANCHIER CANADENSIS	MULTI STEM SHAOBLLOW SERVICEBERRY	1-1 1/2' CAL / 8-10'	B+B	YES
CC	22	CERCIS CANADENSIS	EASTERN REDBUD	2-2 1/2' CAL / 8-10'	B+B	YES
SUBTOTAL:	32					
EVERGREEN TREES						
IDN	4	ILEX X 'NELLIE R. STEVEN'	NELLIE R. STEVENS' HOLLY	6-8' HT.	B+B	NO
PIAB	18	PICEA ABIES	NORWAY SPRUCE	6-7' HT.	B+B	NO
PS	31	PINUS STROBUS	EASTERN WHITE PINE	6-7' HT.	B+B	YES
TOE	6	THUJA OCCIDENTALIS 'EMERALD'	EMERALD GREEN ARBORVITAE	5-6' HT.	B+B	YES
SUBTOTAL:	59					
EVERGREEN SHRUBS						
IGS	53	ILEX GLABRA 'SHAMROCK'	SHAMROCK INKBERRY HOLLY	24-30" HT. & SPREAD	#5 CAN	YES
PLS	96	PRUNUS LAUROCERASUS 'SCHIPKAENSIS'	COMMON CHERRY/LAUREL	24-30" HT. & SPREAD	#3 CAN	NO
VR	13	VIBURNUM X RHYTIDOPHYLLUM	LEATHERLEAF VIBURNUM	3-4' HT. & SPREAD	B+B	YES
SUBTOTAL:	162					

SECTION 4.3-2 INTERIOR PLANTING FOR PARKING LOTS 7,000 S.F. OR LARGER		
1. PARKING LOT AREA	39,446 S.F.	
2. INTERIOR LANDSCAPE AREA REQUIRED	8%	3,156 S.F.
3. INTERIOR LANDSCAPE AREA PROVIDED	8.3%	3,309 S.F.
4. NUMBER OF SHADE TREES REQUIRED		
PARKING LOTS LESS THAN 50,000 S.F. (1 PER 300 S.F. OF INTERIOR PLANTING AREA PROVIDED)	11 SHADE TREES	
PARKING LOTS GREATER THAN 50,000 S.F. (1 PER 200 S.F. OF INTERIOR PLANTING AREA PROVIDED)	N/A	
5. NUMBER OF SHADE TREES PROVIDED	11 TREES	
6. IS A MINIMUM OF 100 S.F. OF CONTIGUOUS PERVIOUS LAND AREA PROVIDED PER SHADE TREE?	NO	
7. IS THERE A PLANTING ISLAND ON AVERAGE EVERY 10 SPACES?	YES	
8. IS A CURB OR WHEEL STOP PROVIDED FOR ALL PARKING SPACES ABUTTING A PLANTING OR PEDESTRIAN AREA?	YES	
9. ARE PLANTING ISLANDS WHICH ARE EITHER PARALLEL OR PERPENDICULAR TO PARKING SPACES ON BOTH SIDES A MINIMUM OF 9 FEET WIDE?	YES	
10. IS A PLANTING ISLAND THAT IS PERPENDICULAR TO PARKING SPACES ON ONE SIDE A MINIMUM OF 6 FEET WIDE?	YES	
11. FOR PARKING LOTS 50,000 S.F. OR LARGER		
A) IS THERE A 9 FOOT WIDE PLANTING ISLAND PERPENDICULAR TO PARKING FOR EVERY BAY?	N/A	
B) IS THE NUMBER OF SHADE TREES REQUIRED INCREASED (1 PER 200 S.F. OF INTERIOR PLANTING AREA PROVIDED)?	N/A	

SCHEDULE 4.7-1 BUFFERING INCOMPATIBLE USES REQUIREMENTS: BUFFER YARD 1	
1. GENERAL PLAN DESIGNATION	DEVELOPED TIER
2. USE OF PROPOSED DEVELOPMENT:	CONVENIENCE STORE/GAS
3. IMPACT OF PROPOSED DEVELOPMENT	HIGH
4. USE OF ADJOINING DEVELOPMENT	SINGLE-FAMILY DETACHED
5. IMPACT OF ADJOINING DEVELOPMENT	LOW
6. MINIMUM REQUIRED BUFFERYARD (A, B, C, D OR E)	D
7. MINIMUM REQUIRED BUILDING SETBACK	50FEET
8. BUILDING SETBACK PROVIDED	83.4 FEET
9. MINIMUM REQUIRED WIDTH OF LANDSCAPE YARD	40 FEET
10. WIDTH OF LANDSCAPE YARD PROVIDED	40 FEET
11. LINEAR FEET OF BUFFER STRIP REQUIRED ALONG PROPERTY LINE AND RIGHT-OF-WAY	120 L.F.
12. PERCENTAGE OF REQUIRED BUFFERYARD OCCUPIED BY EXISTING TREES	0%
13. IS A SIX FOOT HIGH FENCE OR WALL INCLUDED IN BUFFERYARD	NO
14. TOTAL NUMBER OF PLANT UNITS REQUIRED IN BUFFER STRIP	192 P.U.
15. TOTAL NUMBER OF PLANT UNITS PROVIDED	SHADE TREES 5 x 10 P.U. = 50 P.U. EVERGREEN TREES 24 x 5 P.U. = 120P.U. ORNAMENTAL TREES 5 x 5 P.U. = 25 P.U. SHRUBS 0 x 1 P.U. = P.U. TOTAL = 195 P.U.
*4. INDICATES PLANT MATERIAL UTILIZED TO FULFILL REQUIREMENT	
ALTERNATIVE COMPLIANCE IS REQUIRED.	

PARKING LOT AREA

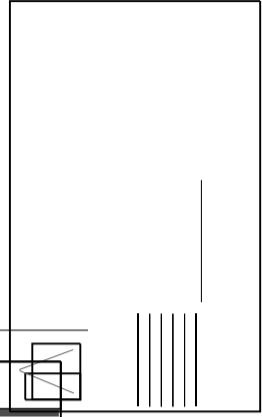
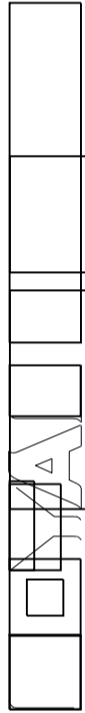
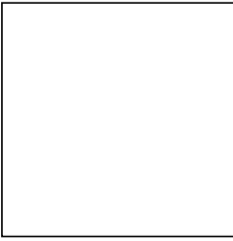
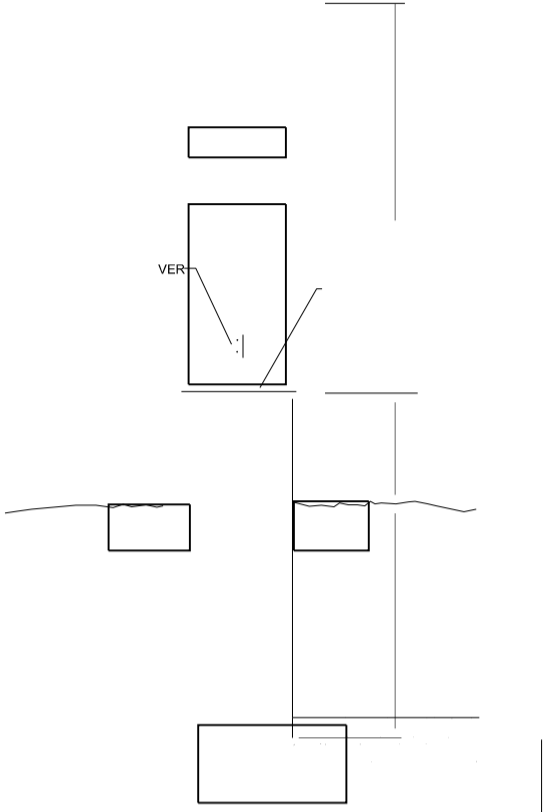
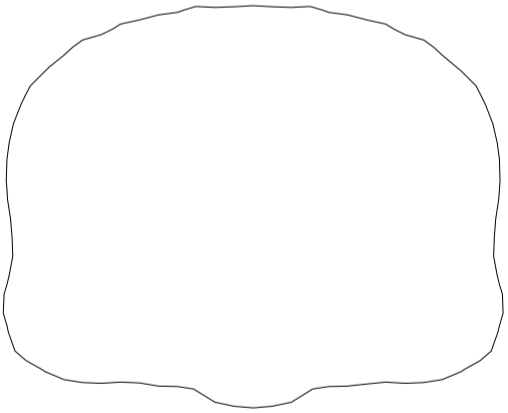
INTERIOR LANDSCAPE AREA

0 100 200
1" = 200'

PAGE 11
P.B. 117 PLAT 79
 LANDS IN/OF
 THE MARITIME NATIONAL CAPITAL
 PARK AND PLANNING COMMISSION
 1356 PDS 474
 TEL: 041-01-173

SCHEDULE 4-2-1 REQUIREMENTS FOR LANDSCAPE STRIPS ALONG STREETS	
LINEAR FEET OF STREET FRONTAGE, EXCLUDING DRIVEWAY ENTRANCES: ROAD FRONT	220 L.F. - 35 L.F. ENTRANCE = 185 L.F.
1. GENERAL PLAN DESIGNATION	DEVELOPED TIER
2. OPTION SELECTED	1
3. IS THERE A PUBLIC UTILITY EASEMENT ALONG THE FRONTAGE OF THE PROPERTY?	NO
4. NUMBER OF PLANTS REQUIRED	6 SHADE TREES 53 SHRUBS
5. TOTAL NUMBER OF TREES PROVIDED	7 SHADE TREES 53 SHRUBS
*INDICATES PLANT MATERIAL UTILIZED TO FULFILL REQUIREMENT	
ALTERNATIVE COMPLIANCE IS REQUIRED.	

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT AND TO NOTIFY THE ARCHITECT IMMEDIATELY IN WRITING OF ANY DISCREPANCIES, OMISSIONS, OR CONFLICTS IN THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES. THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION, FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.



East West Highway
Hyattsville, MD
STORE #393

PERFORMANCE DATA													
ALLES (IN LAMP)	RANGE CONCENT	SYSTEM	DISTINCTION TYPE	5K					5K				
				LUMENS	FW	B	U	G					
64	625 mK	130W	1	14274	100	5	0	0	14131	100	5	0	0
			2	15127	100	5	0	0	14813	100	5	0	0
			3	15127	100	5	0	0	14813	100	5	0	0
			4	15127	100	5	0	0	14813	100	5	0	0
			5	15127	100	5	0	0	14813	100	5	0	0
			6	15127	100	5	0	0	14813	100	5	0	0
			7	15127	100	5	0	0	14813	100	5	0	0
			8	15127	100	5	0	0	14813	100	5	0	0
			9	15127	100	5	0	0	14813	100	5	0	0
			10	15127	100	5	0	0	14813	100	5	0	0
80	700 mK	180W	1	18300	100	5	0	0	18030	100	5	0	0
			2	18300	100	5	0	0	18030	100	5	0	0
			3	18300	100	5	0	0	18030	100	5	0	0
			4	18300	100	5	0	0	18030	100	5	0	0
			5	18300	100	5	0	0	18030	100	5	0	0
			6	18300	100	5	0	0	18030	100	5	0	0
			7	18300	100	5	0	0	18030	100	5	0	0
			8	18300	100	5	0	0	18030	100	5	0	0
			9	18300	100	5	0	0	18030	100	5	0	0
			10	18300	100	5	0	0	18030	100	5	0	0
80	875 mK	225W	1	21348	100	5	0	0	21066	100	5	0	0
			2	21348	100	5	0	0	21066	100	5	0	0
			3	21348	100	5	0	0	21066	100	5	0	0
			4	21348	100	5	0	0	21066	100	5	0	0
			5	21348	100	5	0	0	21066	100	5	0	0
			6	21348	100	5	0	0	21066	100	5	0	0
			7	21348	100	5	0	0	21066	100	5	0	0
			8	21348	100	5	0	0	21066	100	5	0	0
			9	21348	100	5	0	0	21066	100	5	0	0
			10	21348	100	5	0	0	21066	100	5	0	0
96	700 mK	225W	1	22146	100	5	0	0	21854	100	5	0	0
			2	22146	100	5	0	0	21854	100	5	0	0
			3	22146	100	5	0	0	218				

[illegible]

P5642 SERIES

LED Wall Mount • Wet Location

Project: _____
Fixture type: _____
Location: _____
Contact: _____

Specifications:

Description:

The P5642 Series are available for a wide variety of interior and exterior applications, including residential and commercial. The Golden Series has a robust aluminum extrusion fixture and features the most popular LED down light module approach, results in an easy-to-install and easy-to-maintain product. The P5642 Series is available in the following configurations:

Construction:

- Powdercoated Anodize Bronze (201) White (F01), Black (31) Metallic Gray (32)
- Die-cast aluminum construction
- Fixture dimensions are 100% brightness with most LED type fixtures
- Comes standard w/ recessed outlet box
- Mounting strap for outlet box included

Images:

Performance:

Measure of Module	2
Input Power	29W per module
Input Voltage	120V
Input Frequency	60Hz
Lumen/Ft/2W	2000lm (Lx)/7W/ftg MODULE
CCR	300K
CR	90
Beam Angle	60x60 (Lx)/7W/21
Beam Dots	100 (Lx)/7W/21
Min. Start Temp	30 °C (F) 86 °F (C)
Max. Start Temp	10 °C
Max. Operating Temp	30 °C
Warranty	5 yrs.
Labels	• CCRs certified for wet locations

Dimensions:

A 8"

B 18"

Extended H CTR

8 7/8" 3"

Catalog number:

Base	Finish	Color Temp	CCR
P5642	20 Anodize Bronze	30K -3000K	90 CRI
	30 White		
	31 Black		
	32 Metallic Gray		

For more information visit our website: www.progresslighting.com

Progress Lighting • 291 Williams Boulevard • Greenville, SC 29607

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Valbridge
PROPERTY ADVISORS

Need Analysis

Proposed Automobile Filling Station
1821 East-West Highway
Hyattsville, MD 20783

FOR
Royal Farms
3611 Roland Avenue
Baltimore, MD 21211



**Valbridge Property Advisors |
Baltimore Washington Metro**

11100 Dovedale Court
Marriottsville, Maryland 21104
443-333-5522
443-333-5445 fax
valbridge.com

BW01-20-0103

July 20, 2020

Mr. Jeff Bainbridge
Director of Real Estate
Royal Farms
3611 Roland Avenue
Baltimore, Maryland 21211

**Subject: Proposed Automobile Filling Station and Convenience Store
1821 East-West Highway, Hyattsville, MD - Need Analysis**

Dear Mr. Bainbridge:

Enclosed please find Valbridge Property Advisor's (Valbridge) analysis of the need for the proposed automobile filling station and convenience store to be located at 1821 East-West Highway in the unincorporated area west of the City of Hyattsville area in Prince George's County, Maryland. The site is proposed as an eight MPD gasoline station and 5,154 sq. ft convenience store. Our analysis has been conducted in connection with your petition for a special exception to permit a new automobile filling station and convenience store on that property

We find that that the proposed automobile filling station and convenience store will serve public need for convenient retail and gasoline purchases. The enclosed report summarizes our reasoning process.

It has been a pleasure working with you on this project. Please call me at (443) 333-5521 should you have any questions or comments.

Respectfully submitted,
Valbridge Property Advisors |
Baltimore Washington Metro



Edward M. Steere, AICP
Managing Director

PROPOSED AUTOMOBILE FILLING STATION NEED ANALYSIS

Executive Summary

Valbridge Property Advisors has been engaged by Royal Farms in connection with its petition to the Prince George's County District Council for a special exception permitting the redevelopment of a corner land parcel fronting East-West Highway (MD-410) and Riggs Road, as a gas station and convenience store, in the City of Hyattsville in Prince George's County, Maryland.

Scope of Work

Valbridge Property Advisors has been engaged to examine evidence of the public need for an automobile filling station in combination with a food and beverage store at this location. Presentation of sufficient evidence of public need for gasoline sales and the food and beverage store use is required before a special exception for those uses can be granted.

Royal Farms Automobile Filling Station and Convenience Store

The proposed Royal Farms gas station in Hyattsville is a rectangular shaped land parcel bounded by MD-410 (East-West Highway) and MD-212 (Riggs Road). The proposed improvements to the site include a gasoline station with eight multi-product dispensers (MPD's) under a canopy. In addition, there will be a convenience store of approximately 5,154 sq. ft with indoor/outdoor seating.

The Maryland Department of Transportation State Highway Administration published an estimated annual average daily traffic (AADT) count in 2019 on MD-410 between MD-650 and Red Top Road as 22,580 and 23,940 average annual weekday traffic (AAWDT). MD-410 serves as a major commuter route which runs through the inner northern suburbs of Washington D.C., connecting the commercial districts of Bethesda, Silver Spring and Hyattsville. Additionally, it provides a highway connection to transit and commercial hubs centered around Washington Metro subway stations in Bethesda, Takoma Park, Hyattsville, Silver Spring and New Carrollton. This site location provides an opportunity for commuters and consumers traveling on MD-410 to have convenient access to fresh food and competitive fuel prices before continuing to and from home.

Needs Analysis

Under the assumption that the special exception conditions have been met at the proposed site, we are of the opinion that granting the request is appropriate. Valbridge believes that the proposed convenience store with gas will be more convenient and therefore necessary to the residential households and commuters in the trade area. We do not believe that the proposed gas station will detract from or impair the health, morals, or welfare of residents in any conceivable way, given the considerable number of residential households and employment opportunities in

the area as well as the significant volume of daily pass-thru traffic who are in need of expedient fuel and convenience store services. Recent industry surveys reveal that while the price per gallon is still one of consumer's top considerations when choosing a gas station, an increasing proportion of consumers are more likely to go out of their way to visit a certain brand of station which has the quality of in-store offerings such as fresh food and loyalty programs they value. This trend is likely to continue going forward as in-store sales numbers climb and more people report entering the store during their visit. Overall, we estimate total fuel demand in the trade area at approximately **20.11 million gallons per year**.

Hyattsville Trade Area Annual Demand	
Residential	12.12 mgal/yr
Commercial	.60 mgal/yr
Pass-Through	1.01 mgal/yr
Workforce	6.38 mgal/yr
Total	20.11 mgal/yr

Competitive Supply

Our survey revealed seventeen existing gas stations in the subject's trade area. On average, trade area stations are estimated to supply 1.1 million gallons annually or an aggregate supply of **19.54 gallons per year**. Throughout our survey we evaluated conditions that are important to the marketing of goods and services, such as clean, well-lit facilities, quality fresh food products, visibility and access from the highway and neighborhood, modern design and cover from the elements. Based on this analysis we found that for the majority, gas stations that populated this area followed a classic service station design with three or more service garage bays or were formatted as small kiosk/mini convenience stores. These stations are unlikely to draw the same volumes of customers as the subject site as further demonstrated by our estimates of annual fuel sales volumes which are slightly below average.

We believe that only two trade area stations are realistically competitive with the subject as these stations have larger convenience store formats and modern designs with services such as a Bank of America ATM. The remaining fifteen trade area stations have little competitive advantage over one another in terms of the services they offer and benefit solely from the fact that they are well-positioned to capture traffic along commuter routes. On average, existing neighborhood stations do not meet modern consumer demands. Performance data from NACS and ITE traffic generation models reinforce that a modern convenience store such as the subject will generate more than double the customer traffic of the traditional and smaller gas stations.

NAME	ADDRESS	MPD	Diesel Positions	Convenience Store	Carwash	Service Bays	Sq.Ft.	Yr Built
EXXON	6762 RIGGS RD	3	2	KIOSK	Y	4	2,233	1987
VALERO	2301 UNIVERSITY BLVD E	6		KIOSK		4	2,331	1964
ADELPHI GAS	2300 UNIVERSITY BLVD E	4		KIOSK	Y		528	1970
SHELL	2344 UNIVERSITY BLVD E	4		KIOSK		3	1,568	1968
UNIVERSITY GAS	2201 UNIVERSITY BLVD E	4		MINI	Y		1,343	1950
CITGO	2210 UNIVERSITY BLVD E	3		KIOSK		3	1,840	1970
ERROL'S GAS	1825 UNIVERSITY BLVD E	4		KIOSK		3	1,440	1964
US FUEL	5851 RIGGS RD	4		KIOSK		3	1,827	1961
BP	5818 RIGGS RD	3	1	MINI		4	8,953	1966
SHELL	5801 RIGGS RD	4	2	KIOSK			1,305	1956
RED TOP	949 EAST-WEST HWY	5		LTD	Y	3	2,218	1954
SHELL	7430 RIGGS RD	4		TRADITIONAL			1,568	1970
US FUEL	5320 QUEENS CHAPEL ROAD	3		MINI		3	1,728	1963
SHELL	5398 QUEENS CHAPEL ROAD	4	4	MINI			800	1987
SUNOCO	3599 EAST WEST HIGHWAY	4	4	LTD			2,065	1965
SUNOCO	5601 AGER ROAD	3		KIOSK		3	1,682	1957
EXXON	3200 QUEENS CHAPEL ROAD	3		KIOSK			475	1983
TOTALS/AVERAGES		65	13		4	10	1,994	1967

Conclusions

Valbridge concludes, therefore, that there is public need/necessity for the proposed Royal Farms automobile filling station and food and beverage store in Hyattsville, due to the facts presented above. The site and use is, "convenient, useful, appropriate, suitable, proper or conducive" to the public in this area, by providing a single location for the purchase of fuel and a wide variety of food and convenience options. The store and fueling station complement the surrounding retail character of the area and is positioned at one of the high traffic volume locations along MD-410. This area is a mixture of residential, commercial and civic uses and the proposed site has the unique benefit of being in close proximity to two high ridership bus stop routes and the Sligo Creek Trail allowing it to serve pedestrian demand. Traveling to the site is unlikely to increase traffic on side roads or the distance traveled by residents/commuters on their standard daily journeys. The subject will be an attractive improvement over the existing commercial uses located at this site which are partially vacant.

There are few opportunities in the market area for customers to find fuel and associated convenience items paired in a clean, well-lit environment that is in demand at this time. With two exceptions, the gas stations in the trade area are all outdated, and many do not offer a full range of fuels or convenience items. We judge that that the few modern facilities, that offer larger convenience spaces and services are attractive to a broader market of consumers, and present a greater convenience than the existing stock in the marketplace.

I. INTRODUCTION

Valbridge Property Advisors has been engaged by Royal Farms in connection with its petition to the Prince George's County District Council for a special exception permitting the redevelopment of a corner land parcel fronting East-West Highway (MD-410) and Riggs Road (MD-212), as a gas station and convenience store, in the City of Hyattsville in Prince George's County, Maryland.

Purpose of Assignment

This site is a 1.7 acre corner parcel within a Commercial Shopping Center, C-S-C zoning district. The parcel is improved with a retail strip center of approximately 16,984 sq. ft. and is leased by Papa John's, a restaurant and unisex clothes store. The proposal is to redevelop the site as a gas station and convenience store. The Royal Farms store is planned with eight MPD's under a canopy in addition to a convenience store of approximately 5,154 sq. ft. with indoor/outdoor seating. Diesel fuel will also be offered. It is assumed that Royal Farms may prefer a modified site plan, but that the development will generally be in context with the current concepts.

Valbridge Property Advisors has been engaged to examine evidence of the public need for an automobile filling station with a food and beverage store at this location. Presentation of sufficient evidence of public need for those uses is required before a special exception can be granted. The Prince George's County Zoning Regulations, Section 27-355 requires, among others:

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

Section 27-358 (d):

- (d) 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; and*
 - (2) Will not unduly restrict the availability of land, or upset the balance of land user, in the area for other trades and commercial uses.*

A convenience store alone is a permitted use on this site, but motor fuels sales requires the demonstration of public need. When combined, both uses are required to demonstrate need and convenience to the public. For purposes of this analysis, we have considered public need/necessity to mean "expedient or reasonably convenient and useful to the public" (as defined in *Lucky Stores, Inc. v. Board of Appeals*) and "convenient, useful, appropriate, suitable, proper or conducive to the public in the surrounding area" (as defined in *Baltimore County Licensed Beverage Association, Inc. v. Kwon*). In this case, we consider 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.

Scope of Work

In conducting this analysis Valbridge has accomplished the following tasks:

- Inspected the subject site and neighborhood;
- Reviewed the subject's site plan;
- Defined the subject's surrounding trade area;
- Consulted demographic and economic data for the trade area produced by ESRI (Environmental Systems Research Institute, Inc.) based on U.S. Census information, Metropolitan Washington Council of Governments (MWCOG) and others;
- Inspected gas station properties in the trade area;
- Estimated the scale of gasoline demand within the defined trade area and arrived at certain conclusions.

Organization of Report

Following this Section I, Valbridge's report is organized in three sections as follows: Section II, site and location analysis; Section III, need analysis; Section IV, survey of nearby competitive supply; Section V, conclusions.

Qualifications of Consultant

Valbridge is the largest independent real estate valuation firm in the continental United States, with 70 offices and more than 675 employees, of which more than 200 are MAI appraisers. We have experience and data on all types of real estate, including special purpose and portfolio assignments.

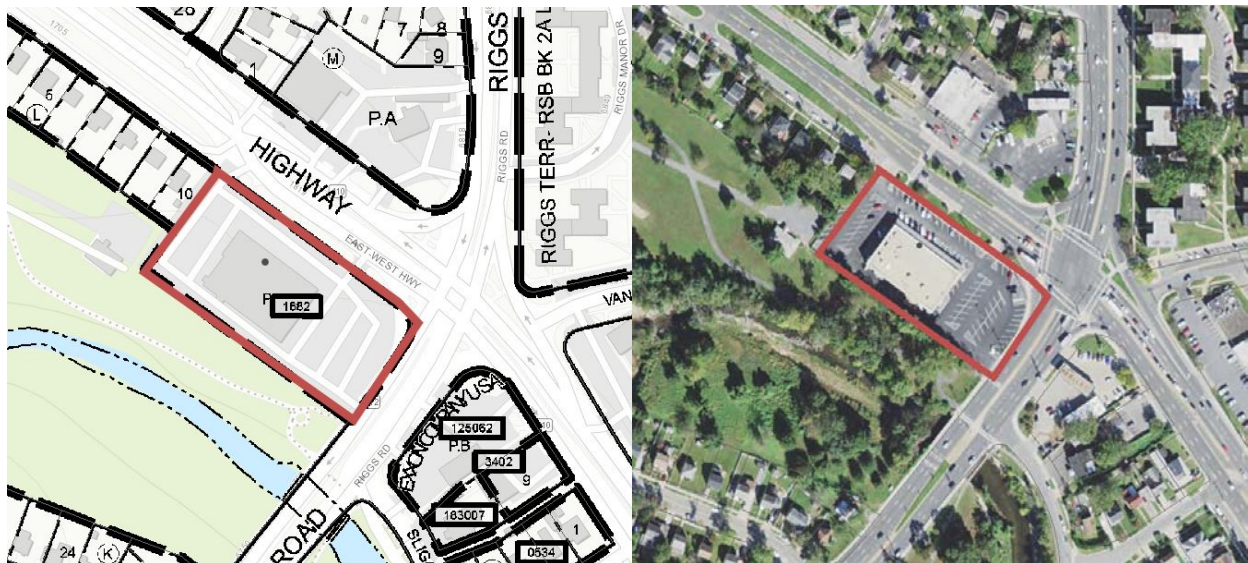
The principal-in-charge of this assignment has been Edward Steere, AICP, Managing Director. He has 30 years of real estate development, finance and consulting experience. Most relevant to this assignment, Steere has successfully completed feasibility assessments for commercial opportunities throughout Maryland. Additional information on the firm and Steere are found in Appendix A at the end of this study.

II. SITE LOCATION ANALYSIS

In this section, Valbridge describes the proposed automobile filling station and convenience store location, its access and surroundings in order to establish its positioning within its trade area and competitive environment generally.

A. SITE DESCRIPTION

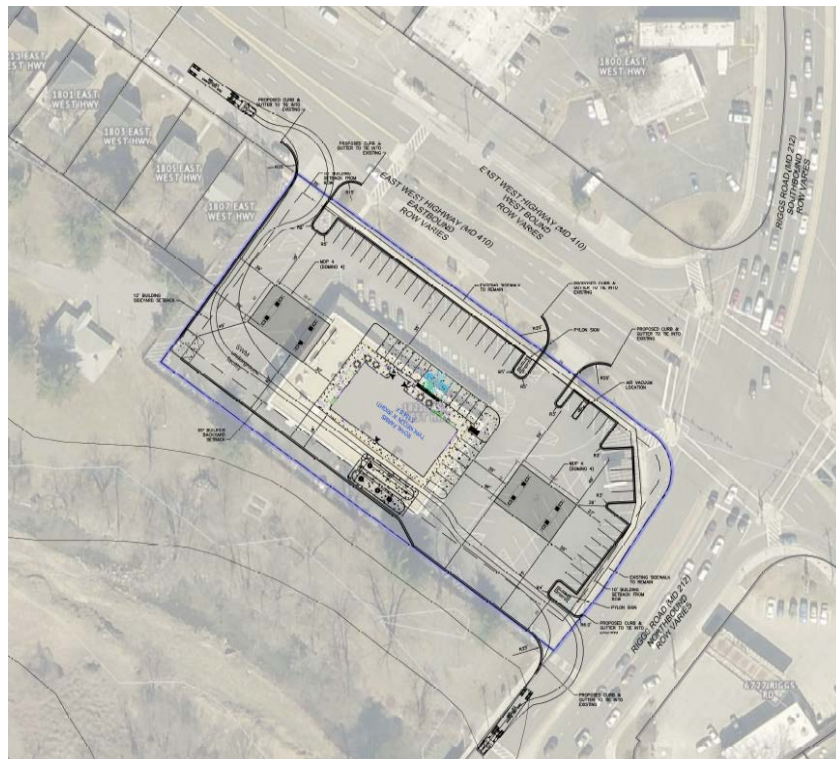
The proposed Royal Farms gas station in the unincorporated area of Hyattsville is located at the intersection of MD-410 and Riggs Road, approximately one mile northeast of the Washington, D.C. line and less than two miles from the Prince George's Plaza Metro Station. The rectangular shaped parcel is presently improved as a retail strip center of approximately 16,984 sq. ft. and is separated from a block of residential homes by a fence at its western boundary. The Sligo Creek Trail runs behind the site in an area set aside as open space. There are other commercial uses immediate north and east of the site, including a gas station with a four bay service garage. In its entirety the parcel is 1.7 acres in size and is currently zoned C-S-C: Commercial Shopping Center.



The proposed improvements to the site include a gasoline station with eight multi-product dispensers (MPD's) under a canopy, in addition to a convenience store of approximately 5,154 sq. ft. with indoor/outdoor seating. Diesel fuel will also be offered. It is assumed that Royal Farms may prefer a modified site plan, but the development will generally be in context with the current concepts. The existing topography of the site is generally flat with no evident environmental sensitivities.

The subject property has excellent frontage on the south side of MD-410, which is the primary corridor used for east-west travel in the City of Hyattsville. This multi-lane highway carries a significant amount of daily traffic and provides connections to most other major commuter routes such as the north-south corridor of US-1, MD-650 and MD-500 as well as employment and retail centers in Silver Spring, Bethesda and other Montgomery County locations. The site's positioning at the intersection with north-south Riggs Road places it roughly halfway between northeastern neighborhoods of Washington, D.C. and the Capital Beltway Inner Loop.

Site Plan





Subject looking Southeast



Existing Building and Parking looking Southwest



Existing Building and Parking looking West



Rear of Existing Building



Southbound on Riggs Road

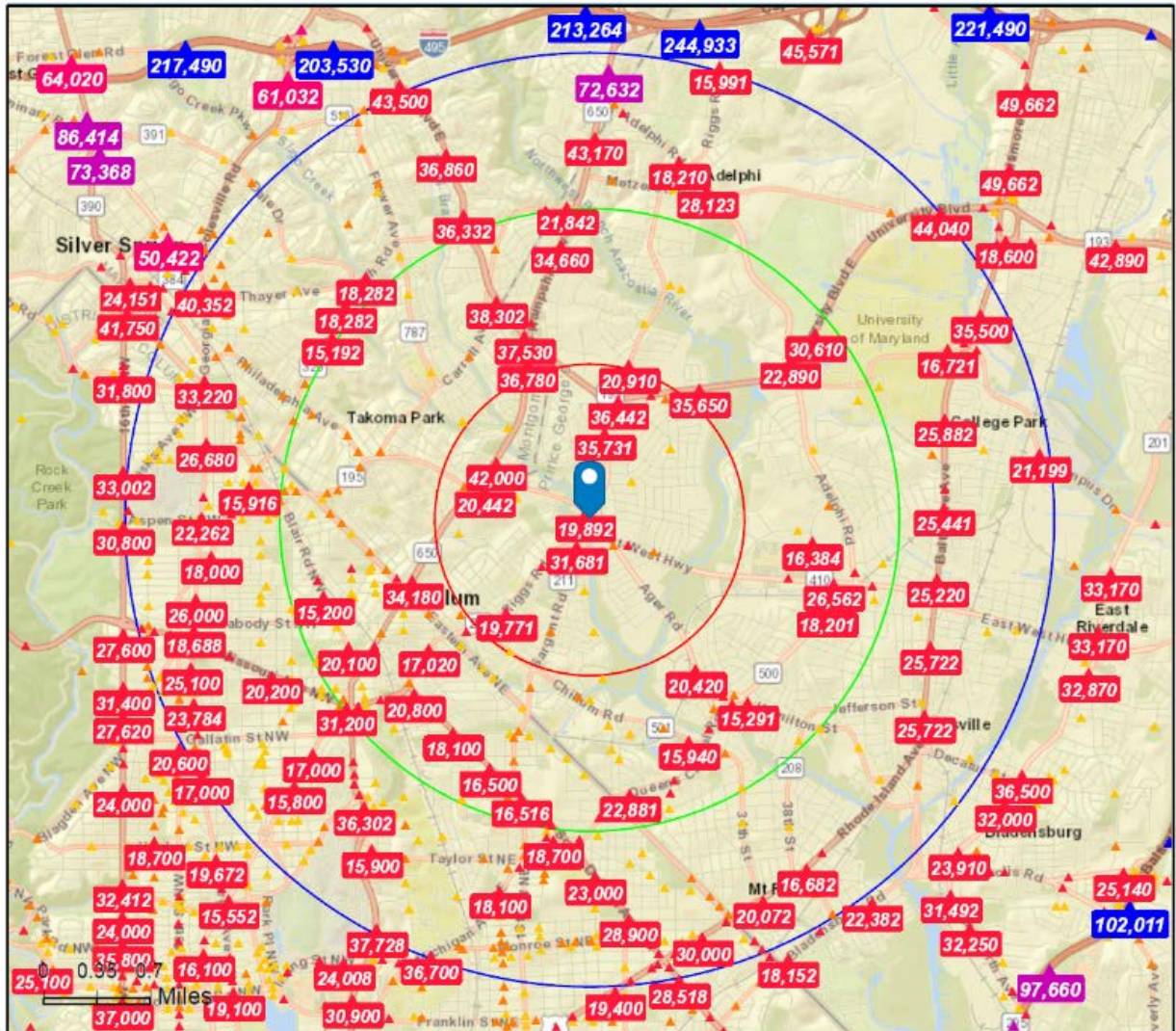


Intersection of Riggs Road and MD-410

Traffic Count Map

1823 East West Highway, Hyattsville, Maryland, 20783
Rings: 1, 2, 3 mile radii

Prepared by Esri
Latitude: 38.97230
Longitude: -76.98045

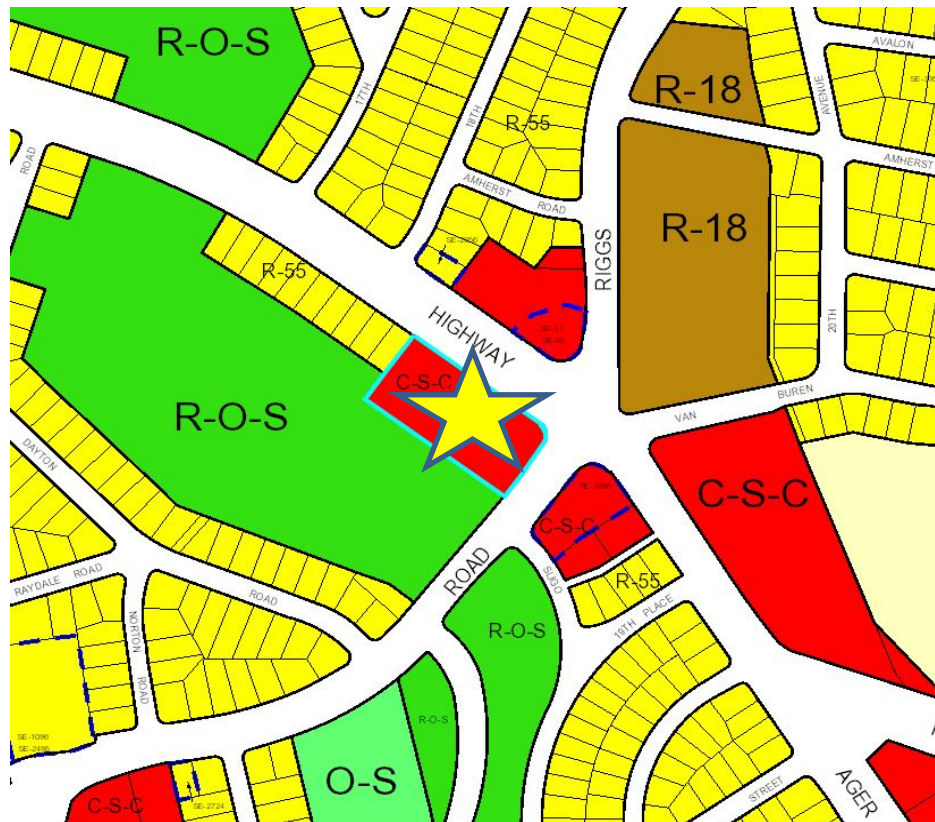


C. SURROUNDING LAND USES

The subject is located within the C-S-C (Commercial Shopping Center) zone. The general purpose of commercial zones as provided by the Prince George's County Zoning Ordinance among other provisions is to provide sufficient space and a choice of appropriate locations for a variety of commercial uses as well as to improve traffic efficiency and lessen the congestion on streets, particularly in residential areas. More specifically, the C-S-C zone provides locations for compatible institutional, recreational, and service uses. The area immediately surrounding the intersection of MD-410 and Riggs Road is a mixture of small strip centers, residential development and civic uses.

Four corners of the intersection of MD-410, Riggs Road and Van Buren Street are zoned for commercial use. There is a smaller retail strip center and car audio shop across MD-410 to the north and another similarly sized retail strip directly east. Across Riggs Road is an Exxon gas station with a four-bay service garage. This station is accessible traveling eastbound on MD-410 or northbound on Riggs Road. Aside from the 213-unit Newbury Square Apartments at the northeast corner, the rest of the area is primarily zoned for single-family detached homes.

The site is bounded to the south by an area of reserved open space. The Sligo Creek Trail runs through this area and passes by a small Prince George's County Department of Parks and Recreation building. The trail continues across MD-410 to the west of the subject towards MD-650 as part of the Anacostia Tributary Trail System. The proposed Royal Farms convenience store has the unique opportunity to attract a volume of pedestrian traffic due to its position immediately adjacent to this cross-county trail system. The site is also in close proximity to bus stops for the WMATA F4 and R2 lines, two routes with high ridership volumes in Prince George's County. The pedestrian focus of this location is further reinforced by the presence of a Capital Bikeshare placed in front of the subject.



D. SUMMARY

The subject property is well situated at the intersection of MD-410 and Riggs Road, approximately one mile northeast of the Washington, D.C. line and less than two miles from the Prince George's Plaza Metro Station. This multi-lane highway carries a significant amount of daily traffic and provides connections to most other major commuter routes such as the north-south corridor of US-1, MD-650 and MD-500 as well as employment and retail centers in Silver Spring, Bethesda and other Montgomery County locations. This is further demonstrated by the Maryland SHA's estimated AADT of 22,580 on MD-410 traveling east-west and AADT exceeding 34,000 traveling north-south on Riggs Road.

The site is currently zoned for commercial use and the proposed improvements will replace a partially vacant retail strip center built in 1955 with a convenience store and fuel station that meets modern design standards. The subject is surrounded by commercial uses to the north and east, with low and medium density residential development to the south and west. The Sligo Creek Trail runs through an area of reserved open space behind the site as part of the longer cross-county Anacostia Tributary Trail System.

The services that will be offered by the proposed Royal Farms vehicle fueling station and convenience store align with the general purpose of the C-S-C zone to provide sufficient space and a choice of appropriate locations for a variety of commercial uses.

The subject's site design with MPD's on each side of the convenience allows for the efficient distribution of incoming vehicles, further improving traffic efficiency and reducing congestion on streets. The site is supportive of the existing developed area given the commercial and civic uses which feed into this intersection. The subject will also be an appropriate supportive use to the residential neighborhoods which surround it as well as pedestrian traffic stemming from the the nearby trail system and WMATA F4 and R2 bus stops.

III. NEED ANALYSIS

In this section, Valbridge reviews certain factors which are determinative of the subject's ability to accommodate public need. We estimate total demand for gasoline within the subject's trade area, estimate the subject fueling station's usage, then draw conclusions regarding accommodation of public need.

A. HYATTSVILLE'S TRADE AREA

We have defined the subject fueling station's trade area as the area centered on the MD-410 commercial corridor between Adelphi Road/MD-500 and MD-650. The trade area boundaries extend northward to MD-193 and southward to Eastern Avenue, effectively capturing commuters and consumers traveling out of residential communities in northeastern Washington, D.C. neighborhoods, Adelphi, Langley Park and West Hyattsville. We judge that this area is a reasonable representation of consumers seeking convenience store and fueling services along the course of their travel to and from work or in combination with their routine shopping trips. Realistically, residents of other areas will also avail themselves of the broad variety of offerings in this area, especially given the subject's proximity to the Prince George's Plaza Metro Station, the Mall at Prince George's and employment opportunities at the University of Maryland.

The accessibility of MD-410 allows larger traffic volumes to diverge from main highways such as the Baltimore-Washington Parkway and through this area to reach residential neighborhoods and popular retail destinations as well as locations further west in Montgomery County such as Silver Spring and Bethesda. The trade area is comprised of the following ten Prince George's County census tracts:

8050	8051.01	8052.01	8052.02	8055
8058.01	8058.02	8059.08	8059.09	8060

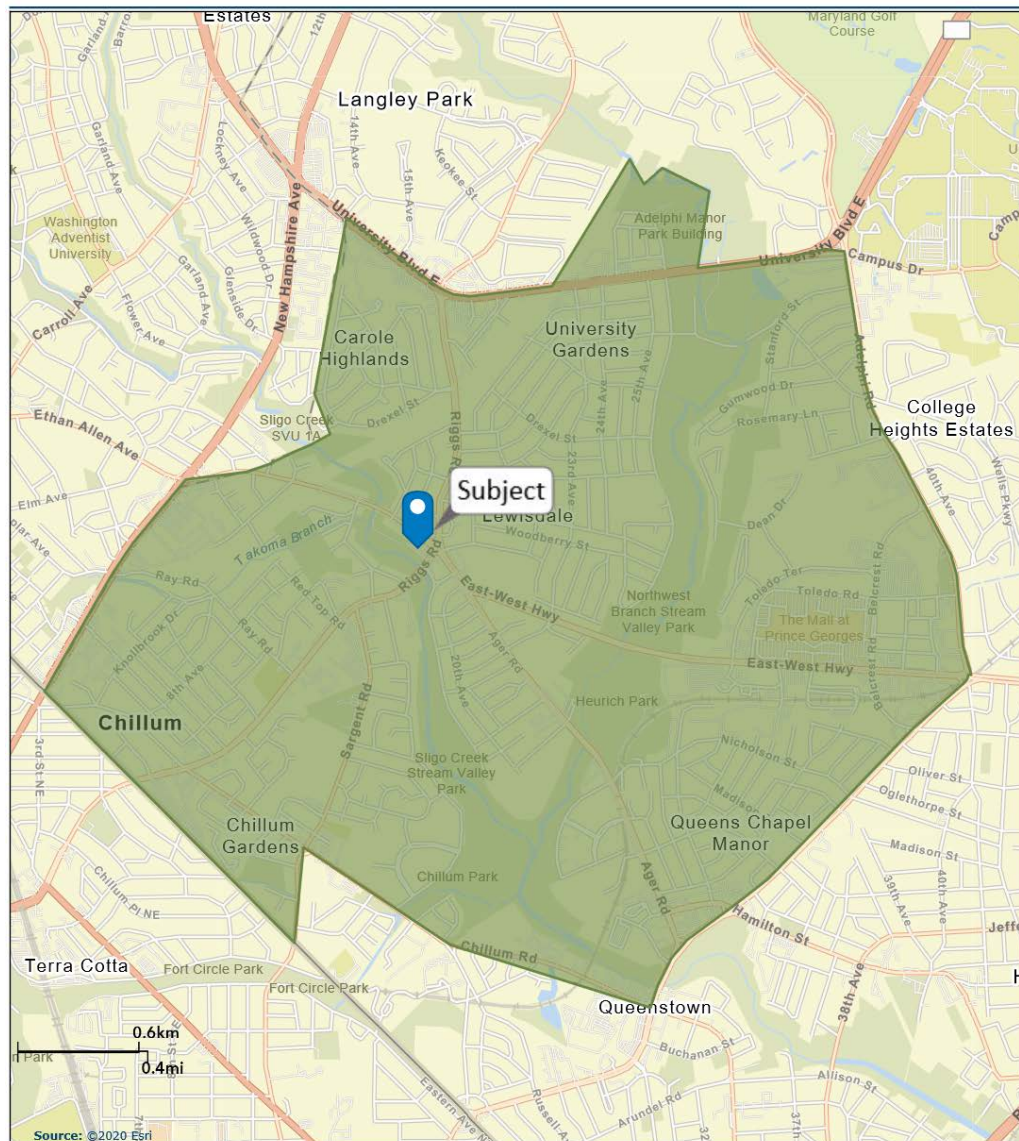
The trade area is depicted on the map on the following page. We have defined the trade area based on these principal factors:

- Drive Time Analysis – National consumer behavior studies such as a 2016 study titled “*The Impact of Retail Proximity on Consumer Purchases*” by Access Development, reveals that frequent purchases made once or more per week (such as fuel, groceries, fast food) are typically made within 10 minutes of home. In particular, fuel purchases were the most frequent purchase and had a corresponding average distance of six minutes away from home. Our trade area coincides with the majority of the area covered by the six-minute radius. Although the 6-minute drive time analysis does include some areas beyond the defined trade area, we have only included neighborhoods located within Prince George's

County. We make the conservative assumption that the subject will not capture those consumers outside the County.

- Highway Network - The subject is located at a key crossroads location to serve residents and commuters from both Prince George's and Montgomery County as well as travelers stemming from northeastern Washington, D.C. neighborhoods. MD-410 provides easy connections to major County facilities and employment centers such as the University of Maryland, the Mall at Prince George's County and several Metro Stations.

Trade Area Map



B. RESIDENTIAL DEMAND

We have compiled data obtained from the U.S. Census and Environmental Systems Research Institute, Inc. (ESRI) a respected national demographic and economic research firm, describing demographic trends and socio-economic characteristics of the trade area. Population trends have been as follows:

Trade Area Demographic Trends				
	2000	2010	2020	2025
Population	37,982	40,636	42,757	44,274
Households	13,502	13,142	13,611	14,227

Source: 2000 and 2010 Census; ESRI estimate, 2020 and 2025.

We have also consulted the Metropolitan Washington Council of Governments (MWCOC) Round 9.1a Cooperative Forecasts for population, household and employment data for the same general market area. MWCOC develops its data based on geographic submarket areas, known as Traffic Analysis Zones (TAZ), whose borders are formed by census tracts, jurisdictional boundaries, major transportation routes and geographical barriers such as rivers. The MWCOC data is typically more precise than Census data due to the local source information and participation.

MWCOC 2020 Household Estimate – 13,748

We find that the current MWCOC household projections appear to be slightly higher than ESRI's estimates, however the ESRI and MWCOC estimates of existing households complement each other. With this in mind, we estimate the number of households in the defined trade area in the middle of the two estimates at 13,680 in 2020. Those households have the following socio-economic characteristics:

Median Household Income (2020)	\$64,820
Average Household Size--Persons (2020)	3.11
Average Owner-Occupied Home Value (2020)	\$308,987
Estimated Homeownership Rate (2010)	41.3%
Average Vehicles per Household (2014-2018)	1.5
Workers Driving Alone to Work (2014-2018)	68.4%
Travel Time to Work 30+ minutes (2014-2018)	64.1%

The trade area is populous and is expected to grow by approximately 4.5% through 2025 based on ESRI forecasts. The Census Bureau's American Community Survey for 2014-2018 estimates that there are 1.5 vehicles per household on average and that the vast majority (68.4%) of workers drive alone to work, with more than half of workers (64.1%) commuting more than 30 minutes to work. Each of these households would benefit from the colocation of a food and beverage store

and gas station proximate to home. The trade area's aggregate income is calculated as \$886,737,600 in 2020:

$$13,680 \text{ households} \times \$64,820 \text{ median income} = \$886.7 \text{ Million Aggregate Income}$$

Trade Area Residential Gasoline Demand

Residential consumers within the defined Hyattsville trade area are estimated to purchase approximately 12.1 million gallons of gasoline in Calendar Year 2020.

This estimate conservatively assumes that each of the estimated 13,680 households used for 2020 is buying approximately the same amount of gasoline as in 2019. For 2019, Census American Community Survey estimates that consumer households within the trade area spent on average \$2,233 on gasoline and diesel fuels. With regular gasoline selling at an average of \$2.52 per gallon for the East Coast PADD 1 in 2019 according to the U.S. Energy Information Administration and assuming that driving behavior has not changed substantially, we estimate that trade area households are now buying an average of 886 gallons of gasoline per year. We find these estimates to be conservative since the estimates only include households living in the trade area.

If the average household is purchasing approximately 886 gallons of gas annually, that equates to roughly 17 gallons per week—equivalent to roughly one fill-up for a typical sedan. We note that the average number of vehicles per household in the market area is 1.5, that many of the residents are longer-distance commuters and that many of the vehicles are likely to be SUVs based on an average household size of 3.11 indicating the presence of children. In addition, with recent considerable declines in the price of gasoline, it is possible that driver behavior has altered, becoming somewhat less price-sensitive and driving more. Understanding all those factors, we judge the estimates to be conservative.

$$13,680 \text{ households} \times 886 \text{ gallons per year} = 12,120,480 \text{ gallons}$$

C. OTHER DEMAND

In addition to trade area residential consumers who will be the principal patrons at the subject fueling station and convenience store, we find that there are additional identifiable groups of consumers whom the station will serve:

Workers in the Hyattsville Trade Area

The daytime worker population in the Hyattsville trade area is approximately 11,961 persons according to estimates by US Census. Of this population, only 5.3% both live and work in the trade area. It is important to note that the trade area includes the Mall at Prince George's, a Kaiser Permanente Medical Center and office space at University Town Center.

Within the trade area, using Census data on transportation to work, Valbridge estimates the proportion of personal vehicles used by the employees to commute to/from their place of employment at 68.4% or 8,181 vehicles. Each of those vehicles can benefit from fuel service convenient to the place of employment.

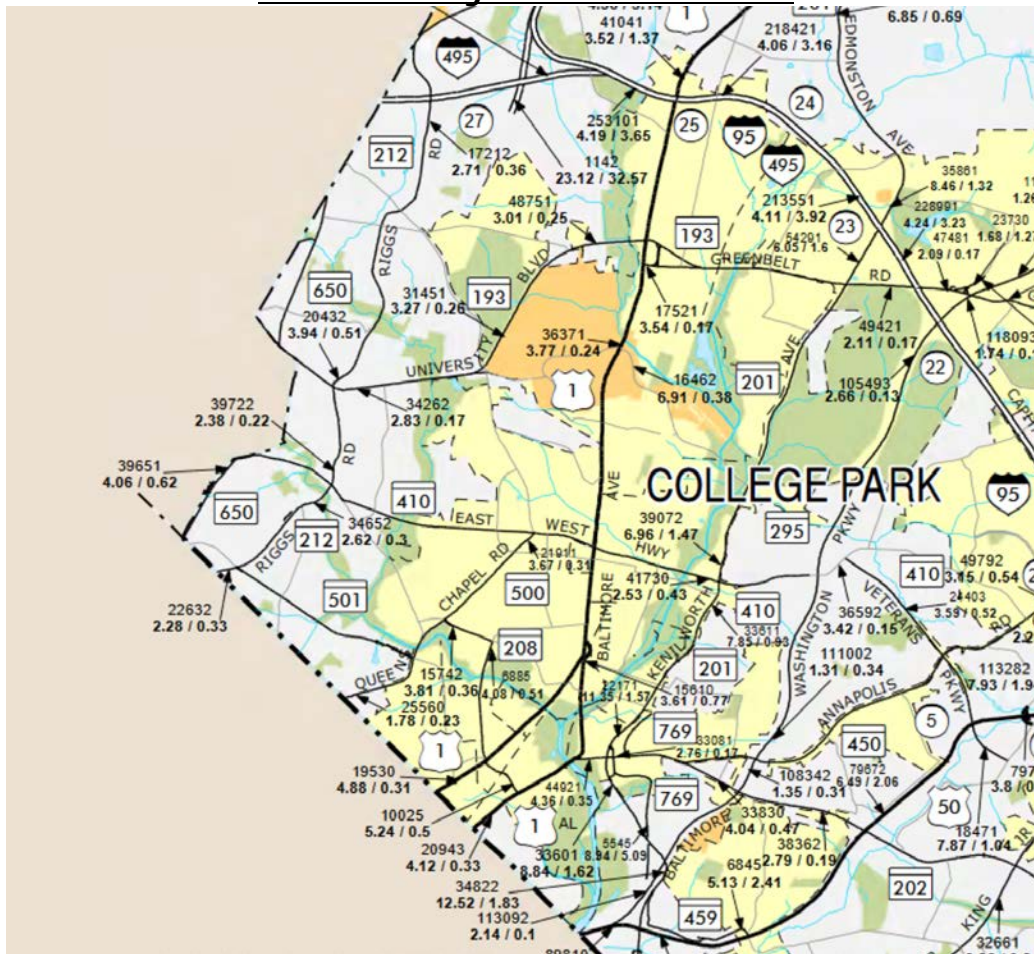
Valbridge estimates conservatively that each commuter vehicle will average at least one fill-up per week near the workplace. Assuming a commuter vehicle uses one fill up of roughly 15 gallons per week, we estimate personal vehicle demand from workers within the trade area to be 122,715 gallons per week or over **6.3 million gallons** per year.

Commercial Demand

We take note of the fact that fuel is purchased at gasoline stations by more than residential consumers. A Federal Highway Administration report, for example, states that in 2014 the number of Maryland private and commercial registrations for trucks and buses was 1.89 million as compared to 1.95 million automobiles.

Though we are not aware of any empirical data concerning the proportion of typical service station gas sales which are made to commercial vehicles, we have certainly observed those vehicles fueling up with some regularity. We assume that small businesses in particular are most likely to use typical gasoline stations, since larger construction companies, trucking companies, etc. more often will have their own fueling facilities. The nearest State Highway Administration data available for truck percentages is from points just north and south of the intersection along Riggs Road where single unit Class 4 -7 trucks make up between 2.38% - 2.62% of AADT and combination units Class 8-13 trucks make up between 0.22% - 0.30% of AADT. We therefore estimate that these sources of demand add at least 3% to total gasoline sales in the trade area.

Truck Percentages -2017 – 2019 MDOT



Pass-Through Demand

Traffic generation models show that a modern gas station with convenience stores could attract as much as 64% of morning peak hour pass-by traffic and 66% of evening peak hour pass-by traffic.¹ We cannot use traffic count data to compute the individual impacts of each of these three consumer groups of local residents, commuters and commercial vehicles because the overall traffic data includes overlap among them. We consider these sources to be “pass-through” demand since these persons/drivers do not reside within the more tightly drawn trade area. It is reasonable to assume that at the subject’s location that there will be sufficient traffic to accommodate the proposed gas station and convenience store based on traffic modeling statistics provided in the previous section. Though it is more difficult to quantify these sources of demand for gasoline, they are certainly a major factor in the location of multiple gasoline retailers at many of MD-410 intersections. We estimate this source of demand to constitute approximately 5% of total gasoline sales in the trade area.

¹ Traffic Generation Manual, 10th Edition; Institute of Traffic Engineers, September 2017.

Total Demand

We have, therefore, adjusted trade area demand for gasoline upwards by 8% to account for the commercial and pass-through consumers likely to purchase gasoline within the Hyattsville trade area.

Hyattsville Trade Area Annual Demand	
Residential	12.12 mgal/yr
Commercial	.60 mgal/yr
Pass-Through	1.01 mgal/yr
Workforce	6.38 mgal/yr
Total	20.11 mgal/yr

D. INDUSTRY TRENDS

The 2020 NACS Consumer Fuels Survey found that while the price per gallon is still one of consumer's top considerations on where to make their gas purchases, overall declines in fuel prices over the last five years have minimized the importance of this factor by 13%². In fact, today's consumer is more likely to go out of their way to visit a certain brand of station which has the quality of in-store offerings such as fresh food and loyalty programs they value rather than a station that has lower prices at the pump. Over the last decade, food and beverage stores have begun to transform into popular food destinations that also conveniently offer fuel for sale. In-store sales have steadily climbed during this period and for the first time in NACS survey history a majority of drivers who purchased fuel are also entering the store (52% in 2020 vs. 35% in 2015)³. Although this trend will certainly help the kiosk and mini marts that are prevalent in the neighborhood, the NACS survey revealed that the purchase of tobacco products fell below 20% which are a significant component of fast-moving retail sale items at these stores, but may also be influenced by local tobacco laws and taxes.

Going forward these trends are likely to continue as younger consumers are far more likely to shop convenience stores daily, purchase healthy food offerings and base their fuel purchase decision on what they plan on purchasing inside the convenience store. As of the 2020 NACS Survey more than two thirds of drivers age 18-34 chose to come inside the store when filling up their vehicles. Overall, comparing the results of this most current survey to only one year ago demonstrates a swift growth in the priority being placed on the quality of the store and that saving time is becoming more valued than saving money by consumers.

² "The 2020 NACS Consumer Fuels Survey"; NACS Magazine, March 2020,

³ Ibid

E. ACCOMMODATION OF PUBLIC NEED

In the Final Decision regarding SE-4680 for the proposed gas station location at the BJ's Wholesale Club at Ritchie Station Marketplace, the District Council for Prince George's County found that the proper standard to apply in the review of that request is whether the proposed fueling station would be "convenient, useful, appropriate, suitable, proper or conducive" to the public in that area given the nature of the use rather than an actual deficit of capacity. This does not mean that the proposed use is required to be absolutely necessary. Furthermore, in Schultz v. Pritts, 291 Md. 1, 432 A. 2d 1319, 1325 (1981), the Court of Appeals of Maryland provided that "if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal."

The proposed site has the unique benefit of being in close proximity to both commercial uses as well as low and medium density residential developments. Its location is entirely within a Commercial Shopping Center zone and as such provides a clear incentive for consumers to combine their nearby shopping trips with a quick visit to the gas station. Not only will the proposed site promote business activity at other C-S-C zone retail establishments, its positioning will also help reduce the impacts of traffic congestion, fuel consumption and air quality by improving vehicular trip efficiency. The colocation of food and beverage offerings with gas stations is an ever-increasing industry trend which will likely continue to gain momentum in the short-term. We believe that the pairing of the two uses at this site is practical and appropriate given the fact that there is already an existing, albeit substandard fuel station at this intersection which is serving the high volume of pass-by traffic.

The proposed site is a compatible redevelopment of an existing commercial use at an intersection already generally developed for retail uses. Our review of the site plans and building renderings as provided by Royal Farms has shown that the proposed site would improve the current aesthetic character of the area with the redevelopment of the mostly vacant, outdated retail strip center and large surface parking lot. Legal rulings such as Klevens v. Deep River PZC⁴ have noted that property values would actually be enhanced by "any project that would remove an existing eyesore and replace it with a modern facility which would fit in well in the area."

F. SUMMARY

Under the assumption that the special exception conditions have been met at the proposed site, we are of the opinion that granting the request is appropriate. Valbridge believes that the proposed convenience store with gas will be more convenient and therefore necessary to the residential households in the neighborhood. We do not believe that the proposed gas station will detract from or impair the health, morals, or welfare of residents in any conceivable way, given the considerable number of residential households surrounding the subject as well as the

⁴ *Klevens v. Deep River PZC*, 2007 Ct. Sup. 15531 (Conn. Super. Ct. 2007)

significant volume of daily pass-thru traffic who are in need of expedient fuel and convenience store services. Overall, we estimate total fuel demand in the trade area at approximately **20.11 million gallons** per year.

Recent industry surveys reveal that while the price per gallon is still one of consumer's top considerations when choosing a gas station, an increasing proportion of consumers are more likely to go out of their way to visit a certain brand of station which has the quality of in-store offerings such as fresh food and loyalty programs they value. This trend is likely to continue going forward as in-store sales numbers climb and more people report entering the store during their visit. As one the Baltimore-Washington Metro area's largest convenience store and gas station company, Royal Farms is well equipped to meet the demands of this emerging trend.

IV. COMPETITIVE SUPPLY

Valbridge has surveyed automobile filling stations located within the defined trade area. The primary trade area is defined as ten census tracts that represent the local residential and commercial community. In addition to our observations, we have consulted various sources including the Maryland Department of Assessments & Taxation (SDAT), CoStar Realty Group's commercial multiple list system and others to better describe the competitive supply in the Hyattsville area. We examine the likely demand of Royal Farms patrons for the subject gasoline fueling facility in the context of competition within its retail trade area.

A. STATION TYPES

Valbridge consulted the National Association of Convenience Stores (NACS) for facts associated with the different types of motor fuel sales operations. NACS classifies these establishments as follows:⁵

- **Kiosk** – less than 800 square feet with fast moving retail items like tobacco, beverages and snacks. Typical customers are transients and locals stopping in to buy gasoline.
- **Mini Convenience Store** – typically 800-1,200 sq.ft.. Limited to prepared foods and serving people buying gasoline.
- **Limited Selection Convenience Store** – approximately 1,500 to 2,200 sq.ft. which is the typical conversion of a former 2-bay service station.
- **Traditional Convenience Store** – Typically 2,400 to 2,500 sq.ft. with an expanded product mix, often including more grocery items.
- **Expanded Convenience Store** – About 2,800-3,600 sq.ft. This is a popular alternative to the large grocery store and often attract more families, women and senior citizens.
- **Hyper Convenience Store** – Very large stores at 4,000-5,000 sq.ft., such as the subject. These stores employ more staff, offer fresh food and sit-down eating spaces. These stores attract more families, senior citizens and in some locations act as a mini-truck stop with expanded services.

We find it important to study the classification of the supply in the trade area and balance that against the customer type, or target markets in this community.

NACS reports that convenience store operations sell approximately 80% of all consumer motor fuels in the country. The remaining 20% is sold at traditional service stations and supermarkets. They also report that consumers will drive up to 10 minutes out of their way to save pennies on gas purchases, which is why the convenience store venues are often able to sell fuel with lower margins, based on sales of other goods with higher margins.

⁵ NACS State of the Industry of 2016 Data Fact Book.

B. EXISTING FUEL OPPORTUNITIES

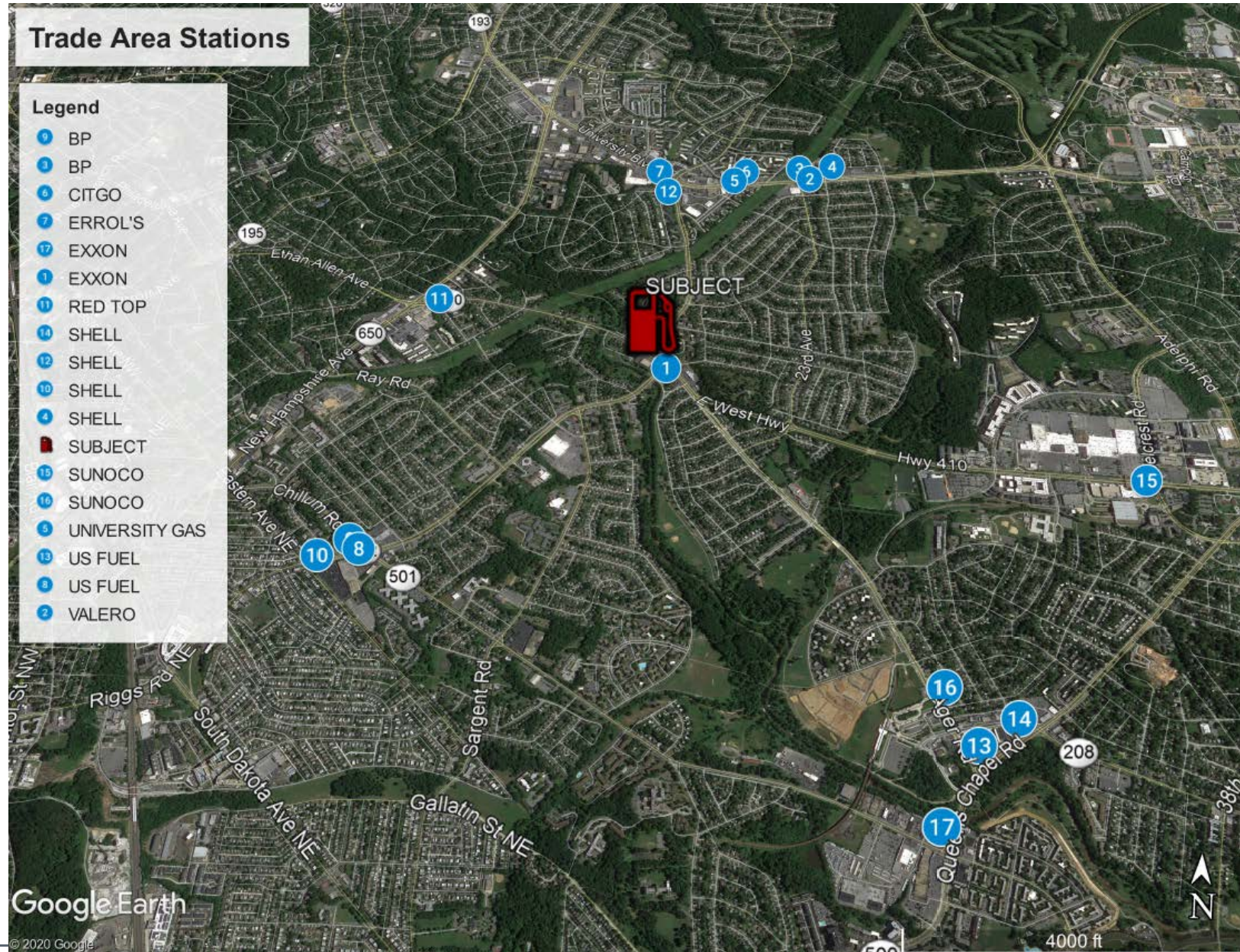
We have inventoried the supply of existing fuel opportunities within the defined trade area. Valbridge finds that there are a total of seventeen stations as summarized in the table below:

NAME	ADDRESS	MPD	Diesel Positions	Convenience Store	Carwash	Service Bays	Sq.Ft.	Yr Built
EXXON	6762 RIGGS RD	3	2	KIOSK	Y	4	2,233	1987
VALERO	2301 UNIVERSITY BLVD E	6		KIOSK		4	2,331	1964
ADELPHI GAS	2300 UNIVERSITY BLVD E	4		KIOSK	Y		528	1970
SHELL	2344 UNIVERSITY BLVD E	4		KIOSK		3	1,568	1968
UNIVERSITY GAS	2201 UNIVERSITY BLVD E	4		MINI	Y		1,343	1950
CITGO	2210 UNIVERSITY BLVD E	3		KIOSK		3	1,840	1970
ERROL'S GAS	1825 UNIVERSITY BLVD E	4		KIOSK		3	1,440	1964
US FUEL	5851 RIGGS RD	4		KIOSK		3	1,827	1961
BP	5818 RIGGS RD	3	1	MINI		4	8,953	1966
SHELL	5801 RIGGS RD	4	2	KIOSK			1,305	1956
RED TOP	949 EAST-WEST HWY	5		LTD	Y	3	2,218	1954
SHELL	7430 RIGGS RD	4		LTD			1,568	1970
US FUEL	5320 QUEENS CHAPEL ROAD	3		MINI		3	1,728	1963
SHELL	5398 QUEENS CHAPEL ROAD	4	4	MINI			800	1987
SUNOCO	3599 EAST WEST HIGHWAY	4	4	LTD			2,065	1965
SUNOCO	5601 AGER ROAD	3		KIOSK		3	1,682	1957
EXXON	3200 QUEENS CHAPEL ROAD	3		KIOSK			475	1983
TOTALS/AVERAGES		65	13		4	10	1,994	1967

Evaluation

Despite the stations being in close proximity to one another, certain stations had clear advantages over the other. Of the seventeen stations located within our defined trade area, only two are realistically competitive with the subject. These are the stations that offer both gas and diesel options and more modern convenience food options. The Shell located at 7430 Riggs Road just north of the subject is the primary alternative due to its updated design and larger store format. The Exxon at 6762 Riggs Road will certainly attract some customers, however this fueling station has limited parking and only a kiosk store. Based on our survey, we find that the other stations are predominately mini stores/kiosks or classic service station designs with three or more garage bays. It should be noted that none of the stations fell into the same hyper-convenience store classification as the subject.

We observed service bays at ten trade area stations. We believe these stations in particular are likely to underperform the subject in terms of volume of fuel sold due to the fact that their primary business interest is performing high profit margin auto repairs. Vehicle fuel as well as food and beverage sales are merely a small component of those establishments' overall sales. The stations have been oriented with this goal in mind as reflected in small footprint kiosk-style stores, expanded parking areas around the property perimeter for storage of vehicles and often higher margins on fuel prices.



C. CURRENT PERFORMANCE

Petroleum retail industry sources including the National Association of Convenience Stores (NACS) State of the Industry report and our experience indicate that the average gasoline fuel service station pumps about 108,000 gallons of gasoline per month or 1.29 million gallons per year. Additionally, data from NACS indicates that, on a national average, the most efficient dealers sold upwards of 2.4 million gallons per year, which we find more realistic for larger, more contemporary stores.⁶

The 2017 NACS State of the Industry Report places surveyed stations into one of four quartiles based on store operating profit. The most profitable 25% of firms make up the top quartile. The store operating profit metric is used to represent store performance as it eliminates the influence of corporate general and administrative expenses, asset sales or income from other operations. NACS also provides data based on whether the store sells both gasoline and diesel as well as if they sell privately branded or oil company fuels. Each performance quartile corresponds with an average motor fuel gallonage sold per month, per store.

NACS Performance Quartiles		
<u>Quartile</u>	<u>Gal/mo</u>	<u>Annual</u>
0-25	94,823	1,137,876
26-49	103,187	1,238,244
50-74	112,768	1,353,216
75-100%	206,563	2,478,756
Top 10%	250,000	3,000,000

Due to the variation between the highest and lowest performers not being explicitly available due to proprietary secrecy in reporting, we have classified stations based on conditions that are important to the marketing of goods and services, such as clean, well-lit facilities, quality fresh food products, visibility and access from the highway and neighborhood, modern design and cover from the elements. Based on an assessment of these conditions, we have determined that all of the stations excluding the Shell located at 7430 Riggs Road and the Sunoco at 3599 East West Highway are operating in the lowest performance quartile. All other fueling stations are pumping on average 1.1 million gallons per year. We believe the second performance quartile is appropriate for the Shell and Sunoco given their larger store formats, modern design with services such as a Bank of America ATM and positioning. Using the average motor fuel gallonage sold per month data from NACS that coincides with each performance quartile, we estimate annual fuel sales in the trade area as approximately **19.54 million gallons per year**.

⁶ NACS State of the Industry Annual Report of 2017 Data: Convenience and Fuel Retailing Totals, Trends and Analysis of 2017 Industry Data; National Association of Convenience Stores; June 2018.

Most of the trade area stations have little competitive advantage over one another in terms of the services they offer and benefit solely from the fact that they are well-positioned to capture traffic along commuter routes. This results in a tight performance range between 1.1 – 1.2 million gallons per year. The average trade area station was constructed in 1967 and the area has not seen a new station in over two decades. While the subject site is proposed to have eight multi-product dispensers, the average neighborhood station has slightly less than half this capacity at 3.8 MPD's. Although our survey determined that the average site has 1,994 sq. ft. of above grade building area, this figure is largely overstated due to presence of three or more service bays at more than a half of the stations. Based on these considerations we are of the opinion that on average, existing trade area stations are substandard to meet modern consumer demand.

Based on ITE traffic generation models, hyper convenience stores have a daily customer traffic of 3,350 vehicles, whereas a traditional service station generates only 1,200 ADT.⁷ ITE classifies the super convenience station as one with greater than 3,000 sq. ft. of retail space and at least 10 fueling positions. Within our Hyattsville trade area, of the seventeen existing stations, there are zero other super convenience stations. Factoring the 36% rate of traffic generation among smaller stations to the hyper station, we can further refine the supply to be limited by a factor of 2:1, suggesting that a modern gas station with convenience services such as the subject will draw more than double the customer traffic of the older and largely obsolete competitive supply. It is unlikely that any of the surveyed trade area stations are achieving fuel sales volume which would place them in the top two performance quartiles.

Top performing hyper-convenience stores differentiate themselves from the lower quartiles by offering value to customers through fresh-food offerings, well-lit and clean facilities, loyalty rewards programs and ultra-low pricing. These stores are rewarded with higher traffic volumes which in turn results in more gross profit dollars per customer and drives profit higher. The investment into larger store footprints pays off considering the volume of fuel typically being sold by these stations.

D. SUMMARY

Our survey revealed seventeen existing gas stations in the subject's trade area. Throughout our survey we evaluated conditions that are important to the marketing of goods and services, such as clean, well-lit facilities, quality fresh food products, visibility and access from the highway and neighborhood, modern design and cover from the elements. Based on this analysis we found that for the majority, gas stations that populated this area followed a classic service station design with three or more service garage bays or were formatted as small kiosk/mini convenience stores. These stations are unlikely to draw the same volumes of customers as the subject site as further demonstrated by our estimates of annual fuel sales volumes which are below average.

⁷ Trip Generation Manual, 10th Edition, Institute of Traffic Engineers; September 2017

We believe that only two trade area stations are realistically competitive with the subject as these stations have larger convenience store formats and modern designs with services such as a Bank of America ATM. The remaining fifteen trade area stations have little competitive advantage over one another in terms of the services they offer and benefit solely from the fact that they are well-positioned to capture traffic along commuter routes. More than half of trade area stations also had service bay garages present. On average, existing neighborhood stations do not meet modern consumer demands. Performance data from NACS and ITE traffic generation models reinforce that a modern convenience store such as the subject will generate more than double the customer traffic of the traditional and smaller gas stations.

V. NEED ANALYSIS FOR CONVENIENCE STORE

In this section, Valbridge reviews certain factors which are determinative of the subject's ability to accommodate public need. We estimate total demand for a convenience store within the subject's neighborhood trade area, then draw conclusions regarding accommodation of public need, as per Section 27-355 of the Prince George's County Code.

The term "necessary" is not defined in Prince George's County code, but Maryland case law has determined, and the District Council has applied, the definition to mean, "convenient, useful, appropriate, suitable, appropriate or conducive to the public in that area."⁸ This has been applied to both §27-355(a)(1) and §27-358(d)(1) of the Zoning Ordinance.⁹

Further, Valbridge has determined that there is unmet demand for gasoline sales in the area, and that it is unreasonable, cost prohibitive and inefficient to establish a retail gas station outlet without an associated convenience food and beverage store. Our experience with other regional convenience store operations has shown that inside sales can increase on average 35% with the addition of fuel pumps to existing convenience store sites, which is indicative of the convenience to the community. Therefore, the necessity or demand of the gas station creates a reasonable need for a food or beverage store, which will provide convenience and expedient service to the community.

A. CONVENIENCE STORE NEIGHBORHOOD TRADE AREA

Valbridge has examined the residential communities which surround the subject and have determined that commuters and employees who are most likely to be patrons of the convenience store at Royal Farms will stem from the areas branching off collector roads between University Boulevard and Ray Road. We have limited the trade area to the west by the County line and by the Northwest Branch stream to the east. The trade area is focused on those neighborhoods and businesses that are highly likely to pass by this intersection at some point during daily travel. These neighborhoods are for the majority built out and we do not expect any significant growth in the number of households in the area over the next five years. There is certainly room for employment growth with the potential repurposing of the former K-Mart space close by. We have used a custom polygon to create logical boundaries for the trade area, however the general shape of the polygon aligns with the area comprised of the following eight Prince George's County Census block groups:

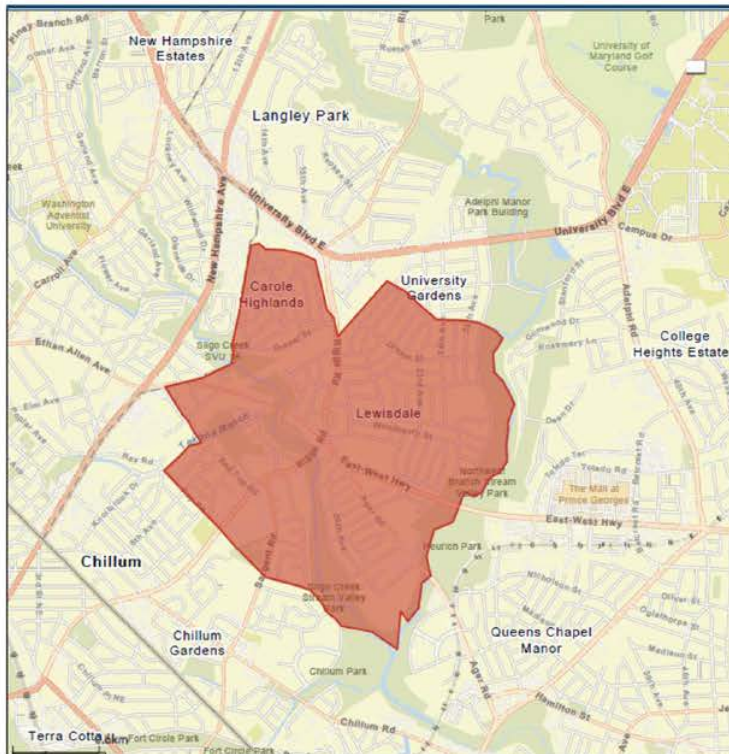
8050.001 8051.011 8052.021 8055.001 8058.011 8058.012 8058.021 8058.022

⁸ Baltimore County Licensed Beverage Association, Inc. v. Kwon, 135 Md. App. 178, 194 (2000), Court of Special Appeals

⁹ Lucky Stores, Inc. v. Board of Appeals, 270 Md. 513, 517, 32 A. 2d 758, 766 (1973)



Polygon Map



Block Group Map



We have examined this neighborhood trade area, in contrast to the larger gasoline trade area previously used, based on consumer demand for convenient food and beverage purchases. Although consumers may travel out of their way to save pennies at the pump, food and beverage prices are relatively static across convenience store retailers. Thus, the trade area for a convenience store is much smaller than the gasoline trade area, with particular emphasis placed on the "convenience" factor. For residents and employees in the area between University Boulevard and Ray Road, the subject would surely be a convenient stop relative to all other existing convenience stores in the Greater Hyattsville fuel station trade area.

B. BUSINESS DEMAND

We have compiled data obtained from the U.S. Census and Environmental Systems Research Institute (ESRI), a respected national demographic and economic research firm. Population trends in our defined neighborhood trade area have been as follows:

Trade Area Demographic Trends				
	2000	2010	2020	2025
Population	12,087	13,354	13,479	13,344
Households	3,784	3,594	3,471	3,411

In addition, ESRI estimates that there are 2,494 persons employed in the trade area for a total daytime population of 8,993.

Convenience Store Demand

The NACS and Nielson conducted a national count of convenience stores as of December 2018 and determined there are 153,237 stores operating in America. Of those, 121,998 sell gasoline. Based on a national population of 327.2 million people, there is approximately one store for every 2,100 people:

$$327,200,000 \text{ people} \div 153,237 \text{ C-stores} = 2,135 \text{ people/store}$$

When computing the stores with gasoline the number increases slightly to one store per 2,682 people:

$$327,200,000 \text{ people} \div 121,998 \text{ C-stores w/gas} = 2,682 \text{ people/store}$$

C. BUSINESS CLIMATE (SUPPLY)

There are a total of four convenience store establishments within the neighborhood trade area. The Exxon convenience store and 7-Eleven are located east of the subject, while the Red Top fuel station with convenience store is located to the West. The final store at the Shell fuel station at 7430 Riggs Road is located north of the subject and can only be accessed traveling southbound

on Riggs Road. Of these options, only the 7-Eleven is a stand-alone convenience store. This store offers approximately 3,200 sq. ft. of retail space and some fresh food offerings. The 7-Eleven can only be accessed traveling eastbound on MD-410.

The three convenience stores offering fuel services vary in quality. The Exxon convenience store which is located across the street from the subject is attached to a four bay service garage and only offers a kiosk-style convenience store. Much of the parking at this site is occupied by vehicles stored overnight by the repair shop. Both the convenience store at the Red Top and Shell fueling stations can be classified as limited convenience stores offering some prepared foods in addition to fast moving items such as tobacco, beverages and snacks. Over the last decade, food and beverage stores have begun to transform into popular food destinations that also conveniently offer fuel sales. for the first time in NACS survey history a majority of drivers who purchased fuel are also entering the store (52% in 2020 vs. 35% in 2015)². Although this trend will certainly help the kiosk and mini marts that are in the neighborhood, the NACS survey revealed that the purchase of tobacco products fell below 20% which are a significant component of fast-moving retail sale items at these stores, but may also be influenced by local tobacco laws and taxes.

Going forward these trends are likely to continue as younger consumers are far more likely to shop convenience stores daily, purchase healthy food offerings and base their fuel purchase decision on what they plan on purchasing inside the convenience store. As of the 2020 NACS Survey more than two thirds of drivers age 18-34 chose to come inside the store when filling up their vehicles. Overall, comparing the results of this most current survey to only one year ago demonstrates a swift growth in the priority being placed on the quality of the store and that saving time is becoming more valued than saving money by consumers.

Stand-Alone Stores

7-Eleven 2000 East West Highway

Gas Station Stores

Shell 7430 Riggs Road

Exxon 6762 Riggs Road

Red Top 949 East West Highway

Valbridge Property Advisors believes that the neighborhood trade area is currently underserved with convenience store options, especially those of similar caliber as the proposed Royal Farms store. Existing stand-alone convenience stores have a smaller assortment of food offerings and limited accessibility. The proposed site would have improved access for both convenience store and fuel customers, as well as fresh food options which are not presently available at the 7-Eleven or fueling station convenience stores. Based on the national average of one store per 2,100 people (or 2,600 people) alone, the community is not served. The site has excellent accessibility for vehicular traffic as well as pedestrians stemming from high volume bus stops and the nearby Sligo Creek Trail. The convenience store will be an improvement over the partially vacant commercial use that currently exists at the site.

D. CONCLUSION

There are currently four other convenience stores within the neighborhood trade area. Of these, only one is a stand-alone store. The existing stores offer a smaller assortment of food offerings and no outdoor seating area. Industry trends show that a majority of drivers who purchased fuel are also entering the food and beverage stores (52% in 2020 vs. 35% in 2015)² and that younger consumers are likely to shop convenience stores daily, purchase healthy food offerings and base their fuel purchase decision on what they plan on purchasing inside the convenience store. The necessity or demand of the gas station creates a reasonable need for a food or beverage store, given the increase in sales for both product offerings when offered in unison.

The establishment of a hyper convenience store with gasoline sales at the intersection of MD-410 and Riggs Road will provide a convenient and expedient service to the community. The combination of uses will reduce trips to other locations as consumers fulfill both needs at once. Additionally, the site will be pedestrian friendly with sidewalks and indoor seating allowing it to serve the significant number of people making use of the WMATA bus stops just in front of the subject as well as the Sligo Creek Trail. We do not believe that the proposed food and beverage store will detract from or impair the health, morals, or welfare of residents in any conceivable way, given the considerable amount of both vehicular and pedestrian traffic who pass by the subject and are in need of a clean, well-lit modern store.

APPENDIX A

Consultant Qualifications

Valbridge Property Advisors

Valbridge is the largest national commercial real estate valuation and advisory services firm in North America with more than 675 professionals in 70 offices. We are a multifaceted, independent real estate consulting and appraisal firm covering all property types, including special-purpose and services from site acquisition to market feasibility to valuation. Our Marriottsville, Maryland office employs 13 professionals, of which three hold the MAI designation and other advanced degrees. Professional licenses are held by various members of the firm in Maryland, District of Columbia, Pennsylvania, Delaware and Virginia. Academic degrees and professional designations are combined with hands-on real estate investment, development and ownership expertise-- offering our clients many decades of accumulated counseling and valuation experience.

We provide clients with objective advice and practical assistance at every stage of decision-making on the development, use or reuse of all types of real estate. Our clients include corporations, institutions, real estate owners, builders, developers, and government entities. Our professional staff has an exceptional capability to use a vast array of information and resources to assist clients in making sound, timely decisions through the real estate planning, financing and development process.

Edward M. Steere, AICP

Edward M. Steere, AICP is the senior consultant who completed this assignment. Mr. Steere has a broad professional background in planning and real estate acquired over 30 years in the industry including: site design, entitlement, research, sales and marketing, development, financing and appraisal. His advisory assignments have encompassed: market and financial feasibility analyses of major real estate projects; land acquisition and marketing for residential development; tax-motivated and conventional financing for single family and multifamily residential projects; and advising public, non-profit and private clients concerning real estate decision-making. Mr. Steere is qualified in analyzing the multitude of issues relating to residential and commercial real estate development, including: demographic and economic trends, financial analysis and property valuation, economic and fiscal impacts. Mr. Steere has conducted real estate and market feasibility analyses throughout the Washington-Baltimore region. He has testified before administrative bodies concerning the public need for various kinds of commercial facilities and other planning issues in many of the jurisdictions in the Washington-Baltimore region.



APPLICATION FOR NATURAL RESOURCES INVENTORY EQUIVALENCY LETTER (NRI-EL)

APPLICANT TO FILL OUT THIS SECTION - Refer to www.PGAtlas.com for Information

HOVER OVER BLANK FIELDS FOR ADDITIONAL INFORMATION

Property Owner Name(s), Address & Phone: CHILD CARE PROP LIMITED PTNSHP NELLIS CORP STE 420 7811 MONTROSE RD POTOMAC MD 20854		Agent/Contact Name, Company, Address, Phone & E-mail: JOSEPH DIMARCO, PE / BOHLER ENGINEERING 16701 MELFORD BLVD; STE 310 BOWIE, MD 20715 301-809-4500 / jdimarco@bohlereng.com	
PROJECT/PROPERTY NAME:		Royal Farms 393	
Street Address: 1821 EAST WEST HWY; HYATTSVILLE, MD 20783		Agent/Contact Joseph DiMarco, P.E. Digitally signed by Joseph DiMarco, P.E. DN: cn=Joseph DiMarco, P.E., o=Bohler Engineering, Inc., email=jdimarco@bohlereng.com, c=US Date: 2021.01.19 13:48:48 -0500	
Geographic Location:		Signature: _____ Date: 01/04/2021	
Total Area (acres): 1.70 ac	Proposed Limits of Disturbance (LOD): 83,710 SF	Current Zone(s): C-S-C	WSSC Grid: 208NE02
Lot/Block/Parcel(s): Block: L Parcel: A	Tax Account #(s): 1890581	Environmental Strategy Area (ESA): Located under the Environmental Category in PGAtlas <input checked="" type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input checked="" type="checkbox"/> 4	
Proposed Activity: Convenience Store with Fuel and associated improvements			
Will the proposed project require a Subdivision or Zoning application?: <input type="text" value="Neither"/> Please List: <input type="text"/>			
Concurrent and Previous NRI, TCP1, TCP2, & Other Applicable Applications: <input type="text" value="S-014-2021"/>			
Environmental Technical Manual Link	NRI-EL CHECKLIST (TO BE COMPLETED BY APPLICANT)		Procedural Guidelines for NRI-EL Application Submission (ext. PDF)
REQUIRED For All NRI-EL Applications:		For Project Type 1 only:	
<input checked="" type="checkbox"/> Proposed Site Plan, Containing ALL of the Following: <input checked="" type="checkbox"/> Signature from a Qualified Professional as defined under COMAR 08.19.06.01 <input checked="" type="checkbox"/> Legible Limits of Disturbance (LOD) <input checked="" type="checkbox"/> General Information Table (see Procedural Guidelines)		If Exempt from Woodland Conservation, submit one of the following: <input checked="" type="checkbox"/> Application for Letter of Exemption, and: <input checked="" type="checkbox"/> Application Fee Included in Submission <input type="checkbox"/> Copy of a previously Issued Letter of Exemption (Standard or Numbered)	
		Project Type 2 only: Select one or more previously approved and implemented plans for project site: <input type="checkbox"/> Type II or Type 2 Tree Conservation Plan (TCP2) <input type="checkbox"/> CBCA Conservation Plan <input type="checkbox"/> Other Environmental Information Deemed Sufficient by Staff - [Provide Explanation]	
RESPONSE (TO BE COMPLETED BY EPS STAFF)			
Date Received: 01/15/2021 Date Accepted: 01/19/2021 Reviewer Assigned: AK			NRI Number: NRI-012-2021
This APPROVAL for the above referenced project and location is based upon information using the submitted proposed site plan, current aerial imagery, PGAtlas.com GIS layers, and any additional information deemed necessary for review by operant planner(s). If the scope of the proposed activity and/or limits of disturbance change significantly, a full NRI may be required. This letter is valid for five years from the date of issuance, or until such time as a different development activity is proposed; whichever comes first. The submitted application was found to meet the following criteria:			
<input checked="" type="checkbox"/> The site qualifies for a Standard or Numbered Letter of Exemption S-014-2021 from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.			
<input type="checkbox"/> The site has a previously approved and implemented Type 2 Tree Conservation Plan _____.			
<input checked="" type="checkbox"/> The submitted proposed site plan, dated 01/15/21 and prepared by BOHLER ENGINEERING demonstrates that no regulated environmental features are located on the subject site or no on-site regulated environmental features will be impacted.			
<input type="checkbox"/> The submitted proposed site plan, dated _____ and prepared by _____ shows that the proposed work will not result in any significant changes to the limits of disturbance of the previously approved TCP2, or create additional impacts to any regulated environmental features.			
<input type="checkbox"/> The site is within the Chesapeake Bay Critical Area Overlay Zone and the submitted site plan demonstrates that the proposed activity will result in less than 500 square feet of disturbance, or that no variance is required.			
<input type="checkbox"/> Other Approval Criteria: _____			
A FLOODPLAIN STUDY MAY STILL BE REQUIRED AT THE TIME OF STORMWATER CONCEPT REVIEW			
Staff Signature Approval: Alexander Kirchhof Digitally signed by Alexander Kirchhof Date: 2021.01.19 13:48:48 -0500		Approval Date: 01/19/2021 Expiration Date: 01/19/2026	

NOTES

1. THE SUBJECT PROPERTY IS THE REMAINDER OF PARCEL A, BLOCK L, PARKLAWN AS RECORDED IN PLAT BOOK WWW 17 PLAT NUMBER 79 AND BEING THE LANDS OF CHILD CARE PROPERTIES LIMITED PARTNERSHIP AS RECORDED IN LIBER 9588 FOLIO 710, ALL AMONG THE LANDS RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND AND SHOWN ON TAX MAP 41 PER THE DEPARTMENT OF ASSESSMENTS.
2. LEASE AREA = 83.710 SQUARE FEET OR 1.922 ACRES
3. LOCATION OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE, SOURCE INFORMATION FROM PLANS AND MARKINGS HAS BEEN COMBINED WITH OBSERVED EVIDENCE OF UTILITIES TO DEVELOP A VIEW OF THOSE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.
4. THIS SURVEY WAS PERFORMED IN THE FIELD ON SEPTEMBER 19, 2020 UTILIZING THE REFERENCE DOCUMENTS AS LISTED HEREON AND DEPICTS BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS.
5. ELEVATIONS ARE BASED ON NAD83 DATUM DETERMINED BY GPS OBSERVATIONS AND TIED TO WSSC BENCHMARK NO. 1713 WITH A PUBLISHED ELEVATION OF 71.719 FEET.
6. THE PROPERTY IS LOCATED IN OTHER AREAS ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND IN SPECIAL FLOOD HAZARD AREAS (SFHAS) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD ZONE AE (BASE FLOOD ELEVATIONS DETERMINED, ELEVATION 66) PER MAP ENTITLED "FIRM, FLOOD INSURANCE RATE MAP, PRINCE GEORGE'S COUNTY, MARYLAND AND INCORPORATED AREAS, PANEL 128 OF 466", MAP NUMBER 24033C0126E, WITH A MAP EFFECTIVE DATE OF SEPTEMBER 16, 2016.
7. ZONING: C-S-C (COMMERCIAL SHOPPING CENTER)

BUILDING SETBACKS

FRONT YARD: 10 FEET
INTERIOR SIDE YARD: 12 FEET
STREET CORNER SIDE: NONE
REAR YARD: 25 FEET
*OR THE BUFFER REQUIRED IN THE LANDSCAPE MANUAL, WHICH EVER IS GREATER

ALL ZONING INFORMATION WAS PROVIDED IN A CONCEPTUAL SITE PLAN PREPARED BY KIMLEY - HORN AND ASSOCIATES, INC. DATED 12/31/2019 AND MUST BE VERIFIED PRIOR TO USE OR RELIANCE UPON SAME, TO CONFIRM THE ZONING INFORMATION REPRESENTS AND DEPICTS THE THEN-CURRENT SITE-SPECIFIC INFORMATION. SHOULD THERE BE ANY CHANGE IN USE, SETBACKS AND/OR SET BACK REQUIREMENTS, ZONING CLASSIFICATION AND/OR ANY OTHER CHANGE OR VARIATION FROM THE CONDITIONS RECORDED HEREIN, THE CLIENT MUST VERIFY COMPLIANCE WITH THE USE, SET BACK, ZONING CLASSIFICATION AND/OR ORDINANCE, REGULATION OR LEGAL REQUIREMENT, PRIOR TO USING OR RELYING UPON THE FINDINGS RECORDED HEREIN, OR REFERENCING SAME AS RELATED TO THE PROPERTY, PROJECT AND/OR DEVELOPMENT.

8. PARKING: 106 STANDARD
6 ADA
112 TOTAL SPACES
9. THE UNDERSIGNED WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS SURVEY AND THE SURVEYING WORK REFLECTED IN IT, ALL IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN "COMAR" SECTION 09.13.06.12.
10. EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE FIELD SURVEY; HOWEVER, NO PHYSICAL INDICATIONS OF SUCH WERE FOUND AT THE TIME OF THE FIELD INSPECTION OF THIS SITE.
11. THERE IS AN OVERHEAD POLE LINE THAT CROSSES THE PROPERTY TO THE EAST WITHOUT A POSSIBLE EASEMENT.

TITLE NOTES:

THIS SURVEY IS PREPARED WITH REFERENCE TO A COMMITMENT FOR TITLE INSURANCE PREPARED BY ISSUING AGENT LAND SERVICES, INC. FOR FIRST AMERICAN TITLE INSURANCE COMPANY FILE NO. MDA19-2886 KS, WITH A COMMITMENT DATE OF JUNE 14, 2019. OUR OFFICE HAS REVIEWED THE FOLLOWING SURVEY RELATED EXCEPTIONS IN SCHEDULE B, PART II:

18. LOSS OR DAMAGE, IF ANY, RESULTING FROM A FAILURE TO COMPLY WITH THE OBLIGATIONS, UNDERSTANDING AND CONDITIONS REQUIRED OF THE PARTIES THERETO BY THE TERMS AND PROVISIONS OF THE GROUND LEASE DATED JULY 1, 2019, BY AND BETWEEN CHILD CARE PROPERTIES LIMITED PARTNERSHIP AND TWO FARMS, INC., IDENTIFIED IN SCHEDULE "A" HEREOF, CREATING THE ESTATE HEREBY INSURED; AFFECT SUBJECT PROPERTY, NOT PLOTTABLE, GENERAL IN NATURE.
19. SUBJECT TO THE TERMS, CONDITIONS, EASEMENT(S) AND/OR RIGHT(S) OF WAY CONTAINED IN AGREEMENT DATED OCTOBER 21, 1913 BY AND BETWEEN GEORGE A. GUIDE, ET AL. AND THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF BALTIMORE CITY AND RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN LIBER 80, FOLIO 514; MAY AFFECT SUBJECT PROPERTY, APPROXIMATE LOCATION OF CENTERLINE POLE LINE SHOWN WITHIN THE EAST WEST HIGHWAY AND RIGGS ROAD RIGHT-OF-WAY AND ALSO CROSSES THE SUBJECT PROPERTY TO THE EAST.
4. SUBJECT TO THE RESERVATIONS, TERMS, CONDITIONS, EASEMENT(S) AND/OR RIGHT(S) OF WAY CONTAINED IN DEED DATED OCTOBER 1, 1932 BY AND BETWEEN WALLACE E. GREGG AND JENNIE PAGE GREGG, HIS WIFE, AND ROWLAND L. BORTNER AND RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN LIBER 390, FOLIO 40; MAY AFFECT SUBJECT PROPERTY, VAGUE AND INSUFFICIENT INFORMATION IN RECORD DOCUMENT, REFERENCED DOCUMENT NOT ATTACHED.
15. SUBJECT TO THE TERMS, CONDITIONS, EASEMENT(S) AND/OR RIGHT(S) OF WAY CONTAINED IN DEED DATED APRIL 3, 1934 BY AND BETWEEN WALLACE E. GREGG AND JANE S. GREGG, AND THE STATE ROADS COMMISSION OF MARYLAND, ACTING FOR THE STATE OF MARYLAND AND RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN LIBER 560, FOLIO 12; AND ACCOMPANYING STATE ROADS COMMISSION PLAT RECORDED AMONG THE AFORESAID LAND RECORDS AS PLAT NO. 1312; DO NOT AFFECT SUBJECT PROPERTY, AFFECT LAND TO THE WEST.
16. SUBJECT TO THE TERMS, CONDITIONS, EASEMENT(S) AND/OR RIGHT(S) OF WAY CONTAINED IN DEED DATED APRIL 3, 1934 BY AND BETWEEN WALLACE E. GREGG AND JANE S. GREGG, AND THE STATE ROADS COMMISSION OF MARYLAND, ACTING FOR THE STATE OF MARYLAND AND RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN LIBER 560, FOLIO 13; AND ACCOMPANYING STATE ROADS COMMISSION PLAT RECORDED AMONG THE AFORESAID LAND RECORDS AS PLAT NO. 1313; DO NOT AFFECT SUBJECT PROPERTY, AFFECT LAND TO THE WEST.
17. SUBJECT TO THE TERMS, CONDITIONS, EASEMENT(S) AND/OR RIGHT(S) OF WAY CONTAINED IN DEED DATED OCTOBER 1, 1941 BY AND BETWEEN WALLACE E. GREGG AND THE WASHINGTON SUBURBAN SANITARY COMMISSION AND RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN LIBER 653, FOLIO 414; DO NOT AFFECT SUBJECT PROPERTY, AFFECT LAND TO THE WEST.
18. SUBJECT TO THE TERMS, CONDITIONS, EASEMENT(S) AND/OR RIGHT(S) OF WAY CONTAINED IN RIGHT-OF-WAY DATED MARCH 26, 1942 BY AND BETWEEN WALLACE E. GREGG AND SINCLAIR REFINING COMPANY AND RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN LIBER 654, FOLIO 67; DO NOT AFFECT SUBJECT PROPERTY, AFFECT LAND LYING IN RIGGS ROAD.
19. SUBJECT TO THE TERMS, CONDITIONS, EASEMENT(S) AND/OR RIGHT(S) OF WAY CONTAINED IN RIGHT OF WAY DATED OCTOBER 4, 1950 BY AND BETWEEN MACE PROPERTIES, INCORPORATED, AND THE WASHINGTON SUBURBAN SANITARY COMMISSION AND RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN LIBER 1287, FOLIO 46; DO NOT AFFECT SUBJECT PROPERTY, AFFECT LAND TO THE SOUTHWEST.
20. SUBJECT TO THE TERMS, CONDITIONS, EASEMENT(S) AND/OR RIGHT(S) OF WAY CONTAINED IN DEED DATED DECEMBER 26, 1961 BY AND BETWEEN JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, ET AL. AND THE STATE ROADS COMMISSION OF MARYLAND, ACTING FOR THE STATE OF MARYLAND AND RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN LIBER 2674, FOLIO 464; AND ACCOMPANYING STATE ROADS COMMISSION PLATS RECORDED AMONG THE AFORESAID LAND RECORDS AS PLAT NOS. 15704, 15705 AND 28219; DO NOT AFFECT SUBJECT PROPERTY, LAND DEDICATED TO THE STATE, NO OTHER TERMS, CONDITIONS, EASEMENTS, OR RIGHT OF WAYS WERE GRANTED.
21. SUBJECT TO THE BUILDING RESTRICTION LINES, SET BACK LINES, NOTES, EASEMENTS, RESTRICTIONS, RESERVATIONS, CONDITIONS AND LIMITATIONS SHOWN ON A PLAT ENTITLED, "BLOCKS G, H, J, K AND L, PARKLAWN", RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN PLAT BOOK WWW 17, AT PLAT NO. 79, AND ANY AMENDMENTS OR SUPPLEMENTS THERETO, PLAT CREATED PARCEL A AND ESTABLISHES A BUILDING RESTRICTION LINE, HOWEVER NO WIDTH IS NOTED.

UTILITIES:
THE FOLLOWING COMPANIES WERE NOTIFIED BY MARYLAND MISS UTILITY SYSTEM (1-800-257-7777) AND REQUESTED TO MARK OUT UNDERGROUND FACILITIES AFFECTING AND SERVICING THIS SITE. THE UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS BASED UPON THE UTILITY COMPANIES RESPONSE TO THIS REQUEST. SERIAL NUMBER(S): 20612692

UTILITY COMPANY	LOCATE STATUS	PHONE NUMBER
COLONIAL PIPELINE	CLEAR/NO CONFLICT	(678) 762-2403
COMCAST-UTILIQUEST	CLEAR/NO CONFLICT	(301) 210-0355
FIBERLIGHTS/SUNBELT TELECO	MARKED	(727) 596-1500
LEVELS NOW CENTURYLINK	CLEAR/NO CONFLICT	(877) 368-4344
MCI	CLEAR/NO CONFLICT	(800) 289-3427
PEPCO/DCI UTILITY LOCATE	NOT COMPLETE/IN PROGRESS	(844) 605-1188
PG&D GOVT-STATE CENTER L	MARKED	(801) 364-1063
QWEST GOVERNMENT SERVICES	MARKED	(703) 387-9152
VERIZON	CLEAR/NO CONFLICT	(301) 210-0355
WASHINGTON GAS-UTILIQUEST	MARKED	(301) 210-0355
WSSC - PINPOINT UG	MARKED	(301) 868-5803

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PRINCE GEORGE'S, STATE OF MARYLAND AND IS DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATE IN THE COUNTY OF PRINCE GEORGE'S, STATE OF MARYLAND, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING KNOWN AND DESIGNATED AS PARCEL "A", BLOCK L, IN THE SUBDIVISION KNOWN AS "BLOCKS G, H, J, K AND L, PARKLAWN", RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN PLAT BOOK WWW 17, AT PLAT NO. 79.

SAVING AND EXCEPTING THEREFROM SO MUCH OF THE PROPERTY WHICH WAS CONVEYED TO THE STATE OF MARYLAND BY VIRTUE OF A DEED DATED DECEMBER 26, 1961 AND RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN LIBER 2674, FOLIO 464.

BEING THE SAME PROPERTY WHICH BY DEED DATED MAY 27, 1994 AND RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN LIBER 9588, FOLIO 710, WAS GRANTED AND CONVEYED BY RAMAR CORPORATION, AN IOWA CORPORATION, UNTO CHILD CARE PROPERTIES LIMITED PARTNERSHIP, AN IOWA LIMITED PARTNERSHIP.

SURVEYED DESCRIPTION

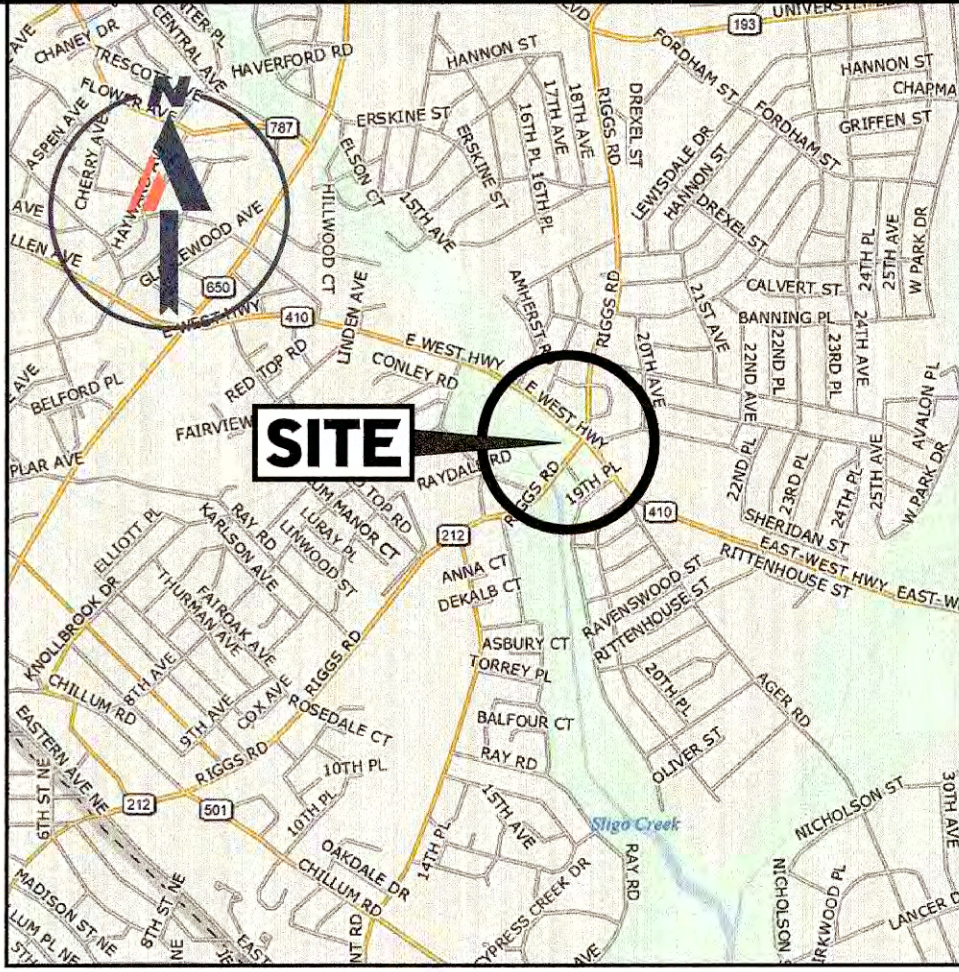
BEING PART OF PROPERTY ACQUIRED BY CHILD CARE PROPERTIES LIMITED PARTNERSHIP, AN IOWA LIMITED PARTNERSHIP FROM RAMAR CORPORATION, AND IOWA CORPORATION, BY DEED DATED MAY 27, 1994, AS RECORDED IN LIBER 9588 FOLIO 710, ALSO BEING THE REMAINDER OF PARCEL A, PARKLAWN (PLAT BOOK 17 PAGE 79), ALL AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE FOUND MARKING THE INTERSECTION OF THE DIVISION LINE BETWEEN LOT 10, PARKLAWN (PLAT BOOK 17 PAGE 79) ON THE WEST AND PARCEL A, PARKLAWN (PLAT BOOK 17 PAGE 79) ON THE EAST, WITH THE SOUTHERLY RIGHT-OF-WAY LIMITS OF EAST-WEST HIGHWAY - MD RTE. 410 (VARIABLE WIDTH RIGHT-OF-WAY), THENCE WITH SAID SOUTHERLY RIGHT-OF-WAY LIMITS THE FOLLOWING TWO (2) COURSES AND DISTANCES;

1. SOUTH 53° 37' 24" EAST, 371.30 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE, THENCE;
2. CONTINUING, 101.78 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.00 FEET A CENTRAL ANGLE OF 58° 18' 48", AND A CHORD BEARING AND DISTANCE OF SOUTH 03° 16' 31" WEST, 97.44 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE ON THE WESTERLY RIGHT-OF-WAY LIMITS OF RIGGS ROAD (VARIABLE WIDTH RIGHT-OF-WAY THENCE WITH SAID WESTERLY RIGHT-OF-WAY LIMITS THE FOLLOWING TWO (2) COURSES AND DISTANCES;
3. 82.67 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 800.00 FEET, A CENTRAL ANGLE OF 05° 55' 15", AND A CHORD BEARING AND DISTANCE OF SOUTH 35° 25' 13" WEST, 82.63 FEET, THENCE;
4. CONTINUING, SOUTH 38° 22' 51" WEST, 35.78 FEET TO THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LIMITS WITH THE DIVISION LINE BETWEEN PARCEL 1, PARKLAWN, (PLAT BOOK 17 PAGE 79) ON THE SOUTH AND SAID PARCEL A ON THE NORTH, THENCE WITH SAID DIVISION LINE;
5. NORTH 53° 37' 24" WEST, 424.65 FEET, THENCE CONTINUING WITH SAID DIVISION LINE AND FURTHER WITH THE DIVISION LINE BETWEEN SAID LOT 10 ON THE WEST AND PARCEL A ON THE EAST;
6. NORTH 36° 22' 36" EAST, 200.00 FEET TO THE PLACE OF BEGINNING.

CONTAINING 83.710 SQUARE FEET OR 1.922 ACRES.

DESCRIPTION IS ON NAD83/2011 DATUM BASED ON A CURRENT FIELD SURVEY. BEING THE SAME PROPERTY AS DESCRIBED IN A TITLE COMMITMENT REPORT PREPARED BY ISSUING AGENT LAND SERVICES USE, INC. FOR FIRST AMERICAN NATIONAL TITLE INSURANCE COMPANY, FILE NO. MDA19-2886 KS, WITH A COMMITMENT DATE OF JUNE 14, 2019 AND IS SUBJECT TO RESTRICTIONS, COVENANTS AND/OR EASEMENTS, WRITTEN OR IMPLIED.



LOCATION MAP

COPYRIGHT 2009
DELOMRE STREET ATLAS 2009 PLUS USA
SCALE: 1"=200'

BOHLER ENGINEERING, ALL RIGHTS RESERVED.
THIS CERTIFICATE IS MADE TO ONLY NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF HEREIN DELINEATED PROPERTY BY THE NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SURVEYOR FOR THE USE OF SURVEY FOR ANY OTHER PURPOSE, INCLUDING, BUT NOT LIMITED TO, USE OF SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.

TO TWO FARMS, INC., AND ISSUING AGENT LAND SERVICES USA, INC. FOR FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(B), 7(A), 7(B)(1), 7(C), 8, 9, 11 & 14 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 19, 2020.

ROBERT C. HARR, JR.

MARYLAND PROFESSIONAL LAND SURVEYOR NO. 21587

EXPIRATION DATE: JANUARY 16, 2021

THIS CERTIFICATION IS MADE TO ONLY NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF HEREIN DELINEATED PROPERTY BY THE NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SURVEYOR FOR THE USE OF SURVEY FOR ANY OTHER PURPOSE, INCLUDING, BUT NOT LIMITED TO, USE OF SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.

ALTAINSPS LAND TITLE SURVEY					
ROYAL FARMS					
STORE NO. 393					
1823 EAST WEST HIGHWAY					
CHILLUM DISTRICT					
PRINCE GEORGE'S COUNTY, MARYLAND					
FILE NO.	12825 WORLDGATE DRIVE, SUITE 700				
SB202122	HERNDON, VIRGINIA 20170				
DATE	10/27/20				
10/27/20	703.709.9500				
FIELD DATE	www.bohlerengineering.com				
09/19/20	CREW CHIEF	DRAWN	REVIEWED	APPROVED	SCALE
	DW	B.A.S. III	CW	J.E.B.	1" = 20'
					DWG. NO.
					1 OF 2



	EXISTING CONTOUR
	EXISTING SPOT ELEVATION
	EXIST. TOP OF CURB ELEVATION
	EXIST. GUTTER ELEVATION
	EXIST. TOP OF WALL ELEVATION
	EXIST. BOTTOM OF WALL ELEVATION
	WATER METER
	GAS VALVE
	OVERHEAD WIRES
	APPROX. LOC. UNDERGROUND FIBER OPTIC LINE PER UTILITY MARKOUT
	APPROX. LOC. UNDERGROUND GAS LINE PER UTILITY MARKOUT
	APPROX. LOC. UNDERGROUND WATER LINE PER UTILITY MARKOUT
	UTILITY POLE
	ELECTRIC METER
	TRANSFORMER
	SANITARY MANHOLE
	WATER MANHOLE
	STORM DRAIN MANHOLE
	WATER METER
	GAS METER
	SIGN
	BOLLARD
	BIKE RACK
	FENCE
	AREA LIGHT
	TITLE REPORT EXCEPTION
	DENOTES PARKING SPACE COUNT
	BENCHMARK
	UTILITY POLE/LIGHT POLE
	GUY WIRE
	TREE (SIZE AS NOTED)
	PROP. CORNER TO BE SET
	APPROX. LOC. UNDERGROUND ELEC. LINE PER UTILITY MARKOUT
	CAST IRON
	MEASURED
	RECORD
	POINT OF BEGINNING
	FLOOD PLAIN

DW B.A.S. III CW J.E.B. 1" = 20' **2 OF 2**

From: [Juba, Marc](#)
To: [Staton, Kenneth](#); [Matthew C. Tedesco](#)
Cc: [Sievers, Thomas](#); [Hurlbutt, Jeremy](#); [Hunt, James](#); [Bryan C. Spell](#); [Joe DiMarco](#)
Subject: RE: Acceptance Notice for SE-4846; Royal Farms393
Date: Friday, November 5, 2021 3:16:08 PM
Attachments: [image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)
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[image022.png](#)
[image023.png](#)
[image024.png](#)
[image025.png](#)
[image026.png](#)

Hi Matt:

You are correct. I was going by DRD's checklist, which still hasn't been updated. Disregard that comment.

Marc Juba

Planner Coordinator, Environmental Planning Section | Countywide Planning Division



14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

Direct: 301-883-3239 | Teams Mobile: 240-573-2810

Email: Marc.Juba@ppd.mncppc.org



From: Staton, Kenneth <Kenneth.Staton@ppd.mncppc.org>

Sent: Friday, November 5, 2021 3:04 PM

To: Matthew C. Tedesco <mtedesco@mhlawyers.com>; Juba, Marc
<Marc.Juba@ppd.mncppc.org>

Cc: Sievers, Thomas <Thomas.Sievers@ppd.mncppc.org>; Hurlbutt, Jeremy
<Jeremy.Hurlbutt@ppd.mncppc.org>; Hunt, James <James.Hunt@ppd.mncppc.org>; Bryan C.
Spell
<bspell@mhlawyers.com>; Joe DiMarco <jdimarco@bohlereng.com>

Subject: RE: Acceptance Notice for SE-4846; Royal Farms393

Thanks for the question...

I am unable to speak to the concerns you have expressed. I have looped in the Reviewer from EPS who shared the comment and will allow you all to connect.

Marc,

Would you be able to assist the Applicant with further clarity on how you came to your comment conclusions? Best regards,

Kenneth (KJ) Staton

Principal Planning Technician | Development Review Division



14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

(O)301-952-5402 | (Teams)240-573-2157 kenneth.staton@ppd.mncppc.org



From: Matthew C. Tedesco <mtedesco@mhlawyers.com>

Sent: Friday, November 5, 2021 2:51 PM

To: Staton, Kenneth <Kenneth.Staton@ppd.mncppc.org>

Cc: Sievers, Thomas <Thomas.Sievers@ppd.mncppc.org>; Hurlbutt, Jeremy <Jeremy.Hurlbutt@ppd.mncppc.org>; Checkley, Andree <andree.checkley@ppd.mncppc.org>; Hunt, James <James.Hunt@ppd.mncppc.org>; PPD-DRD_Applications Section_Distribution <ppddrd_applicationssection_distribution@ppd.mncppc.org>; Bryan C. Spell <bspell@mhlawyers.com>;

Joe DiMarco <jdimarco@bohlereng.com>

Subject: RE: Acceptance Notice for SE-4846; Royal Farms393

Importance: High

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

Thank you all!

Question, there is a comment from EPS that an “approved stormwater management concept plan and approval letter from DPIE is required” prior to acceptance; however, and notwithstanding that the SDCP has been filed with DPIE and a copy was included in our initial submittal, I am not aware of a statutory requirement that the SDCP approval is needed prior to acceptance of a special exception. There is no reference to this “requirement” in Section 27-296, and we have processed countless special exceptions with and without the SDCP approval at the time of acceptance. In fact, most recently, SE-4834 was accepted without the approved SDCP, and was provided later, pursuant to review comments post acceptance.

Please confirm, as we intend to re-submit the SE and acceptance items ASAP and need to obtain acceptance of this application without any unnecessary delay. Thank you again!

McNamee Hosea



Matthew C. Tedesco

Principal*

McNamee Hosea

6411 Ivy Lane, Suite 200



301.441.2420

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Disclosure Required by IRS Circular 230: In accordance with IRS requirements, we wish to inform you that, to the extent this communication contains tax advice, it is not intended or written to be used for the purpose of 1) avoiding tax penalties that may be imposed on the taxpayer by the Internal Revenue Service, or 2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

From: Staton, Kenneth <Kenneth.Staton@ppd.mncppc.org>

Sent: Friday, November 5, 2021 2:10 PM

To: Bryan C. Spell <bspell@mhlawyers.com>; Matthew C. Tedesco <mtedesco@mhlawyers.com>

Cc: Sievers, Thomas <Thomas.Sievers@ppd.mncppc.org>; Hurlbutt, Jeremy <Jeremy.Hurlbutt@ppd.mncppc.org>; Checkley, Andree <andree.checkley@ppd.mncppc.org>; Hunt, James <James.Hunt@ppd.mncppc.org>; PPD-DRD_Applications Section_Distribution <ppd-drd_applicationssection_distribution@ppd.mncppc.org>

Subject: Acceptance Notice for SE-4846; Royal Farms393

Good Afternoon,

The subject application is ready for formal acceptance. Thomas Sievers (copied on this email) is the assigned reviewer.

Please note that I have added the Checklist to this notice. The items on the checklist from EPS will need to be satisfied within the Acceptance Submission.

Please prepare the following items for acceptance submission to DRD applications include the following:

Dropbox Link sent to DRDApplications@ppd.mncppc.org with ALL required documents and plans using the naming convention:

<http://www.pgplanning.org/DocumentCenter/View/4777> /

<http://www.pgplanning.org/DocumentCenter/View/4778> .

[Bulletin3-2020 Applications Submissions and Changes for COVID-19 Pandemic](#)

Acceptance Package must include the following:

A new mailing list is required for the acceptance mailing. Please provide a current property boundary survey and the new mailing list will be provided shortly thereafter for your acceptance mailing. **Fee: \$ 5,572** = High fee rating (\$5,500) Food & Gas + sketch map fee \$12 + sign posting fee (\$60) 2 signs (30 per sign)

- Credit Card: please include the name and telephone number of the contact person. The contact person will be notified by telephone for payment on Tuesdays and Thursdays only between 8am-11am.

- Check: payable to M-NCPPC must be submitted to the physical drop box labeled M-NCPPC, located at the lower level CAB, pond side.
- **If paying with a company check, please include the name of the person signing the check as well as company phone number and address.**
- **If sending a personal check, please include a phone number and complete address on the check**
- **NOTE:** *The Department point of sale is open for processing all payments on Tuesdays and Thursdays ONLY, from 8am to 11am.*

Donald Townsend and Terry Windsor will be processing your payment of the application fee, and they both are included on this email if you have questions.

Formal Acceptance Notice must include all named adjoining owners mailing lists which will be provided upon receipt of the current property boundary survey.

<http://www.pgplanning.org/DocumentCenter/View/1273>

<http://www.pgplanning.org/DocumentCenter/Home/View/1294>

<http://www.pgplanning.org/DocumentCenter/View/1315>

Kenneth (KJ) Staton

Principal Planning Technician | Development Review Division



14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

301-952-5402 | kenneth.staton@ppd.mncppc.org



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March 11, 2022

M-NCPPC
County Administration Building
Upper Marlboro, MD 20772

Re: Royal Farms #393
1824 East West Highway
Hyattsville, MD 20783

Attn: Environmental Planning Section

To Whom It May Concern:

On behalf of Two Farms, Inc., Bohler is requesting a waiver to cut 483.47 cubic yards (in gross tract area) of the 100-year floodplain area within the subject site referred to as Royal Farms #393, located at 1823 East West Highway, Hyattsville, MD. The site is adjacent to Sligo Creek, and contains a portion of its associated floodplain, which is designated on the Prince George's County Flood Insurance Rate Map (FIRM) as a Zone AE Special Flood Hazard Area (SFHA).

The Property contains a total of 0.2 acres of PMA. The PMA comprises existing onsite floodplain. The PMA is generally located on the southern end of the Property. The PMA runs through the southeastern areas of the Property. The impacts to the PMA are detailed on the attached Floodplain Waiver 202107, approved by the Prince George's Department of Inspections, Permitting and Enforcement.

This PMA Impact Request is being submitted in conjunction with the design of a Site Development Concept Plan (SDCP #1747-2021-0), which has been submitted under separate cover by Bohler.

The proposed development consists of a new Convenience Retail Store and the associated gas pumps which make up the Royal Farms facility. Surface parking is also provided for the customers. The provided floodplain study plan set, in conjunction with the separate SDCP and Special Exception Plan, show existing topography and site elements, the location of the proposed development, the proposed elevations and grading of the development, and delineation of the County Effective, Existing Conditions and Proposed Conditions 100-year floodplains.

THREE STEP PROCESS

The Prince George's County Technical Manual on Page C-2 identifies a three-step process for determining the appropriateness of impacts to regulated environmental features. The three steps are:

1. **Avoidance:** Can the impacts be avoided by another design? Are the road crossings as shown necessary for the reasonable development of the property? Is it necessary to place the utilities within the boundaries of the regulated environmental features?

When designing a site, the first step is to prepare a Natural Resource Inventory (NRI) to determine the locations of regulated environmental features. The NRI is then used as the base map to start laying out the proposed development. The next step is to prepare a draft plan that shows no impacts to regulated environmental features.

If this design does not result in a development plan that allows for the reasonable use and orderly and efficient development of the subject property, or does not adequately provide for the health, safety, and welfare of county citizens, then impacts can be considered.

RESPONSE: In general, the revised layout has been shaped to improve the existing condition and avoid unnecessary disturbance to the PMA, and thus a minimal percentage of the total PMA (.2 Acres of 1.922 Acres or 1.03%) is proposed to be impacted. The proposed non-residential development is for the construction of the convenience retail store will be located such that the finished floor of the retail store and the gas pumps will be a minimum of one foot

above the floodplain determined to be at elevation 67.5. The remainder of the site will be improved with associated landscaping and improvements necessary to connect the site with the surrounding infrastructure. Fill is being placed within the floodplain to accomplish the necessary grading for parking lot and entrance only.

2. **Minimization:** Have the impacts been minimized? Are road crossings placed at the point of least impact? Are the utilities placed in locations where they can be paired or grouped to reduce the number of different locations of impacts? Are there alternative designs that could reduce the proposed impacts?

Minimization of impacts to regulated environmental features may include placing a road crossing or utility at the narrowest point of the PMA; the use of retaining walls instead of extending the grading; bridging instead of constructing a culvert; placing required infrastructure elements together in one location instead of placing each one individually; and, where appropriate, obtaining waivers from County Code with regard to required side slopes or road cross-sections as appropriate and as approved by the regulating agency.

Temporary impacts to regulated environmental features may be necessary for certain temporary erosion and sediment controls that cannot be designed in any other way.

These impacts may be supported if the area is restored. All erosion and sediment control structures, such as ponds and collecting basins, shall be placed outside regulated environmental features. Temporary impacts and the proposed restoration must be shown on the associated tree conservation plan.

RESPONSE: The site is laid out to improve the existing condition. The floodplain is impacted because of a utility connection and a required entrance to the site. There are three impacts related to stormwater outfalls. The entrance, utility connection and associated grading are required and need to encroach into the PMA. These areas have been minimized so that the total of all impacts is 0.2 acres. The proposed filling of the floodplain will result in no off-site increases in water surface elevations. Please reference the attached floodplain analysis which depicts the proposed water surface elevations. The proposed development results in equal or reduced flood elevations on and off-site.

3. **Mitigation:** For areas of significant impacts, has a mitigation package been proposed to provide an equal or better trade-off for the impacts proposed?

“Mitigation” means the design and installation of measures to enhance, restore, or stabilize existing environmentally degraded streams and/or wetlands to compensate for proposed impacts. Mitigation shall be required for significant impacts to regulated streams, wetlands, and 100-year floodplains. Significant impacts are defined as the cumulative impacts that result in the disturbance on one site of 200 or more linear feet of stream beds or one-half acre of wetland and wetland buffer area. Stream or wetland restoration, wetland creation, or retrofitting of existing stormwater management facilities that are not required by some other section of County Code may be considered credit as mitigation. The amount and type of mitigation shall be at least generally equivalent to, or a greater benefit than, the total of all impacts proposed, as determined by the Planning Board.

RESPONSE: The PMA impacts proposed are minor in nature. There are 0.2 acres of floodplain impact that will be disturbed for the entrance and associated grading.

The amount of impact is very small based on the size of this property. The total area of impact to wetlands, wetland buffers and stream beds is less than 10% of the entire site area, and improves the existing conditions. Thus, it is our opinion, that these impacts are not significant, and that mitigation should not be required.

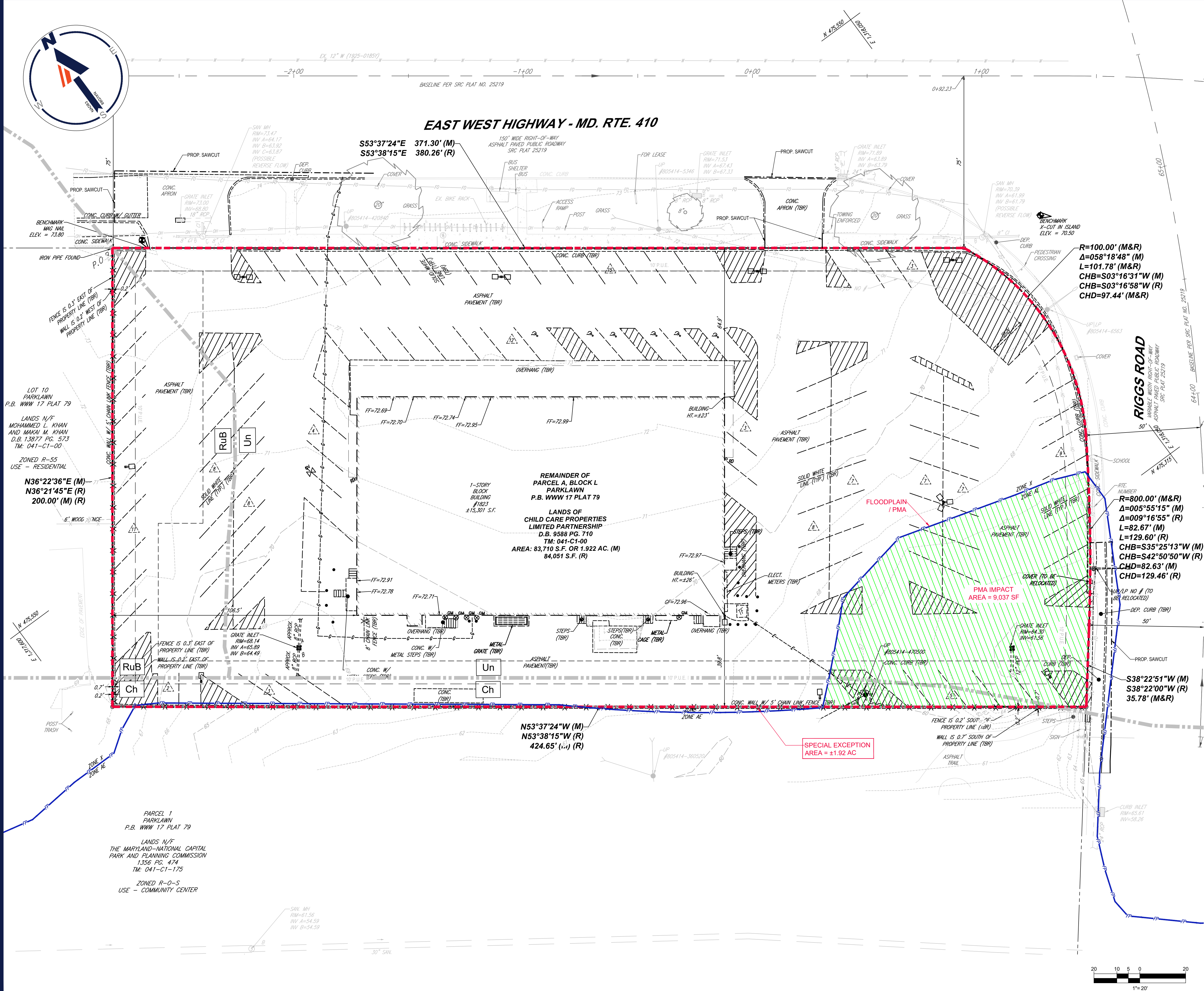
CONCLUSION

The proposed impacts satisfy the first two criteria for approval found in the Technical Manual: Avoidance is not entirely possible given the location of the PMA versus the one and only access road and the location of the existing sewer lines. Given the need to provide necessary infrastructure, and the relatively small incursion into the PMA for the required entrance, and proposed improvements to the existing condition, the proposed development preserves the PMA to the fullest extent possible. Proposed impacts are minimal and should not trigger a need for mitigation. Given these findings, the proposed impacts should be approved.

Respectfully,

A handwritten signature in dark ink, appearing to read "J DiMarco", is positioned above the printed name.

Joseph DiMarco, P.E.
Senior Project Manager



NOTES:

- OWNER/ APPLICANT
TWO FARMS, INC.
C/O ROYAL FARMS
3611 ROLAND AVENUE, BALTIMORE MD 21211
- LEASE AREA = 83,710 SQUARE FEET OR 1.922 ACRES
- ELEVATIONS ARE BASED ON NGVD29 DATUM DETERMINED BY GPS OBSERVATIONS AND TIED TO WSSC BENCHMARK NO. 1713 WITH A PUBLISHED ELEVATION OF 71.719 FEET.
- THE PROPERTY IS LOCATED IN OTHER AREAS ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AND IN SPECIAL FLOOD HAZARD AREAS (SFHAS) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD ZONE AE (BASE FLOOD ELEVATIONS DETERMINED, ELEVATION 66) PER MAP ENTITLED "FIRM, FLOOD INSURANCE RATE MAP, PRINCE GEORGE'S COUNTY, MARYLAND AND INCORPORATED AREAS, PANEL 126 OF 466", MAP NUMBER 24033C0126E, WITH A MAP EFFECTIVE DATE OF SEPTEMBER 16, 2016.
- ZONING: C-S-C (COMMERCIAL SHOPPING CENTER)
- PARKING: 106 STANDARD
6 ADA
112 TOTAL SPACES

LEGEND

- CONCRETE CURB & GUTTER (TBR)
- LIGHT (TBR)
- SIGN (TBR)
- PARKING COUNTS (TBR)
- SPECIAL EXCEPTION AREA
- EXISTING FLOODPLAIN
- PMA IMPACT AREA

REVISIONS

REV	DATE	COMMENT	DRAWN BY



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PROJECT No.: MB202122
DRAWN BY: AAT
CHECKED BY: TW
DATE: 02/25/2022
CAD ID: EX0

PROJECT:

PMA IMPACT

FOR

ROYAL FARMS #393

LOCATION OF SITE

1823 EAST WEST HIGHWAY
PRINCE GEORGE'S COUNTY
HYATTSVILLE, MD 20783
17TH ELECTION DISTRICT
TM: 41, GRID: C1

BOHLER

16701 MELFORD BLVD., SUITE 310
BOWIE, MARYLAND 20715
Phone: (301) 809-4500
Fax: (301) 809-4501
MD@BohlerEng.com

J. DIMARCO

PROFESSIONAL ENGINEER
PROFESSIONAL CERTIFICATION
JOSEPH DIMARCO, HEREBY CERTIFY THAT
THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 34390, EXPIRATION DATE: 12/23/2022

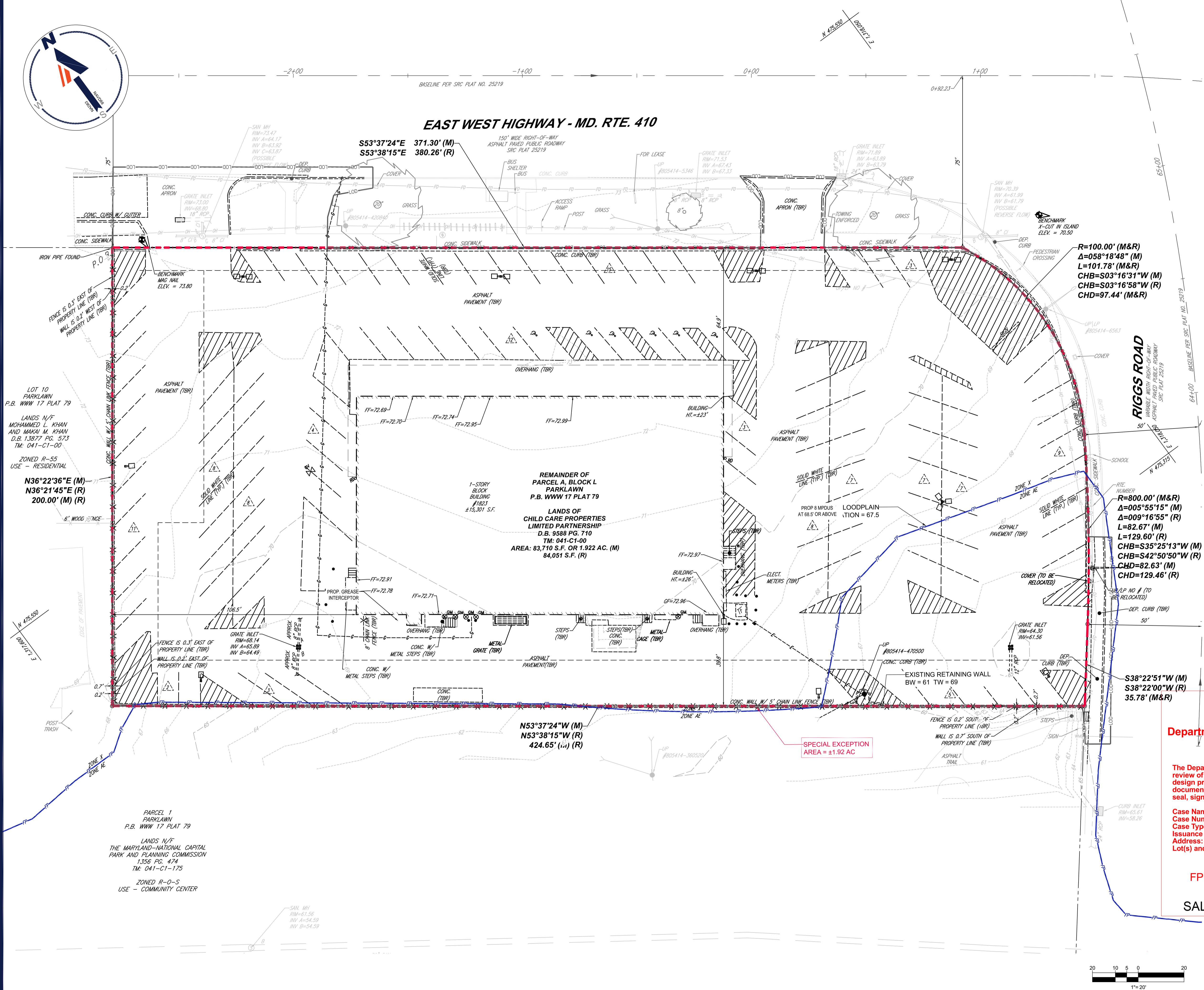
SHEET TITLE:

PMA IMPACT EXHIBIT

SHEET NUMBER:

1

ORG. DATE - 01/22/2021



NOTES:

- OWNER/ APPLICANT
TWO FARMS, INC.
C/O ROYAL FARMS
3611 ROLAND AVENUE, BALTIMORE MD 21211
- LEASE AREA = 83,710 SQUARE FEET OR 1.922 ACRES
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- SIGN (TBR)
- PARKING COUNTS (TBR)
- SPECIAL EXCEPTION AREA
- EXISTING FLOODPLAIN



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PROJECT No.: MB202122
DRAWN BY: AAT
DATE: 05/19/2021
CAD ID: EXO

FLOODPLAIN DELINEATION

FOR

ROYAL FARMS #393

LOCATION OF SITE

1821 EAST WEST HIGHWAY
PRINCE GEORGE'S COUNTY
HYATTSVILLE, MD 20783
17TH ELECTION DISTRICT
TM: 41, GRID: C1

BOHLER

16701 MELFORD BLVD., SUITE 310
BOWIE, MARYLAND 20715
Phone: (301) 809-4500
Fax: (301) 809-4501
MD@BohlerEng.com

J. DIMARCO
PROFESSIONAL ENGINEER
MARYLAND LICENSE NO. 3030
PROFESSIONAL CERTIFICATION
JOSEPH DIMARCO, HEREBY CERTIFY THAT
THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MARYLAND,
LICENSE NO. 34390, EXPIRATION DATE 12/23/2022



FPS 202107

SALMAN BABAR

The Department of Permitting, Inspections and Enforcement has completed a review of this document for code compliance. As required by State Code, the design professional(s) responsible for the preparation and content of this document must provide a record copy of these documents with their original seal, signature and date.

Case Name: 1821 East West Hwy
Case Number (Plan Approval #): 13218-2021-0
Case Type: FLOOD
Issuance Date: 6/14/2021
Address: 1821 EAST WEST HWY HYATTSVILLE, Maryland
Lot(s) and Block(s): Lot and Block not found

SHEET TITLE:

FLOODPLAIN DELINEATION (EXISTING)

SHEET NUMBER:

1

ORG. DATE - 01/22/2021

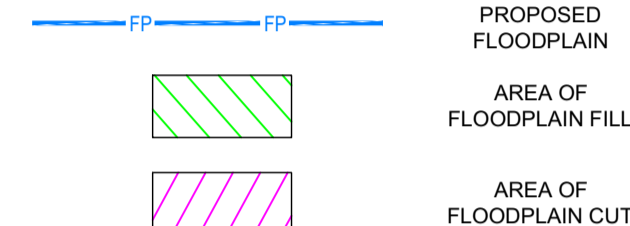


EAST WEST HIGHWAY - MD. RTE. 410

S53°37'24"E 371.30' (M)
S53°38'15"E 380.26' (R)

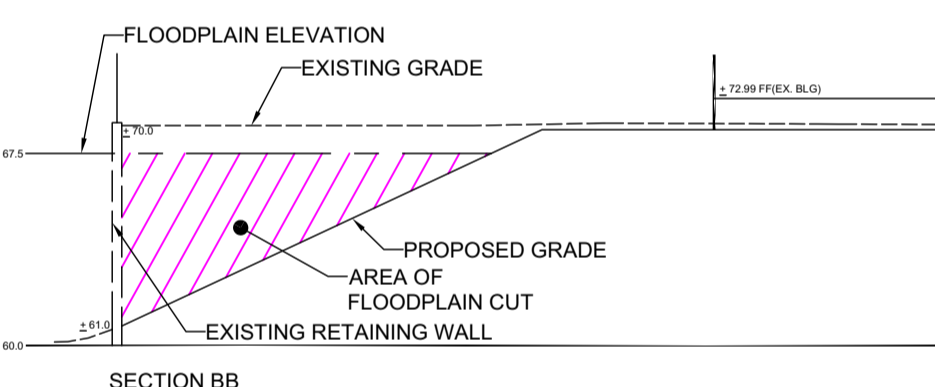
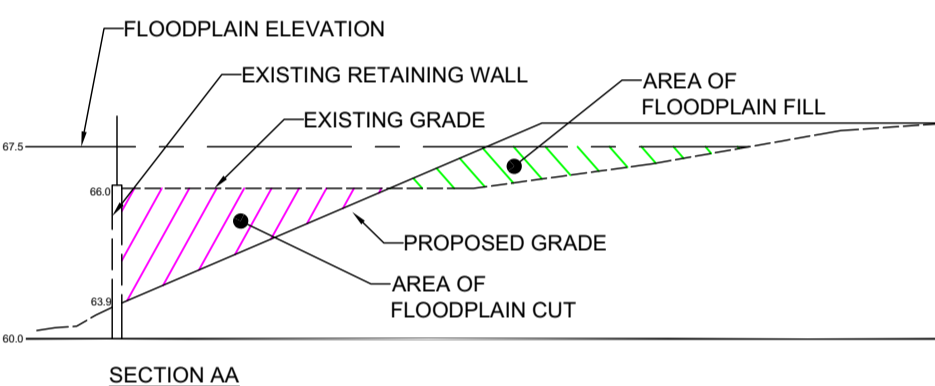
R=100.00' (M&R)
Δ=058°18'48" (M)
L=101.78' (M&R)
CHB=S03°16'31"W (M)
CHB=S03°16'58"W (R)
CHD=97.44' (M&R)

LEGEND



CROSS SECTIONS

N.T.S.



Prince George's County Maryland Department of Permitting, Inspections & Enforcement APPROVED PLAN SET

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Case Type: FLOOD
Issuance Date: 6/14/2021
Address: 1821 EAST WEST HWY HYATTSVILLE, Maryland
Lot(s) and Block(s): Lot and Block not found

FPS 202107

SALMAN BABAR



BOHLER
SITE CIVIL AND CONSULTING ENGINEERING
PROGRAM MANAGER
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

REVISIONS

REV	DATE	COMMENT	DRAWN BY



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PROJECT No.: MB202122
DRAWN BY: AAT
DATE: 05/19/2021
CAD ID: EXO

PROJECT:

FLOODPLAIN DELINEATION FOR

ROYAL
FARMS #393

LOCATION OF SITE

1823 EAST WEST HIGHWAY
PRINCE GEORGE'S COUNTY
HYATTSVILLE, MD 20783
17TH ELECTION DISTRICT
TM: 41, GRID: C1

BOHLER

16701 Melford Blvd., Suite 310
Bowie, Maryland 20715
Phone: (301) 809-4500
Fax: (301) 809-4501
MD@BohlerEng.com

J. DIMARCO
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LICENSED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MARYLAND,
LICENSE NO. 34380, EXPIRATION DATE 12/23/2022

SHEET TITLE:

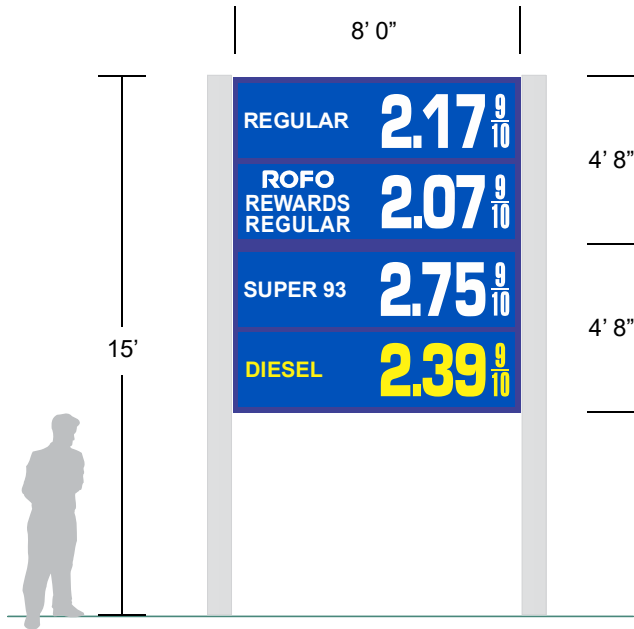
FLOODPLAIN DELINEATION (PROPOSED)

SHEET NUMBER:

2

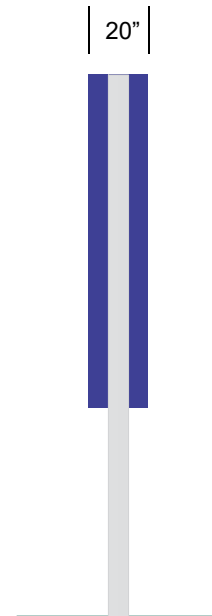
ORG. DATE - 01/22/2021

DPIE CASE # 13218-2021-0



Front Elevation

Scale 3/16" = 1'



Side Elevation

Scale 3/16" = 1'

ROYAL FARMS

Store 282

4 grade price only pylon

Overall Height

15'

Total Square Footage

74.6

Qty

1

Royal Farms Approved

☐

Number of Grades

4

Permit Submitted

☐

Numeral Size

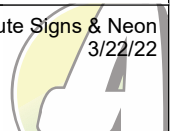
18"

Permit Approved

☐

Drawing prepared by Absolute Signs & Neon

3/22/22



Bryan Spell
Land Use Coordinator/Law Clerk

E-mail: BSpell@mhlawyers.com
Direct Dial: Extension 267

April 22, 2022

Via Electronic Delivery
Tom Sievers, MA, MAIS
Senior Planner, Zoning Review Section
Development Review Division
M-NCPPC, County Administration Building
14741 Gov. Oden Bowie Drive
Upper Marlboro, MD 20772

**Re: SE-4846; Royal Farms #393
Post SDRC Comments Point-By-Point Response Letter**

Dear Cheryl:

On behalf of the applicant, please find below point-by-point responses to the SDRC comments transmitted to the applicant on or around December 10, 2021.

Transportation Planning:

1. To evaluate the generation of new trips over what is currently existing staff request the applicant provide a trip generation memo.

Response: Trip Generation is included with the submittal package.

2. Given the constrained site circulation, staff requests the applicant provide truck turning plans with design vehicle classification to show adequate circulation for truck maneuvers.

Response: Comment acknowledged. A Truck Turn Exhibit is included with the submittal package.

3. To further ensure the safety of motorists and pedestrians, staff request the applicant provide signage at the vehicle exit point along East-West Highway indicating that no left turns are permitted.

Response: A no left turn sign has been added along East-West Highway.

4. To maintain master plan consistency regarding planned bicycle facilities, staff recommend the installation of a bicycle lane along the subject site's frontage of Riggs Road, consistent with the master plan recommendation. This recommendation is subject to modification by the Maryland State Highway Administration (SHA).

Response: A bike lane has been added, consistent with the Master Plan recommendation, subject the MDOT-SHA.

5. To ensure adequate bicycle parking is provided, staff recommend the applicant update plans to provide bicycle parking, specifically a minimum of 3 bicycle racks to be located at a location convenient to the entrance of the building.

Response: Bike racks have been added as requested.

6. To obtain connectivity with the adjacent trail and recreation center, and to better enable access of users to the retail store, provide a crosswalk and sidewalk connection between the western/southwestern corner of the building and the M-NCPPC property line.

Response: Per coordination with the Department of Parks and Recreation, as part of the park improvement plan for Parklawn Park, connections from the subject property to Parklawn Park were rejected and requested not to be made.

7. Staff understands that the Subdivision Section will require that the site file a preliminary plan of subdivision. The requested trip generation memo will assist in understanding the scope of review for that plan. It is also understood that variation requests for access to MD 410 and MD 212, both arterial facilities, should be provided with this application and reviewed as part of the subdivision application. It is noted that the site does not meet the locational criteria for a BPIS requirement.

Response: The applicant has reduced the size of the proposed food or beverage store; thereby, the site no longer triggers a new preliminary plan of subdivision since it meets the applicability exemption. That said, a trip generation memo has been provided, as requested.

Environmental Planning:

MAJOR ISSUES/REVISIONS:

1) The southern edge of this site is mapped on existing developed floodplain associated with a regulated stream located off-site that comprises the existing Primary Management Area (PMA) on-site. Submit an exhibit and Statement of Justification as required showing the location of all regulated environmental features (REF) on-site and the proposed impacts to them. The required findings must be made in the SOJ in accordance with Part C, Section 2 of the 2018 Environmental Technical Manual. The exhibit must quantify the extents of each existing REF on-site, and the proposed area of impacts on-site for each in square feet and acres (to 1/100th of an acres). This is needed two days prior to the deadline of submission of all documents, so staff has adequate time to evaluate and write findings for the staff report

Response: Comment acknowledged. An SOJ and exhibit have been included with the re-submission package.

NOTES:

1) A floodplain waiver will be required by DPIE prior to permit.

Response: Comment acknowledged. Approved Floodplain Delineation included herein.

2) 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.

Response: Comment acknowledged.

Subdivision Section:

1. Please show PUEs along MD 410 and Riggs Road.

Response: No PUEs are required for this submission. The size of the food or beverage store was reduced, and the development does not trigger a preliminary plan of subdivision, and is not subject to Subtitle 24.

2. Please provide information to justify the two site entrances relative to the variation criteria given in Section 24-113(a) of the Subdivision Regulations. This information should be discussed with the Transportation Planning section. Note however that an actual variation from Section 24-121(a)(3) of the Subdivision Regulations cannot be applied for until the time of final plat.

Response: Not applicable. The size of the food or beverage store was reduced, and the development does not trigger a preliminary plan of subdivision, and is not subject to Subtitle 24.

3. It is recommended that further discussion with staff take place to determine what additional public facilities may be required on site with the resubdivision and in accordance with Subtitle 24.

Response: The size of the food or beverage store was reduced, the development does not trigger a preliminary plan of subdivision, and is not subject to Subtitle 24.

Urban Design:

(1) Major Issues

a. Section 27-358(a)(2) prohibits a gas station within 300 feet from a lot with a playground, and there is a playground on the adjacent R-O-S zoned lot.

Response: The applicant and the Department of Parks and Recreation have executed a Terms of an Agreement regarding the removal of the aforementioned playground. A master development plan for improvements to Parklawn Park has been prepared and agreed to in principle by DPR. A mandatory referral regarding the Parklawn Park improvement plan will be advanced by DPR with the Planning Department. In addition, DPR is in the process of preparing an RFA for the removal of the existing playground and the construction of new facilities at the Parklawn Park. The RFA will determine the exact timing for the completion of the new facilities at the Parklawn Park and the removal of the existing playground

b. Section 4.7-1 Bufferyard 1 notes an Alternative Compliance request is required. No AC request received.

Response: Bufferyards have been updated for correct adjacent uses and site layout has been updated as well.

c. Section 4.7-1 Bufferyard 2 shows the adjacent use is a “Community center” but the current adjacent use is a playground. Revise the schedule and plans to reflect the current adjacent land use and provide the appropriate buffer.

Response: The playground is now being removed pursuant to an agreement with DPR and a future RFA. The applicant contends that with the removal of the playground and based on the new facilities that will be provided on the Parklawn Park, “Community Center” is the appropriate use designation for the adjacent property and “Community Center” is a medium impact according to the Prince George’s County Landscape Manual. Accordingly, this buffer is shown as a ‘B’ buffer with a 20’width and associated required landscape area/plant units.

d. The building-mounted signs (On rear elevation) facing residential properties should be removed per Section 27-613(a)(1).

Response: Comment acknowledged, this originally proposed sign has been removed, please see updated elevations provided.

e. For the amount of proposed parking, 2 ADA-accessible van-sized spaces should be provided. Per 27-579(b) a loading space is not permitted within 50 feet of residential property. A DDS is needed, if it is located within 50 feet.

Response: Three (3) ADA parking spaces are shown on the site plan. The proposed loading space has been redesigned and is not located within 50’ of the property line.

(2) Minor/design issues:

a. Architecture

i. The architectural renderings show an outdoor vending machine and the SOJ states there is no exterior vending, please clarify and revise the materials accordingly.

Response: No vending machines are proposed.

ii. Provide the building and canopy height.

Response: Building and canopy height are provided on architectural drawings.

b. Signage

i. Section 27-594 requires gas price signs at entrances to the gas station, revise the plans and sign schedule to conform to this requirement.

Response: See proposed pylon gas price signs now shown at entrances on revised plans.

ii. Per Section 27-614(c)(6)(b), the pylon sign should not exceed 50 square feet in area. The current pylon exceeds this.

Response: Comment acknowledged. Pylon signs are gas price signs.

iii. Clarify if the “gateway sign” noted on the plan is the pylon sign. Please clarify the purpose of the orientation of this sign: the current orientation is at an angle to both adjacent streets and seems like it would not be very visible to drivers on either street.

Response: Plans have been updated accordingly. The orientation of the sign has been updated and is a monument sign, not a pylon sign.

iv. Directional signage should not contain logos.

Response: Comment acknowledged; revised accordingly.

c. Landscape Manual

i. Revise the plans and Section 4.3-2 schedule to provide at least 160 square feet of pervious land per shade tree, or submit an AC request per Section 4.3-2.

Response: The parking lot has been revised to have 9x18 islands and approximately 160 square feet of green space for trees. Some islands are larger than 160 square feet.

ii. Revise the plans to show requirements and provisions for Section 4.4 for the dumpster and loading areas.

Response: The requirements for section 4.4 are shown at the top of the first page of the landscape plan.

d. Update the General Notes:

i. Revise E. from “0-25” spaces to “51-75” spaces, as proposed.

Response: Amended as requested.

ii. Revise the parking calculations to show the required and provided parking rates for each use. The SOJ states that gas station, food and beverage store, and eating and drinking establishment is proposed.

Response: Amended as requested.

iii. Add note that all lighting fixtures will be full cut-off optics.

Response: Amended as requested.

SHA:

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.

Response: Comment acknowledged.

If you have any questions, please do not hesitate to contact me at 301-441-2420.

Sincerely,



Bryan Spell

Enclosures

Bryan Spell
Land Use Coordinator/Law Clerk

E-mail: BSpell@mhlawyers.com
Direct Dial: Extension 267

April 22, 2022

Via Electronic Delivery

Cheryl Summerlin
Supervisor, Applications
Development Review Division
M-NCPPC
County Administration Building
Upper Marlboro, MD 20772

Re: *SE-4846; Royal farms #393*
Post SDRC Submission

Dear Cheryl:

On behalf of the applicant, please find enclosed herein the following items pursuant to SDRC Comments:

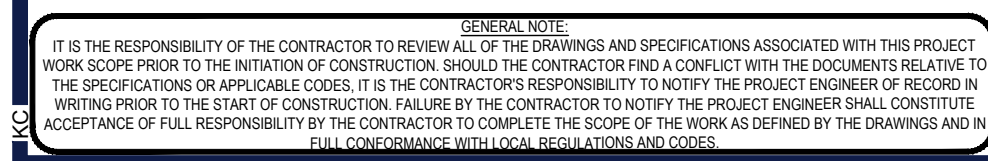
- SDRC Comment Point-by-Point Response;
- Trip Generation Memo;
- Truck Turn Exhibit;
- PMA Impact SOJ and Exhibit;
- Floodplain Delineation;
- Revised Elevations;
- Pylon Signage;
- Revised Landscape Plan; and
- Revised SE-4846 Site Plan.

If you have any questions, please do not hesitate to contact me at 301-441-2420.

Sincerely,


Bryan Spell

Enclosures



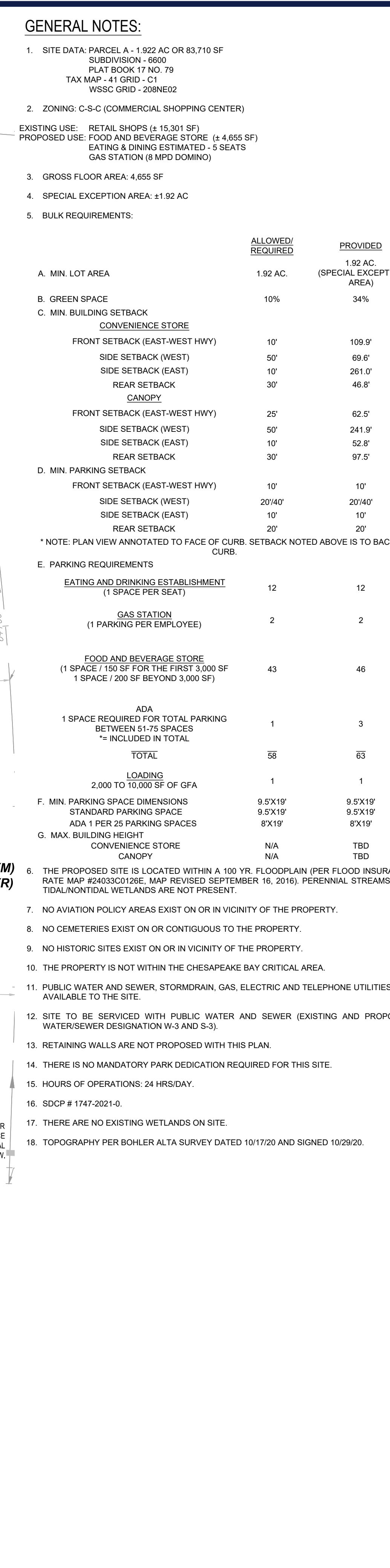
SHEET TITLE:

***EXISTING
CONDITIONS
PLAN***

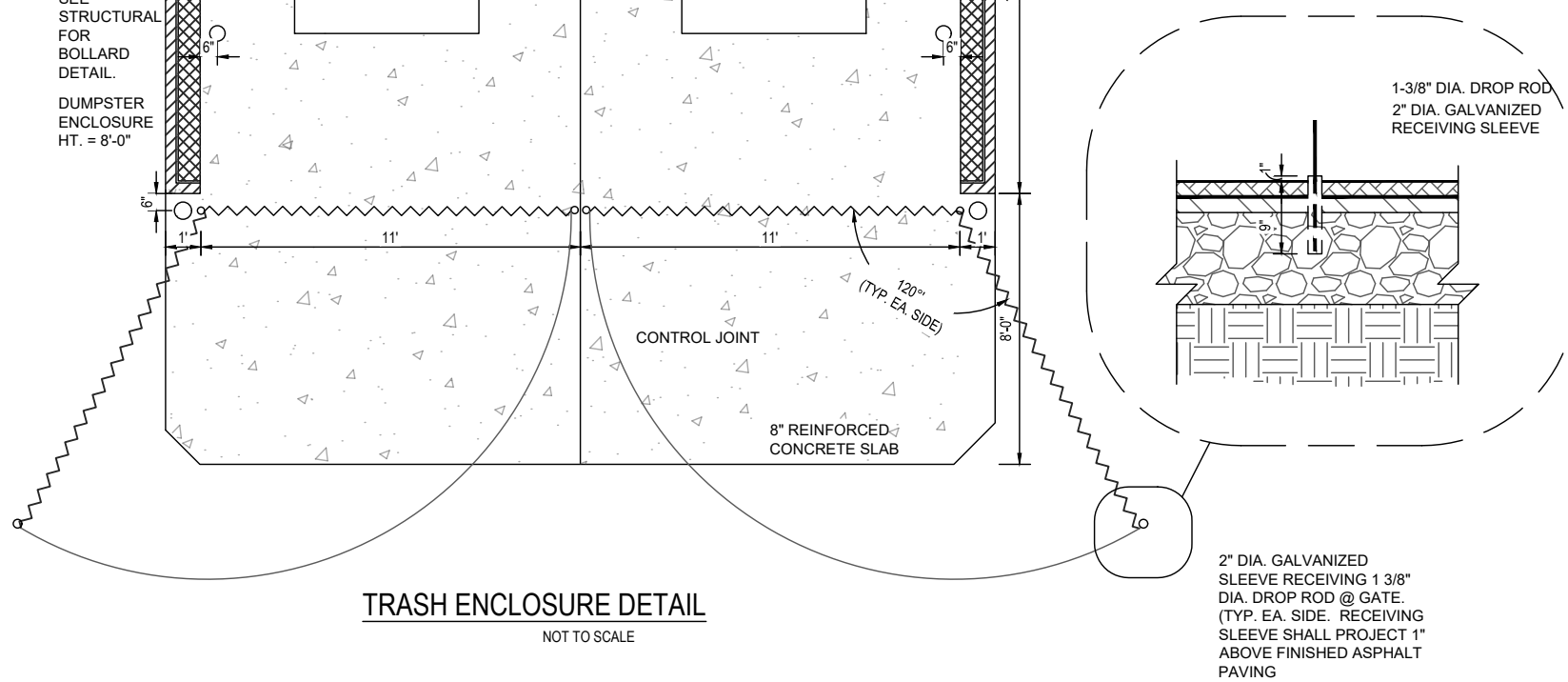
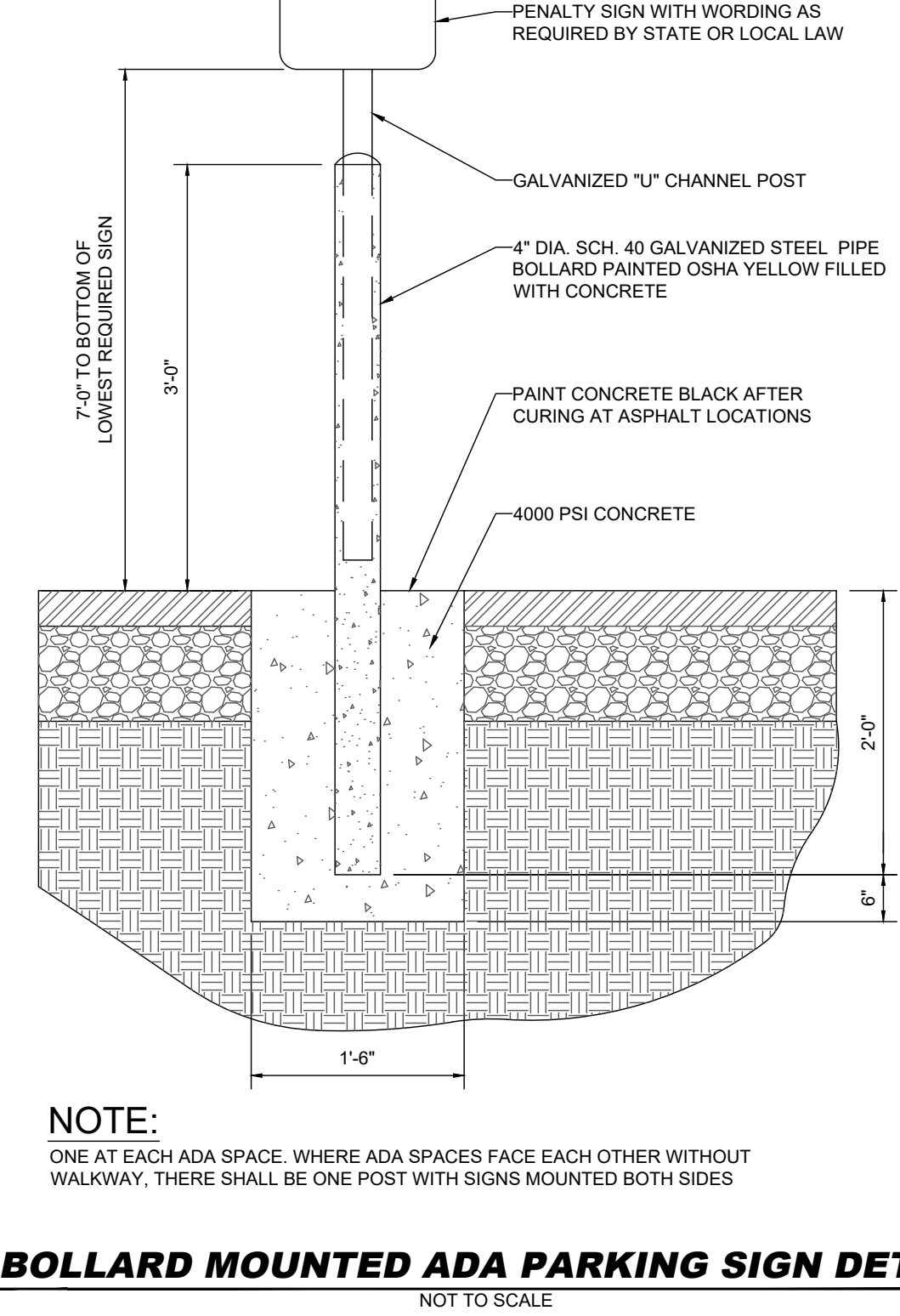
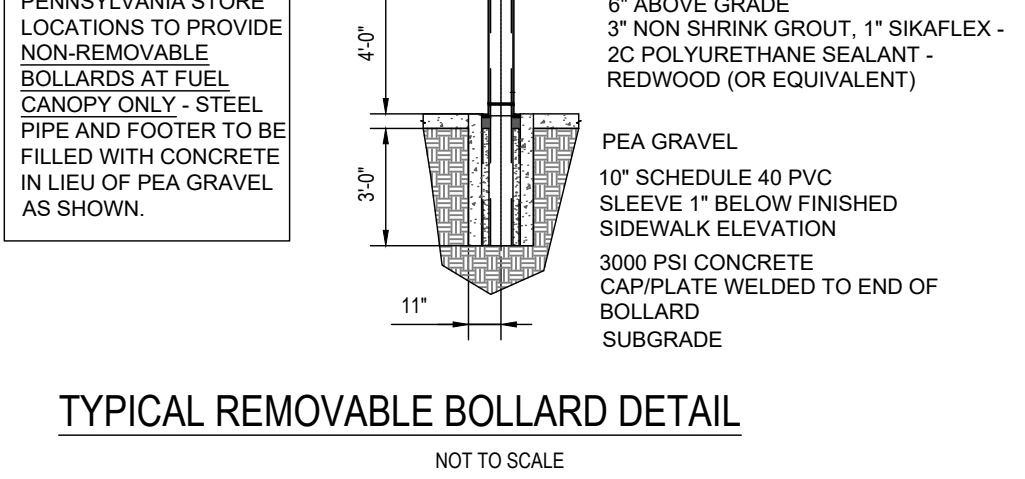
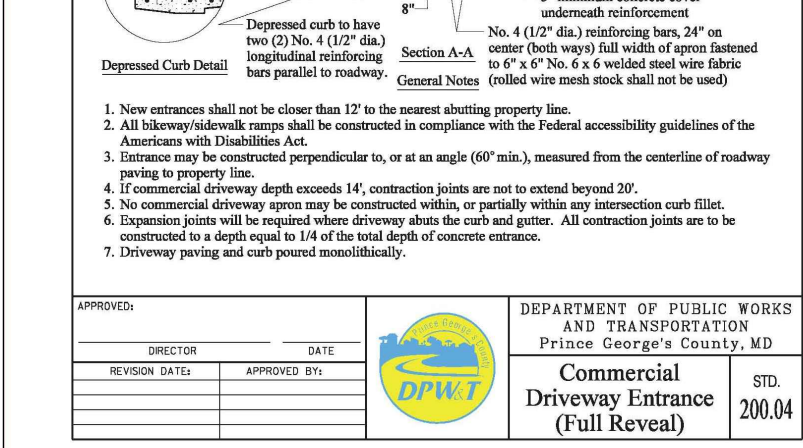
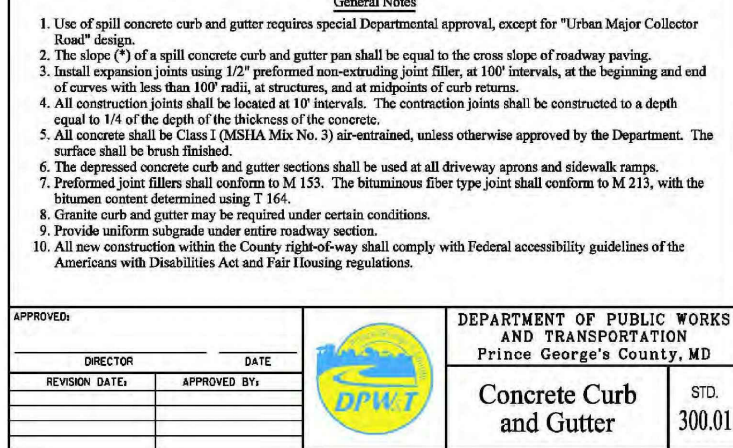
SHEET NUMBER:

2

ORG. DATE - 01/22/2021



Mar 15, 2022
H:\20\MB202122\DRAWINGS\PLAN SETS\SPECIAL EXCEPTION\MB202122 - SS0----->LAYOUT: 3-SITE PLAN



THE INFORMATION, DESIGN AND CONTENT OF THIS
 AUTHORIZATION FROM SCHLIER, ONLY

[illegible]

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PROJECT No.:	MB202122
DRAWN BY:	AAT
CHECKED BY:	TW
DATE:	01/22/2021
CAD I.D.:	SSG

PROJECT:

**SPECIAL
EXCEPTION PLAN
(SE-4846)**

FOR


ROYAL
FARMS #393

LOCATION OF SITE

1823 EAST WEST HIGHWAY
PRINCE GEORGE'S COUNTY
HYATTSVILLE, MD 20783
17TH ELECTION DISTRICT
TM: 41, GRID: C1

BOHLER //

16701 MELFORD BLVD , SUITE 310
BOWIE, MARYLAND 20715
 Phone: (301) 809-4500
 Fax: (301) 809-4501
MD@BohlerEng.com

J. DIMARCO

PROFESSIONAL ENGINEER
 MARYLAND LICENSE NO. 34398
PROFESSIONAL CERTIFICATION
 I, JOSEPH DIMARCO, HEREBY CERTIFY THAT
 THESE DOCUMENTS WERE PREPARED OR
 APPROVED BY ME, AND THAT I AM A DULY
 LICENSED PROFESSIONAL ENGINEER UNDER THE
 LAWS OF THE STATE OF MARYLAND,
 LICENSE NO. 34398, EXPIRATION DATE 12/23/2024

SHEET TITLE:

SITE DETAILS

SHEET NUMBER

4

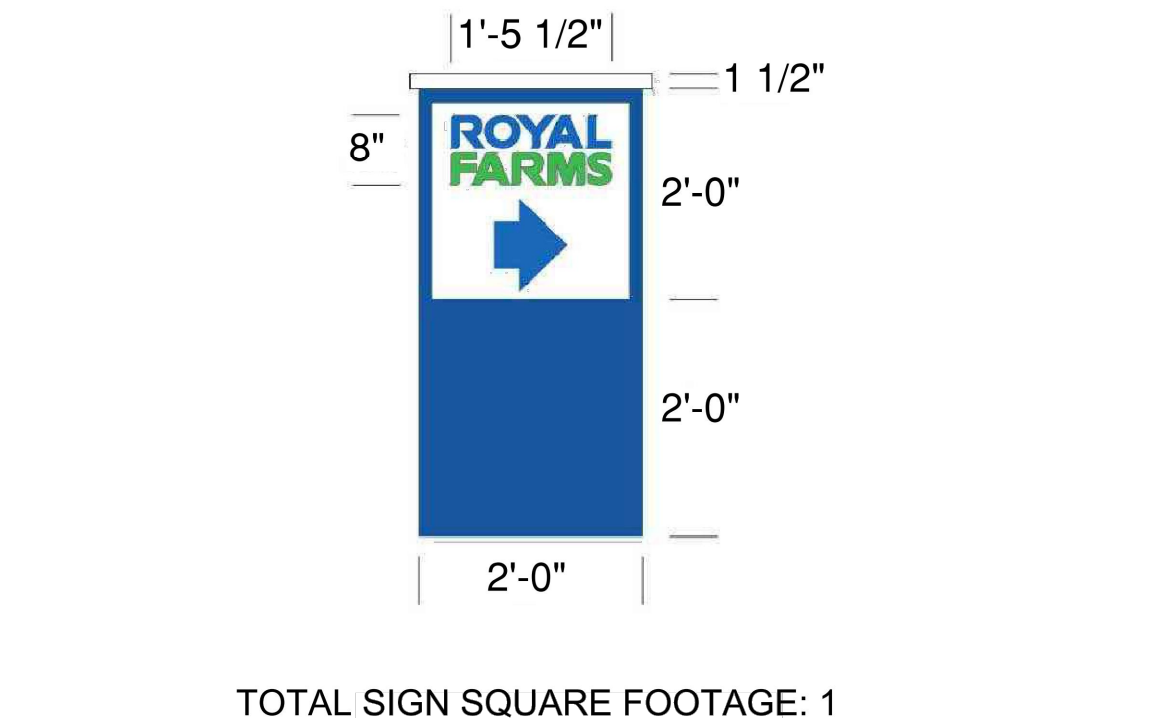
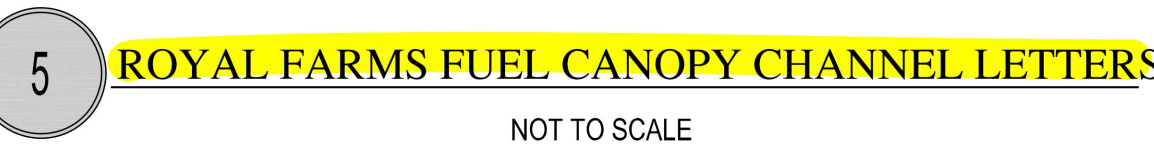
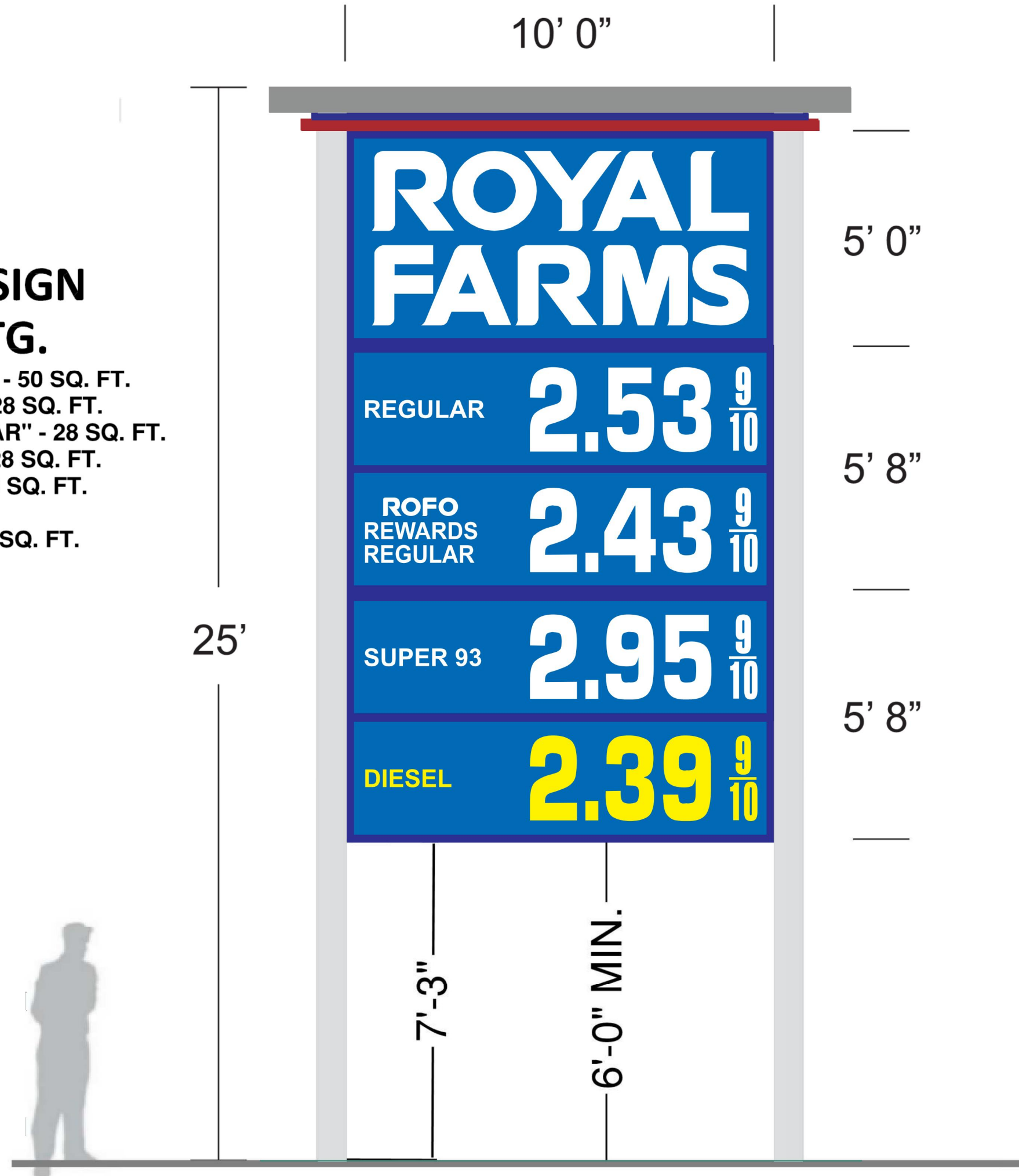
ORG. DATE - 01/22/2021

DEPARTMENT PERMIT NUMBER	PARCEL AND/OR LOT AND BLOCK IDENTIFIERS
SE-4846	PARCEL 00

PYLON SIGN TABLE (EAST WEST HIGHWAY)		
LINEAR FEET ALONG EAST WEST HIGHWAY		371 LF.
1. ALLOWABLE SIGN AREA (200 S.F. per road frontage)		200 S.F.
2. PROPOSED PYLON SIGN AREA (Including Pricing)		\$0 S.F.
"ROYAL FARMS" SIGN (ALONG EAST WEST HIGHWAY)		\$0 S.F.
3. MAX. ALLOWABLE SIGN HEIGHT		25'
4. PROPOSED SIGN HEIGHT		25'
NOTE: NET SIGN AREA ACCOUNTS FOR 56 S.F. REDUCTION OF PRICE SIGN AREA PER 27-614 (c)(6)(A)(C).		

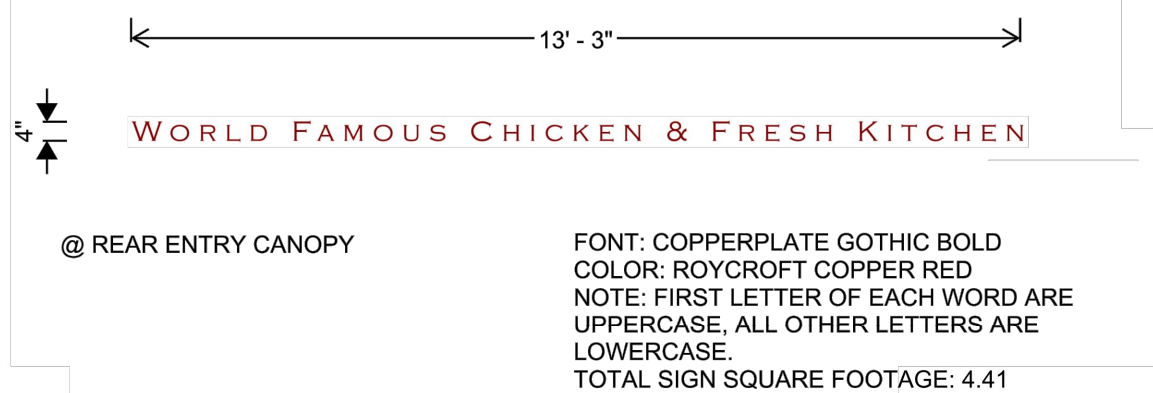
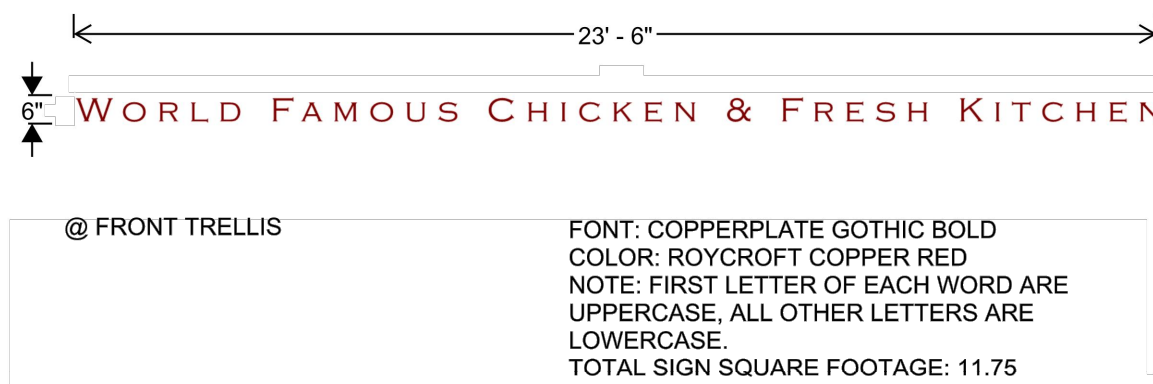
1 2020 GOALPOST W/OUT CAR WASH

NOT TO SCALE



BUILDING AND CANOPY SIGN TABLE					
ITEM	ALLOWABLE			PROPOSED	
	FRONTAGE FT.	MULTIPLIER	TOTAL	SQ. FT.	PERCENTAGE (%) OF TOTAL AREA
C- STORE	105.3	2	210.6	54.0	25.64%
MAIN CANOPY	131.3	2	262.6	62.0	23.61%
TOTAL	N/A	N/A	262.6	116.0	44.17%

NOTE: PROPOSED AREAS CALCULATED PER APPLICABLE CODE SECTION 27-613(B)

[illegible]

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PROJECT No.:	MB202122
DRAWN BY:	AAT
CHECKED BY:	TW
DATE:	01/22/2021
CAD I.D.:	SS0

PROJECT:

**SPECIAL
EXCEPTION PLAN
(SE-4846)**

ROYAL
FARMS #393

LOCATION OF SITE

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PRINCE GEORGE'S COUNTY
HYATTSVILLE, MD 20783
17TH ELECTION DISTRICT
TM: 41, GRID: C1

BOHLER //

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 Fax: (301) 809-4501
MD@BohlerEng.com

J. DIMARCO
J. Dimarco
PROFESSIONAL ENGINEER
MARYLAND LICENSE NO. 34390
PROFESSIONAL CERTIFICATION
I, JOSEPH DIMARCO, HEREBY CERTIFY THAT
THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MARYLAND,
LICENSE NO. 34390, EXPIRATION DATE 12/23/2022

SHEET TITLE:

SIGNAGE DETAILS

SHEET NUMBER:

5

ORG. DATE - 01/22/2021

DEPARTMENT PERMIT NUMBER	PARCEL AND/OR LOT AND BLOCK IDENTIFIERS
SE-4846	PARCEL 00





Mar 15, 2022
 H:\2018MB2021\22\DRAWINGS\PLAN SETS\SPECIAL EXCEPTION\MB202122 - SS0----->LAYOUT: 5 - SIGNAGE DETAILS

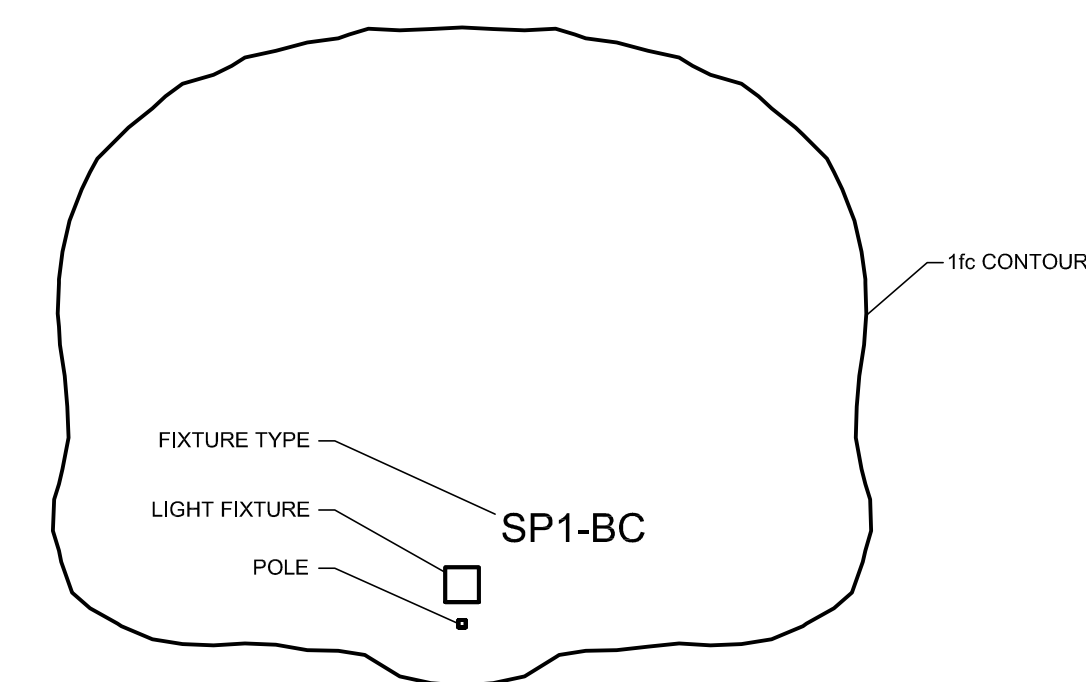
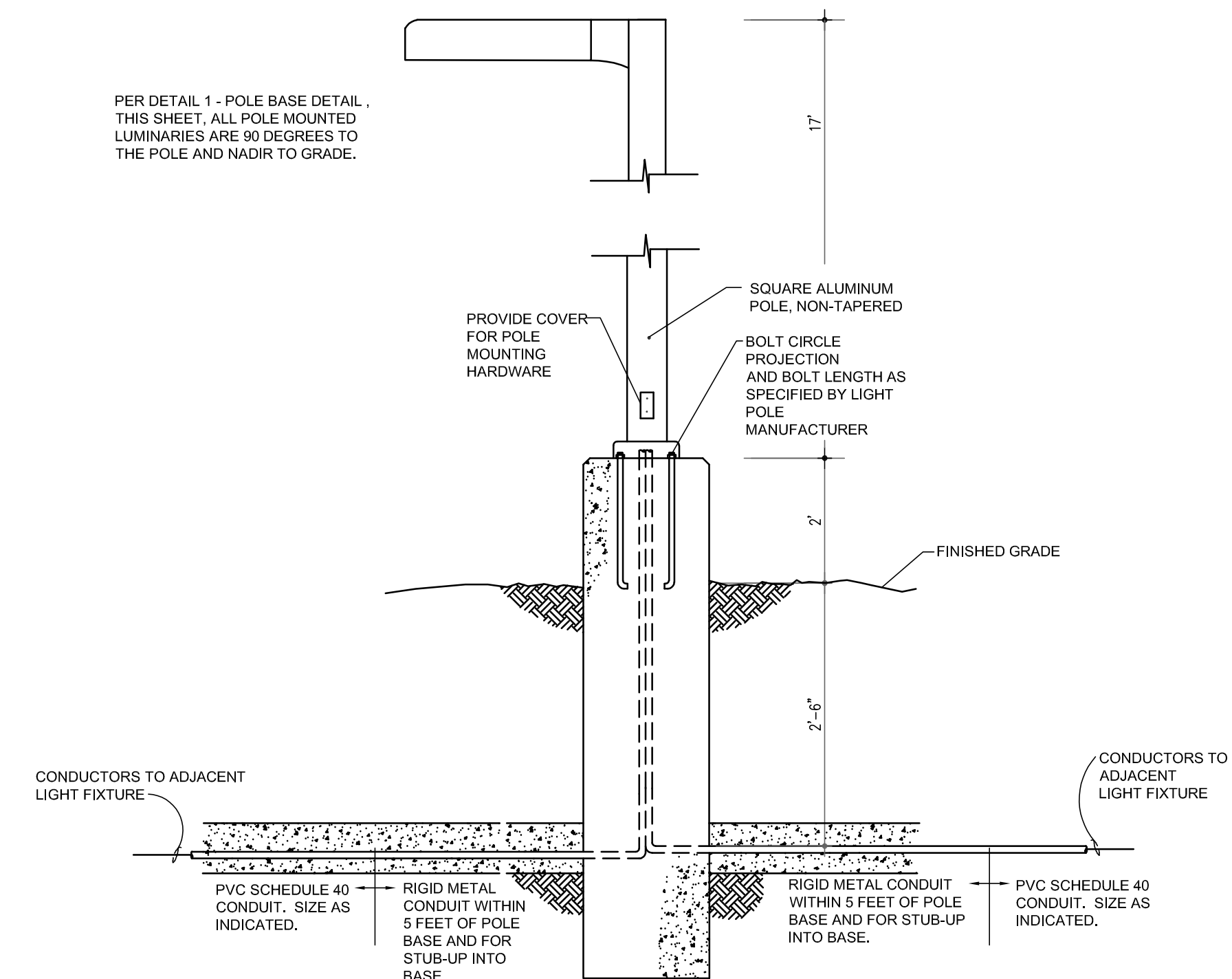
GENERAL NOTE

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LC1.1

Schedule												
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens Per Lamp	Light Loss Factor	Wattage	Mounting Height
	SCA1	15	HUBBELL OUTDOOR	VSH-140-5K7	CANOPY	Vanish Edge-Lit Gas Canopy;	1	VSH-140-5K7.ies	20195	0.9	141.9	18'-0"
	SP1	8	BEACON PRODUCTS	VP-L-96NB-280-5K-T4	LARGE VIPER	C-70-CRI DATA SHOWN IS SCALED FROM 3036	1	VP-L-96NB-280-5K-T4 (1).ies	29122	0.9	284.52	19'-0"
	SP3	2	BEACON PRODUCTS	VP-L-96NB-280-5K-T4	LARGE VIPER	C-70-CRI DATA SHOWN IS SCALED FROM 1148116	1	VP-L-96NB-280-5K-T4 (1).ies	29122	0.9	853.55	19'-0"
	WS	4	PROGRESS LIGHTING	P5642-3030K9	P5642-3030K9 6" diameter up/down wall mount LED cylinder with LEDs moved closer to opening.	42 - NICHIA 3000K LEDs	1	P5642-30-30K-90/8789 -31.ies	2565	0.9	58	10'-0"



Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
BACK OF BUILDING	+	1.1 fc	2.6 fc	0.2 fc	13.0:1	5.5:1
FUEL CANOPY	+	20.8 fc	28.6 fc	13.3 fc	2.2:1	1.6:1
PARKING AREA	+	5.6 fc	16.3 fc	1.1 fc	14.8:1	5.1:1
SPILL LIGHTING	+	0.2 fc	1.4 fc	0.0 fc	N/A	N/A

NOTE: ALL LIGHTING FIXTURES SHALL
BE FULL CUTT-OFF OPTICS.

Professional Certification. I certify that these documents were prepared or approved by me, and that I am a duly licensed Engineer under the laws of the State of Maryland, License Number 36556, Expiration Date: 06/09/23.

RATCLIFFE
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153
410-484-7010 • Fax 410-484-3819 • poster@ratcliffearchitects.com

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PHONE: (410) 316-7800
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WWW.KCI.COM

ROYAL FARMS

18223 East West Highway
Hyattsville, MD
STORE #393

[illegible]

SCALE: NOTED

DRAWN BY: BET

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LC1.2

VIPER L SERIES

LARGE VIPER LUMINAIRE

Cal#		Type	
Job			

Approvals **SP1, SP2 & SP3**

SPECIFICATIONS

Intended Use:

The Beacon VIPER Luminaire is available in two sizes with a wide choice of different LED wattage configurations and optical distributions designed to replicate LED lighting up to 1000W MH or HPS. Luminaires are suitable for wet locations.

Construction:

- Manufactured with die cast aluminum.
- Coated with a polyester finish that meets ASTM B117 corrosion test requirements and ASTM D602 cracking and loss of adhesion test requirements.
- External hardware is corrosion resistant.
- One piece optical chamber consisting of an LED engine, LED lenses, optics, gasket and stainless steel bezel.
- Cardridge is held together with internal brass standoffs attached to the bezel so that it can be easily replaced with a new piece of optical hardware.
- Two-piece die-cast and micro-arc polymerized brass gasket ensures a weather-proof seal around each individual optic.

Electrical:

- Luminaires accept 100W through 277V, 50 Hz or 277V, 60 Hz, 347V or 480V input.
- Power factor is a .90 or standard.
- Dimming drivers are standard, but must connect factory to request wiring leads for different external dimming control.
- Component-to-component wiring within the luminaire may carry no more than 80% of the rated ampacity of the LV wire as set forth in NEC Table 310.15.
- IP65 design is certified by UL for use at 600 VAC, 15A or higher, 13A single circuit in primary AC only circuit.
- External electrical components and control all LED driver components and shall be provided with a classification terminal block for AC power connections.
- Complies with ANSI C136.1-2011 hazardous photo metric connecting and handling with ANSI C136.1-2011 external wireless control devices.
- Light protection - 20K+.
- UL94V-0 "Group 1" protects luminaire from excessive temperature. The device shall activate at a specific, factory-set temperature, and progressively reduce power over a finite temperature range. Components will be smooth and undetectable to the eye.
- Terminal circuit is designed to "fail on" when the luminaire is revert to L.V. or when the event of an internal short circuit in power supply, or faulty wiring connection to the drivers. The device will fail back to coincide with other 0-10V control devices (occupancy sensors, external dimmers, etc.).

Controls/Options:

- Available with an optional passive infrared (PIR) motion sensor capable of detecting motion 360° around the luminaire. Motion sensor is selected for the specified time no motion responses system that the factory to factory preset level, reducing the light level according to the PIR sensor. The luminaire returns to full wattage and LED light output. (Basic contact Beacon Products if project requirements vary from standard configuration).
- Available with diverger for optimal cut-off dimming, direct dimming with remote (dali, or trend dimming based on line or right use www.beaconproducts.com/products/lineargang).
- Additional Viper can be specified with **Sheddy®** wireless control system that reduces in energy and maintenance costs while extending light quality 24/7. For more details, see ordering information or visit www.beaconproducts.com/sheddy.

Installation:

- Mounting options for horizontal, vertical, front or backmount are luminaire available. Mounting hardware included.

Finish:

- IP65 polymer powder-coat electrostatically applied and thermocured. IP65 finish consists of a four stage prepriming regimen with a primer primer paint and top coat covered with a thermoplastic top GPC polyester powder coat.
- The finish meets the AAMA 2604 performance specification which includes passing a 3000-hour salt spray test for corrosion resistance and tests cracking or loss of adhesion per ASTM D2268 and meets surface wipe up to 100 lbs/bounds.

Listings:

- Design Lights Consortium (DLC) qualified, cUL94V-0 LED units for use in wet locations.
- Compliant with UL 1588 and CSA C22.2 No. 608 LED units for use in wet locations.
- UL listed for ANSI C136.1-2011 hazardous vibration applications with SP2 mounting.
- UL listed for ANSI C136.1-2011 hazardous vibration applications with SP3 mounting.
- This product is approved by the ENEC (European) and CE mark.
- Conservation Information: Separate spec available at: www.beaconproducts.com/specs/conservation

Warranty:

- Five year limited warranty for more information visit: www.boltinglighting.com/resources/warranty

PRODUCT IMAGE(S)

TH	TA	TR	TD	TE	TF	WG	WT	EA	WPA	ET
29.12"	24.19"	14.25"	4.13"	25.16"						1.21"
740 mm	614 mm	362 mm	105 mm	640 mm						11.3 kg

CERTIFICATIONS/LISTINGS

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BEACON

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 or by e-mail: info@beaconproducts.com, product specifications are subject to change without notice.

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HUBBELL
lighting

[illegible]

LEFT ROTATED OPTIC										RIGHT ROTATED OPTIC									
PERFORMANCE DATA																			
# LED'S	DRIVE CURRENT (MILLIAMPS)	SYSTEM WATTS	SYSTEM	DISTRIBUTION TYPE	5K (5000K nominal, 70 CRI)					4K (4000K nominal, 70 CRI)					3K (3000K nominal, 70 CRI)				
					LUMENS	LPW ¹	B	U	G	LUMENS	LPW ¹	B	U	G	LUMENS	LPW ¹	B	U	G
64	625 mA	136W	183W	FV11	13892	110	4	0	1	13762	115	2	0	1	13524	89	2	0	1
				T2	14210	113	2	0	1	14311	109	3	0	1	14333	89	3	0	1
				T3	14187	107	0	0	3	13988	102	3	0	3	13717	88	3	0	3
				T5	15011	113	2	0	1	15398	112	2	0	1	15984	86	2	0	1
				TSOM	15511	113	4	0	2	15386	112	4	0	2	15184	86	3	0	2
				T5W	15385	114	4	0	2	14627	114	4	0	2	13917	85	4	0	2
				T5W	15572	112	4	0	2	15717	111	4	0	2	15062	85	4	0	2
				FV11	21155	117	2	0	2	20329	123	2	0	2	21447	97	2	0	2
				T2	18888	105	3	0	4	18999	104	3	0	4	18955	89	3	0	3
				T3	18100	104	3	0	3	18513	103	3	0	4	18585	88	3	0	3
80	700 mA	183W	183W	T4	20071	114	3	0	4	20086	113	3	0	4	21485	97	3	0	3
				TSOM	20571	114	4	0	2	20385	113	4	0	2	21485	97	4	0	2
				T5W	20944	116	4	0	4	20735	115	4	0	4	21603	99	4	0	4
				T5W	20590	115	5	0	3	20088	112	5	0	3	21765	95	4	0	2
				FV11	24866	106	2	0	2	24615	105	2	0	2	21138	80	2	0	2
				T2	23670	98	3	0	4	22839	97	3	0	4	19609	83	3	0	3
				T3	21947	93	3	0	4	21725	92	3	0	4	18655	79	3	0	4
				T4	24560	103	3	0	4	24609	102	3	0	5	20632	88	3	0	3
				TSOM	23138	98	4	0	2	22965	97	4	0	2	19657	84	4	0	2
				T5W	24179	105	5	0	5	24541	104	5	0	5	21010	90	4	0	4
80	875 mA	235W	235W	T2	22440	100	3	0	4	2									

Vanish

PETROLEUM GAS CANOPY

FEATURES

- 15 x 15 square
- 8,800 - 20,200 lumens range
- Up to 157 LPW
- Shadow Depth - 2.5"
- Light Guide Technology
- Field Replaceable Driver and LED Module
- 10kV Surge Protection
- Hinge for hanging for Easy Installation

SPECIFICATIONS

CONSTRUCTION

- Die-cast aluminum, low profile housing.
- New construction or retrofit solution
- Canopy and softig applications
- Easy installation
- Driver and optical chamber serviceable from below canopy
- Powder coat finish
- Heat sink design to disperse heat away from fixture
- Suitable for wet locations.

OPTICS

- Acrylic Lens
- Type V distribution
- Comfort lens for low glare
- Light Guide edgeLit technology

INSTALLATION

- Surface or pendant mounted
- Easy installation and serviceable below the canopy deck
- Hinge for hanging during installation

ELECTRICAL

- Universal 120-277 input voltage and 347 Volt
- Power Factor > 0.9 at full load
- Total Harmonic Distortion < 20% at full load
- 10 kV Surge Protection
- 0-10V Dimmable Driver
- Operating temperature: -40°C to +40°C

CERTIFICATIONS

- UL Listed
- DesignLights Consortium S1 qualified
- Wet Location Listed
- IP65

WARRANTY

- 5 year warranty
- See UL Standard Warranty for additional information

ORDERING GUIDE

Example: VSH-S5-SK7-UNV-W HT

CATALOG #


VSH		70	SK7	UNV	W HT
Series	Size	Cls	Color Temp	Voltage	Options
VSH Series	S5 S5 S5	70 70 70	CT 4K SK7	UNV Universal 347 347V	WHT White DBI Dark Bronze BLK Black

KEY DATA

Lumen Range	8,800 - 20,200
Wattage Range	85-145 Watts
Efficacy Range (LPW)	138 - 157
Reported Life (Hours)	60,000

Page 13 of 13: 4867200
WW_Vanish_SPEC

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2002 Golf Road, Suite 450 • Itasca, Illinois, IL 60143 • Tel: 800.544.4888 • Website: www.whiteway-lg.com



Vanish

PETROLEUM GAS CANOPY

PERFORMANCE DATA

Product	Lumens	B	U	G	LPW	CRI	CCT
V5H-55-4K7	8846	3	0	2	153	70	4000K
V5H-55-5K7	9069	3	0	2	157	70	5000K
V5H-85-4K7	13296	3	0	2	152	70	4000K
V5H-85-5K7	13666	3	0	2	157	70	5000K
V5H-145-4K7	19649	4	0	3	138	70	4000K
V5H-145-5K7	20096	4	0	3	142	70	5000K

*T47 and 480 VAC input Lumens values are from photometric test performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown. Actual performance may differ as a result of on-site environment application and inherent performance balances of the electrical components.

PROJECTED LUMEN MAINTENANCE

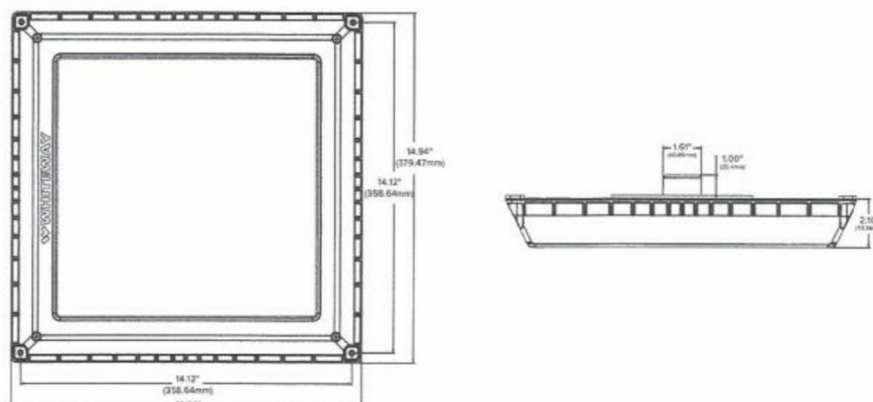
Ambient Temperature	OPERATING HOURS					
	0	25,000	50,000	TM-21-1T L96 60,000	100,000	L70 (Hours)
25°C / 77°F	1.00	0.94	0.92	0.90	0.81	>170,000
40°C / 104°F	0.99	0.94	0.92	0.89	0.80	>160,000

1. Projected per IESNA TM-21-11 (Nacha F30, F30T4T, 80mA, 80°C, 1A, 60,000hrs) Data references the extrapolated performance projections for the base model in a 40°C ambient, based on 50,000 hours of LED testing per IESNA LM-80-08

LUMINAIRE AMBIENT TEMPERATURE FACTOR (LATF)

Ambient Temperature	Lumen Multiplier
0°C	32°F 1.03
10°C	50°F 1.01
20°C	68°F 1.00
25°C	77°F 1.00
30°C	86°F 0.99
40°C	104°F 0.98
50°C	122°F 0.97


DIMENSIONS



The image contains two technical drawings of the Vanish canopy. The left drawing is a top-down view showing a square canopy with a central square opening. Dimensions include a total width of 10'0" (3048mm), a central opening width of 6'0" (1829mm), and a mounting height of 10'0" (3048mm). The right drawing is a side elevation showing the canopy's profile. It features a flat top with a height of 10'0" (3048mm) and a sloped side panel with a height of 10'0" (3048mm) and a base width of 10'0" (3048mm).

Page 20 Rev. 08/2020
WW_Vanish_SPEC

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2100 Gulf Road, Suite 480 • Rolling Meadows, IL 60008 • Tel: 800.544.4848 / Website: www.whiteway-gp.com

 **HUBBELL**
Lighting

Project: _____
 Fixture Type: **WS**
 Location: _____
 Contact: _____

P5642 SERIES

LED Wall Mount • Wet Location

Specifications:

Description:

The P5642 Series are ideal for a wide variety of interior and exterior applications including residential and commercial. The Cylinders feature a 120v alternating current source and eliminates the need for a traditional LED driver. This modular approach results in an encapsulated luminaire that unites performance, cost and safety benefits.

Construction:

- Powdercoated Antique Bronze (20), White (30), Black (31), Metallic Gray (82)
- Die cast aluminum construction
- Flicker-free dimming to 10% brightness with most ELV type dimmers (See Dimming Notes)
- Covers a standard 4" recessed outlet box
- Mounting strap for outlet box included

Performance:

Number of Modules	2
Input Power	29W per module
Input Voltage	120V
Input Frequency	60Hz
Lumens/LPW	2000/68 (LM-79) PER MODULE
CCT	3000K
CRI	90
Life	60,000 (L70/TM-21)
EMF/RFI	FCC Title 47, Part 15, Class B
Min. Start Temp	-30 °C
Max. Operating Temp	30 °C
Warranty	5 yrs.
Labels	cCSAus certified for wet locations

P5642-30/30K

Images:

Dimensions:

Catalog number:

Base	Finish	Color Temp	CRI
P5642	20 - Antique Bronze	30K - 3000K	90 CRI
	30 - White		
	31 - Black		
	82 - Metallic Gray		

For more information visit our website: www.progresslighting.com

Progress Lighting • 701 Millennium Boulevard • Greenville, SC 29607

Professional Certification: I certify that these documents were prepared or approved by me, and that I am a duly licensed Engineer under the laws of the State of Maryland, License Number 36556, Expiration Date: 06/09/23.

RATCLIFFE
ARCHITECTS

Stevenson, Maryland 21153
peter@rateliffarchitects.com

RATON ARCHITECTS
10404 Stevenson Road
410-484-7010 • Fax 410-484-3819

**ENGINEERS
PLANNERS
SCIENTISTS
CONSTRUCTION MANAGEMENT**

926 RIDGEBROOK ROAD
SPARKS, MD 21152
PHONE 410-316-7600
FAX 410-316-7660
WWW.KCI.COM

KCI TECHNOLOGIES

ROYAL FARMS

1823 East West Highway
Hyattsville, MD
STORE #393

TITLE BLOCK KEY	REVISED = <input checked="" type="checkbox"/>
	NOT REVISED = <input type="checkbox"/>

[illegible]

SCALE: NOTED

DRAWN BY: BET

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ARCHITECT.

LC1.3



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Howard County
Prince George's County

MFD Certified
Montgomery County

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Baltimore, MD

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Baltimore, Maryland 21236
410.931.6600
fax: 410.931.6601
1.800.583.8411

DELMARVA OFFICE
443.290.4060

SOUTH CAROLINA OFFICES
Columbia: 803.422.9965
Rock Hill: 410.446.3992

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April 19, 2022

Mr. Benjamin Ryan
Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Transportation Planning Section
Countywide Planning Division
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

RE: SE-4846: Royal Farms #393
TRIP GENERATION ANALYSIS
Prince George's County, Maryland
Our Job No.: 2020-1101

Dear Mr. Ryan:

As requested, we have prepared a trip generation analysis of the existing and proposed uses for the property located at 1823 East West Highway in Hyattsville, Prince George's County, Maryland. Our study is based on the following existing use at this location:

- 10,000 Square Foot (SF) Pharmacy without a Drive-Thru;
- 3,534 SF of Fast Food Restaurants without a Drive-Thru; and
- 1,767 SF Retail.

The proposed use is a 4,655 SF Royal Farms Convenience Store with Gas with 16 Fueling Positions.

Using the 11th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, the attached trip generation comparison was prepared. As shown in the attachment, this proposed development is expected to generate less new trips than the existing development.

Since the trips from the proposed Royal Farms are less than the existing trips, it is our understanding that further testing for roads is not required. If you have any questions or comments, please let me know. Thank you.

Sincerely,

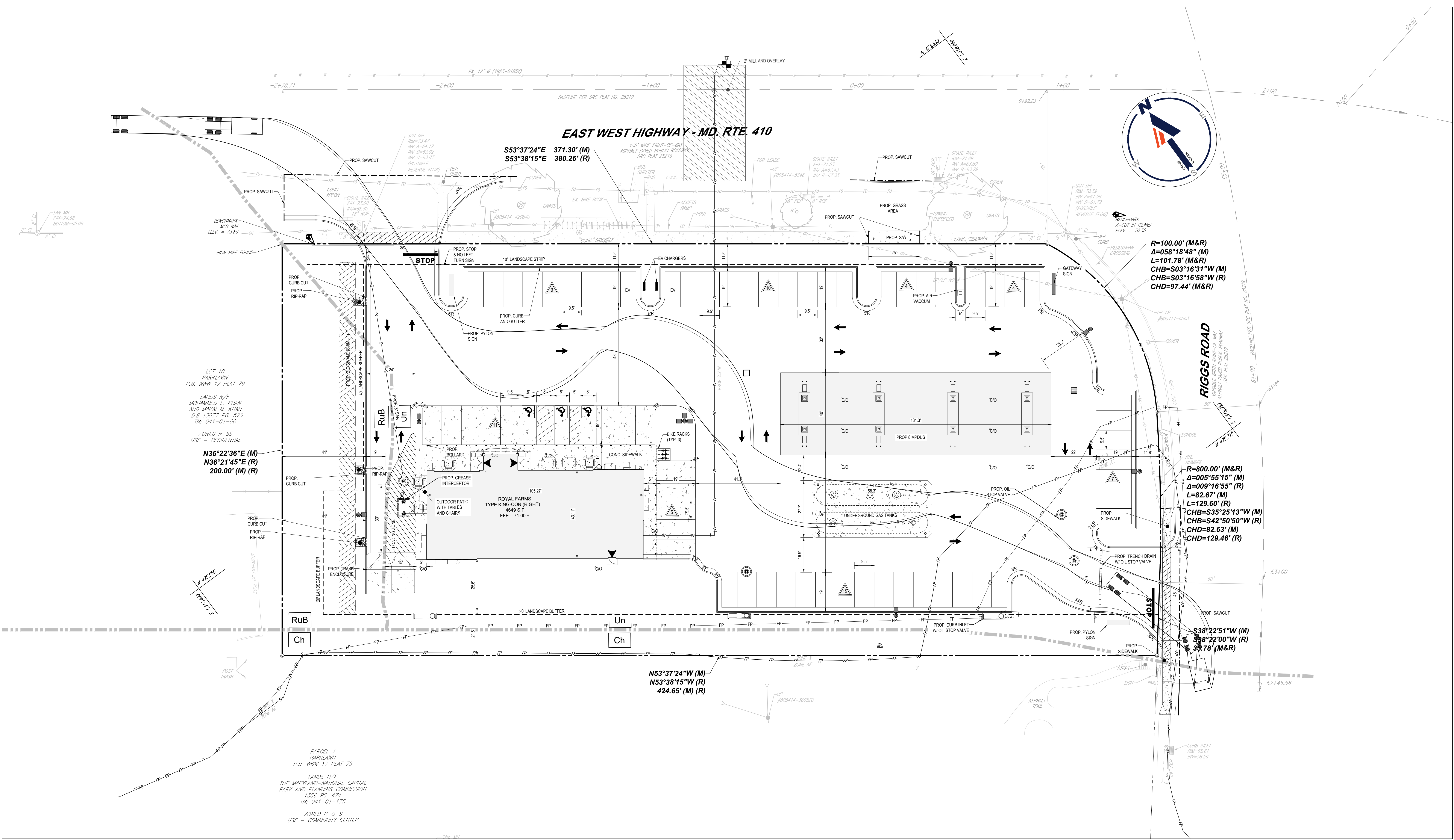
Joseph J. Caloggero, P.E., PTOE, PTP
Vice President

JJC:amr

(F:\2020\2020-1101_Royal Farms #393\DOCS\CORRESP\ANALYST\Trip Gen Analysis Ltr_Ryan.docx)

Trip Generation Rates - 11th Edition										
Land Use (Source)	Formula/Rate	Directional Distribution								
		AM Peak Hour In	AM Peak Hour Out	PM Peak Hour In	PM Peak Hour Out	SAT Peak Hour In	SAT Peak Hour Out			
Strip Retail Plaza, <40 ksf (ITE-822)	Ln(AM Peak Hour Trips) = 0.66 Ln(X) + 1.84									
	PM Peak Hour Trips = Ln(T) = 0.71 Ln(ksf) + 2.72	60%	40%	50%	50%	51%	49%			
	Sat. Midday Peak Hour Trips = 6.57 x ksf									
Fast Food Rest. w/o Drive-Thru (ITE-934)	AM Peak Hour Trips = 43.18 x ksf									
	PM Peak Hour Trips = 33.21 x ksf	58%	42%	50%	50%	49%	51%			
	Sat. Midday Peak Hour Trips = 54.60 x ksf									
Pharmacy / Drugstore w/o Drive Thru (ITE-880)	AM Peak Hour Trips = 10.22 x ksf - 75.70									
	PM Peak Hour Trips = 8.51 x ksf	65%	35%	49%	51%	49%	51%			
	Sat. Midday Peak Hour Trips = 10.68 x ksf									
Convenience Store/Gas Station, 16-24 VFP (ITE-945)	AM Peak Hour Trips = 91.35 x ksf									
	PM Peak Hour Trips = 78.95 x ksf	50%	50%	50%	50%	50%	50%			
	Sat. Midday Peak Hour Trips = 70.14 x ksf									
Trip Generation for Royal Frams #393										
Land Use	Size	AM Peak Hour			PM Peak Hour			SAT Peak Hour		
		In	Out	Total	In	Out	Total	In	Out	Total
Existing Use										
Retail	1,767 sq.ft.	5	4	9	11	12	23	6	6	12
	Pass-by Trips (PM-34%, SAT-26%)	<u>0</u>	<u>0</u>	<u>0</u>	<u>-4</u>	<u>-4</u>	<u>-8</u>	<u>-2</u>	<u>-2</u>	<u>-4</u>
	New Trips	5	4	9	7	8	15	4	4	8
Fast Food Rest. w/o Drive-Thru	3,534 sq.ft.	89	64	153	58	59	117	95	98	193
	Pass-by Trips (AM-49%, PM-50%, SAT-50%)	<u>-44</u>	<u>-31</u>	<u>-75</u>	<u>-29</u>	<u>-30</u>	<u>-59</u>	<u>-48</u>	<u>-49</u>	<u>-97</u>
	New Trips	45	33	78	29	29	58	47	49	96
Pharmacy w/o Drive-Thru	10,000 sq.ft.	18	9	27	42	43	85	52	55	107
	Pass-by Trips (PM-53%, SAT-53%)	<u>0</u>	<u>0</u>	<u>0</u>	<u>-22</u>	<u>-23</u>	<u>-45</u>	<u>-28</u>	<u>-29</u>	<u>-57</u>
	New Trips	18	9	27	20	20	40	24	26	50
	Total New Trips	68	46	114	56	57	113	75	79	154
Proposed Use										
Convenience Store	4,655 sq.ft.	212	213	425	184	184	368	163	164	327
	Pass-by Trips (AM-76%, PM-76%, SAT-76%)	<u>-161</u>	<u>-162</u>	<u>-323</u>	<u>-140</u>	<u>-140</u>	<u>-280</u>	<u>-124</u>	<u>-125</u>	<u>-249</u>
	New Trips	51	51	102	44	44	88	39	39	78
Trip Increase (Proposed - Existing)										
	New Trips	-17	5	-12	-12	-13	-25	-36	-40	-76

Note: Pass-by trip rates based on ITE Trip Generation Handbook, 3rd Edition, 2017. ITE does not provide pass-by trip rates for fast food restaurant without drive-thru, rates for fast food restaurant with drive-thru were assumed.

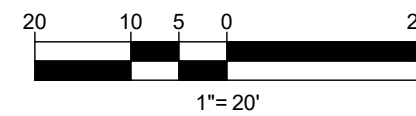


BOHLER //

16701 MELFORD BLVD, SUITE 310
BOWIE, MARYLAND 20715
Phone: (301) 809-4500
Fax: (301) 809-4501
MD@BohlerEng.com

PROPOSED TRUCK TURN


ROYAL
FARMS #393
HYATTSVILLE, MD 20783



AFFIDAVIT

The purpose of this affidavit is to certify that pursuant to The Process Guidelines for Development Review Applications, **Informational Mailing** letters regarding the application for SE-4846, Royal farms #393 (Hyattsville), were mailed to all adjoining property owners, registered associations, municipalities within one mile, and previous parties of record (if applicable) on April 6, 2021.

I, Faerlan T. Ramsey, solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information and belief.


Faerlan T. Ramsey

STATE OF MARYLAND *
COUNTY OF PRINCE GEORGE'S * To wit:

On this 6th day of April, 2021, before me, the undersigned officer, personally appeared Faerlan T. Ramsey, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Instrument and acknowledged that she executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission Expires: 6/5/21


Notary Public

BRYAN SPELL
Notary Public-Maryland
Charles County
My Commission Expires
June 05, 2021

Newbury Apartments, LLC
3809 Clarks Lane, Suite 100
Baltimore, MD 21215

Lucy S. Anthony
1750 East West Highway
Hyattsville, MD 20783

GTY MD Leasing, Inc.
Two Jericho Plaza Suite 110
Jericho, NY 11753

Troung Chuan Q Quy T Liv Trs
14354 Stilton Circle
Silver Spring, MD 20905

Mohammed L & Makai M Khan
1807 East West Highway
Hyattsville, MD 20783

Child Care Prop Limited Ptnshp
c/o Nellis Corp
7811 Montrose Road, Suite 420
Potomac, MD 20854

Mayor Candace B. Hollingsworth
4310 Gallatin Street
Hyattsville, MD 20781

Mohammad Khorasanian et al
7205 Dubuque Court
Derwood, MD 20855

MNCPPC
Chief PK&P DIVPKS & REC-ROOM
303
6600 Kenilworth Ave
Riverdale, MD 20737

Cool Spring Terrace Civic Association
8301 Rambler Drive
Hyattsville, MD 20783

Avondale North Woodridge Citizens'
Association
P.O. Box 5891
Hyattsville, MD 20782

Hyattsville Community Development
Corporation
4314 Farragut Street
Hyattsville, MD 20781

Melwood Park Association
c/o Promcom
400 Serendipity Drive
Millersville, MD 21108

Save Our Sustainable Hyattsville
4204 Farragut Street
Hyattsville, MD 20781

Avonridge Community Development
Corporation
P.O. Box 5933
Hyattsville, MD 20782

Ever May Village HOA
1007 Higgins Way
Hyattsville, MD 20782

Arts District East HOA
c/o Legomand Norman
3130 Fairview Park Drive, Suite 200
Falls Church, VA 22042

Lewisdale Citizens' Association
6613 22nd Place
Hyattsville, MD 20782

Takoma Branch Civic Assoc.
6810 Red Top Road, Apt. #3
Takoma Park, MD 20912

University Hills Area Civic Assoc.
7117 Pony Trial Lane
Hyattsville, MD 20782

Ardmore Springdale Civic Association
9801 Apollo Drive #7377
Largo, MD 20792

Prince George's Chamber of
Commerce
David Harrington, Pres. & CEO
4640 Forbes Blvd., Suite 130
Lanham, MD 20706

Greater Prince George's Business
Roundtable
M.H. Jim Estepp, Pres. & CEO
10201 Martin Luther King, Jr. Highway
Ste. 220
Bowie, MD 20720



McNamee Hosea
Attorneys & Advisors

McNamee Hosea
6411 Ivy Lane, Suite 200 O 301.441.2420
Greenbelt, Maryland 20770 F 301.982.9450

mhlawyers.com

Bryan Spell
Land Use Coordinator/Law Clerk

E-mail: BSpell@mhlawyers.com
Direct Dial: Extension 267

October 12, 2021

Via Hand Delivery

Cheryl Summerlin
Supervisor, Applications
Development Review Division
M-NCPPC
County Administration Building
Upper Marlboro, MD 20772

Re: SE-4846
Royal Farms #393 – East West Highway (Hyattsville)

Dear Cheryl:

On behalf of the applicant, please find enclosed herein the following items for pre-review:

- Application;
- Statement of Justification;
- Zoning Sketch Map;
- NRI Equivalency Letter (NRI-012-2021);
- Woodland Conservation Letter of Exemption;
- Informational Notification Letter, Affidavit and Receipt with List of Addresses;
- SE Site Plan (SE-4846);
- Redlined Boundary Survey;
- Architectural Elevations;
- State Ethics Affidavits;
- Needs Analysis;
- Stormwater Management Concept Plan (In for Review); and
- CD with all submitted plans and documents.

If you have any questions, please do not hesitate to contact me at 301-441-2420.

Sincerely,



Bryan Spell

Enclosures

Transportation Pre-Submittal Checklist for Development Applications

The Checklist is for the purpose of determining whether a traffic study or counts will be needed in support of an application, and to ensure that basic access issues are considered early in the process. This Checklist is required ONLY for the following:

- Subdivisions (4- applications, or 5- applications being done pursuant to 24-111(c))
- Rezoning requests for a comprehensive design or a mixed-use zone (A- applications)
- Comprehensive Design Plans (CDP- applications) • Conceptual Site Plans (CSP- applications)
- Detailed Site Plans ONLY within the Central US 1 Corridor Sector Plan area
- Special Exceptions involving the following uses:
 - Amusement Park
 - Asphalt Mixing Plant
 - Sand & Gravel Wet Processing Plant
 - Concrete Mixing Plant
 - Concrete Batching Plant
 - Surface Mining

In lieu of a signed Checklist, a signed Scoping Agreement or the actual traffic counts or traffic study may be provided to the Development Review Division.

Project Name Royal Farms #393 Applicant's Name RF East West Hyattsville, LLC

Application Type Special Exception Case Number (if available) SE - 4846

Contact/Agent Matthew Tedesco Phone No. 301-441-2420

E-mail Address MTedesco@MHLawyers.com

Please provide a concept plan on letter-sized paper. The concept plan must show a general layout of the proposed uses, proposed points of access, and sufficient detail of nearby public streets, properties, and/or environmental features to allow the property to be located and assessed by staff.

Please describe the current development proposal in terms of size and access:

Residential:

	Single family residences (number)		Townhouse residences (number)
	Apartment or Condominium residences (number)		
	Number of residences that will be age-restricted (limited to elderly persons or families)		

Non-Residential:

	Square feet office	(describe)	
<u>5,154</u>	Square feet retail	(describe)	<u>Food or Beverage Store</u>
	Square feet industrial	(describe)	

Other Uses:

This includes places of worship, day care facilities, private schools, hotels, and other types of proposals. Please describe the size of the proposal using square footage, number of units or students, or any other appropriate measure.

8 Multi-product Fueling dispensers (All Fueling Products)

Access to the Site:

Describe how the site will be accessed. Indicate the number of access points, where they are proposed, if existing streets or aprons will be used, and if any streets or aprons will be modified. This should match your concept plan.

Two points of access: Consolidate two Existing Access points on East-west Highway into one; and Utilize Existing access on Ryss Road.

DO NOT COMPLETE – For Staff Use Only			
Estimated Trip Generation	AM:		PM:
			Other:
Data Need	Yes	No	Requirement for this Application
Traffic Study			If YES, have a traffic consultant scope the study using the Scoping Agreement and standards provided in "Transportation Review Guidelines, Part 1." The traffic study must be submitted during the pre-application review process.
Traffic Count			If YES, counts in lieu of a full study are required at the intersection(s) identified on the comment line below. Counts must be taken in accordance with the procedures in "Transportation Review Guidelines, Part 1." Any required counts must be submitted during the pre-application review process.
Other Transportation Study			If YES, please see comment line below.
Transportation Adequacy Finding Not Required by Application or De Minimis			None, unless other information is requested by comments above.
The site is proposed to have driveways accessing an arterial or higher-classification facility			If YES, it is recommended that the plan be revised to minimize access to the high-classification facility, as noted below. If that is not possible, a variation from Section 24-121(a)(3) must be reviewed and granted by the Planning Board during the subdivision process.
Insufficient information to make determination			If YES, please see comment line below and resubmit with sufficient information.
TPS Comments:			
Transportation Staffperson Signature		Date	
Transportation Staffperson's Name (printed)			
Transportation Staffperson's Phone and E-mail			

This is an initial assessment of the data required to complete review of the application. However, if the development proposal changes or if new information is determined during a detailed review of the application after its formal acceptance, the transportation staff shall reserve the right to request additional information in accordance with the findings required for the application.

**N
O
T
E**

Please submit this Checklist (both pages with the required concept plan) and any Scoping Agreements to the Transportation Planning Section. If submitted as a PDF by email, please send to tom.masog@ppd.mnccppc.org, glen.burton@ppd.mnccppc.org, and bryan.barnettwoods@ppd.mnccppc.org. Hardcopies may be mailed or brought to our office.

The rear side of this page should be completed by the Transportation Planning Section and returned to the applicant within five (5) working days.

SDCP # 1747-2021-0

TM:41, GRID: C1

SHEET INDEX	
SHEET TITLE	SHEET NUMBER
COVER SHEET	1
SITE DEVELOPMENT CONCEPT PLAN	2
PRE/POST DEVELOPMENT DRAINAGE MAPS	3
SIGHT DISTANCE ANALYSIS	4-5

Revision Date: July, 12 2021

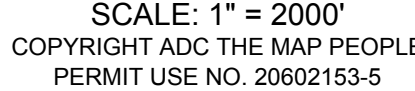
* SEE ESD COMPUTATIONS FOR VOLUME REQUIRED AND PROVIDED BY SAND FILTER

CHILD CARE PROPERTIES, LTD. PART
7811 MONTROSE ROAD, SUITE 420
POTOMAC, MD 20854
CONTACT: PETE FEDEROWICZ
PHONE: 301-881-5950

TWO FARMS, INC.
C/O ROYAL FARMS
3611 ROLAND AVENUE
BALTIMORE, MD 21211
CONTACT: JEFF BAINBRIDGE
PHONE: 410-889-0200

BOHLER //

CONTACT: JOSEPH DIMARCO, P.E.



◆ ATLA/NSPS TITLE SURVEY:
BOHLER
*ROYAL FARM #393
PRINCE GEORGE'S COUNTY, MARYLAND
FILE NO.: SB202122
DATED: 10/27/2020

*ROYAL FARMS #393
PRINCE GEORGE'S COUNTY, MARYLAND
FILE NO.: 114C68014
DATED: 12/21/2019

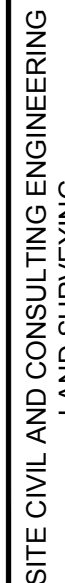
"CUSTOM SOIL RESOURCE REPORT FOR PRINCE GEORGE'S COUNTY
MARYLAND"
DATED: 11/30/2020

THE FOLLOWING COMPANIES WERE NOTIFIED BY DELMARVA MISS UTILITY SYSTEM (1-800-257-7777) AND REQUESTED TO MARK OUT UNDERGROUND FACILITIES AFFECTING AND SERVICING THIS SITE. THE UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS BASED UPON THE UTILITY COMPANIES RESPONSE TO THIS REQUEST. SERIAL NUMBER(S): 18836077

COMCAST-UTILIQUEST
PEPCO/DCI UTILITY LOCATING
WSSC - PINPOINT UG
WASHINGTON GAS-UTILIQUEST
VERIZON

(410) 536-0070
(800) 634-4385
(301) 868-6803
(301) 210-0355
(410) 536-0070

THE ABOVE REFERENCED DOCUMENTS ARE INCORPORATED BY REFERENCE AS PART OF THESE PLANS, HOWEVER, BOHLER DOES NOT CERTIFY THE ACCURACY OF THE WORK REFERENCED OR DERIVED FROM THESE DOCUMENTS, BY OTHERS.

[illegible]

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REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION
DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.:	MB202122
DRAWN BY:	AAT
CHECKED BY:	HDC
DATE:	11/30/2020
CAD I.D.:	SD0

PROJECT


FOR

ROYAL
FARMS #393

LOCATION OF SITE

823 EAST WEST HIGHWAY
RINCE GEORGE'S COUNTY
HYATTSVILLE, MD 20783
17TH ELECTION DISTRICT
TM: 41, GRID: C1



J. DIMARCO

 PROFESSIONAL ENGINEER
 MARY AND LICENSE No. 34390
 PROFESSIONAL CERTIFICATION
 I, JOSEPH DIMARCO, HEREBY CERTIFY THAT
 THESE DOCUMENTS WERE PREPARED OR
 APPROVED BY ME, AND THAT I AM A DULY
 LICENSED PROFESSIONAL ENGINEER UNDER THE
 LAWS OF THE STATE OF MARYLAND,
 LICENSE No. 34390, EXPIRATION DATE 12/23/2022

SHEET TITLE

SHEET NUMBER

1

REVISION 1 - 06/18/202

GENERAL NOTE:

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT. WORK SHALL BE DONE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

FOR ENTIRE PLAN SET			
AC	ACRES	POG	POINT OF GRADE
ADA	AMERICANS WITH DISABILITY ACT	PROP	PROPOSED
ARCH	ARCHITECTURAL	PT	POINT OF TANGENCY
BC	BOTTOM OF CURB	PTCR	POINT OF TANGENCY, CURB RETURN
BF	BASEMENT FLOOR	PVC	POLYVINYL CHLORIDE PIPE
BK	BLOCK	PVI	POINT OF VERTICAL INTERSECTION
BL	BASELINE	PVT	POINT OF VERTICAL TANGENCY
BLDG	BUILDING	R	RADIUS
BM	BUILDING BENCHMARK	RCP	REINFORCED CONCRETE PIPE
BRL	BUILDING RESTRICTION LINE	RET WALL	RETAINING WALL
CF	CUBIC FEET	R/W	RIGHT OF WAY
CL	CENTERLINE	S	SLOPE
CMP	CORRUGATED METAL PIPE	SAN	SANITARY SEWER
CONN	CONNECTION	SF	SQUARE FEET
CONC	CONCRETE	STA	STATION
CPD	CORRUGATED PLASTIC PIPE	STM	STORM
CY	CUBIC YARDS	S/W	SIDEWALK
DEC	DECORATIVE	TBR	TO BE REMOVED
DEP	DEPRESSED	TBRL	TO BE RELOCATED
DIP	DUCTILE IRON PIPE	TC	TOP OF CURB
DOM	DOMESTIC	TELE	TELEPHONE
ELEC	ELECTRIC	TPF	TREE PROTECTION FENCE
ELEV	ELEVATION	TW	TOP OF WALL
EP	EDGE OF PAVEMENT	TYP	TYPICAL
ES	EDGE OF SHOULDER	UG	UNDERGROUND
EW	END WALL	UP	UTILITY POLE
EX	EXISTING	W	WIDE
FES	FLARED END SECTION	W/L	WATER LINE
FF	FINISHED FLOOR	W/M	WATER METER
FH	FIRE HYDRANT	±	PLUS OR MINUS
FG	FINISHED GRADE	°	DEGREE
G	GRADE	Ø	DIAMETER
GF	GARAGE FLOOR (AT DOOR)	#	NUMBER

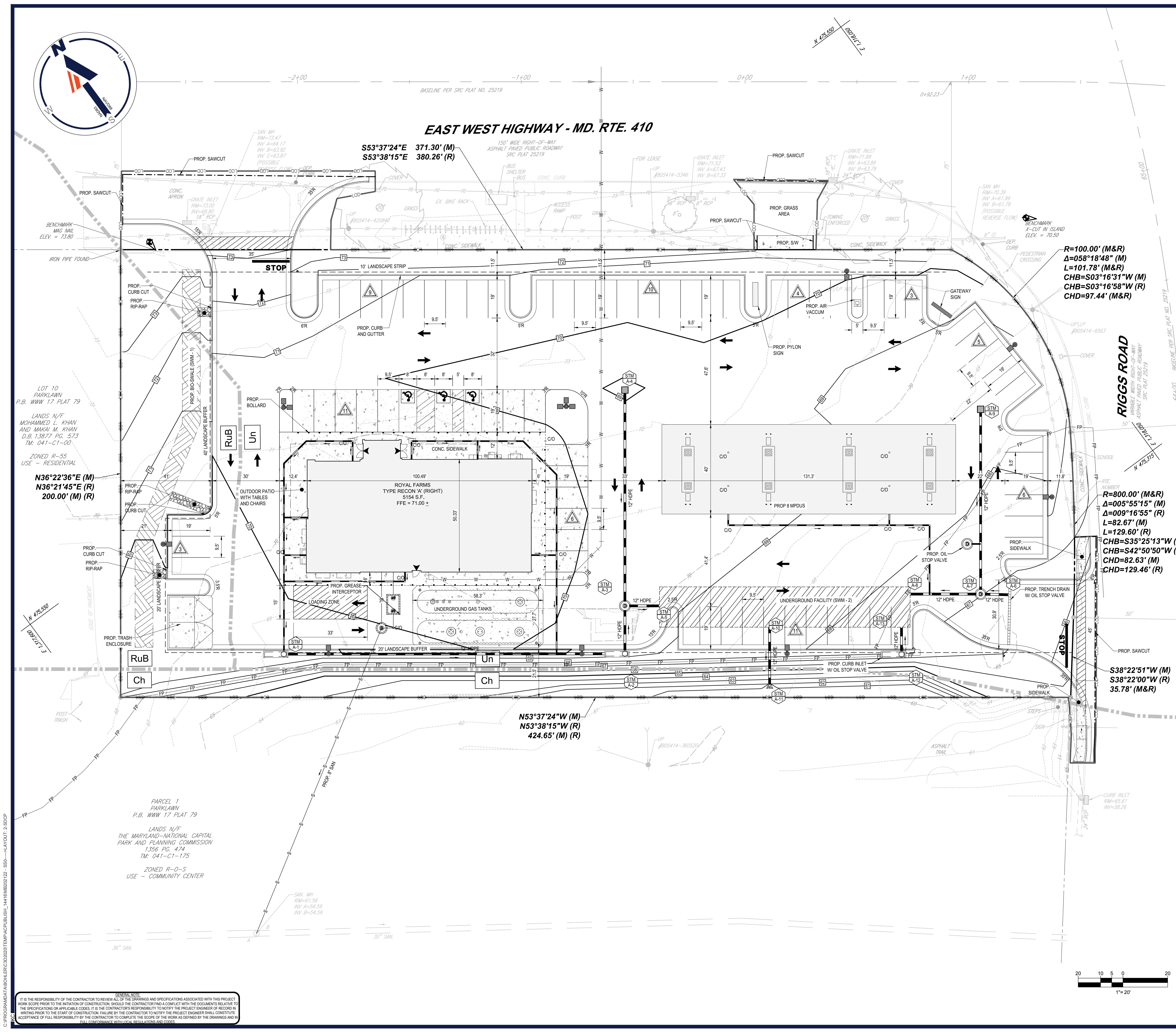
1. THIS PLAN IS BASED ON AN ALTA/NPS TITLE SURVEY BY BOHLER REFERENCED ABOVE.
2. OWNER/APPLICANT:
CHILD CARE PROPERTIES, LTD.

1. THIS PLAN IS BASED ON AN ALTA/NSPS TYPE SURVEY BY BOHLER REFERENCED ABOVE.
2. OWNER/APPLICANT:
CHILD CARE PROPERTIES, LTD.

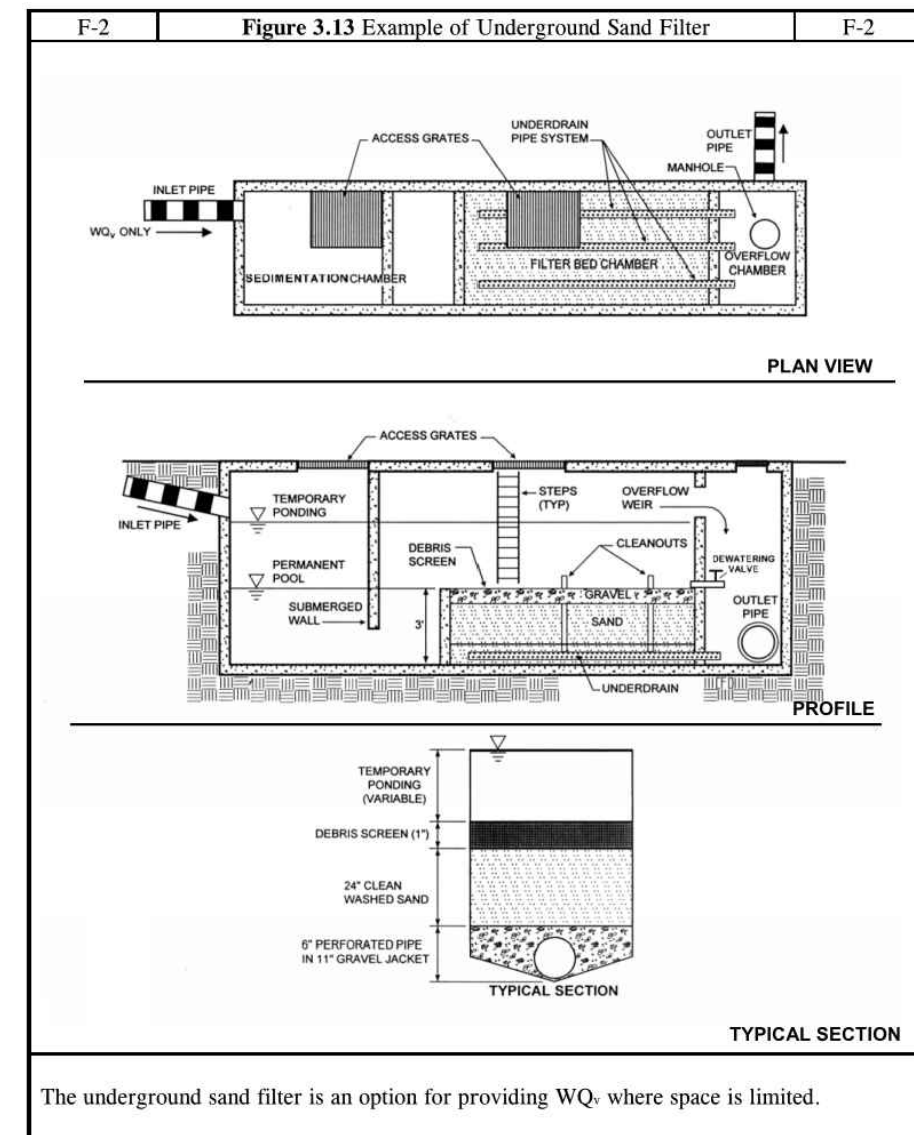
APPLICANT:
TWO FARMS, INC.
3. THE EXISTING USE IS A COMMERCIAL SHOPPING CENTER.
THE PROPOSED USE IS A GAS SERVICE STATION.
4. THE SITE IS LOCATED IN THE COMMERCIAL SHOPPING CENTER (C-S-C) ZONE.
5. THERE ARE NO REGULATED STREAMS IDENTIFIED ON THE SUBJECT PROPERTY.
6. THERE ARE NO KNOWN CLASSIFIABLE FORESTS ON SITE.
7. SOIL DELINEATION IS SHOWN PER "CUSTOM SOIL RESOURCE REPORT FOR PRINCE GEORGE'S COUNTY MARYLAND" BY NRCS DATED 12/01/20.
8. THERE ARE NO KNOWN SPRINGS OR SEEPS.
9. THERE ARE NO KNOWN BEDROCK OR MARLBORO CLAY OUTCROPS.
10. THE SITE IS OUTSIDE OF THE CHESAPEAKE BAY CRITICAL AREA.
11. THE PROJECT IS LOCATED WITHIN THE ANACOSTIA RIVER WATERSHED.
12. THE PROJECT DOES NOT DISCHARGE INTO TIER II WATERSHED.
13. EXISTING NATURAL FLOW PATTERNS WERE CONSIDERED AND MAINTAINED WITH THE PROPOSED DESIGN.

GR	GRADE LOWER SIDE OF WALL
GL	GRATE
GV	GATE VALVE
HDPE	HIGH DENSITY POLYETHYLENE PIPE
HP	HIGH POINT
HOR	HORIZONTAL
HW	HEADWALL
INT	INTERSECTION
INV	INVERT
LF	LINE FOOT
LOC	LIMITS OF CLEARING
LOD	LIMITS OF DISTURBANCE
LOS	LINE OF SIGHT
LP	LOW POINT
L/S	LANDSCAPE
MAX	MAXIMUM
MIN	MINIMUM
MJ	MANHOLE
MJ	MECHANICAL JOINT
OC	ON CENTER
PA	POINT OF ANALYSIS
PC	POINT CURVATURE
PCCR	POINT OF COMPOUND CURVATURE, CURB RETURN
PI	POINT OF INTERSECTION

MAPPED SOIL TYPES				
SOIL TYPE	SOIL DESCRIPTION	HYDROLOGIC SOIL GROUP	K-FACTOR (WHOLE SOIL)	DRAINAGE CLASS
Ch	CODORUS-HATBORO-URBAN LAND COMPLEX, FREQUENTLY FLOODED	C	-	MODERATELY WELL DRAINED
RuB	RUSSETT-CHRISTIANA-URBAN LAND COMPLEX, 0 TO 5 PERCENT SLOPES	D	-	MODERATELY WELL DRAINED
Un	URBAN LAND	D	-	-



Chapter 3. Performance Criteria for Urban BMP Design Stormwater Filtering Systems



UNDERGROUND SAND-FILTER DETAIL
NOT TO SCALE

LEGEND	
LOD	LOD
EX. FLOODPLAIN	FP
PROP. FLOODPLAIN	FP
STRUCTURAL SAND FILTER FACILITY	
PROP. BIO-SWALE	
SOIL DIVIDE LINE	
SOIL LABELS	UN CH

BOHLER

SITE CIVIL AND CONSULTING ENGINEERING
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

REVISIONS				
REV	DATE	COMMENT	BY	CHK
1	06/18/2021	PER DP/IE	AAT	HDC

811

Know what's below.
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PROJECT NO.:	MB202122
DRAWN BY:	AAT
CHECKED BY:	HDC
DATE:	11/30/2020
CAD ID:	SSD

PROJECT:

SITE DEVELOPMENT CONCEPT PLAN
FOR
ROYAL FARMS #393
LOCATION OF SITE
1823 EAST WEST HIGHWAY
PRINCE GEORGE'S COUNTY
HYATTSVILLE, MD 20783
17TH ELECTION DISTRICT
TM: 41, GRID: C1

BOHLER

16701 MELFORD BLVD., SUITE 310
BOWIE, MARYLAND 20715
Phone: (301) 809-4500
Fax: (301) 809-4501
MD@BohlerEng.com

J. DIMARCO

PROFESSIONAL ENGINEER
PROFESSIONAL CERTIFICATION
J. DIMARCO, HEREBY CERTIFY THAT
THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 34390, EXPIRATION DATE 12/23/2022

SHEET TITLE:

SITE DEVELOPMENT CONCEPT PLAN

SHEET NUMBER:




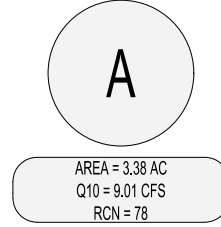


2

REVISION 1 - 06/18/2021

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT. WORK SHALL BE DONE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A DISCREPANCY WITH THE DOCUMENTS, THE CONTRACTOR SHALL NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS SHOWN BY THE DRAWING AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

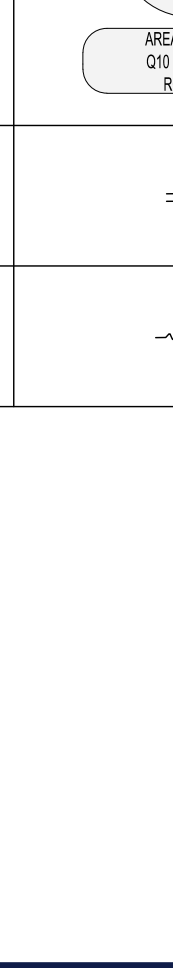
SCALE: 1" = 40'

PRE-DEVELOPMENT 10-YR ANALYSIS			
POI	AREA (AC.)	CN	10 YR FLOW (CFS)
A	1.94	78	9.13

<h1 style="text-align: center; margin: 0;">LEGEND</h1>	
EXISTING OVERALL DRAINAGE AREA	
PROPOSED OVERALL DRAINAGE AREA	
INLET DRAINAGE AREA	
DRAINAGE LABELS	
100-YR OVERLAND RELIEF ARROWS	
DRAINAGE FLOW ARROWS	

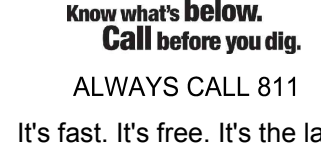
GENERAL NOTE

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SCALE: 1" = 40'

POST-DEVELOPMENT 10-YR ANALYSIS			
POI	AREA (AC.)	CN	10 YR FLOW (CFS)
A	1.94	96	5.12

[illegible]

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PURPOSES ONLY

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DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.:	MB202122
DRAWN BY:	AAT
CHECKED BY:	HDC
DATE:	11/30/2020
CAD I.D.:	SS0

PROJECT:

SITE DEVELOPMENT CONCEPT PLAN

ROYAL
FARMS #393

LOCATION OF SITE

1823 EAST WEST HIGHWAY
PRINCE GEORGE'S COUNTY
HYATTSVILLE, MD 20783
17TH ELECTION DISTRICT
TM: 41, GRID: C1

BOHLER //

16701 MELFORD BLVD , SUITE 310
BOWIE, MARYLAND 20715
 Phone: (301) 809-4500
 Fax: (301) 809-4501
MD@BohlerEng.com

J. DIMARCO
J. Dimarco
10/8/2021
PROFESSIONAL ENGINEER
MARYLAND LICENSE No. 34390
PROFESSIONAL CERTIFICATION
I, JOSEPH DIMARCO, HEREBY CERTIFY THAT
THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MARYLAND,
LICENSE NO. 34390, EXPIRATION DATE 12/23/2022

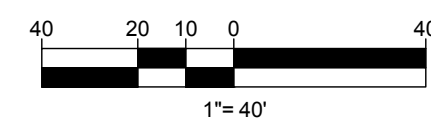
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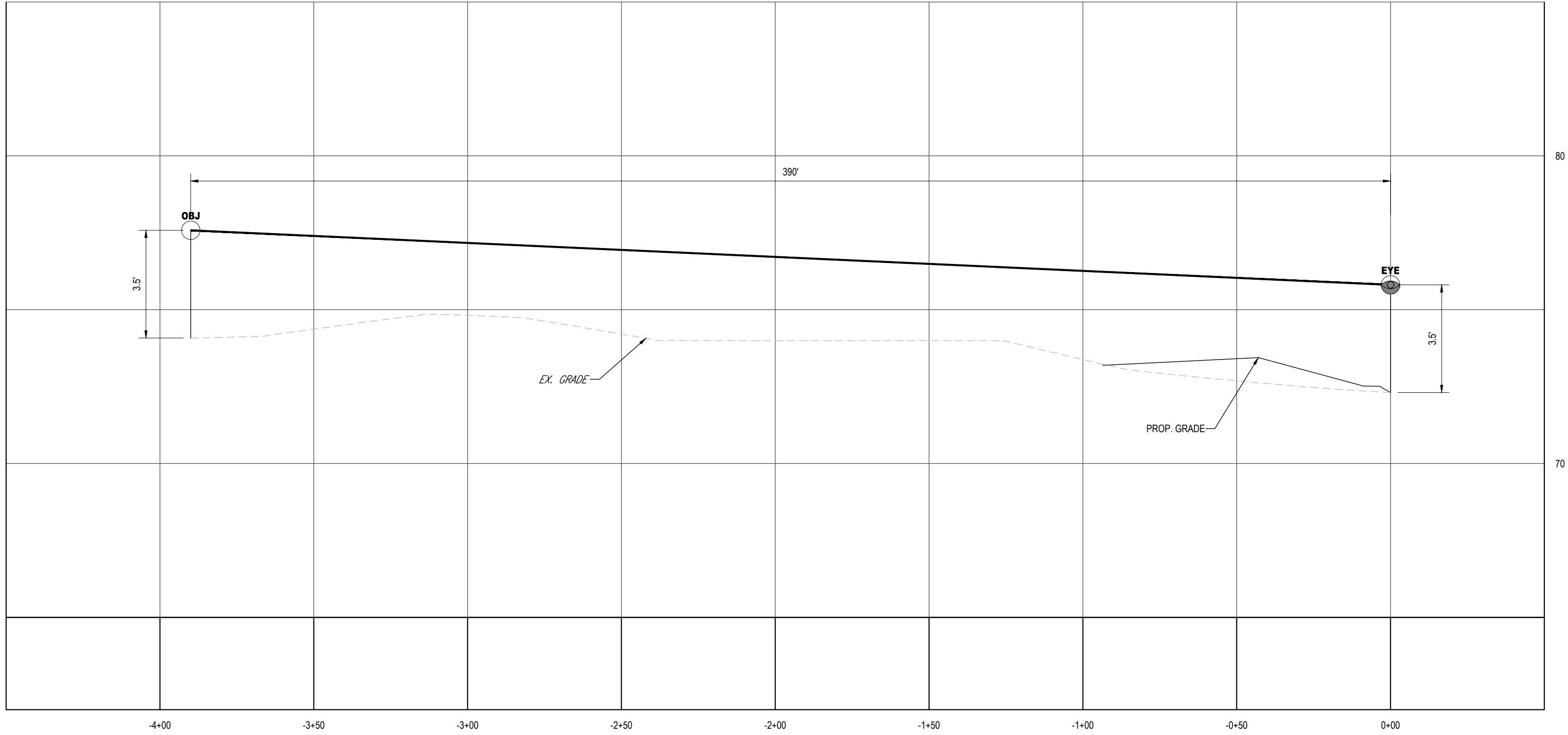
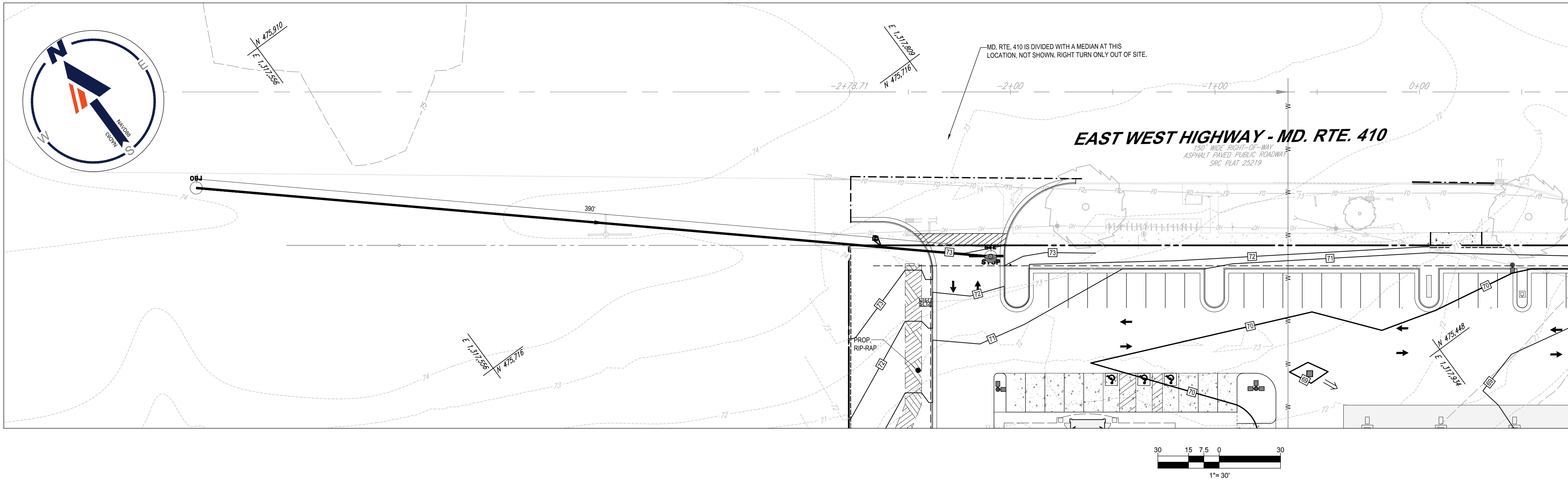
***PRE/POST
DEVELOPMENT
DRAINAGE
MAPS***

SHEET NUMBER:

3

REVISION 1 - 06/18/2021





EAST WEST HIGHWAY SIGHT DISTANCE PROFILE

SCALE: 1"= 30' HORIZONTAL
1"= 3' VERTICAL

GENERAL NOTE

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SITE CIVIL AND CONSULTING ENGINEERING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

REVISIONS

REV	DATE	COMMENT	DRAWN BY
1	06/18/2021	PER DPIE	AAT HDC



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PURPOSES ONLY

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PROJECT No.: MB202122
DRAWN BY: AAT
CHECKED BY: HDC
DATE: 11/30/2020
CAD ID: SSD

PROJECT:

**SITE
DEVELOPMENT
CONCEPT PLAN**
FOR

ROYAL
FARMS #393

LOCATION OF SITE

1823 EAST WEST HIGHWAY
PRINCE GEORGE'S COUNTY
HYATTSVILLE, MD 20783
17TH ELECTION DISTRICT
TM: 41, GRID: C1

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16701 MELFORD BLVD., SUITE 310
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J. DIMARCO
PROFESSIONAL ENGINEER
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LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 34390, EXPIRATION DATE 12/23/2022

SHEET TITLE:

**SIGHT
DISTANCE
ANALYSIS**

SHEET NUMBER:

4

REVISION 1 - 06/18/2021

APPLICATION FOR WOODLAND CONSERVATION LETTER OF EXEMPTION (WCO-Ex)

APPLICANT TO FILL OUT THIS SECTION - Refer to www.PGAtlas.com for Information
HOVER OVER BLANK FIELDS FOR ADDITIONAL INFORMATION

HOVER OVER BLANK FIELDS FOR ADDITIONAL INFORMATION

Property Owner Name, Address, and Contact Info: CHILD CARE PROP LIMITED PTNSHP NELLIS CORP STE 420 7811 MONTROSE RD POTOMAC MD 20854		Agent/Contact Name, Company, Address, and E-mail: JOSEPH DIMARCO, PE / BOHLER ENGINEERING 16701 MELFORD BLVD; STE 310 BOWIE, MD 20715 301-809-4500 / jdimarco@bohlereng.com	
Payment by check, money order, or cashier's check ONLY – made payable to M-NCPPC Please indicate name of project, address, or other identifying information on payment. <i>Do not staple payment.</i>		Agent/Contact Signature: Joseph DiMarco, P.E. Date: 01/04/2021	
Name on Check: Peter W. Ratcliffe Architects PA Check No. 17012 APPLICATION FEE - \$50.00 Gov't Projects - Fee Waived			
PROJECT/PROPERTY NAME:		Royal Farms 393	
Street Address (if available), otherwise Geographic Location in relation to nearest major road intersection: 1821 EAST WEST HWY; HYATTSVILLE, MD 20783			
Companion Case(s) and/or Resolution(s) - Preliminary Plan, Site Plan, Special Exception, etc.:			
Total Area (acres): 1.70 ac		Tax Account #(s): 1890581	
Total Number of Lots and/or Parcels: 1		Current Zone(s): C-S-C WSSC Grid: 208NE02	
Lot/Block/Parcel(s): Block: L, Parcel: A		Proposed Woodland Clearing (ft²): 0 Environmental Strategy Area (ESA): Located under the Environmental heading in PGAtlas <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4	
Proposed Activity: Convenience Store with Fuel and associated improvements			
SITE PLAN: Date: 1/15/21 Prepared by: Joseph DiMarco, P.E. Firm: Bohler		Preparer Qualifications: Engineer ID #: 34390	
RESPONSE (TO BE COMPLETED BY EPS STAFF)			
APPROVAL TYPE: <input type="checkbox"/> Numbered Exemption <input checked="" type="checkbox"/> Standard Exemption			Exemption Number:
Staff Reviewer: AK Receipt Number: 7668 Filing Fee: \$50.00			S-014-2021
Your request for a Standard Letter of Exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) is hereby approved . This Standard Letter of Exemption is issued because the property has no previous TCP approvals and: <input type="checkbox"/> Is less than 40,000 square feet in size; and/or <input checked="" type="checkbox"/> Contains less than 10,000 square feet of woodland; or <input type="checkbox"/> The project is subject to the Maryland Forest Conservation Act and will be reviewed by Department of Natural Resources			
Your request for a Numbered Letter of Exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) is hereby approved . This Letter of Exemption is issued because the site is over 40,000 square feet in size and contains over 10,000 square feet of woodland; however the project has no previous TCP approvals and: <input type="checkbox"/> Results in the clearing of less than 5,000 square feet of woodland. Proposed clearing is _____ ft². <i>If application is for a Revision</i> , cumulative clearing to date (not including currently proposed) is _____ ft². <input type="checkbox"/> The activity is a government or linear project that results in the clearing of less than 20,000 square feet of woodland. Proposed clearing is _____ ft². <i>Revisions:</i> cumulative clearing to date (not including currently proposed) is _____ ft²; or <input type="checkbox"/> The proposed activity is for a timber harvest.			
This letter is valid for two years from the date of approval, or until such time as the cumulative woodland clearing exceeds the maximum amount specified above. If a development review application (preliminary plan, detailed site plan, etc.) is required, a Numbered Exemption may be considered invalid in accordance with Section 25-119(b)(5)(A). <u>A copy of this letter must be submitted at the time of development activity or permit application.</u>			
Staff Signature Approval: Alexander Kirchhof		Approval Date: 01/19/2021 Expiration Date: 01/19/2023	

ROYAL FARMS #393, HYATTSVILLE

Special Exception

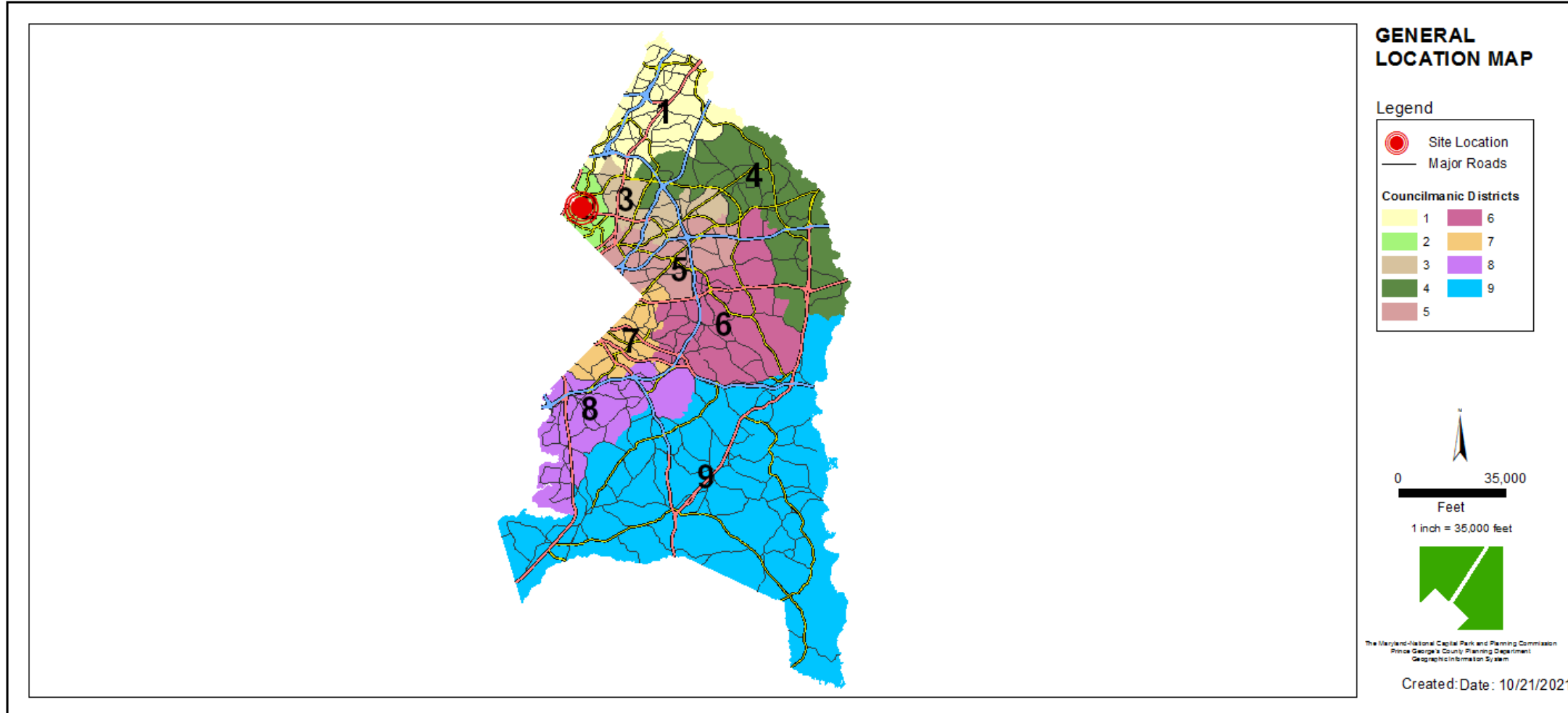
Staff Recommendation: APPROVAL with conditions



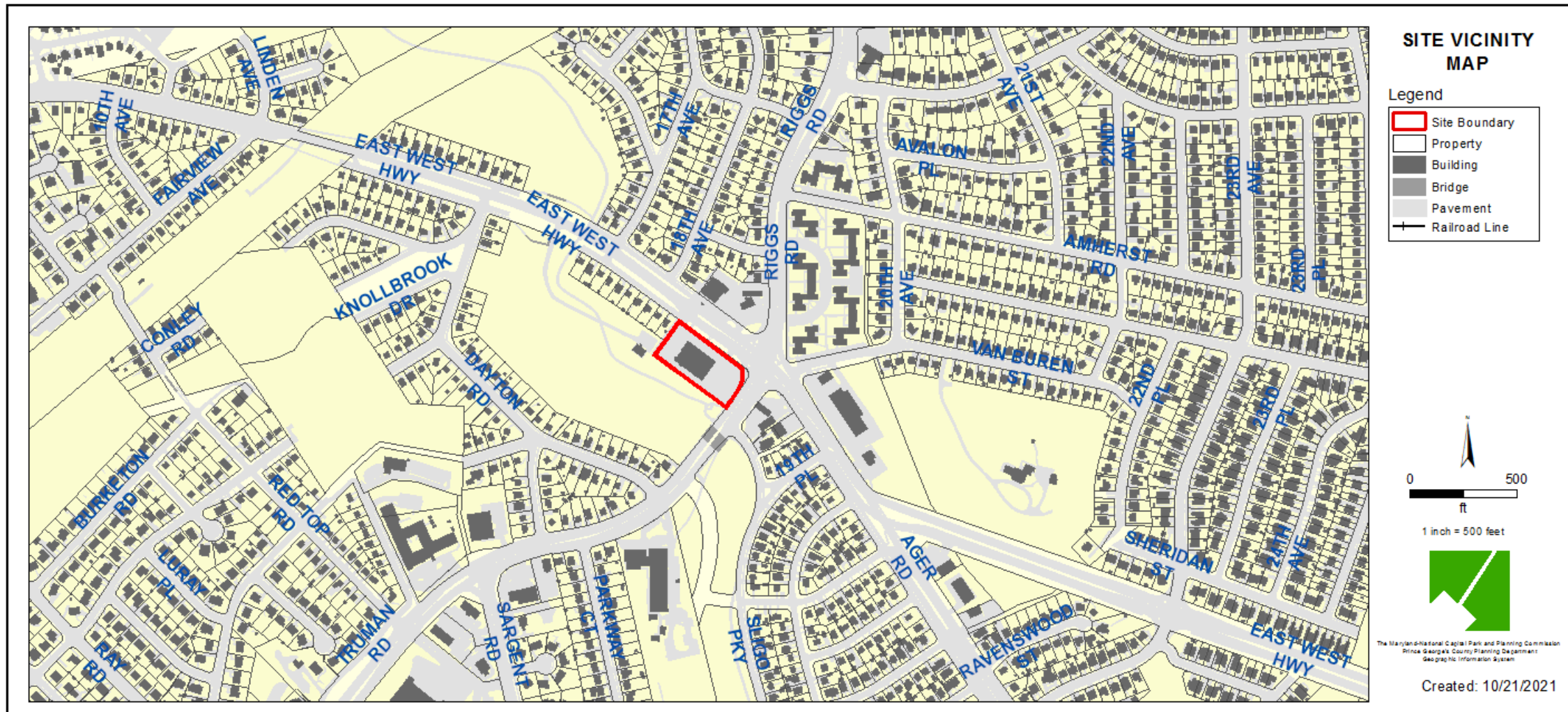
GENERAL LOCATION MAP

Council District: 02

Planning Area: 65

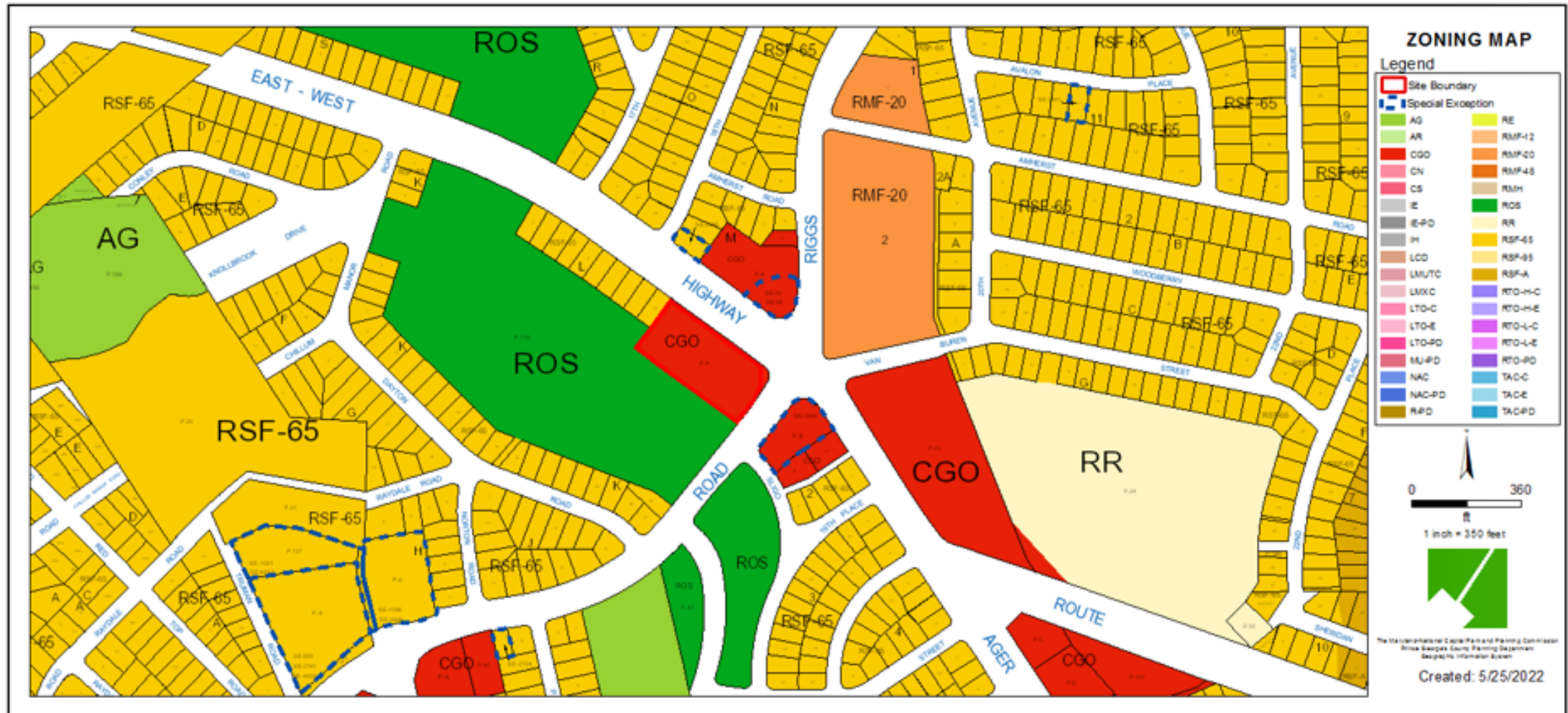


SITE VICINITY MAP



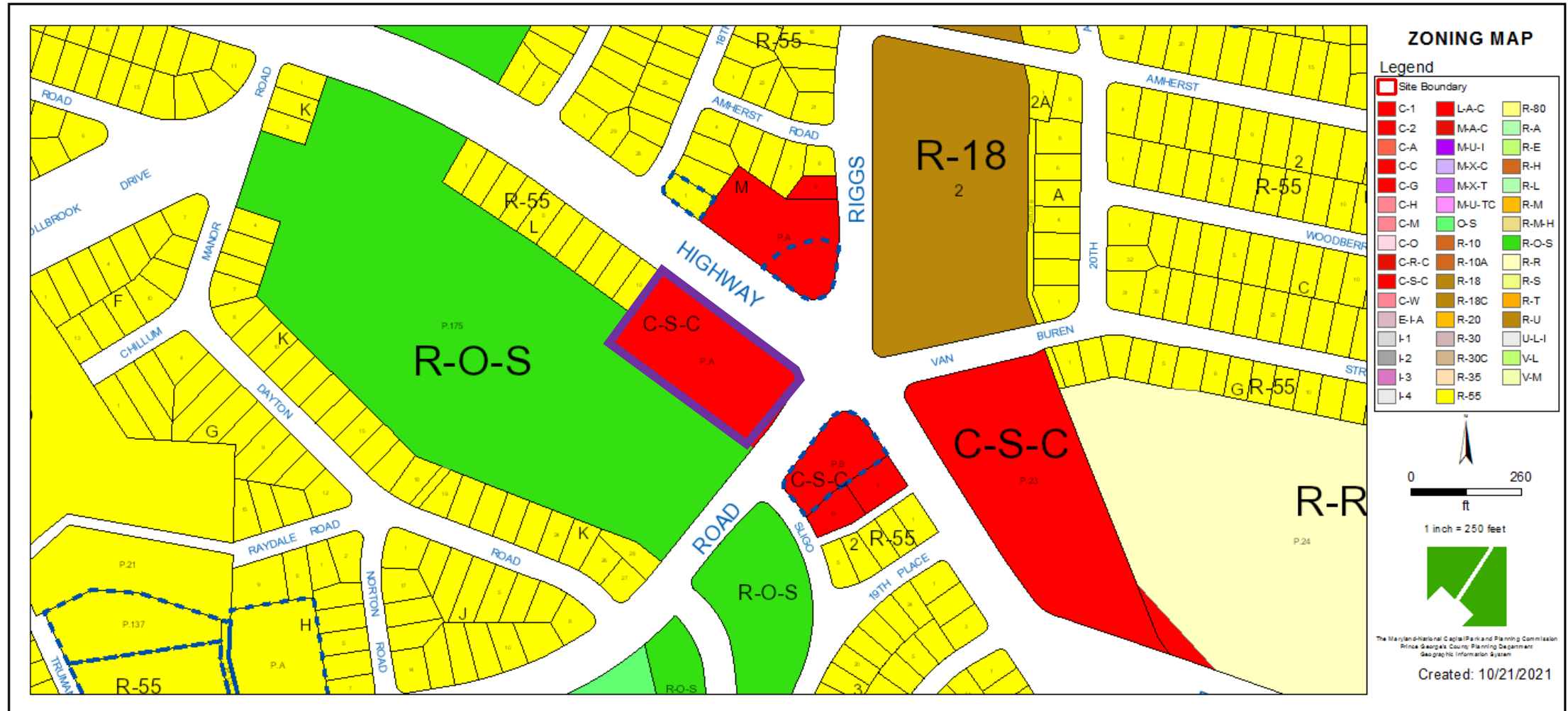
NEW ZONING MAP

Property Zone: C-S-C



PRIOR ZONING MAP

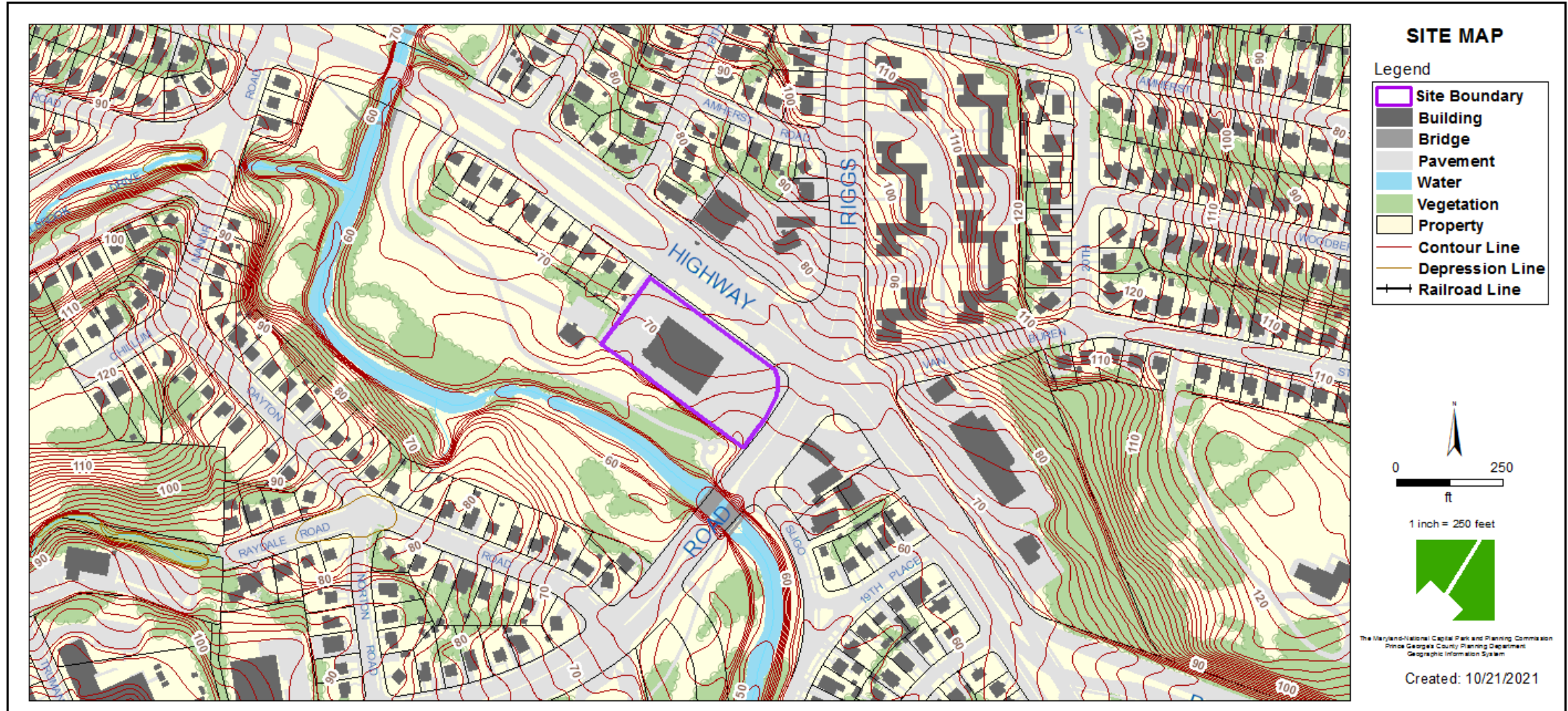
Property Zone: C-S-C



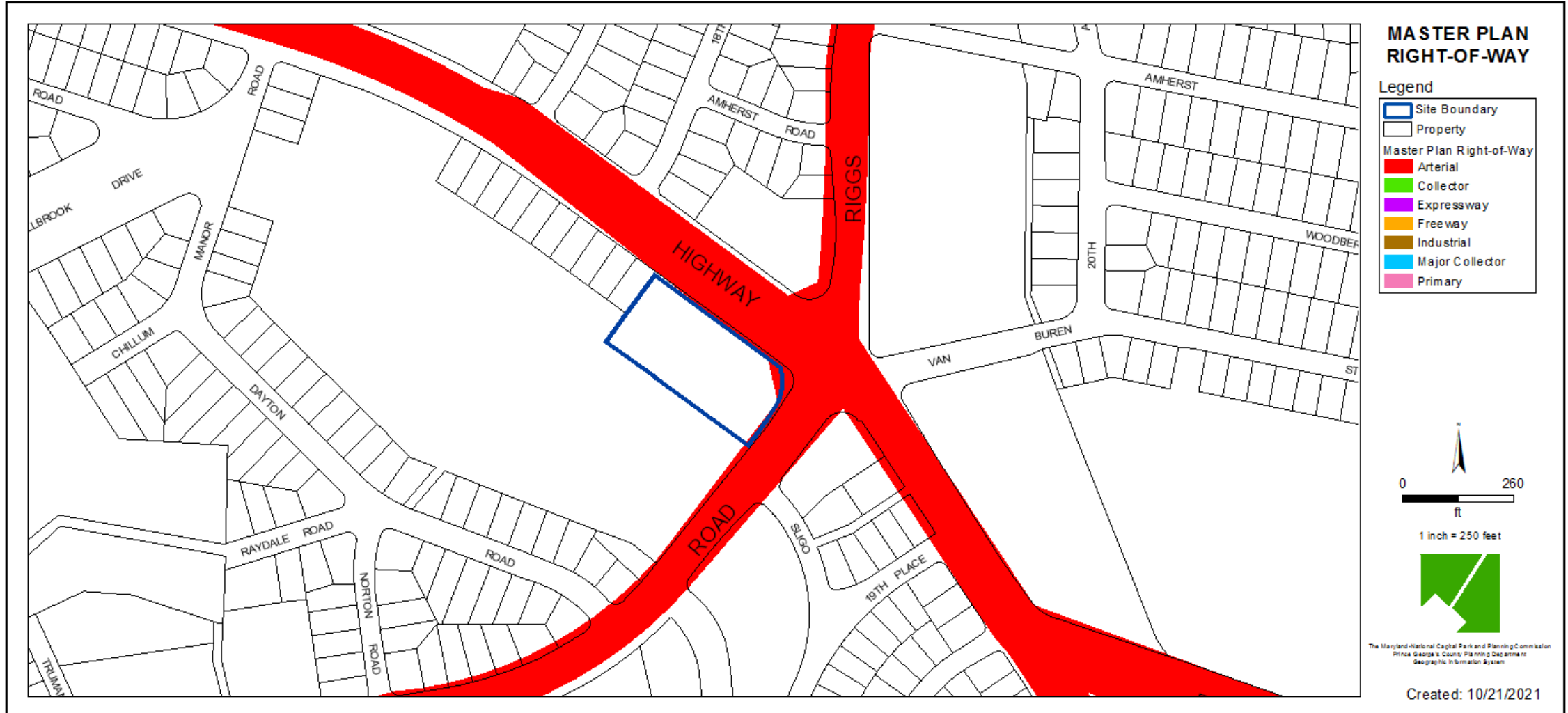
AERIAL MAP



SITE MAP



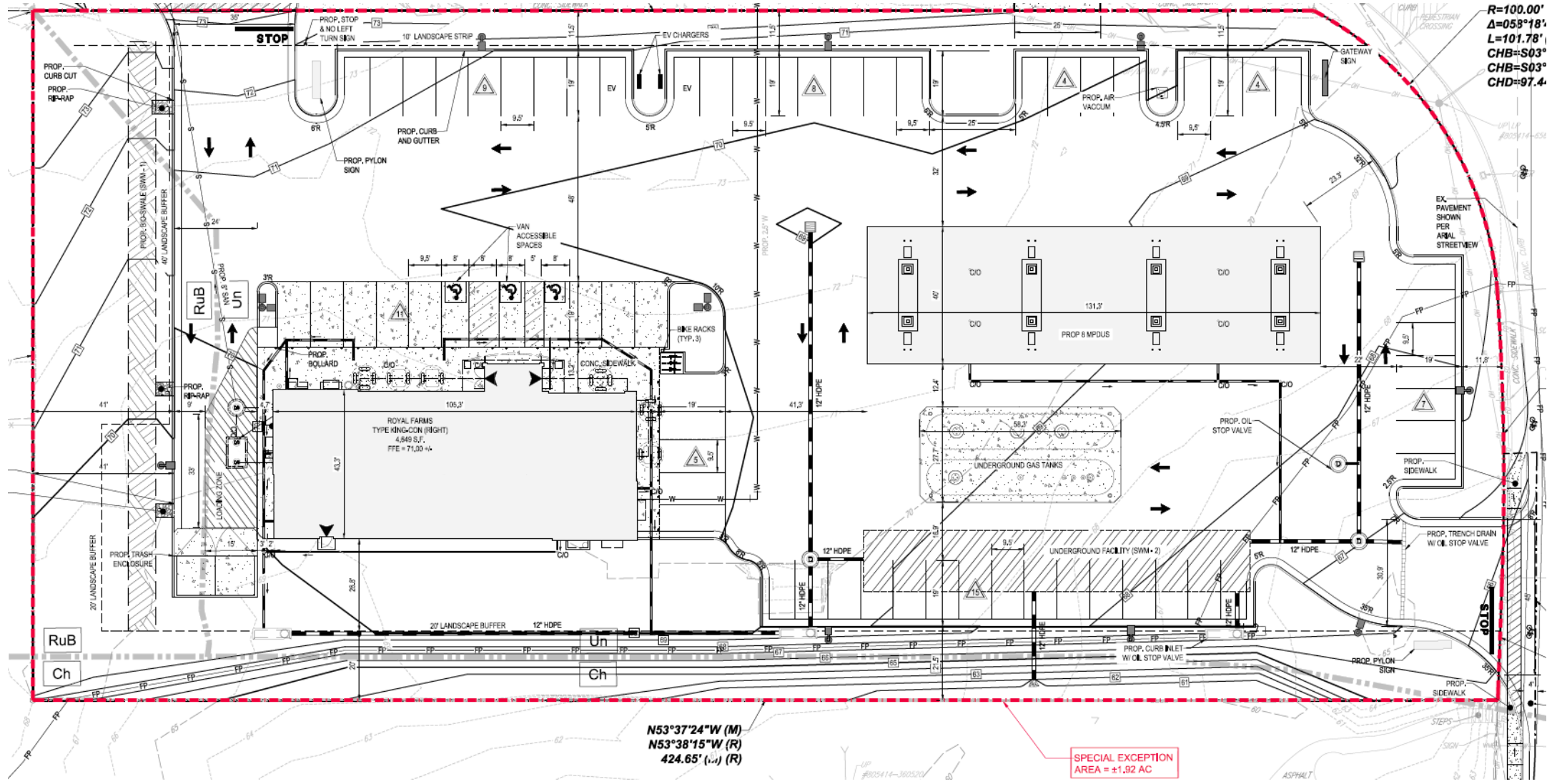
MASTER PLAN RIGHT-OF-WAY MAP



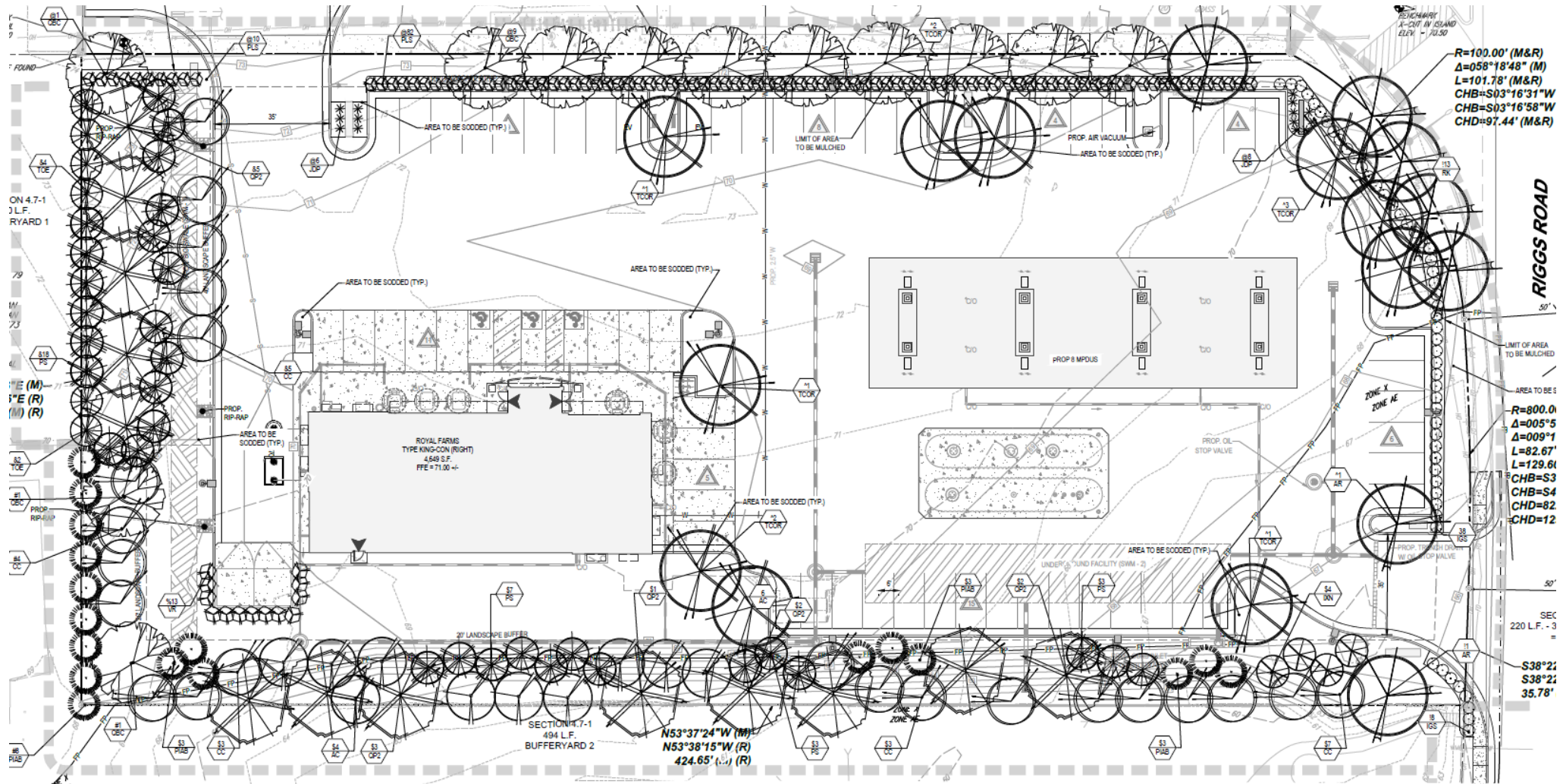
BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



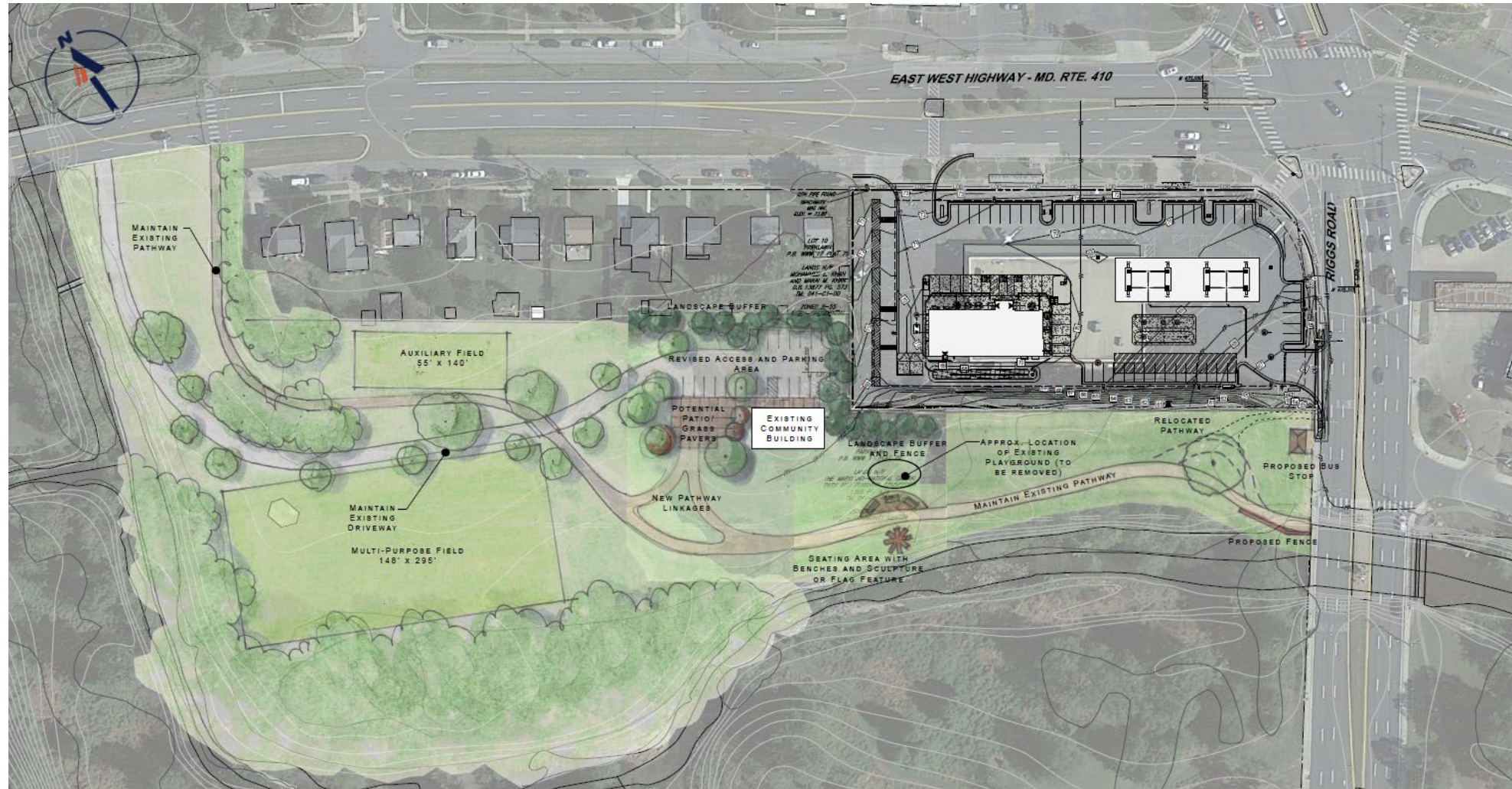
SITE PLAN



LANDSCAPE PLAN



PARKLAWN PARK CONCEPT PLAN



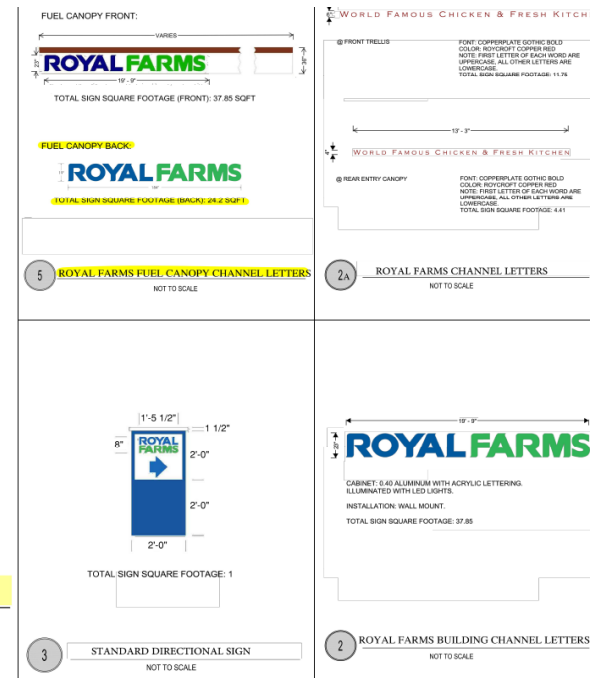
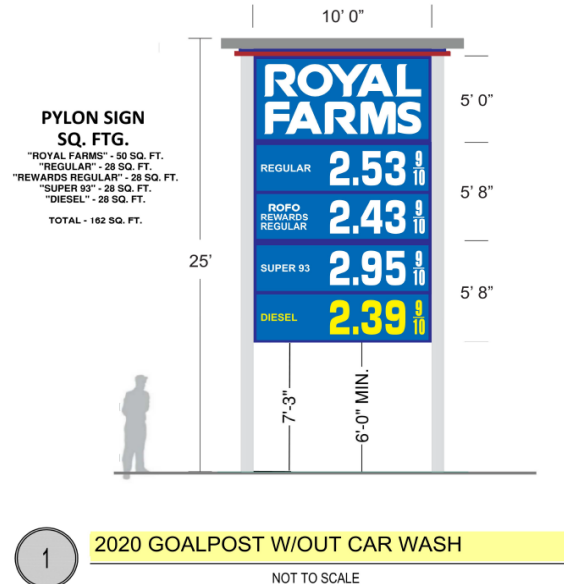
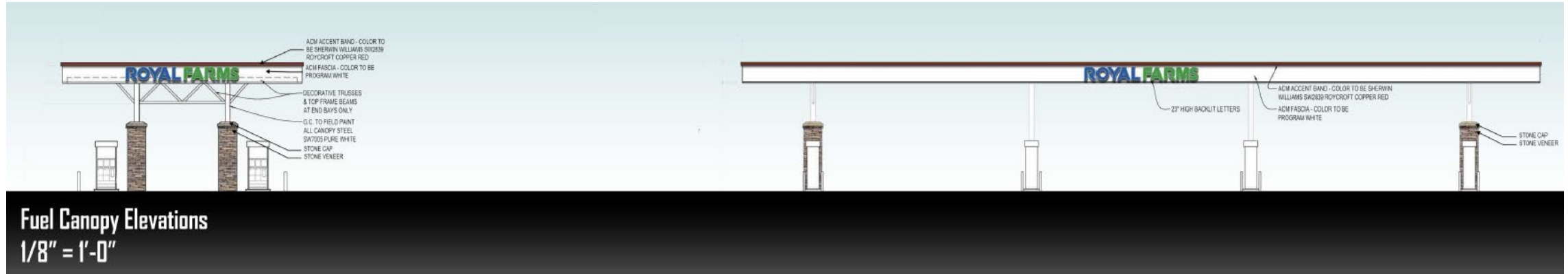
FRONT AND REAR ELEVATIONS



LEFT AND RIGHT ELEVATIONS



FUEL CANOPY AND SIGNAGE 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
-



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**

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.



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
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.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Countywide Planning Division
Transportation Planning Section

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


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 11th 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-

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

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.

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.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

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](#)
[image014.png](#)
[image015.png](#)
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[image021.png](#)
[image022.png](#)
[image023.png](#)
Importance: High

[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
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 18th, 2021**

nd

Major Issues Deadline – December 2 , 2021

SDRC DATE: December 10th, 2021

REFERRAL DUE DATE: January 3rd, 2022 (As shown on TSR Matrix)

- All responses must be emailed to the assigned reviewer and to 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

Click on the hyperlink to view the Acceptance documents:

https://www.dropbox.com/sh/tp3xf4e2clhppy/AACvbLzplrT7u18Zxf4Ls_Jka?dl=0

If you need assistance please contact 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





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

From: Higdon, Patrick E <patrick.e.higdon@verizon.com>
Sent: Friday, November 19, 2021 7:32 AM
To: PGCR referrals; 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](#)



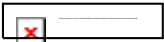
[SE-4846; Royal Farm #393.pdf](#)
66 KB

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](#)

[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

Mob – 304-871-6146

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>; sabbranch@co.pg.md.us; jtarr@co.pg.md.us; 'Kwesi Woodroffe' <kwoodroffe@sha.state.md.us>; 'Tania Brown - SHA' <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; HWARY, SARA <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 18th, 2021**

Major Issues Deadline – December 2nd, 2021

SDRC DATE: December 10th, 2021

REFERRAL DUE DATE: January 3rd, 2022 (As shown on TSR Matrix)

- All responses must be emailed to the assigned reviewer and to PGCReferrals@ppd.mncppc.org ;
- attach signed memo's on official letterhead
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Respectfully,

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

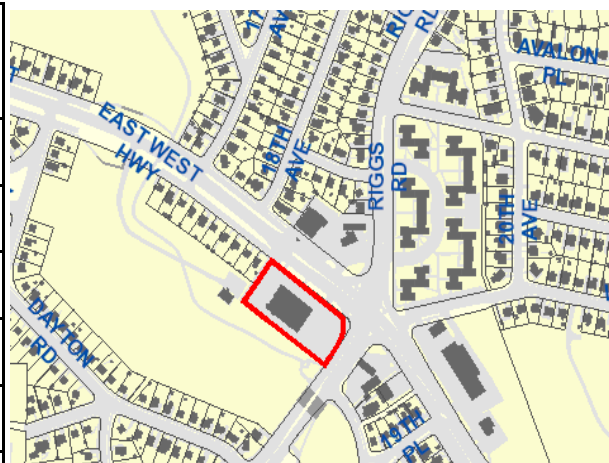
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

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: • Approval of Special Exception SE-4846

Location: 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
Applicant/Address: RF East West Hyattsville, LLC 1821 East West Highway Hyattsville, MD 20783	
Staff Reviewer: Dominique Lockhart Phone Number: 301-952-3411 Email: Dominique.Lockhart@ppd.mncppc.org	



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**

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.

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:**

	EXISTING	PROPOSED
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.

- g. Include a general note that states that the EV charging stations provided will be Level 3 or DC fast charger stations.
 - h. Provide a 5-foot-wide sidewalk from each street frontage to the food and beverage store.
 - i. Provide a black vinyl-clad chain link fence (4 feet high at a minimum) to be added along the southern property line.
- 2. Prior to issuance of a building permit, the following revisions shall be made:
 - a. The existing playground at Parklawn Park Building shall be removed.
 - b. Provide a detailed sheet for the Stop & No Left Turn signage assembly at the point of vehicle exit along MD 410 (East West Highway).
 - c. 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.

STAFF RECOMMENDS:

- Approval of Special Exception SE-4846

ROYAL FARMS #393, HYATTSVILLE

Special Exception

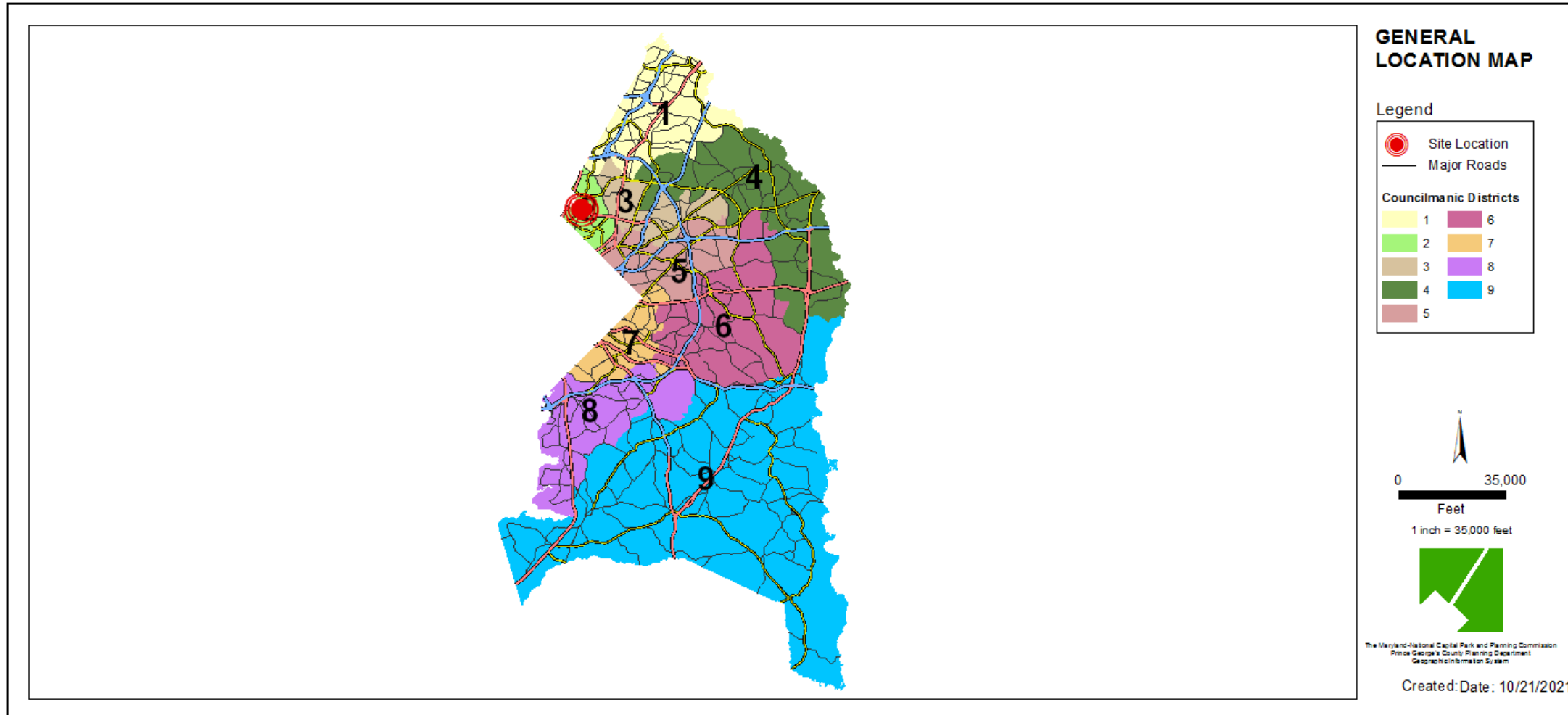
Staff Recommendation: APPROVAL with conditions



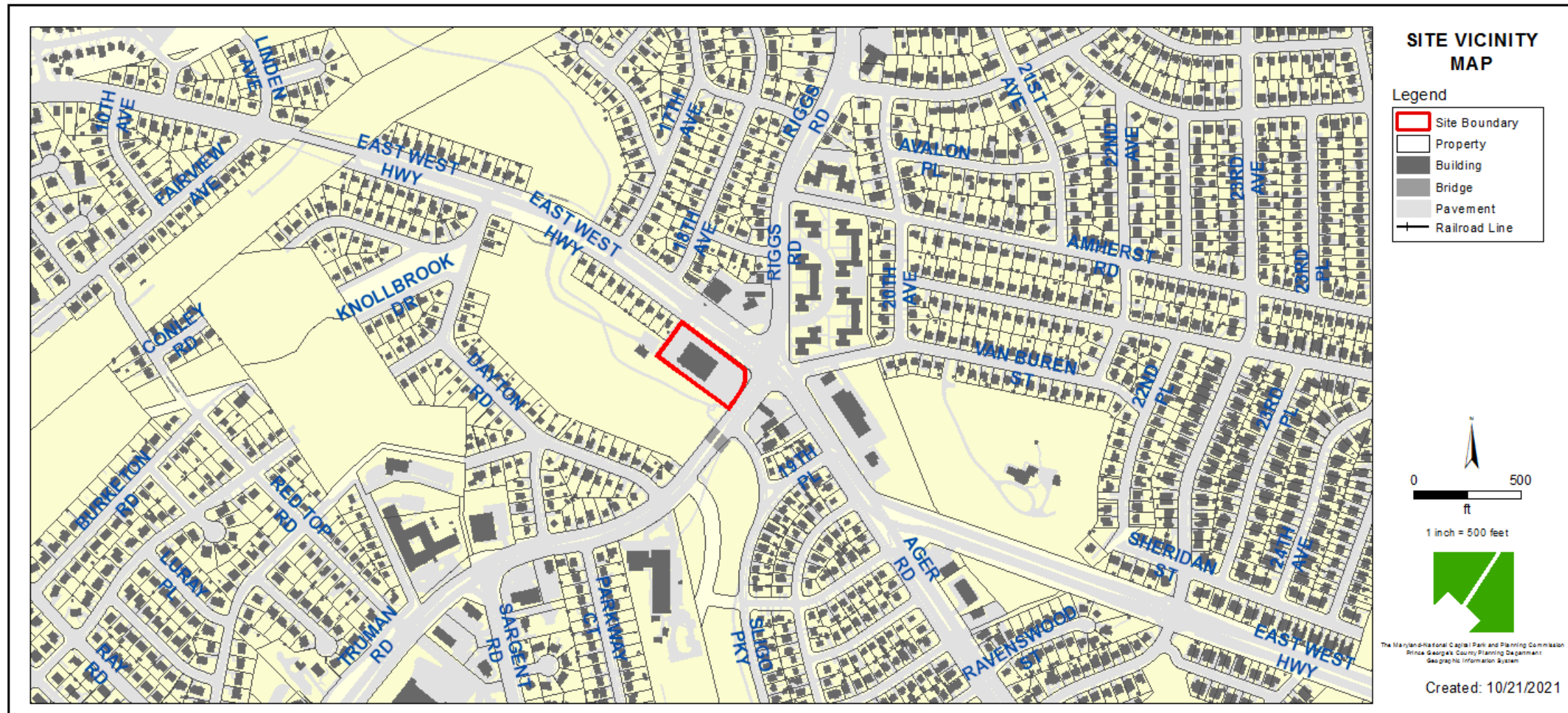
GENERAL LOCATION MAP

Council District: 02

Planning Area: 65

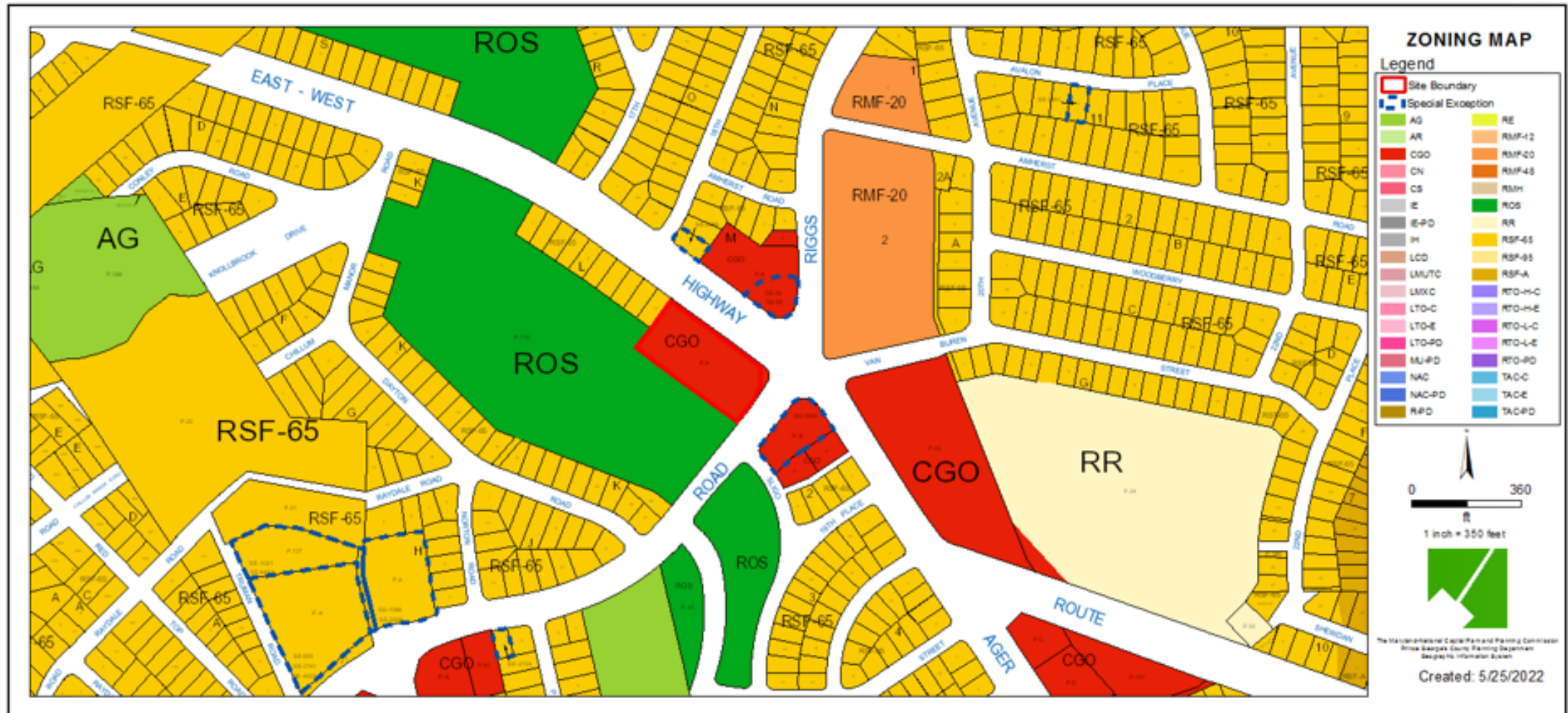


SITE VICINITY MAP



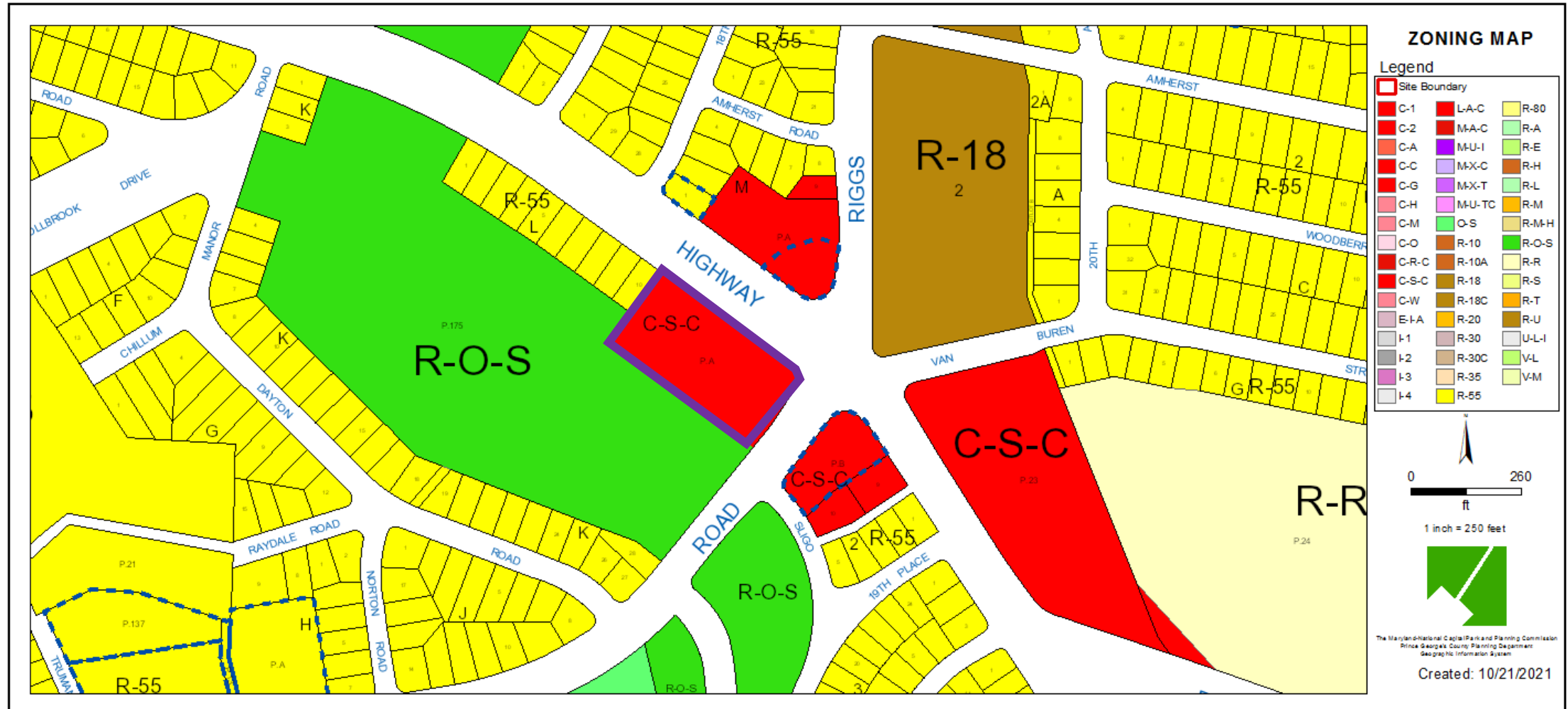
NEW ZONING MAP

Property Zone: C-S-C



PRIOR ZONING MAP

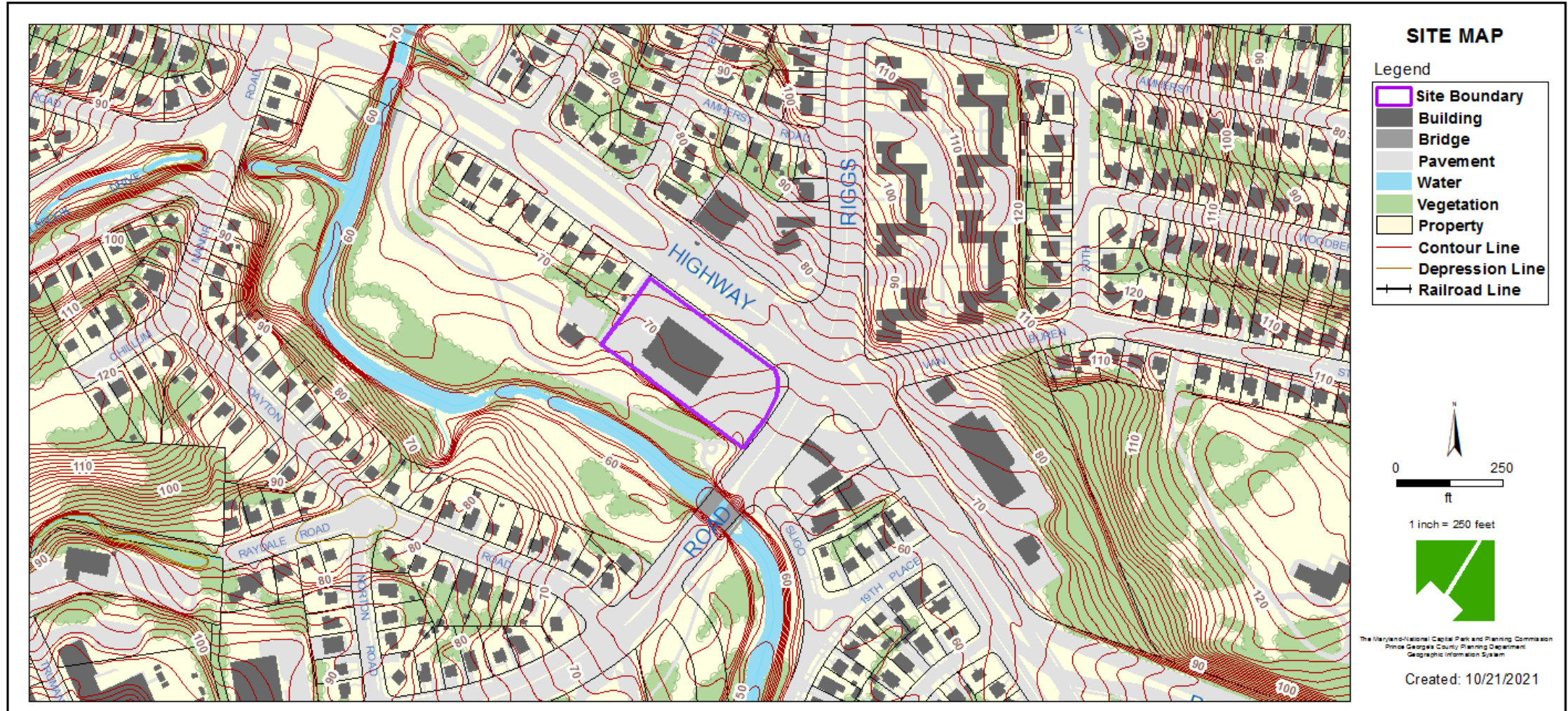
Property Zone: C-S-C



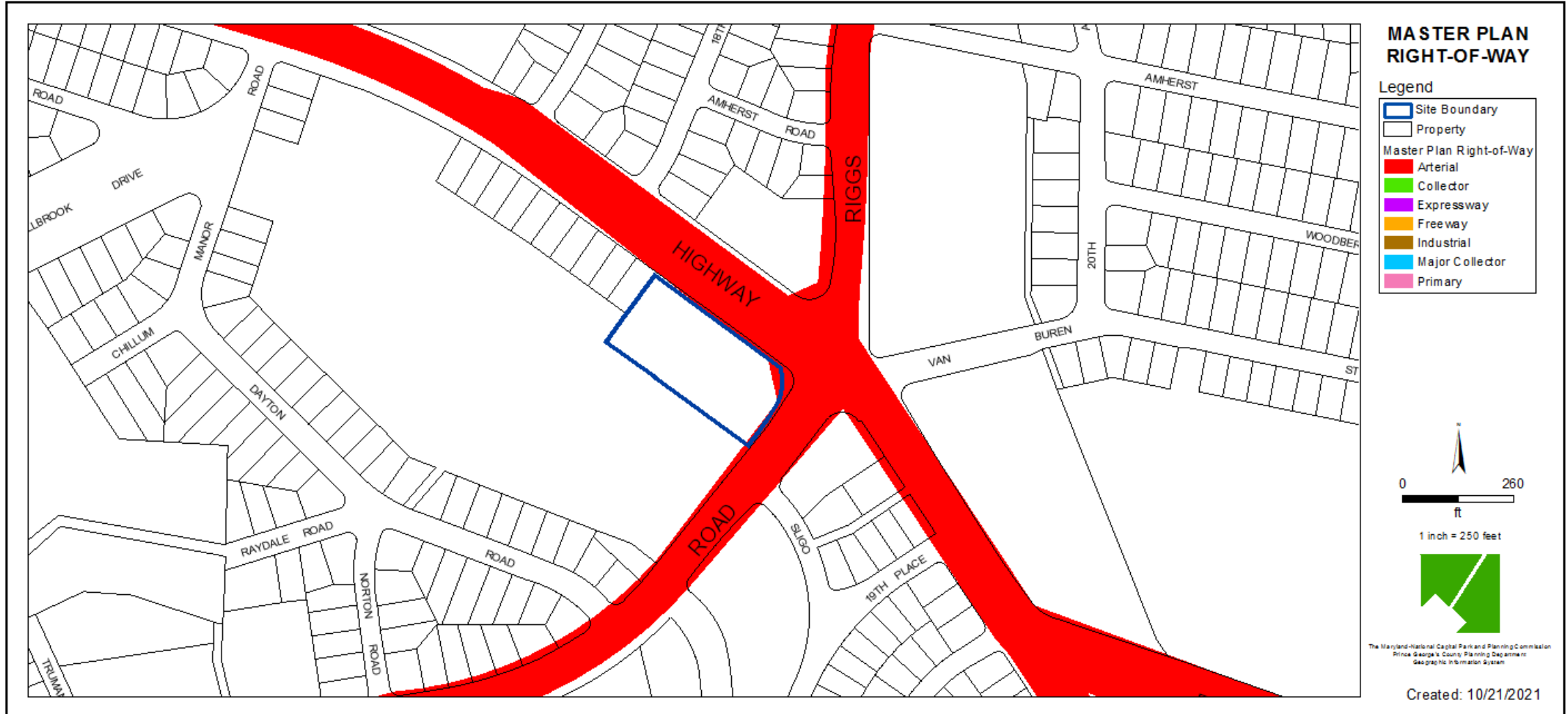
AERIAL MAP



SITE MAP



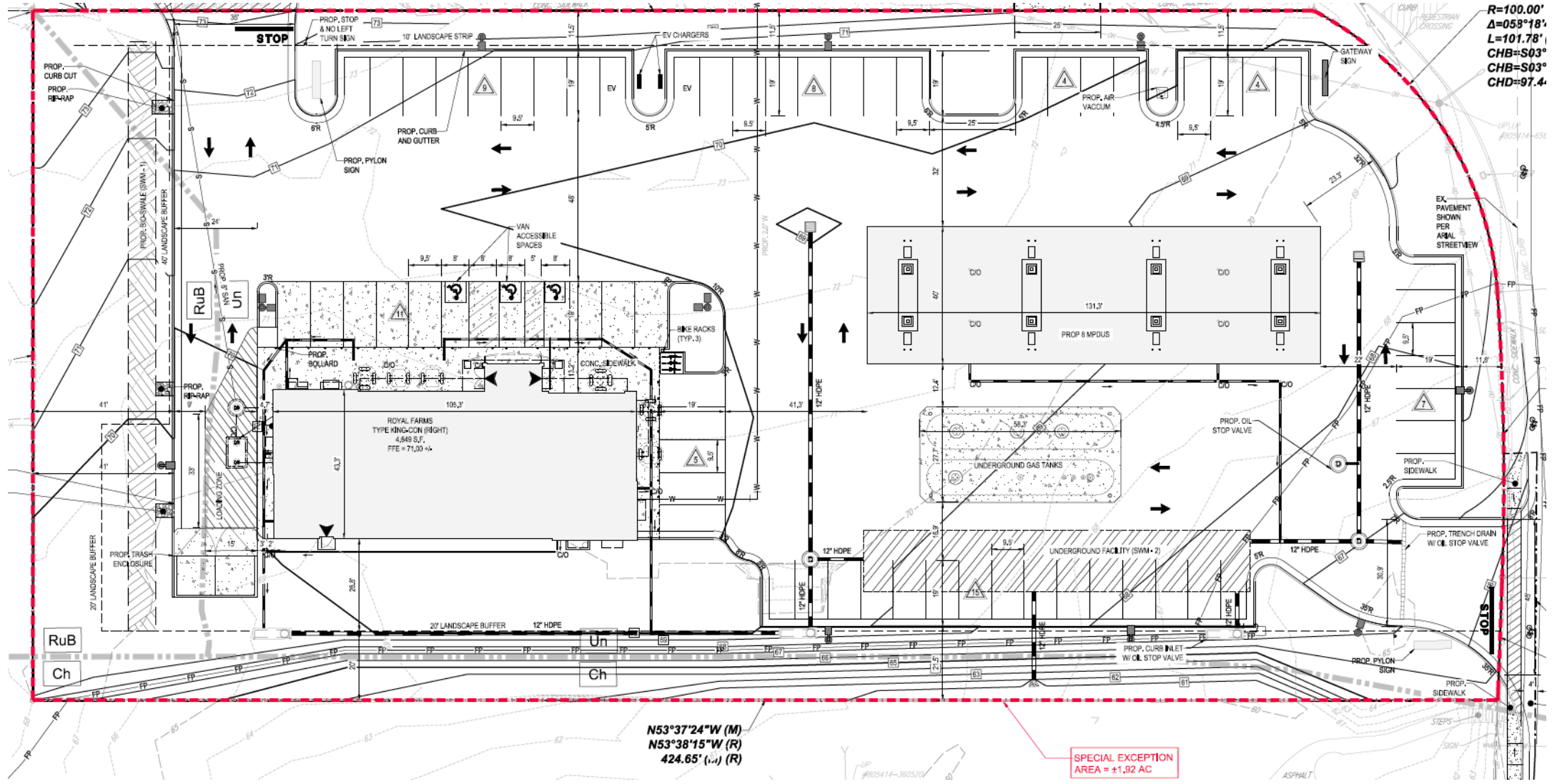
MASTER PLAN RIGHT-OF-WAY MAP



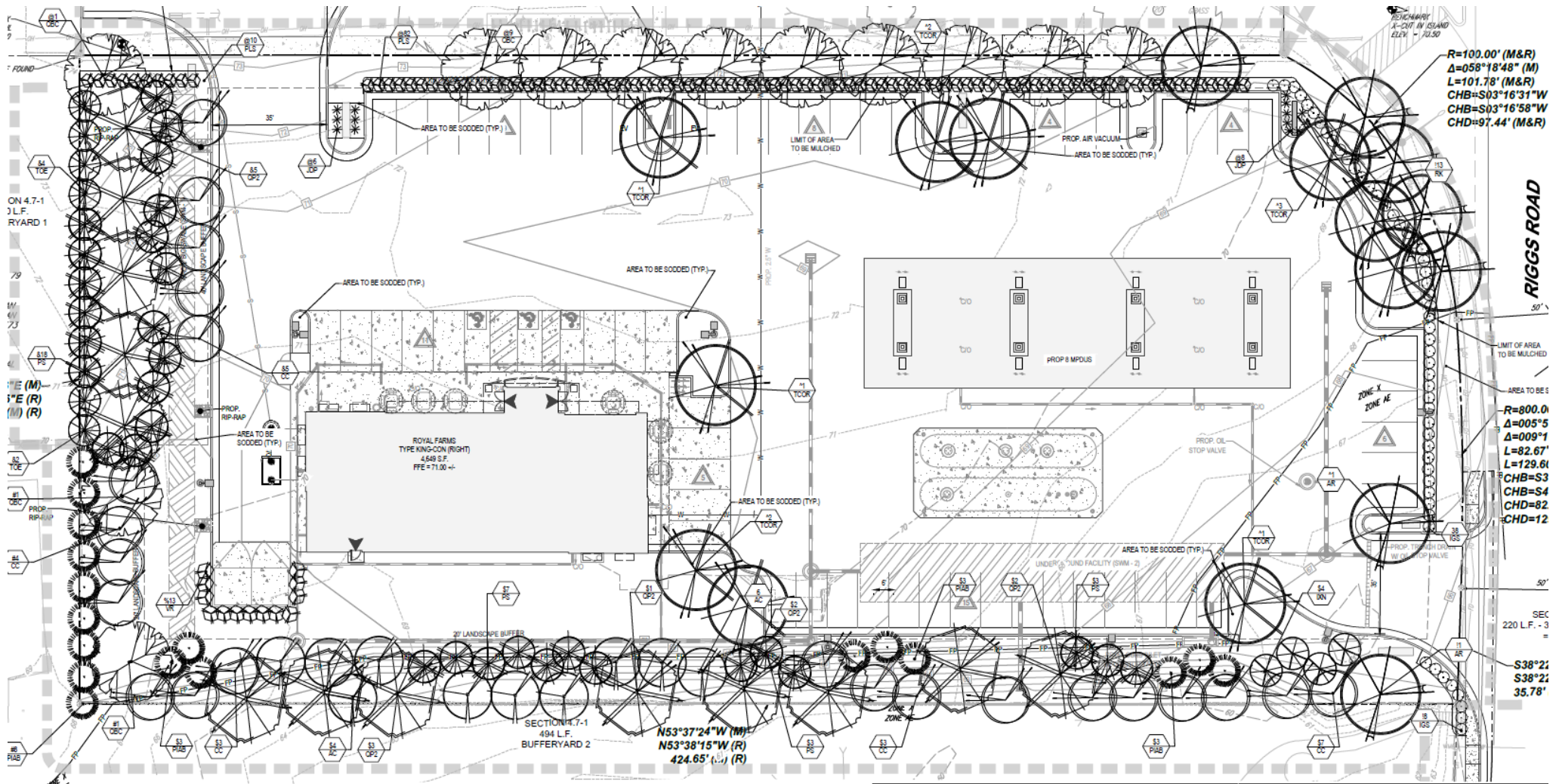
BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



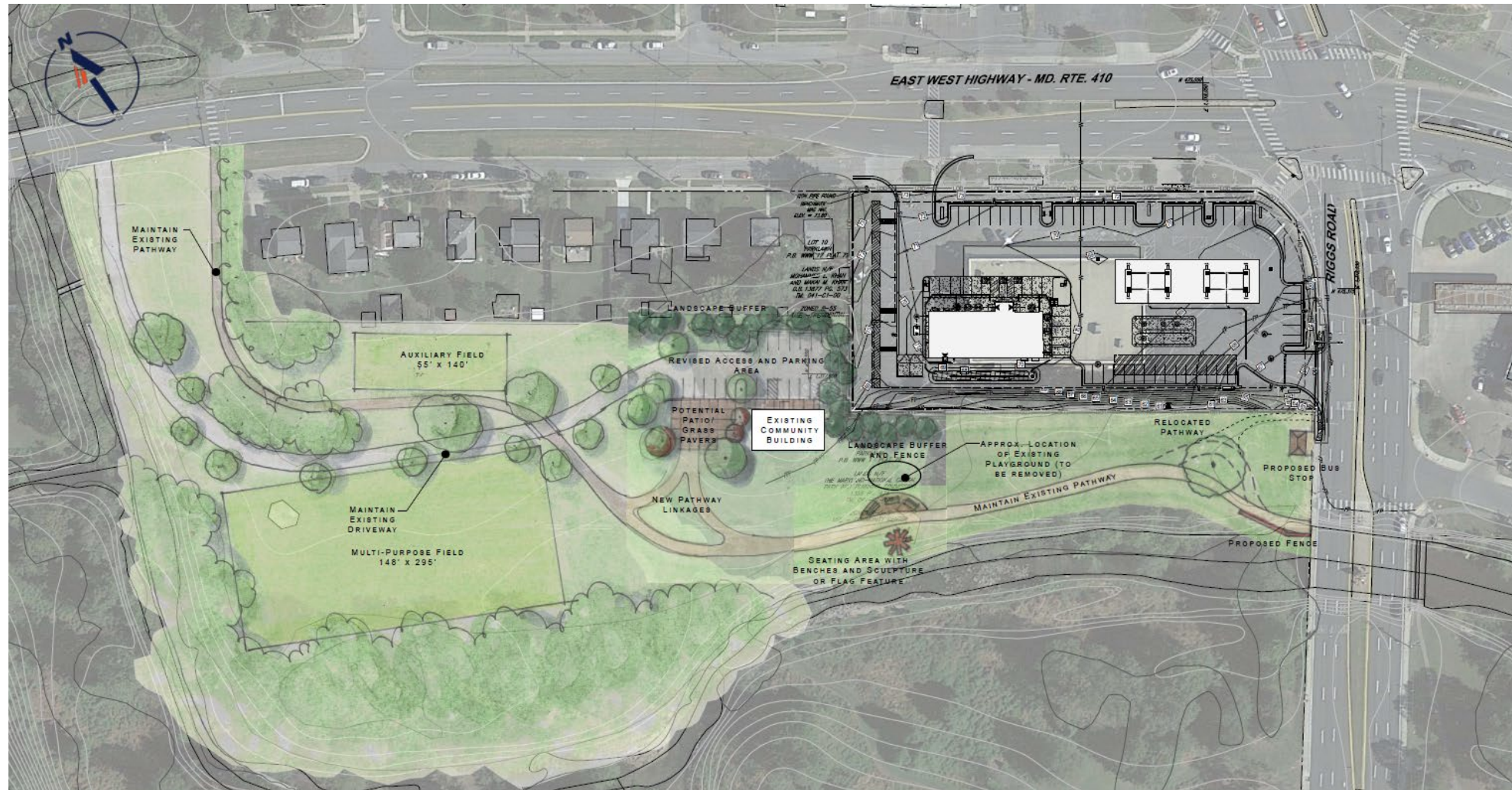
SITE PLAN



LANDSCAPE PLAN



PARKLAWN PARK CONCEPT PLAN



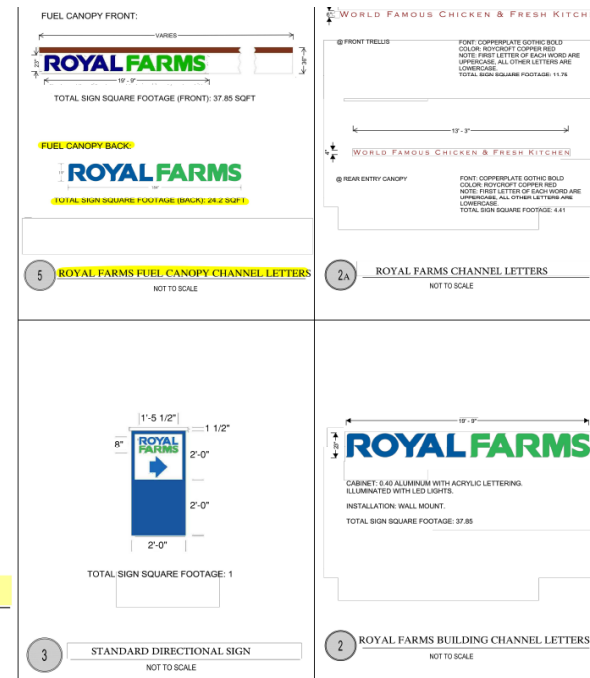
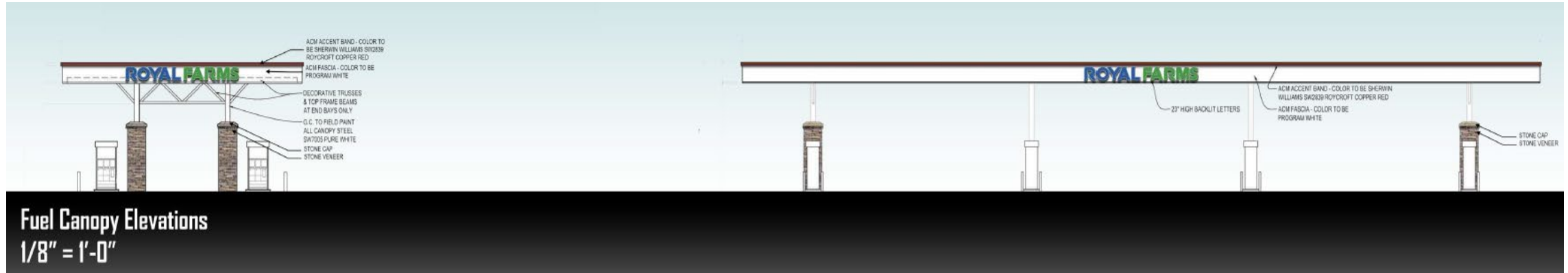
FRONT AND REAR ELEVATIONS



LEFT AND RIGHT ELEVATIONS



FUEL CANOPY AND SIGNAGE 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.

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.

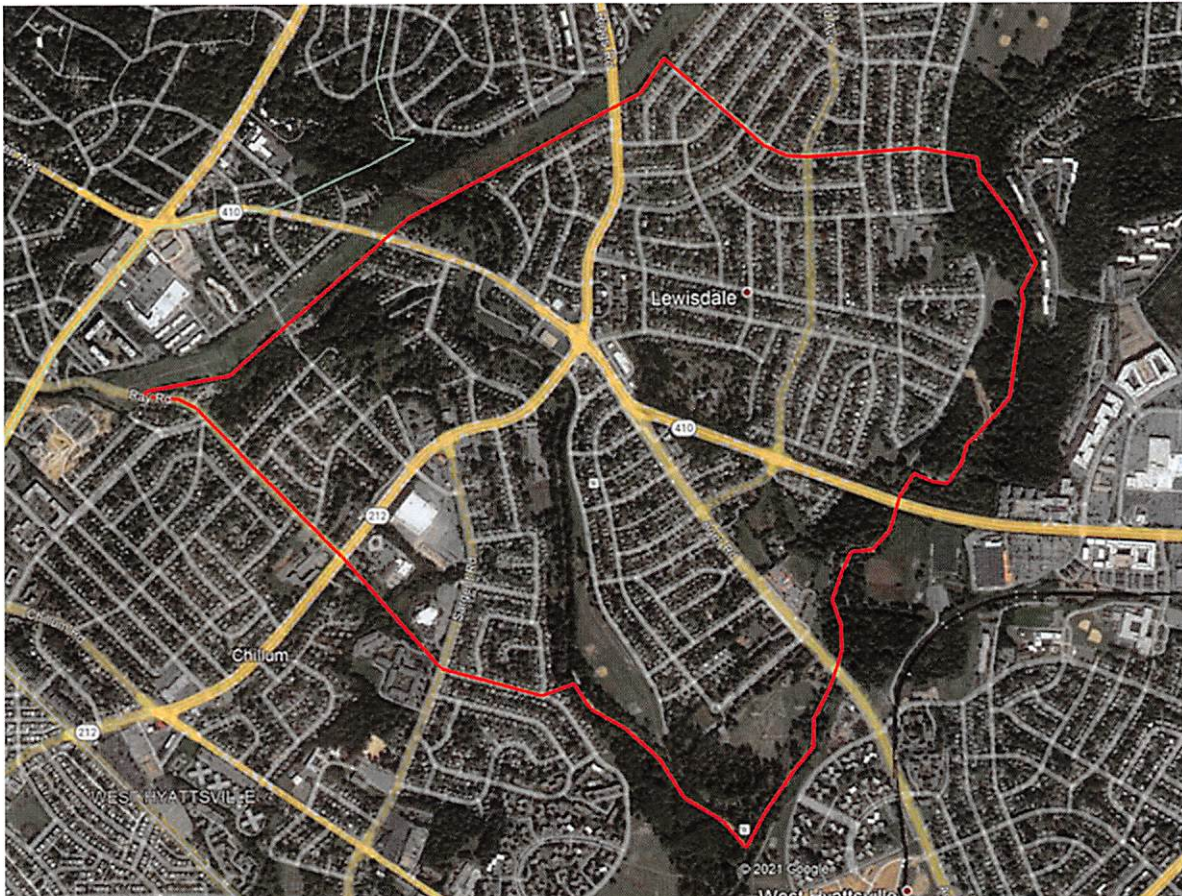
8. Location – The site is located on the southwest quadrant of the intersection of East-West Highway and Riggs Road.
9. Zoned: C-S-C.
10. 200 Sheet – 208NE02.

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 Ordinance¹ 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-

¹ (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 colocation 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 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;**

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.

A handwritten signature in blue ink, appearing to read "Matthew C. Tedesco", written over a horizontal line.

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**

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.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
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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.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Countywide Planning Division
Transportation Planning Section

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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 11th 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-

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

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.

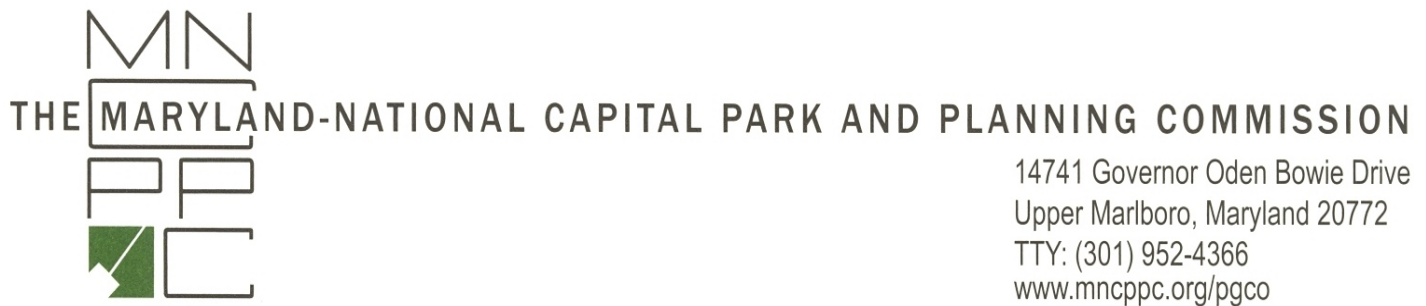
Additional Comments:

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.



Countywide Planning Division
Historic Preservation Section

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

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.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

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](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)
[image019.png](#)
[image020.png](#)
[image021.png](#)
[image022.png](#)
[image023.png](#)
Importance: High

[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
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 18th, 2021**

nd

Major Issues Deadline – December 2 , 2021

SDRC DATE: December 10th, 2021

REFERRAL DUE DATE: January 3rd, 2022 (As shown on TSR Matrix)

- All responses must be emailed to the assigned reviewer and to 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

Click on the hyperlink to view the Acceptance documents:

https://www.dropbox.com/sh/tp3xf4e2clhppy/AACvbLzplrT7u18Zxf4Ls_Jka?dl=0

If you need assistance please contact 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





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

From: Higdon, Patrick E <patrick.e.higdon@verizon.com>
Sent: Friday, November 19, 2021 7:32 AM
To: PGCR referrals; 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](#)



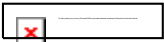
[SE-4846; Royal Farm #393.pdf](#)
66 KB

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](#)

[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

Mob – 304-871-6146

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>; sabbranch@co.pg.md.us; jtarr@co.pg.md.us; 'Kwesi Woodroffe' <kwoodroffe@sha.state.md.us>; 'Tania Brown - SHA' <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; HWARY, SARA <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 18th, 2021**

Major Issues Deadline – December 2nd, 2021

SDRC DATE: December 10th, 2021

REFERRAL DUE DATE: January 3rd, 2022 (As shown on TSR Matrix)

- All responses must be emailed to the assigned reviewer and to 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

Click on the hyperlink to view the Acceptance documents:

https://www.dropbox.com/sh/tp3xf4e2clhppy/AACvblZplrT7u18Zxf4Ls_Jka?dl=0

If you need assistance please contact Cheryl.summerlin@ppd.mncppc.org

Respectfully,

Kenneth (KJ) Staton

Principal Planning Technician | Development Review Division



14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

301-952-5402 | kenneth.staton@ppd.mncppc.org



SIGN POSTING INFORMATION

Application Number: SE-4846

Applicant(s) Name: Royal Farms #393

Date sign(s) were transmitted to applicant or applicant's agent: _____

Number of signs transmitted: Four (4)

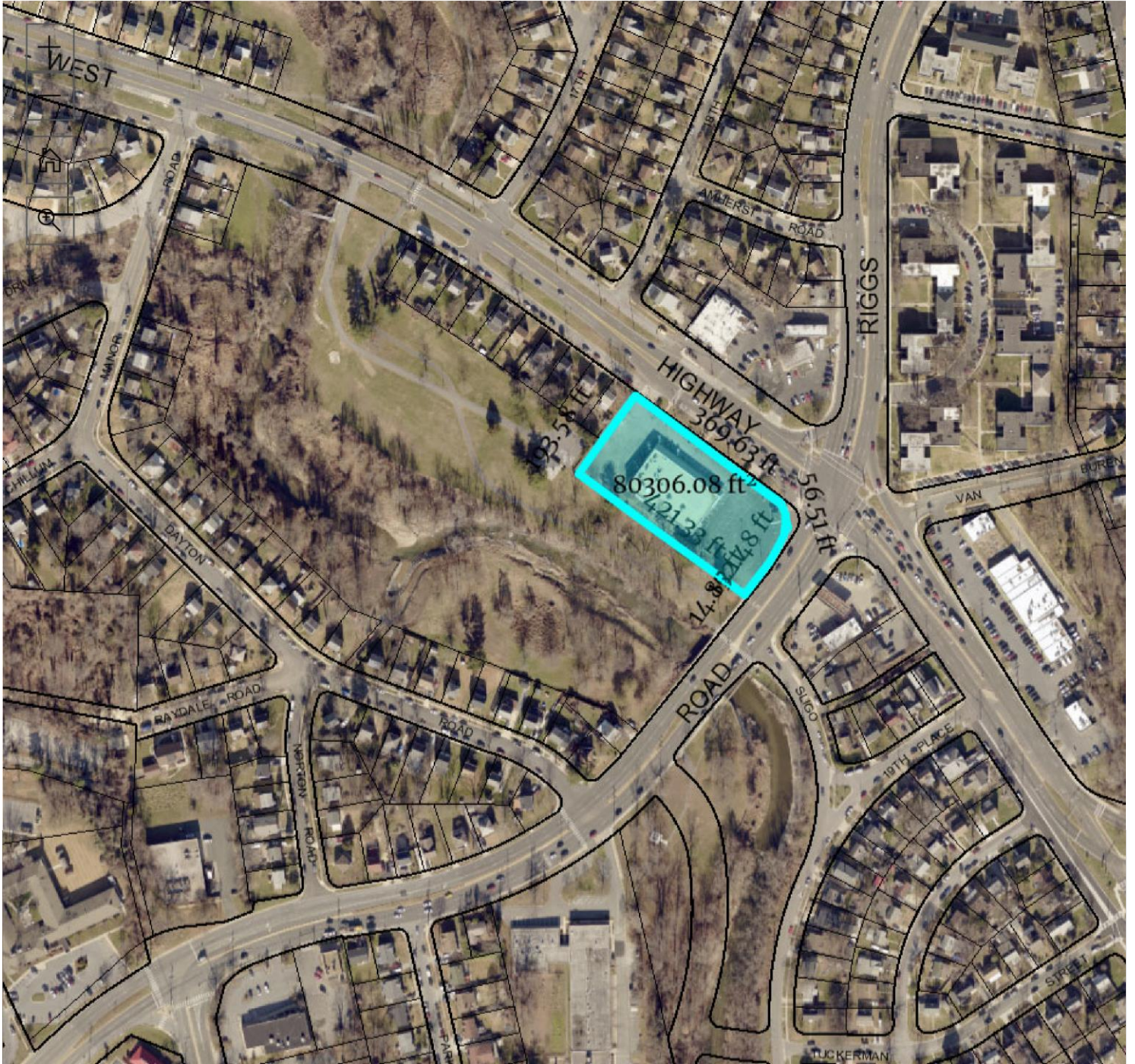
Person to whom signs were transmitted: _____ (Print)

_____ (Signature)

Capacity in which that person was acting: _____
(owner, applicant, agent)

Date of scheduled Zoning Hearing Examiner meeting: August 3, 2022

Last date sign(s) can be posted: July 3, 2022



"#\$%&'()*+,-./0-12%3)425-63)78-+79;:=<?@AB=CDEFGH II ;J<B=CIK:LIM

!#\$%&'()*+,-./0-12%3)425-63)78-+79;:=<?@AB=CDEFGH I JCB D-/- LKSRC SUTR


uv0 9;<5f 9 ?g681234hij 5 GEklm noElStwxw SkENnqkn BoDM@kOG@r@ASRHtCBDSUTR@MnOENnS-IS-tyTNOpsE@pq @ U

VWXYZ[X\]^bcbde

SIGN POSTING AND INSPECTION AFFIDAVIT

I, JOHN LAWALL, hereby certify that the subject property was posted with
(print or type name)
Four (4) sign(s) on 6/30/2022
specify number (date)

I further certify that the signs were inspected no later than the 15th day of posting and were maintained in a reasonable manner. signs inspected 7/15 and all signs are up

Signature: 

Application Numbers: SE-4846 Name: Royal Farms #393

Date: _____

Address: BOHLER ENGINEERING
16701 MELFORD BLVD; STE 310; BOWIE MD 20715

Telephone: 301-809-4500

Capacity in which you are acting: AGENT
(Owner, Applicant, Agent)

NOTE: Attach legible photograph(s) showing sign(s) in place. Return this affidavit and photographs to the Zoning Hearing Examiner no later than 15 days prior to the scheduled Zoning Hearing Examiner meeting (see attached map for posting locations).

* * * * *

The affidavit must be received no later than 15 days prior to the Zoning Hearing Examiner hearing. Failure to deliver the affidavit may result in rescheduling your hearing date or a recommendation for denial of the application.

SIGN POSTING INFORMATION

Application Number: SE-4846

Applicant(s) Name: Royal Farms #393

Date sign(s) were transmitted to applicant or applicant's agent: 6/29/2022

Number of signs transmitted: Four (4)

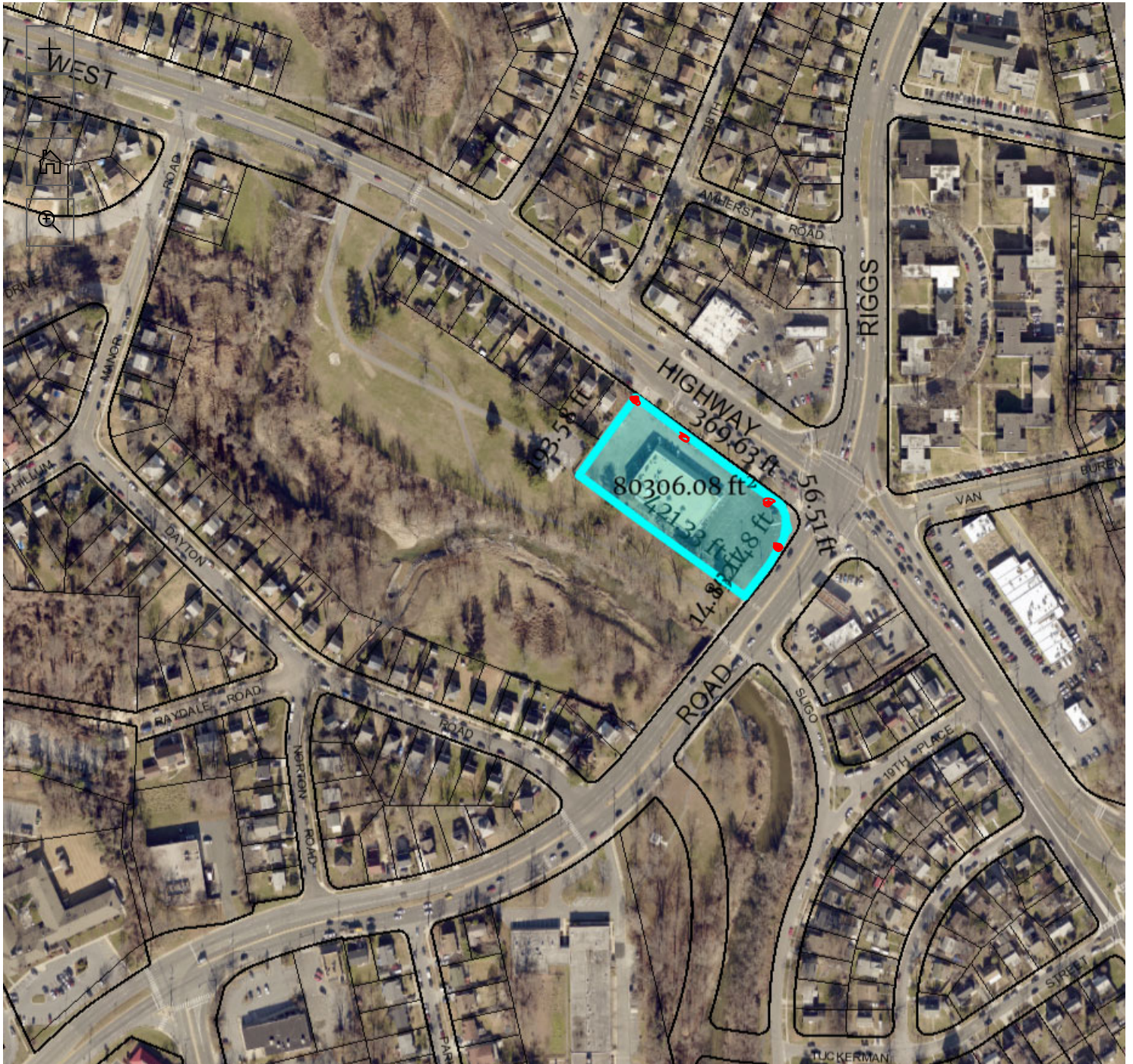
Person to whom signs were transmitted: Lani Barbitta (Print)

Lani Barbitta (Signature)

Capacity in which that person was acting: Agent
(owner, applicant, agent)

Date of scheduled Zoning Hearing Examiner meeting: August 3, 2022

Last date sign(s) can be posted: July 3, 2022



Royal Farms #393
1823 East West Highway
Hyattsville, Prince George's Co, MD

Development Activity

Search Results

Case Number = SE-4846



Development Activity Flowchart

(<https://www.pgatlas.com/Documents/DAMS/DAMS%20>

Case Number SE-4846

Title: ROYAL FARMS #393

Type: SE

Status: PENDING as of 11/18/2021

Zoning Ordinance:

Description

Accepted Date: 11/18/2021

Case Number: SE-4846

Case Reviewer: LOCKHART, DOMINIQUE

Case Type: SE

Description: SPECIAL EXCEPTION TO
CONSTRUCT A 4,655 SQUARE

Items per Page 25 ▼

1 – 1 of 1



SIGN POSTING FOR SE-4846

SIGN 1





SIGN POSTING FOR SE-4846

SIGN 3



SIGN POSTING FOR SE-4846

SIGN 4



NOTICE OF VIRTUAL HEARING

Application Number: SE-4846

Applicant(s) Name: RF East West Hyattsville, LLC

Date and time of scheduled Zoning Hearing Examiner meeting: August 3, 2022 at 9:30 A.M.

Description of Request: Application of RF East West Hyattsville, LLC (Applicant), for a Special Exception: Food or Beverage Store in combination with a Gas Station, the property containing approximately 1.90 acres, and zoned CGO (Commercial, General and Office) located at the southwest quadrant of the intersection of East West Highway (MD 410) and Riggs Road, also identified as 1821 East West Highway, Hyattsville, Maryland.

* * * * *

Attention: Due to the current state of the novel coronavirus (COVID-19) pandemic, and the implications of the Council's Emergency Resolutions including, CR-35-2020, the Zoning Hearing Examiners Office is operating under emergency procedures. As authorized and all or a portion of the hearing will be conducted virtually and in accordance with District Council Rules of Procedure.

Requests to become Persons of Record should be submitted electronically by email to: ZHE@co.pg.md.us no later than 5:00 p.m. on August 1, 2022. Persons of Record will receive an email with information to join the virtual meeting platform. **Once you have received your Notice of Hearing, please provide an email address to ZHE@co.pg.md.us**

If you have not viewed the documents you can find them at <https://pgccouncil.us/LZIS>. Once there select "Guide", then "ZHE", then the application name and hearing date, then "meeting details" and finally "attachments".

Upon notification of an evidentiary hearing before the Zoning Hearing Examiner, any interested party shall submit documents for the record in person, by email, by other electronic portals, or in the County provided drop box. **A copy of all large Site Plans or other documents must be submitted in person in the County provided drop box.** All documents for the record shall be submitted no later than five (5) business days before the scheduled evidentiary hearing. With permission from the Zoning Hearing Examiner, a party may submit supplemental documents for the record closer to the hearing or at the hearing. Any interested party may contact The Office of the Zoning Hearing Examiner to receive a paper copy of a document if the document is not accessible online.

The Zoning Hearing Examiner shall not be responsible for resolving any technical difficulties incurred by any person participating in a virtual/remote hearing.

This notice is for informational purposes only. Per CB-1-2004 you have received this Notice of Public Hearing because you signed up to become a Person of Record. If you have any questions, please contact the Zoning Hearing Examiner at email ZHE@co.pg.md.us. or call (301) 952-3644.

DATE MAILED BY US POSTAL SERVICE/EMAILED: 6/30/2022 to Persons of Record (List attached to original in file)

October 12, 2021

RF East West Hyattsville, LLC
c/o Matt Tedesco, Esq.
McNamee Hosea
6411 Ivy Lane
Suite 200
Greenbelt, MD 20770

Re: Terms of an Agreement between Royal Farms and the Maryland-National Capital Park and Planning Commission ("Commission") for Improvements at Commission-owned Parklawn Park

Dear Mr. Tedesco:

RF East West Hyattsville, LLC ("RFEWH") is the proposed developer and lessee of a property located at the corner of East-West Highway and Riggs Road in Prince George's County, having an address of 1821 East West Highway, Hyattsville, Maryland 20783. The property is tax parcel 17-1890581, Map 41, Grid C-1, Parcel 0000 ("RF Property"). It is zoned C-S-C and improved with a commercial strip shopping center.

The Commission is the owner of 15 acres of property known as Parklawn Recreation Building Park (N72) located at 1601 East-West Highway, Hyattsville, Maryland 20783. The property is tax parcel 17-1914654, Map 41, Grid C-1, Parcel 175 ("Commission Property"). 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, playfield, parking lot, roadways, and other natural amenities.

The RF Property and the Commission Property abut and are contiguous with each other.

RFEWH seeks to redevelop the RF Property with a convenience store (food or beverage) and gas station (the "Project"). In the C-S-C zone, a gas station use is permitted by special exception¹. One of the criteria that an applicant must satisfy to obtain a special exception for said use is to demonstrate that the property is located at least 300' from any lot on which an outdoor playground is located. At the request of, and with guidance and input from the Park Planning and Development staff, RFEWH has prepared (at its expense) a "Master Plan" that would re-envision Parklawn Park without a playground.

RFEWH has asked the Commission to consider removing its playground so that the RF Property will satisfy the criterion for a special exception related to Section 27-358(a)(2). RFEWH proposes to design, construct and pay for improvements to Parklawn Park as generally described in the Master Plan and outlined below, as compensation to the Commission for the loss of the existing playground.

Listed below is an outline of the basic terms of our agreement. They reflect extensive discussions

¹ Prince George's County Zoning Ordinance 27-358(a)(2).

to date between representatives of RFEWH and the Prince George's County Department of Parks and Recreation ("DPR"). This letter is not binding on either RFEWH or the Commission.

Improvements to be made at Parklawn Park

The existing Parklawn Recreation Building Park is an active neighborhood park with recreational facilities/amenities that are heavily used. The concept Master Plan sets forth a variety of amenities, and at this time, the following amenities are of most interest to DPR (but could be revised as a result of Mandatory Referral and final design, subject to the cost cap agreed to by the parties):

Proposed Park Facilities/Amenities
1. Improvements to entrance to Park from East-West Highway
2. Improvements to entrance to Park from Riggs Road
3. Improvements to existing 148' x 295' rectangular natural grass play field: regrade, reseed, line
4. Re-pave and realign existing paved asphalt trail
5. Create 10 additional parking spaces
6. Construct ornamental fencing in locations as required

RFEWH agrees to design, construct and fund the above list of improvements to the Commission's Park. The parties shall execute a Recreation Facilities Agreement ("RFA") as soon as reasonably possible from the date that this letter is fully executed, but no later than the date of the final approval of the proposed special exception (SE-4846). The RFA will include the following:

- a. RFEWH's construction and funding for the Parklawn Park improvements by RFEWH are contingent on the Project being approved, permitted, and moving forward.
- b. RFEWH shall make best efforts to complete the improvements as per the final design. The total value of the design and construction of the improvements shall not exceed \$400,000.00. Should RFEWH complete all items on the final design for under \$400,000.00, DPR and RFEWH may agree on additional item(s) to total \$400,000.00 or a fee payment from RFEWH for the difference.
- c. RFEWH agrees to design, permit, construct and fund the improvements as per the final design. To maximize the improvements to the Commission's Park, the Commission will seek a waiver of the permit fees (exclusive of any stormwater management fees) for the proposed improvements.

Timing of and Removal of Existing Playground

Should the Special Exception be approved and permits for the Project issued, but prior to the start of any construction by RFEWH on the RF Property, the existing playground shall be removed pursuant to the terms of the RFA. While it is anticipated that the Commission will remove the playground, the cost for the removal of the existing playground shall be funded by RFEWH / reimbursed to Commission. If, however, the Commission does not remove the playground, pursuant to the terms of this letter and the RFA, RFEWH may remove the playground at its cost.

Further, if, for any reason, and notwithstanding whether SE-4846 is approved, RFEWH elects not to proceed with the Project or is unable to obtain building permits for the Project, (1) RFEWH will have no obligation to construct and/or fund improvements to the Parklawn Park, as the construction and funding for the Parklawn Park improvements by RFEWH are contingent on the Project being approved, permitted, and moving forward; (2) the Commission will have no obligation to remove (or allow RFEWH to remove) the playground; and (3) RFEWH will provide Commission with the designs for the improvements in case Commission elects to build some or all of them on its own in the future.

Procedural Requirements

The Commission understands that RFEWH is in the process of obtaining the necessary zoning approvals for the RF Property (to wit: SE-4846). The following procedural steps will be needed:

1. RFEWH will continue discussions and work with DPR staff to finalize the Master Plan for Parklawn Recreation Building Park and design of the facilities/improvements.
2. Upon RFEWH's completion of the final Master Plan design, DPR will immediately facilitate the Mandatory Referral Process with the Commission's Prince George's County Planning Department.
3. DPR will prepare an RFA for the removal of the existing playground and the construction of new facilities at Parklawn Recreation Building Park.
 - a. The RFA shall be executed as soon as reasonably possible from the date that this letter is fully executed, but no later than the date of the final approval of the proposed special exception (SE-4846).
 - b. The RFA shall include language for bonding or financial guarantees that the facilities will be constructed and be contingent on the Project being approved, permitted, and moving forward.
 - c. The RFA shall determine the exact timing for the completion of the specified facilities and the removal of the playground consistent with the terms of this letter.
 - d. The RFA shall otherwise be consistent with the terms set forth above.

Should Royal Farms be in concurrence with the terms referenced terms, please indicate your agreement by acknowledging and signing below.


Sincerely,

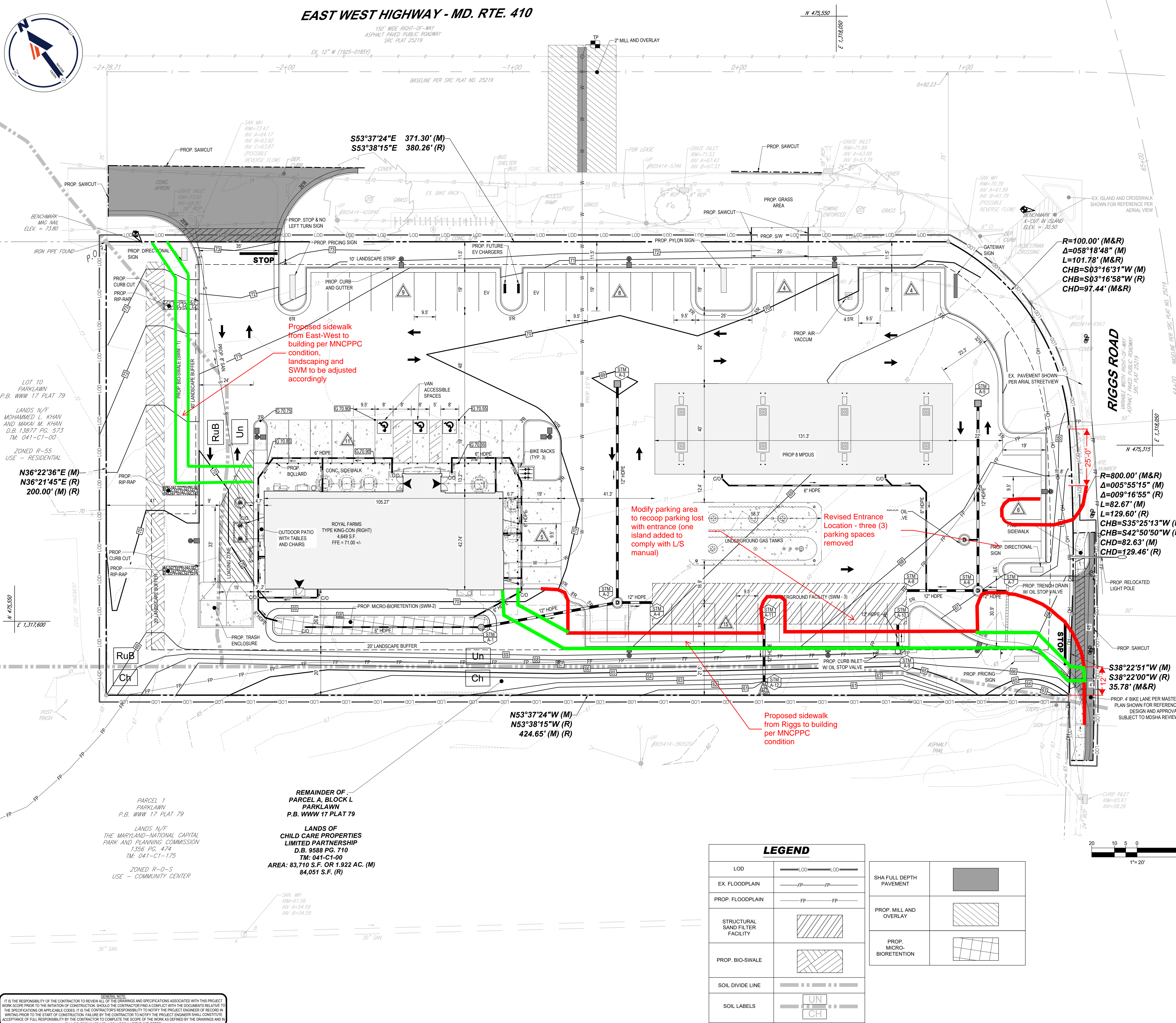
Bill Tyler
Bill Tyler (Oct 18, 2021 11:32 EDT)

Bill Tyler, Director
 Department of Parks and Recreation

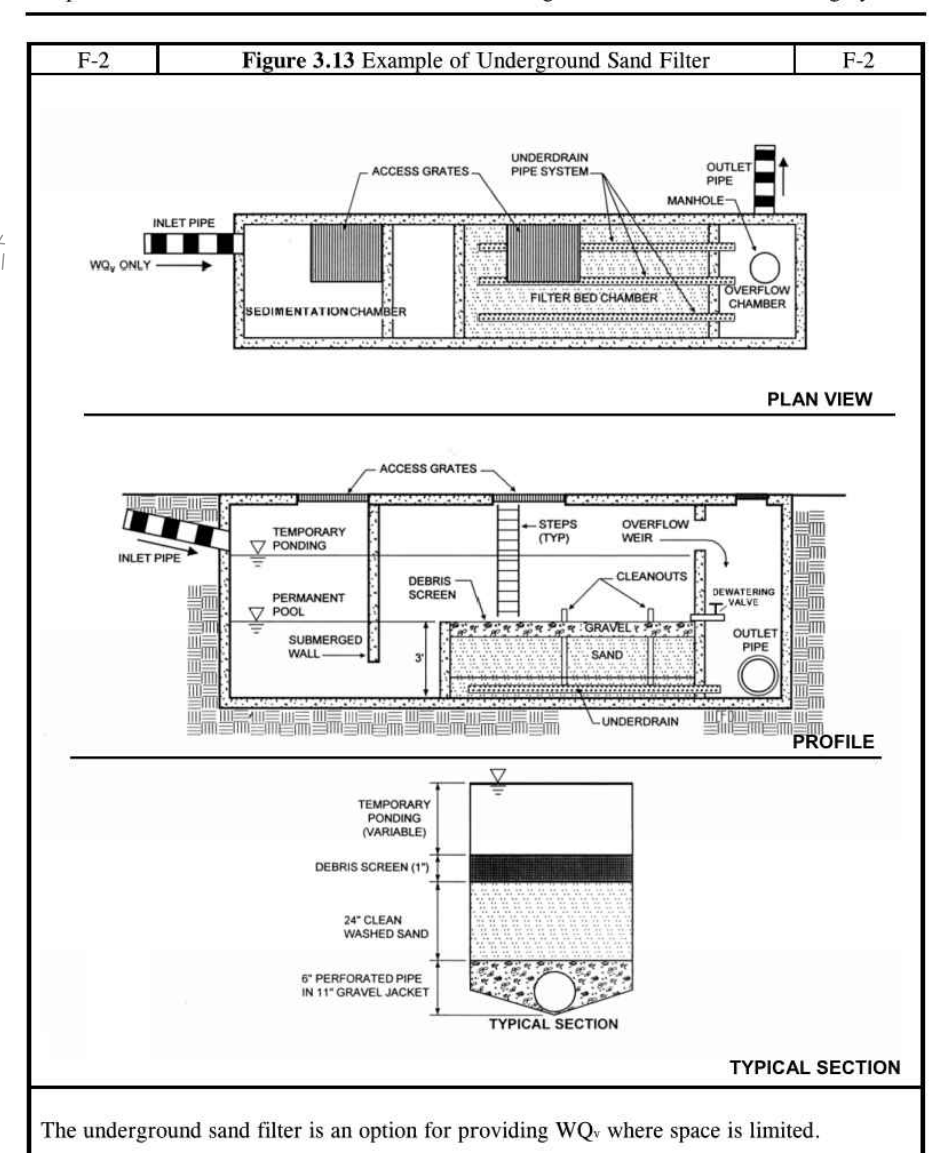
cc: Christian Gabriel, Deputy Director
 Kristen Maneval, Associate General Counsel
 Bridget Stesney, Division Chief, Park Planning and Development
 Sonja Ewing, Park Planning, Acquisition, Program Manager
 Paul Sun, Land Acquisition Specialist

ACKNOWLEDGED AND AGREED:

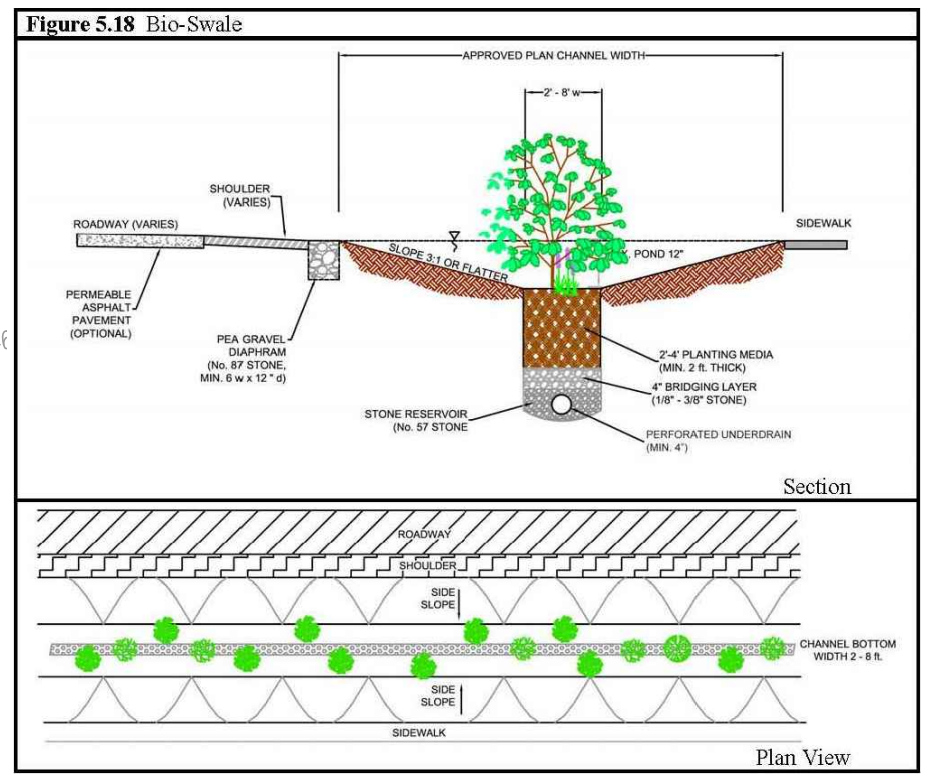
RF East West, Hyattsville, LLC
By: 
Name: John Kemp
Title: President



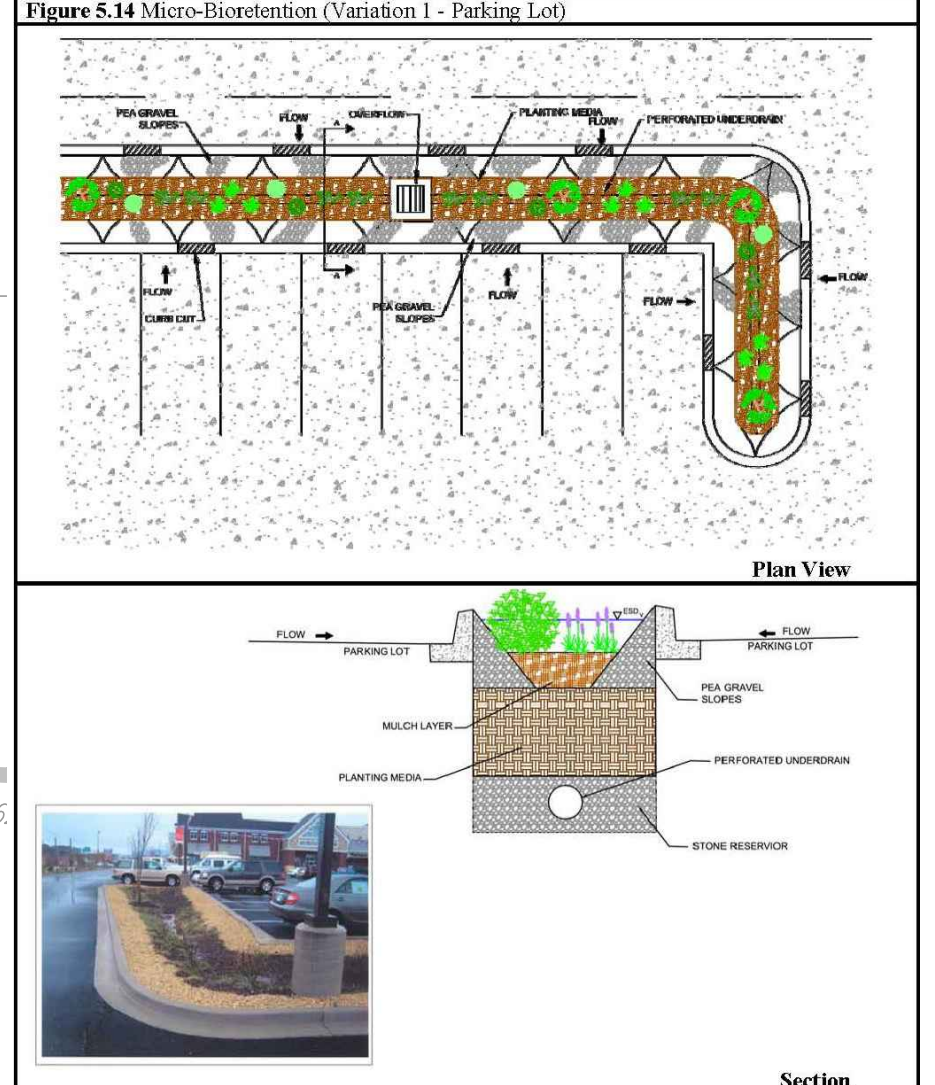
Chapter 3. Performance Criteria for Urban BMP Design Stormwater Filtering Systems



UNDERGROUND SAND-FILTER DETAIL
NOT TO SCALE



BIO-SWALE DETAIL
NOT TO SCALE



BIO-RETENTION DETAIL
NOT TO SCALE

BOHLER
SITE CIVIL AND CONSULTING ENGINEERING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

REVISIONS				
REV	DATE	COMMENT	DRAWN BY	CHECKED BY
1	06/18/2021	PER DP/IE	AAT	HDC
2	04/15/2022	PER DP/IE	KCE	BK

811
Know what's below.
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ALWAYS CALL 811
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FOR CONCEPT PURPOSES ONLY

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.: MB202122
DRAWN BY: AAT
DATE: 11/30/2020
CAD ID: SITE

SITE DEVELOPMENT CONCEPT PLAN
FOR
ROYAL FARMS #393

LOCATION OF SITE
1823 EAST WEST HIGHWAY
PRINCE GEORGE'S COUNTY
HYATTSVILLE, MD 20783
17TH ELECTION DISTRICT
TM: 41, GRID: C1

BOHLER
16701 MELFORD BLVD., SUITE 310
BOWIE, MARYLAND 20715
Phone: (301) 809-4500
Fax: (301) 809-4501
MD@BohlerEng.com

J. DIMARCO
PROFESSIONAL ENGINEER
PROFESSIONAL CERTIFICATION
J. DIMARCO, HEREBY CERTIFY THAT
THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 34389, EXPIRATION DATE 12/23/2022

SHEET TITLE:
SITE DEVELOPMENT CONCEPT PLAN

SHEET NUMBER:
2

REVISION 2 - 04/15/2022

Apr 27, 2022
H:\00000000\12\DRAWINGS\PLAN SET\SITE DEVELOPMENT CONCEPT PLAN\MB202122 - SITE - 0 - LAYOUT 2-SDCP

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT. WORK SHALL BE COMPLETED PRIOR TO THE START OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A DISCREPANCY BETWEEN THE DRAWINGS AND THE SPECIFICATIONS OR ANY OTHER CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DESIGNED BY THE DRAWING AND ALL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

STATE OF MARYLAND

Department of Assessments and Taxation

I, MICHAEL L. HIGGS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE DEPARTMENT, BY LAWS OF THE STATE, IS THE CUSTODIAN OF THE RECORDS OF THIS STATE RELATING TO LIMITED LIABILITY COMPANIES , OR THE RIGHTS OF LIMITED LIABILITY COMPANIES TO TRANSACT BUSINESS IN THIS STATE, AND THAT I AM THE PROPER OFFICER TO EXECUTE THIS CERTIFICATE.

I FURTHER CERTIFY THAT RF EAST WEST HYATTSVILLE, LLC (W20377974) , REGISTERED MARCH 16, 2020, IS A LIMITED LIABILITY COMPANY EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF MARYLAND, AND THAT THE LIMITED LIABILITY COMPANY IS AT THE TIME OF THIS CERTIFICATE IN GOOD STANDING TO TRANSACT BUSINESS.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY SIGNATURE AND AFFIXED THE SEAL OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF MARYLAND AT BALTIMORE ON THIS JUNE 01, 2022.



Michael L. Higgs
Director



301 West Preston Street, Baltimore, Maryland 21201
Telephone Baltimore Metro (410) 767-1340 / Outside Baltimore Metro (888) 246-5941
MRS (Maryland Relay Service) (800) 735-2258 TT/Voice

Online Certificate Authentication Code: y-SOaEvILEyGIDCikJ-8ng
To verify the Authentication Code, visit <http://dat.maryland.gov/verify>

EDWARD M. STEERE, AICP, MSRE

3915 Saint Paul Road • Hampstead, Maryland 21074

410-937-4073 • EMSPlanning@comcast.net

Land Use Planning • Real Estate Development • Project Management • Market Analysis
Client Relations • Business Development • Relationship Development • Operational Enhancements
Financial Management • Due Diligence • Appraisal • Budgeting • Social Media Marketing

PROFESSIONAL EXPERIENCE

VALBRIDGE PROPERTY ADVISORS | BALTIMORE WASHINGTON METRO, Marriottsville, Maryland • 2017-Present

A national real estate advisory consulting firm, with a strong emphasis on commercial and special property valuation, as well as real estate advisory and strategy services.

Senior Managing Director

I am a national lead on all non-appraisal products and services, including site feasibility, market analysis, impact on value assessments, zoning, real estate economics, tax increment financing, special exception expert testimony, fiscal impact and housing studies.

- Consult directly to financial institutions in support of proposed development projects and production of HUD studies.
- Consult and collaborate with affordable housing developers with market analysis and product positioning.
- Provide needs analysis, impact on value and highest and best use analyses for specific uses.
- Consult directly to property owners and developers to manage land use and zoning matters.
- Consult to the legal community for expert witness testimony.
- Collaborate with other consultants to create a comprehensive development team, in addition to analysis and reporting for real estate development projects.
- Coordinate national clients and study parameters.

LIPMAN, FRIZZELL & MITCHELL, LLC, Columbia, Maryland • 2016-2017

A 40-year old real estate valuation and advisory firm serving the Baltimore-Washington regional market.

Senior Associate

I was responsible for all the planning and analysis projects in the mid-Atlantic area, as the principal and producer of a variety of products. Products included market analysis, site and market feasibility, impact on value studies, expert testimony in zoning and real estate economics, community strategy, tax increment financing studies, and workforce studies.

- Analyze and produce market studies for tax credit financing in Maryland, Pennsylvania and Washington, DC.
- Consult directly to financial institutions in support of proposed development projects (both affordable and market rate) and production of HUD studies.
- Consult directly to property owners and developers to manage land use and zoning matters.
- Consult to the legal community for expert witness testimony.
- Collaborate with other consultants to create a comprehensive development team, in addition to analysis and reporting for real estate development projects.

EMSPLANNING, LLC, Aberdeen, Maryland • 2011-2015

A local independent planning consulting practice, focused on providing affordable planning, development and expert solutions to property owners and investors, as well as subcontracting and partnerships with other consulting interests.

Principal

A sole proprietor format business, wherein I was the principal, project manager, and sometimes producer, of services for clients seeking real estate development solutions. Creating collaborations and partnerships of peer professionals to accomplish tasks and projects.

- Consult directly to property owners and developers to manage land use and zoning matters.
- Consult to the legal community for expert witness testimony.
- Collaborate with other consultants to create a comprehensive development team, in addition to analysis and reporting for real estate development projects.

HUMMINGBIRD MANOR, LLC, Aberdeen, Maryland • 2008-2021

Purchased and restored a historic National Register Victorian house into a 15-bed affordable assisted living facility in partnership with my spouse.

Member, Chief Financial Officer

Act as business manager and facilities manager, maintaining the grounds and performing incidental repairs. Employ 8 certified medical staff providing care 24/7, and manage outside contractors. Coordinate payroll and accounting as CFO. Conduct extensive community networking and outreach, and design and administer website and blog.

- Created comprehensive business plan winning financing for project converting a historic house into an assisted living facility, and achieved profitability in a down market.
- Designed effective marketing efforts using social media, sustaining venture during lengthy state licensing process.

REAL PROPERTY RESEARCH GROUP, INC, Columbia, Maryland • 2013-2014

A national real estate market research firm, providing developers, lenders, investors, non-profits and state and local governments with detailed market research, feasibility and analysis.

Analyst

Focused on multifamily residential projects, work tasks involve the analysis of market area, demographics, economics and communities to derive supply and demand, affordability, penetration and absorption.

- Manage associates research tasks, compile and analyze data, coordinate with local stakeholders.
- Draft and publish comprehensive reports for submission to lenders, HUD and state governments for support of developer financial applications.

FREDERICK WARD ASSOCIATES, Bel Air, Maryland • 2005-2011

Integrated, multidisciplinary firm providing comprehensive planning, engineering, architecture and surveying services throughout the Mid-Atlantic Region for over 50 years.

Director of Business Development • 2008-2011

Spearheaded business development and marketing strategy as right hand of the president, including sponsorships, social media marketing and special events. Developed proposals and assembled project teams. Worked closely with clients in order to enhance reputation of firm as a responsive, reliable partner.

- Sustained firm during prolonged market downturn by expanding business development efforts and teaching networking, prospecting and salesmanship skills to senior staff.
- Developed productive, long-term business relationships with organizations such as the US Army, defense contractors and a Fortune 500 company.

Senior Planner • 2005-2008

Spearheaded collaborative planning efforts with clients, introducing “teaming” concept and Client Services Director role. Prepared development plans, planning studies, feasibility studies, and due diligence reports. Coordinated teams of engineers, surveyors, drafters and other professionals on all projects. Enhanced corporate communication by embracing cutting-edge technology.

Key Highlights as Senior Planner:

- Ensured departmental profitability by clarifying project roles, and enhancing teamwork and communication leading to greater efficiency and improved client relations.
- Authored BRAC transportation study widely used to promote regional transportation improvements.
- Retained as expert witness in front of Boards of Appeals and Planning Commissions.

LIPMAN, FRIZZELL AND MITCHELL, Columbia, Maryland • 2002-2005

Commercial real estate appraisal firm with 20 employees working mostly on commission.

Associate Market Analyst

Compiled detailed market reports including analysis and illustration of statistics and demographic data to help clients obtain project financing. Analyzed market feasibility of Baltimore community planning efforts. Performed property appraisal fieldwork and reporting as necessary.

- Streamlined data collection and tabulation by developing standard production format and selecting appropriate data vendors.
- Instituted GIS for map analysis and report production.

HARFORD COUNTY DEPARTMENT OF PLANNING AND ZONING, Bel Air, Maryland • 1990-2001

Fast growing county in Baltimore/Washington metro area, on the I-95 corridor fronting Chesapeake Bay.

Senior Planner

Spearheaded development review for urban and waterfront planning. Operated a public access desk helping individuals, developers, surveyors and engineers with zoning matters. Represented county in public hearings and meetings as a government expert.

- Designed public database tracking development projects every step of the way, ultimately uncovering inefficiencies and shortening development review process by 30%.
- Developed reputation as an apolitical expert on zoning matters, concerned with serving the community rather than protecting my position.

CHESTER COUNTY PLANNING COMMISSION, West Chester, Pennsylvania • 1988-1990

Planner

- Responsible for state-mandated development review, zoning code, subdivision regulation, and comprehensive plan review for 73 municipalities.
- Taught local elected officials planning principles.
- Produced technical planning practice design documents.

FAIRFAX COUNTY DPW, UTILITIES PLANNING & DESIGN, Fairfax, Virginia • 1987-1988

Engineering Technician (temporary grant funded position)

- Responsible for the Storm Sewer Inventory.
- Provided research and drafting for capital improvement projects for roads, parking garages, sewers, bridges, etc.

EDUCATION

Master of Science in Real Estate

Johns Hopkins University, Carey Business School • Baltimore, Maryland

Master of Legal and Ethical Studies and Master of Public Administration (Coursework)

University of Baltimore • Baltimore, Maryland

Bachelor of Fine Arts in Geography

Syracuse University, Maxwell School of Citizenship and Public Affairs • Syracuse, New York

CERTIFICATIONS AND MEMBERSHIPS

American Planning Association – American Institute of Certified Planners #011075

Lambda Alpha International – Honorary Land Economics Society

Maryland Affordable Housing Coalition • Friends School of Harford Board of Trustees

Harford County Economic Development Advisory Board

Habitat for Humanity Susquehanna Chapter, Resource Development Committee

Maryland Economic Development Association • Society of American Military Engineers

Harford Leadership Academy Board of Directors • Maryland Forest Professional

Boy Scouts of America, Baltimore Area Council District Committee

COMPUTER SKILLS

MS Office Suite • Word • Excel • MS Project • Visio • Access • Photo Editing Suites

Lotus • dBase • ArcView • Quantum • Adobe Acrobat • Nuance PDF Converter • QuickBooks



**JOSEPH J. CALOGGERO, P.E.,
PTOE, PTP
Vice President**



“A Leader in Sustainable Transportation Solutions”

Joe Caloggero is a professional Traffic Engineer who brings over 30 years of both technical and academic experience to The Traffic Group, Inc. His responsibilities include, but are not limited to, various traffic engineering and managerial tasks in the areas of traffic impact analysis, traffic safety studies, and transportation planning. He has managed over 500 Land Development Projects and has testified as an expert witness for various projects in many different jurisdictions.

Previously, Mr. Caloggero served as a Traffic Engineer for Parsons Brinckerhoff Quade & Douglas, Inc. and the Maryland State Highway Administration. During his career, he has performed various traffic engineering tasks, including traffic signal design, highway and intersection capacity analysis, maintenance and protection of traffic design, and transportation planning.

Job History

2000 - Present

Traffic Engineer/Vice President
The Traffic Group, Inc.

1998 – 2000

Traffic Engineer
Parsons, Brinckerhoff, Quade & Douglas, Inc.

1993 - 1998

Traffic Engineer
Maryland State Highway Administration

Educational Background

- **Bachelor of Science in Civil Engineering**
West Virginia University, Dec. 1991

Publications

- Co-author, "*Positive Guidance in Maryland—Guidelines and Case Studies*," Maryland State Highway Administration Document, July 1997.
- Co-author, "*Highway Agency Tort Liability and Risk Management Relative to Pedestrian Facilities*," Proceedings of Conference on Risk Management and Tort Liability, Pennsylvania State University, April 1993.

Places where Mr. Caloggero has testified as an expert witness

DELAWARE

- Kent County, DE – Regional Planning Commission

MARYLAND

- Baltimore County – Zoning Commissioner, Board of Appeals
- Calvert County – Board of Appeals
- Carroll County – Board of Zoning Appeals, Planning and Zoning Commission
- Charles County – Board of Appeals
- City of Brunswick – Mayor and Council
- City of Frederick – Planning Commission, Board of Appeals
- City of Hagerstown – Planning Commission, Mayor & City Council
- City of Rockville – Board of Appeals
- Frederick County – Planning Commission, Board of Appeals, Board of County Commissioners
- Howard County – Hearing Examiner, Board of Appeals
- Montgomery County – Hearing Examiner, Planning Board
- Prince George's County – Hearing Examiner, Planning Board
- St. Mary's County – County Commissioners, Planning Commission
- Town of La Plata – Planning Commission
- Town of Mount Airy – Board of Zoning Appeals
- Town of Rising Sun – Planning Commission
- Town of Taneytown – Planning Commission
- Town of Thurmont – Planning Commission
- Town of Walkersville – Board of Appeals

VIRGINIA

- City of Manassas, VA – Planning Commission
- Town of Front Royal, VA – Planning Commission, Town Council

PROJECT TEAM



Joseph DiMarco, PE

Senior Project Manager

Joe serves as a Senior Project Manager in our Bowie, Maryland office. With over eleven years of design and land development experience, he is responsible for a wide range of commercial, residential, mixed-use and industrial developments.

Joe's specialties include site feasibility analysis/due diligence, zoning/subdivision code interpretation, planning and site layout, vehicular circulation, landscaping design, site grading, stormdrain design, road design, water and sanitary sewer design, stormwater management facility design, and erosion and sediment control design and implementation.

JDIMARCO@BOHLERENG.COM

EDUCATION

B.S. Civil Engineering
University of Maryland

PROFESSIONAL LICENSES

MD PE #34390

PROFESSIONAL AFFILIATIONS

American Society of Civil Engineers
Maryland Society of Professional Engineers
NAIOP DC/MD
University of Maryland,
College Park Alumni Association

RELEVANT EXPERIENCE

- + Landing at Woodyard, Clinton, MD
- + McDonald's, 20+ Sites in Southern Maryland
- + National Children's Medical Center at Woodmore Towne Center, Glenarden, MD
- + Magnolia Garden's Nursing Facility at Doctor's Community Hospital, Lanham, MD
- + FutureCare Skilled Nursing Facility, Landover, MD
- + St. Mary's Marketplace, California, MD
- + Wawa, 10+ Sites in Southern Maryland
- + Patient First, Clinton and Beltsville, MD
- + Standard at College Park, College Park, MD
- + National Capital Business Park, Upper Marlboro, MD

RELEVANT EXPERIENCE LONG DESCRIPTIONS

- + Standard at College Park, College Park MD
Entitlement and civil design approvals for a nine story, 283 unit mixed use apartment building with ground floor retail. Site design included grading, flood management, stormwater treatment, utility design and landscaping.
- + National Capital Business Park, Upper Marlboro, MD
Entitlement and civil design approvals for a 5.5 million square foot industrial park. Site design included grading, design for two County roadways, County and State road improvements, flood management, stormwater treatment, utility design and landscaping.

Mark G. L. Ferguson, R.A.

Senior Land Planner

Site Design, Inc./RDA

5407 Water Street, Suite 206

Upper Marlboro, Maryland 20772

(301) 952-8200

mglferguson@engsite.tech

Education:

Bachelor of Architecture

University of Maryland, College Park, 1985

Licensure:

Registered Architect

Maryland Registration #7621, 1987

Employment:

5/05 to Present:	Senior Land Planner RDA Engineering Company, Inc./Site Design, Inc. Upper Marlboro & Largo, Maryland
5/99 to 5/05:	Principal Mark G. L. Ferguson, R.A., Architect & Planner Hyattsville, Maryland
5/89 to 5/99:	Architect/Planner Robertson-Dhalwala Associates, LLC Upper Marlboro, Maryland Prince Frederick, Maryland
9/87 to 5/89	Architect AIP Architects Adelphi, Maryland
6/85 to 9/87	Intern Architect AIP Architects Adelphi, Maryland
2/84 to 6/85	Intern AIP Architects Adelphi, Maryland

Professional Experience:

Mr. Ferguson has broad experience in the fields of architecture, land planning and civil engineering, with projects ranging in scope from small residential additions to community planning. He has provided expert planning testimony before the Circuit Court for Prince George's County, the Prince George's District Council, Planning Board, Zoning Hearing Examiner and Board of Zoning Appeals for numerous planning cases, as well as testimony before similar boards in other Southern Maryland jurisdictions.

Cases on which Mr. Ferguson has provided expert testimony or litigative assistance include:

- Queens Chapel Town Center
Hyattsville, Maryland
Expert planning testimony in a request to amend the conditions of the zoning approval allowing continuation of an existing restaurant with drive-through service in the C-S-C (T-D-O) zone in the West Hyattsville Local Center.
- National Capital Business Park (formerly Willowbrook)
Upper Marlboro, Maryland
Expert planning testimony in application A-9968/03, requesting revision of the Basic Plan and prior conditions of the zoning approval for a planned community in the R-S comprehensive design zone being developed under the E-I-A Zone's table of uses and standards.
- Signature Club at Manning Village
Accokeek, Maryland
Expert planning testimony in a request to amend conditions of the zoning approval A-9960-C for a tract in the M-X-T mixed use zone.
- Clay Property
Hyattsville, Maryland
Expert planning testimony in application CSP-20001, requesting rezoning from the R-80 (T-D-O) zone to the R-20 (T-D-O) zone in the Prince George's Plaza Regional Transit District.
- Vista95 Logistics Center
Camp Springs, Maryland
Expert planning testimony in a request to amend conditions of zoning approval A-9706-C for a tract in the I-1 industrial zone.
- Signature Club at Manning Village
Accokeek, Maryland
Expert planning testimony in a request to amend conditions of the zoning approval A-9960-C for a tract in the M-X-T mixed use zone.
- National View
Oxon Hill, Maryland
Expert planning testimony in application A-10055, requesting rezoning from the R-55 and R-R residential zones to the M-X-T mixed use zone.

- National Capital Business Park (formerly Willowbrook)
Upper Marlboro, Maryland
Expert planning testimony in application A-9968/02, requesting approval of a new Basic Plan and revision of the conditions of the zoning approval for a planned community in the R-S comprehensive design zone, to allow it to be developed under the E-I-A Zone's table of uses and standards.
- Wintergreen Tract
Bryantown, Maryland
Expert Planning testimony in Charles County zoning map amendment application 20-01, requesting rezoning from the RC residential zone to the CV commercial zone.
- Cecil Real Properties, LLC Tract
Elkton, Maryland
Expert Planning testimony in Cecil County zoning map amendment application 2020-02, requesting rezoning from the ST suburban transition residential zone to the M2 heavy industrial zone.
- Timothy Branch
Brandywine, Maryland
Expert planning testimony in application A-9988/01, requesting approval of a new Basic Plan and revision of the conditions of the zoning approval for a planned community in the L-A-C comprehensive design zone.
- Sears Parcel, Bowie Town Center
Bowie, Maryland
Expert planning testimony in application A-8589/04, requesting approval of a new Basic Plan and revision of the conditions of the zoning approval for a tract in a planned community in the M-A-C comprehensive design zone.
- Callicott Property
Upper Marlboro, Maryland
Expert planning testimony in application A-10054, requesting rezoning from the C-S-C commercial zone to the R-80 residential zone.
- Khan Property
Brandywine, Maryland
Expert planning testimony in application A-10049, requesting rezoning from the R-R residential zone to the C-M commercial zone.
- Saint Barnabas Mixed-Use Park
Temple Hills, Maryland
Expert planning testimony in application A-10047, requesting rezoning from the C-S-C commercial and I-1 industrial zones to the M-X-T mixed use zone.
- Locust Hill
Upper Marlboro, Maryland
Expert planning testimony in application A-9975/01, requesting approval of a new Basic Plan and revision of prior conditions of rezoning approval for a planned community in the R-L comprehensive design zone.

- Willowbrook
Upper Marlboro, Maryland
Expert planning testimony in application A-9968/01, requesting approval of a new Basic Plan and revision of prior conditions of rezoning approval for a planned community in the R-S comprehensive design zone.
- Renard Lakes
Brandywine, Maryland
Expert planning testimony in application A-10046, requesting rezoning from the R-S comprehensive design zone to the I-1 industrial zone.
- Moore's Corner
Brandywine, Maryland
Expert planning testimony in application A-10044, requesting rezoning from the R-R residential zone to the M-X-T mixed use zone.
- Linda Lane Commercial Park
Camp Springs, Maryland
Expert planning testimony in application A-10043, requesting rezoning from the R-80 residential and C-S-C commercial zones to the M-X-T mixed use zone.
- Brandywine-Waldorf Medical Clinic
Brandywine, Maryland
Expert planning testimony in application A-10042, requesting rezoning from the C-O commercial zone to the M-X-T mixed use zone.
- Glenn Dale Commons
Glenn Dale, Maryland
Expert planning testimony in application A-10038, requesting rezoning from the I-1 industrial zone to the M-X-T mixed use zone.
- American Rescue Workers
Capitol Heights, Maryland
Expert planning testimony in application A-10037, requesting rezoning from the R-R residential zone to the I-2 heavy industrial zone.
- Donnell Drive
Forestville, Maryland
Expert planning testimony in application A-10036, requesting rezoning from the R-T townhouse zone to the C-M commercial zone.
- Virginia Linen
Capitol Heights, Maryland
Expert planning testimony in application A-10033, requesting rezoning from the I-3 planned industrial zone to the I-1 light industrial zone.
- Amber Ridge
Bowie, Maryland
Expert planning testimony in application A-10031, requesting rezoning from the C-S-C commercial zone to the M-X-T mixed use zone.

- Oakcrest
Laurel, Maryland
Expert planning testimony in application A-10030, requesting rezoning from the R-55 residential zone to the C-S-C commercial zone.
- Fairview Commercial Property
Lanham, Maryland
Expert planning testimony in application A-10024, requesting rezoning from the R-80 residential zone to the C-S-C commercial zone.
- King Property
Largo, Maryland
Expert planning testimony in application A-10020, requesting rezoning from the I-3 planned industrial zone to the M-X-T mixed use zone.
- Cafritz Tract
Riverdale Park, Maryland
Expert planning testimony in application A-10018, requesting rezoning from the R-55 residential zone to the M-U-TC mixed use zone.
- Jemal's Post
Forestville, Maryland
Expert planning testimony in application A-10003, requesting rezoning from the I-1 industrial zone to the C-S-C commercial zone.
- Defiance Drive
Fort Washington, Maryland
Expert planning testimony in application A-10000, requesting rezoning from the R-E estate zone to the R-R residential zone.
- Sauerwein Property
Upper Marlboro, Maryland
Expert planning testimony in application A-9977, requesting approval of rezoning from the R-R residential zone to the R-T (townhouse) residential zone.
- Renard Lakes
Brandywine, Maryland
Expert planning testimony in application A-9970, requesting approval of a Basic Plan and rezoning from the I-1 industrial zone to the R-S comprehensive design zone.
- Bevard East
Piscataway, Maryland
Expert planning testimony in application A-9967, requesting approval of a Basic Plan and rezoning from the R-E residential zone to the R-L comprehensive design zone.
- Smith Home Farm
Upper Marlboro, Maryland
Expert planning testimony in application A-9965 and A-9966, requesting approval of a Basic Plan and rezoning from the R-A residential zone to the R-M and L-A-C comprehensive design zones.

- Boone Property
Largo, Maryland
Expert planning testimony in application A-9957, requesting rezoning from the R-E estate zone to the R-R residential zone.
- Edwards Property
Adelphi, Maryland
Expert planning testimony in application A-9954, requesting approval of a Basic Plan and rezoning from the R-R residential zone to the L-A-C comprehensive design zone.
- Buck Property
Upper Marlboro, Maryland
Expert planning testimony in application A-9952, requesting approval of a Basic Plan and rezoning from the R-A residential zone and the E-I-A comprehensive design zone to the R-S comprehensive design zone.
- Nicowski Property
Upper Marlboro, Maryland
Expert planning testimony in application A-9939, requesting rezoning from the C-O commercial zone to the C-S-C commercial zone.
- Parcel B, Largo Town Center
Largo, Maryland
Expert planning testimony in application A-9280, requesting an amendment to the Basic Plan for a site in the M-A-C comprehensive design zone.
- Queenstown Apartments
Mount Rainier, Maryland
Litigative Assistance in State Highway Administration Project PG3645I84, Item #110255, seeking just compensation for the State's condemnation of property for construction of the Queens Chapel Road improvements.
- State Roads Commission of the State Highway Administration v. Crescent Cities Jaycees
Expert planning testimony in Case# CAL-94-20084, seeking just compensation for the State's condemnation of property for the expansion of Maryland Route 5.
- Millard Property
Camp Springs, Maryland
Expert planning testimony in State Highway Administration Project PG209A31, Item #89084, seeking just compensation for the State's condemnation of property for road improvements to Naylor Road associated with the construction of the Naylor Road Metro Station.
- Brandywine-Waldorf Medical Clinic
Brandywine, Maryland
Expert report in State Highway Administration Project PG175A31, Item #106368, seeking just compensation for the State's condemnation of property for road improvements to Branch Avenue associated with the construction of the interchange of Maryland Route 5 with various roads in the vicinity of T.B.

- University Place Center
Langley Park, Maryland
Expert report in State Highway Administration Project 10420130, Item #900576, seeking just compensation for the State's condemnation of property for construction of the Purple Line.
- *Washington Metropolitan Area Transit Authority v. 119,593 Square Feet of Land, More or Less, Situate in Landover, Prince George's County and Landover Beverage Realty LLC, et al.*, Case No. 8:20-cv-3468 TDC
Landover, Maryland
Expert rebuttal report in a case seeking just compensation for the State's condemnation of property for construction of a subway maintenance facility.
- *United States v. Makowsky*, Case #01-2096 D/Bre (D. Tenn)
Litigative consultation to the U.S. Department of Justice on a case seeking remedies to accessibility barriers at an apartment complex in Shelby County, Tennessee.
- *United States v. Rose, et al.*, Case #02-73518 (E.D. Mich)
Expert testimony for the U.S. Department of Justice on a case seeking remedies to accessibility barriers at apartment complexes in Van Buren Township, Michigan and in Batavia Ohio.
- *United States v. Rose, et al.*, Case #3:01cv0040AS (N.D. Ind)
Expert testimony for the U.S. Department of Justice on a case seeking remedies to accessibility barriers at apartment complexes in Elkhart City, Indiana and in Fort Wayne, Indiana.
- *Weatherburn Associates, LLC, et al. v. County Commissioners for Charles County, Maryland*, Case #08-C-16-002422
Expert report for the defendant in a proceeding seeking compensation for losses arising out of the alleged failure of the defendant to pursue environmental approvals of a certain formerly-planned road improvement in Charles County, Maryland.
- *Varsity Investment Group, LLC, et al. v. Prince George's County, Maryland*, Case #CAL-18-41277
Expert report for the plaintiff in an proceeding seeking enforcement of a County Council Resolution granting remission of impact fees for the conversion of an office building to multifamily dwellings in Oxon Hill, Maryland.
- *Jackson v. Sumby*, Case #CAE-18-01785
Expert testimony for the plaintiff in an proceeding alleging adverse possession of a shared driveway between two houses in Capitol Heights, Maryland.
- *Scaggs v. Barrett, et al.*, AAA Case #04-C-10-000151CN
Expert testimony for the defendant in an arbitration proceeding alleging negligence in the preparation of a feasibility study in connection with a proposed subdivision in Calvert County, Maryland.
- Washington Gas Liquefied Natural Gas Storage Facility
Hyattsville, Maryland
Pro bono expert planning testimony in application SE-245/06, opposing the approval of a Special Exception to permit a regional liquefied natural gas storage facility in the O-S Zone, adjacent to a planned high-density mixed-use development around the West Hyattsville Metro station.

- Westside Shoppes Starbucks
Laurel, Maryland
Expert planning testimony in City of Laurel application SE No. 921, requesting approval of a Special Exception for a coffee shop with drive-through service in the M-X-T Zone.
- Westside Shoppes Wawa
Laurel, Maryland
Expert planning testimony in City of Laurel application SE No. 920, requesting approval of a Special Exception for a gas station complex in the M-X-T Zone.
- McDonald's Restaurant
Forest Heights, Maryland
Expert planning testimony in application ROSP-4196/01, requesting approval of a revised Special Exception Site Plan for a nonconforming restaurant in the C-S-C Zone.
- ACE Eastover Square Check Cashing
Forest Heights, Maryland
Expert planning testimony in application SE-4847, requesting approval of a Special Exception for a occupancy by a check cashing business in the C-S-C Zone.
- 7-Eleven Brightseat Road
Capitol Heights, Maryland
Expert planning testimony in application SE-4845, requesting approval of a Special Exception for the construction of a new gas station and food & beverage store in the I-3 Zone.
- Children's Guild Preschool
Clinton, Maryland
Expert planning testimony in application SE-4836, requesting approval of a Special Exception for the alteration of an existing church to accommodate a private school in the R-55 Zone.
- Royal Farms #411
Landover, Maryland
Expert planning testimony in application SE-4834, requesting approval of a Special Exception for the construction of a new gas station and food & beverage store in the C-S-C Zone, including a request for variance approval.
- 7-Eleven Boone's Lane
Capitol Heights, Maryland
Expert planning testimony in application SE-4832, requesting approval of a Special Exception for the construction of a new gas station and food & beverage store in the C-S-C Zone.
- Schultz Road Senior Living
Clinton, Maryland
Expert planning testimony in application SE-4830, requesting approval of a Special Exception for the construction of apartment dwellings for the elderly in the R-80 Zone.
- Resurrection Cemetery
Upper Marlboro, Maryland
Expert planning testimony in application SE-4823, requesting approval of a new Special Exception for the expansion of an existing cemetery in the R-R Zone.

- 7-Eleven Marlboro Pike
 Capitol Heights, Maryland
 Expert planning testimony in application SE-4822, requesting approval of a Special Exception for the construction of a new gas station and food & beverage store in the C-S-C Zone.
- Enterprise Rent-A-Car
 Capitol Heights, Maryland
 Expert planning testimony in application SE-4819, requesting approval of a Special Exception for a vehicle rental facility in the C-S-C Zone.
- Royal Farms #220
 Accokeek, Maryland
 Expert planning testimony in application SE-4816, requesting approval of a Special Exception for the construction of a new gas station and food & beverage store in the C-S-C Zone, including a request for permission to construct in a master-planned right-of-way.
- Hunt Real Estate Development
 Capitol Heights, Maryland
 Expert planning testimony in application SE-4815, requesting approval of a Special Exception for the construction of a new gas station and food & beverage store in the C-S-C Zone.
- SMO Gas Station & Car Wash
 Clinton, Maryland
 Expert planning testimony in application SE-4812, requesting approval of a Special Exception for the rebuild of an existing gas station with the addition of a car wash in the C-S-C Zone.
- Contee Estate Senior Living
 Laurel, Maryland
 Expert planning testimony in application SE-4811, requesting approval of a Special Exception for a congregate living facility for the elderly in the R-R Zone, including a request for Alternative Compliance.
- Uptown Suites
 Lanham, Maryland
 Expert planning testimony in application SE-4794, requesting approval of a Special Exception for a hotel in the I-2 Zone.
- Ernest Maier Concrete Batching Plant
 Bladensburg, Maryland
 Expert planning testimony in application SE-4792, requesting approval of a Special Exception for a concrete batching plant in the I-2 Zone.
- Smith Property Surface Mine
 Brandywine, Maryland
 Expert planning testimony in application SE-4517, requesting approval of a Special Exception for an extension in the validity period for an existing surface mine in the O-S Zone.

- Aggregate Industries Sand & Gravel Wet Processing Facility
 Brandywine, Maryland
 Expert planning testimony in application SE-4790, requesting approval of a Special Exception for an extension in the validity period for an existing wash plant in the R-A and R-E Zones.
- Traditions at Beechfield
 Mitchellville, Maryland
 Expert planning testimony in application SE-4785, requesting approval of a Special Exception for a planned retirement community in the R-E Zone.
- Chuck's Used Auto Parts
 Marlow Heights, Maryland
 Expert planning testimony in application SE-4783, requesting approval of a Special Exception for a vehicle salvage yard in the I-1 Zone.
- Dollar General
 Upper Marlboro, Maryland
 Expert planning testimony in application SE-4778, requesting approval of a Special Exception for a department or variety store in the I-1 Zone.
- Sunoco Gas Station and Car Wash
 Camp Springs, Maryland
 Expert planning testimony in application SE-4778, requesting approval of a Special Exception for a car wash addition to an existing gas station in the C-S-C Zone, including approval of Alternative Compliance for landscape buffers.
- Forestville Auto Service
 Upper Marlboro, Maryland
 Expert planning testimony in application SE-4768, requesting approval of a Special Exception for a gas station in the C-S-C Zone.
- Sheriff Road Seventh Day Adventist Church
 Fairmount Heights, Maryland
 Expert planning testimony in application SE-4750, requesting approval of a Special Exception for a church on a tract of land of less than one acre in the R-55 Zone.
- E&R Services, Inc.
 Lanham, Maryland
 Expert planning testimony in application ROSP-4464/02, requesting approval of an expansion to an existing Special Exception for a contractor's office with outdoor storage in the C-A Zone.
- Word Power Baptist Tabernacle
 Capitol Heights, Maryland
 Expert planning testimony in application SE-4694, requesting approval of a Special Exception for a church on a lot less than one acre in size in the R-18 Zone.
- Hotel at the Cafritz Property at Riverdale Park
 Riverdale Park, Maryland
 Expert planning testimony in application SE-4775, requesting approval of a Special Exception for a hotel in the M-U-TC Zone.

- SMO Gas Station & Car Wash
Glenn Dale, Maryland
Expert planning testimony in application SE-4757, requesting approval of a Special Exception for a gas station and a convenience store in the I-1 Zone.
- SMO Gas Station & Car Wash
Beltsville, Maryland
Expert planning testimony in application SE-4756, requesting approval of a Special Exception for a gas station in the C-S-C Zone.
- Liberty Motors
Accokeek, Maryland
Expert planning testimony in application ROSP-4575/02, requesting modification of two conditions of a Special Exception for a gas station in the C-S-C Zone.
- Rock Hill Sand & Gravel/Anthony George Project
Brandywine, Maryland
Expert planning testimony in application SE-4646, requesting approval of a Special Exception for a surface mining operation in the C-S-C Zone.
- SMO Gas Station & Car Wash
Laurel, Maryland
Expert planning testimony in application SE-4730, requesting approval of a Special Exception for a gas station and a car wash in the C-S-C Zone.
- Model Prayer Ministries
Bladensburg, Maryland
Expert planning testimony in application SE-4723, requesting approval of a Special Exception for a church on a tract of less than one acre in size in the R-55 Zone, including grant of variance.
- Dash-In Food Stores
Clinton, Maryland
Expert planning testimony in application SE-4654, requesting approval of a Special Exception for a gas station in the C-S-C Zone, including grant of variance.
- Cabin Branch
Clarksville, Maryland
Expert planning testimony for the opposition in Development Plan Amendment SPA 13-02, requesting approval of an outlet mall in the MXPDP Zone.
- In Loving Hands
Friendly, Maryland
Expert planning testimony in application SE-4704, requesting approval of a Special Exception for a congregate living facility in the R-R Zone.
- A-1 Vehicle Salvage Yard
Bladensburg, Maryland
Expert planning testimony in application SE-4698, requesting approval of a Special Exception for a vehicle salvage yard in the I-1 Zone.

- Kreative Kids Child Care
Beltsville, Maryland
Expert planning testimony in application SE-4388/01, requesting revision to a prior approval of a Special Exception for a day care center in the R-R Zone to increase occupancy.
- Little Workers of the Sacred Heart Nursery
Riverdale Park, Maryland
Expert planning testimony in application SE-3473/01, requesting revision to a prior approval of a Special Exception for a day care center in the R-55 Zone to increase occupancy, including grant of variance.
- Six Flags Amusement Park
Mitchellville, Maryland
Expert planning testimony in application SE-2635 & SE-3400, requesting approval of modified conditions to allow for extended hours of operation on limited occasions for certain events, additional firework displays, modified noise limitations, and removing a stipulated height limit to allow for approval of new rides by Detailed Site Plan review and approval.
- American Legion Beltway Post #172
Glenn Dale, Maryland
Expert planning testimony in application SE-4725, requesting approval of a Special Exception for alterations to an existing private club in the R-80 Zone.
- CarMax
Brandywine, Maryland
Expert planning testimony in application SE-4697, requesting approval of a Special Exception for a used car sales lot in the C-S-C Zone, including testimony to justify construction in a planned transit right-of-way.
- McDonald's
Adelphi, Maryland
Expert planning testimony in application SE-4686, requesting approval of a Special Exception for alteration of a nonconforming fast food restaurant in the C-S-C Zone.
- Tires R Us
Riverdale Park, Maryland
Expert planning testimony in application SE-4675, requesting approval of a Special Exception for a tire store with installation facilities in the C-S-C Zone.
- The Tire Depot
District Heights, Maryland
Expert planning testimony in application SE-4673, requesting approval of a Special Exception for a tire store with installation facilities in the C-S-C Zone.
- 7-11 Store
Lanham, Maryland
Expert planning testimony in application SE-4670, requesting approval of a Special Exception for a food or beverage store in the C-M Zone.

- Beall Funeral Home
Bowie, Maryland
Expert planning testimony in application SE-4662, requesting approval of a Special Exception to add a crematorium to an existing funeral home in the R-E Zone.
- Fort Foote Barber & Beauty Shop
Fort Washington, Maryland
Expert planning testimony in application SE-4658, requesting approval of a Special Exception for a barber and beauty shop in the R-R Zone.
- Little People's Place Day Care Center
Upper Marlboro, Maryland
Expert planning testimony in application SE-4639, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Young World Family Day Care Center
Cheltenham, Maryland
Expert planning testimony in application SE-4635, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Star Wash Car Wash
Laurel, Maryland
Expert planning testimony in application SE-4630, requesting approval of a Special Exception for a car wash in the C-S-C Zone.
- Jock's Liquors
Capitol Heights, Maryland
Expert planning testimony in application SE-4626, requesting approval of a Special Exception for the reconstruction of an existing nonconforming liquor store in the C-O Zone.
- Little People U Day Care Center
Capitol Heights, Maryland
Expert planning testimony in application SE-4624, requesting approval of a Special Exception for a day care center in the R-55 Zone.
- Cherry Hill Park
College Park, Maryland
Expert planning testimony in application SE-4619, requesting approval of a Special Exception for the expansion of an existing recreational campground in the R-R Zone.
- Safeway Fuel Station
Brandywine, Maryland
Expert planning testimony in application SE-4612, requesting approval of a Special Exception for a gas station in the C-S-C Zone.
- Behr Apartments
College Park, Maryland
Expert planning testimony in application SE-4611, requesting approval of a Special Exception for an apartment building in the R-55 Zone.

- Barnabas Road Concrete Recycling Facility
Temple Hills, Maryland
Expert planning testimony in application SE-4605, requesting approval of a Special Exception for a concrete recycling facility in the I-1 Zone.
- Rose Child Development Center
Temple Hills, Maryland
Expert planning testimony in application SE-4601, requesting approval of a Special Exception for the expansion of an existing day care center in the R-80 Zone.
- Shell Oil Station
Laurel, Maryland
Expert planning testimony in application SE-4597, requesting approval of a Special Exception for a gas station in the C-S-C Zone, including revisions to a prior Special Exception under RO SP-1673/06.
- Catherine's Christian Learning Center
Brandywine, Maryland
Expert planning testimony in application SE-4592, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Panda Restaurant
Capitol Heights, Maryland
Expert planning testimony in application SE-4574, requesting approval of a Special Exception for a fast food restaurant in the I-1 Zone.
- Manor Care of Largo
Upper Marlboro, Maryland
Expert planning testimony in application SE-4573, requesting approval of a Special Exception for the expansion of an existing nursing home in the R-R Zone.
- Bowie Assisted Living
Bowie, Maryland
Expert planning testimony in application SE-4569, requesting approval of a Special Exception to expand an existing congregate living facility in the R-R Zone.
- 7604 South Osborne Road
Upper Marlboro, Maryland
Expert planning testimony in application SE-4567, requesting approval of a Special Exception for a day care center in the R-A Zone.
- Superior Car Wash
Bowie, Maryland
Expert planning testimony in application SE-4565, requesting approval of a Special Exception for a car wash in the C-S-C Zone.
- Kinder Explorers Day Care Center
Lanham, Maryland
Expert planning testimony in application SE-4566, requesting approval of a Special Exception for a day care center in the R-R Zone, and subsequently in SE-4681 requesting approval for its expansion.

- Rita's Water Ice
Clinton, Maryland
Expert planning testimony in application SE-4535, requesting approval of a Special Exception for a fast-food restaurant in the C-S-C Zone.
- Chen's Apartments
College Park, Maryland
Expert planning testimony in application SE-4533, requesting approval of a Special Exception to alter a nonconforming apartment building in the R-55 Zone.
- Future Scholars Learning & Art Center
Upper Marlboro, Maryland
Expert planning testimony in application SE-4516, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Renee's Day Care Center
Upper Marlboro, Maryland
Expert planning testimony in application SE-4507, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Generations Early Learning Center
Fort Washington, Maryland
Expert planning testimony in application SE-4515, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Latchkey Day Care Center
Oxon Hill, Maryland
Expert planning testimony in application SE-4496, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Marvil Property
Adelphi, Maryland
Expert planning testimony in application SE-4494, requesting approval of a Special Exception for a nursery and garden center with an accessory arborist's operation in the R-R Zone.
- Jericho Senior Living
Landover, Maryland
Expert planning testimony in application SE-4483, requesting approval of a Special Exception for the adaptive use of a historic site as apartment dwellings for the elderly in the C-O Zone.
- WaWa
Beltsville, Maryland
Expert planning testimony in application SE-4477, requesting approval of a Special Exception for a convenience commercial store in the C-M Zone.
- Fun-Damentals Early Learning Center
Friendly, Maryland
Expert planning testimony in application SE-4476, requesting approval of a Special Exception for a day care center in the R-R Zone.

- Good News Day Care Center
Temple Hills, Maryland
Expert planning testimony in application SE-4473, requesting approval of a Special Exception for a day care center in the R-80 Zone.
- Wishy Washy Car Wash
Accokeek, Maryland
Expert planning testimony in application SE-4472, requesting approval of a Special Exception for a car wash in the C-S-C Zone.
- John Vitale & Sons
Lanham, Maryland
Expert planning testimony in application SE-4464, requesting approval of a Special Exception for a contractor's office in the C-A Zone.
- St. Paul Senior Living
Capitol Heights, Maryland
Expert planning testimony in application SE-4463, requesting approval of a Special Exception for apartment dwellings for the elderly in the R-R Zone.
- Safeway Gas Station
Fort Washington, Maryland
Expert planning testimony in application SE-4448, requesting approval of a Special Exception for a gas station in the C-S-C Zone.
- BP Amoco Gas Station
Temple Hills, Maryland
Expert planning testimony in application SE-4445, requesting approval of a Special Exception for a convenience commercial store in the C-M Zone.
- WaWa
Camp Springs, Maryland
Expert planning testimony in application SE-4436, requesting approval of a Special Exception for a gas station in the C-S-C Zone.
- Quarles Petroleum
Capitol Heights, Maryland
Expert planning testimony in application SE-4410, requesting approval of a Special Exception for a gas station in the I-1 Zone.
- Brown Station Early Learning Center
Upper Marlboro, Maryland
Expert planning testimony in application SE-4393, requesting approval of a Special Exception for a day care center in the R-R Zone.

As principal of his own architecture and planning firm, Mr. Ferguson was involved with the following diverse residential, commercial and institutional architectural and planning projects:

- Franklin's General Store and Delicatessen
Hyattsville, Maryland
Consulting services for the preparation of construction documents and construction contract administration for a 11,000-square foot addition to a historic commercial structure on U.S. Route One. Also, land planning services involving necessary waivers of parking and loading requirements, variances from setbacks and landscaping requirements, and permission to build in planned right-of-way of U.S. Rte One.
- King Farm Village Center
Rockville, Maryland
Inspection services for five mixed-use buildings in the village center of the 500-acre New Urbanist development in Rockville, Maryland
- Trinity Church
Upper Marlboro, Maryland
Full architectural services for the construction of a portico to the fellowship hall on the site of a National Register-listed historic site
- Publick Playhouse
Bladensburg, Maryland
Land planning services for the redevelopment and expansion of an existing community theater building.
- Transnational Law and Business University
Brandywine, Maryland
Master planning of a university campus on a 342-acre site
- Balmoral
Upper Marlboro, Maryland
Planning of a comprehensively-designed 357 lot residential subdivision immediately to the south of and connected with the 2,400-unit Beech Tree development
- Fred Lynn Middle School
Woodbridge, Virginia
Consulting services for the preparation of construction documents for a 131,000-square foot renovation
- Graham Park Middle School
Dumfries, Virginia
Consulting services for the preparation of construction documents for a 99,000-square foot renovation and four-classroom addition.
- Elizabeth Graham Elementary School
Woodbridge, Virginia
Consulting services for the preparation of construction documents for a classroom addition.

- Dale City Elementary School
Dale City, Virginia
Consulting services for the preparation of construction documents for a classroom addition.
- Occoquan Elementary School
Woodbridge, Virginia
Consulting services for the preparation of construction documents for a four-classroom addition that tied together three of the four buildings at the oldest school in Prince William County.
- 4912 St. Barnabas Road
Temple Hills, Maryland
Consulting services on the design preparation of construction documents and permits processing for a 1,500-square foot tenant fit-out for an attorney's office.
- 6100 Executive Boulevard
Bethesda, Maryland
Full architectural services from space planning through construction documents preparation for a 1,500-square foot tenant fit-out for a technology consulting firm.
- Parking Lot Rehabilitation, Bureau of Prisons
Washington, D.C.
Consulting services on construction documents preparation for rehabilitation of the parking and service area in the central courtyard of the old Federal Home Loan Bank Board building at 320 First Street, N.W.
- Covenant Creek Subdivision
Owings, Maryland
Land planning services for the subdivision of 161 acres crossing the Calvert/Anne Arundel County border into 47 clustered lots, involving the use of Transferable Development Rights and development of public road access across a wetland area into a landlocked tract.
- Welch Property
Accokeek, Maryland
Land planning services for the development of a 326-unit planned retirement community on a 41-acre tract.
- Phase II, Boyd & Margaret Shields King Memorial Park
Prince Frederick, Maryland
Land planning and engineering services for the design and construction of the second phase of development of a 7.5-acre park adjacent to the Courthouse in the heart of the Prince Frederick Town Center
- White Sands Community Center
Lusby, Maryland
Feasibility analysis for conversion of existing stable facility into a community building.
- Good Hope Hills Condemnation
Temple Hills, Maryland
Land planning services during condemnation proceedings against a one-acre commercial property.

- Additions and alterations to a private residence
Washington Grove, Maryland
Consulting services on the structural design, preparation of construction documents and construction observation for the construction of an award-winning 750-square foot, \$150,000 addition and renovation to a historic structure in a National Register district.
- Additions and alterations to a private residence
Chevy Chase, Maryland
Consulting services from schematic design through the construction phases of an award-winning 1,700-square foot, \$1.4 million dollar addition and renovation, which involved the relocation of a public sewer main from beneath the existing building.
- Additions and alterations to a private residence
Hyattsville, Maryland
Full architectural services for the construction of a large kitchen and bathroom addition to a Prince George's County listed historic site
- Additions and alterations to a private residence
Silver Spring, Maryland
Consulting schematic design services for a 2,000-square foot addition and renovation.
- Private residence
Avenue, Maryland
Architectural and planning services for the construction of a private residence on a 24-acre site on St. Clement's Bay
- Private residence
Avenue, Maryland
Full architectural services for the design of a private residence on a one-acre site on St. Clement's Bay
- Additions and alterations to a private residence
University Park, Maryland
Full architectural services for the construction of a 350-square foot addition.

At RDA his activities are concentrated in the following fields:

- Land use studies, feasibility analyses and detailed project planning for hundreds of various residential, commercial and industrial developments in Prince George's, Calvert, Montgomery, Charles, St Mary's and Anne Arundel Counties. This work requires intimate knowledge of the relevant master and/or comprehensive plans and zoning ordinances and other land development regulations in many jurisdictions.
- Hydrologic and hydraulic analyses of urban watersheds in connection with the development of drainage and stormwater management systems for various residential subdivisions and commercial and industrial projects. Tools used in these analyses included the TR-20, HEC-1 and HEC-2 hydraulic analysis programs, USDA/SCS hydrologic analysis methods, as well as the Maryland State Highway Administration's and other rational hydrologic analysis methods.

- Hydraulic and structural design of storm drainage and stormwater management systems, including wet ponds, dry detention and retention basins, underground detention systems, vegetative and structural infiltration systems, oil/grit separators, and conventional open and enclosed drainage systems. Analysis of theoretical breach events in earthen embankment structures to determine possible effects of downstream flooding caused by dam failures.

Mr. Ferguson served from 1991 to 1996 as the Town Engineer for the Town of Edmonston, Maryland. In this capacity, Mr. Ferguson advised the Town Council on the effects of legislation, assisted in the preparation of ordinances, assisted in the planning process during the development of the Master Plans for Planning Areas 68 and 69, and advised the Town on the selection of project proposals for funding under the Community Development Block Grant program.

During his tenure at AIP Architects, Mr. Ferguson was responsible for the entire scope of the project development process for numerous architectural projects, including:

- Project feasibility and financial analysis
- Project planning and schematic design
- Management and development of construction documentation
- Specifications writing
- Construction contract documents preparation and administration of bidding
- Coordination with regulatory authorities and permit processing
- Construction contract administration and project observation

Some of the projects Mr. Ferguson had intensive involvement with at AIP Architects include:

Office/Commercial Building (54,000 sf)
1815 University Boulevard, Adelphi, Maryland

Comfort Inn (202 rooms)
Ocean Highway, Ocean City, Maryland

Commercial Building (22,000 sf)
7931 Georgia Avenue, Silver Spring, Maryland

Office Commercial Building (58,000 sf)
4915 St. Elmo Avenue, Bethesda, Maryland

Office/Condominium Park (14,000 sf)
Old Largo Road, Largo, Maryland

Office Building (18,000 sf)
801 Wayne Avenue, Silver Spring, Maryland

Other Professional Activities:

Chairman, Hyattsville Community Development Corporation, 2001-2007

Treasurer, Hyattsville Community Development Corporation, 2010-2018

Board Member, Hyattsville Community Development Corporation, 2001-Present

This local development corporation was created to undertake the revitalization of commercial areas in the city of Hyattsville, to encourage the arts, and act together with the Gateway CDC in the establishment of the Gateway Arts District. Among many other works, the Hyattsville CDC has sponsored the installation of multiple works of public art, administered the creation of two generations of Hyattsville's Community Sustainability Plans, secured and disseminated market studies for development in the Route One corridor, and managed the renovation of the former Arcade Theater into the City of Hyattsville's Municipal Annex.

Vice Chairman, City of Hyattsville Planning Committee, 2000-2005

This committee advises the Mayor, City Council and City Administrator on both external planning issues which impact the City, as well as redevelopment and revitalization issues within the City.

Member, City of Hyattsville Planning Committee, 1992-2005

Member, Neighborhood Design Center Project Review Committee, 1995-1998

This committee reviews and provides guidance for the work of less-experienced design professionals on their *pro bono* projects for the Neighborhood Design Center.

Member, Prince George's County Zoning Ordinance Review Task Force, 1994-1995

This task force, chaired by former Prince George's County Council chairman William B. Amonett, was formed by order of the Prince George's County Council, and met over a period of four months to review the County's entire Zoning Ordinance and the make recommendations on streamlining the 1200-page ordinance.

Member, Prince George's County Task Force to study the creation of U-L-I and M-U-TC zones, 1993-1994

This task force, chaired by Prince George's County Council member Stephen J. Del Giudice, was formed by order of the Prince George's County Council, and met over a period of three months to revise the legislation which was proposed to create the innovative U-L-I (Urban Light Industrial) and M-U-TC (Mixed-Use Town Center) zoning district regulations, which were proposed by the American Planning Association-award winning *Adopted Master Plan for Planning Area 68 (Avondale, Brentwood, Colmar Manor, Cottage City, Edmonston, Hyattsville, Mount Rainier, North Brentwood, Riverdale, University Hills)* as a means to encourage redevelopment and revitalization of existing urbanized areas of Prince George's County. The work of this task force led directly to the passage of the legislation.

Qualifications of Edward M. Steere, MSRE, AICP
Senior Managing Director – Planning and Market Analysis
Valbridge Property Advisors | Baltimore Washington Metro



Independent Valuations for a Variable World

Education

MS —
Johns Hopkins University
Real Estate

BFA—
Syracuse University
Maxwell School of Citizenship
& Public Affairs, Geography

AICP—
American Planning Association
American Institute of Certified
Planners

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11100 Dovedale Court
Marriottsville, MD 21104

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Background

Valbridge Property Advisors (October 2017-Present)
Lipman Frizzell & Mitchell LLC (2016-2017)
EMSPPlanning LLC, Aberdeen, MD (2009-2015)
Frederick Ward Associates, Bel Air, MD (2003-2009)
Lipman Frizzell & Mitchell LLC, Columbia, MD (2001-2003)
Harford County Planning & Zoning, Bel Air, MD (1990-2001)
Chester County Planning Commission, West Chester, PA (1988-1990)
Fairfax County Public Works, Fairfax, VA (1987-1988)

Expert Witness

Before Maryland public administrative bodies, zoning hearing examiners and/or boards of appeals: Montgomery County, Prince Georges County, Baltimore County, Carroll County, Cecil County, Harford County, City of Laurel, City of Aberdeen, City of Havre de Grace, Town of Bel Air, Town of Elkton, Town of North East, Town of Perryville.

Membership/Affiliations

American Planning Association, American Institute of Certified Planners
Lambda Alpha International Land Economics Society (Baltimore), Member
Economic Development Advisory Board for Harford County, MD
Friends School of Harford Board of Trustees
Habitat for Humanity Susquehanna Resource Development Committee Member

Experience

Steere's experience has spanned nearly three decades as a professional in land planning, real estate research, marketing, development, appraisal and public policy across the Mid-Atlantic region. His experience includes both public- and private-sector land planning and zoning; feasibility and site design for development projects including institutional, residential, commercial and industrial; market and financial feasibility analyses for major real estate projects, including mixed use; due diligence research and project entitlement; and advising clients concerning development strategies.

LAND PLANNING ANALYSIS
Royal Farms #393
1821 East-West Highway

Prepared in connection with
Special Exception SE-4846

Prepared by:
Mark G. L. Ferguson, R.A.



July 20, 2022

LAND PLANNING ANALYSIS
Royal Farms #393
1821 East-West Highway
Chillum, Maryland

This report is written to consider the planning matters relevant to Special Exception application SE-4846, for approval of a gas station in combination with a food and beverage store in combination with a gas station in the (former) C-S-C Zone, involving a raze and rebuild of an existing drug store.

THE SITE

Location -	Southwest quadrant of the intersection of East-West Highway (Maryland Route 410) with Riggs Road (Maryland Route 212)
Address -	1821 East-West Highway
Acreage -	83,710 Square Feet or 1.922 Acres± (Special Exception Area)
Zoning -	Current: CGO; Former, C-S-C (Commercial Shopping Center). The application has been reviewed under the provisions of the former C-S-C zoning.
Frontages -	East-West Highway – 371.30' Riggs Road – 215.85'
Rights-of-Way -	East-West Highway – 150' (120' Ult.) Riggs Road – 100' (120' Ult.)
Zoning Map -	208NE2
Tax Map -	Tax Map 41, Grid C-1
Municipality -	None; the limits of the City of Hyattsville are approximately two-thirds of a mile distant.
Subdivision -	Parcel A, Block L, "Parklawn," recorded in Plat Book WWW 17 at Plat 79
Historic Sites -	The environmental setting of "Green Hill," County Historic Site 65-008, is 620' east of the subject property. Where the environmental setting fronts on East-West Highway, the distance is more than 1,000 feet.
Councilmanic District -	2
Master Plan & SMA -	The site is located in Planning Area 65. The applicable Master Plan is the Approved Master Plan for Langley Park-College Park- <i>Greenbelt and Vicinity</i> , approved on October 31, 1989, and the Sectional Map Amendment is the

Adopted Sectional Map Amendment for Planning Areas 65, 66 & 67, approved on May 1, 1990.

The Master Plan Map designated the site for “Retail Commercial” land use.

The Approved Sectional Map Amendment reclassified the subject property from the previous C-1 Zone to the C-S-C Zone. The 2022 Countywide Map Amendment transferred the C-S-C classification to the comparable CGO Zone.

The Growth Policy Map in the May, 2014 General Plan placed the property in the Established Communities category. The subject property is too small to be seen on the printed Generalized Future Land Use Map, but is curiously indicated as being “Residential Medium” on the PG Atlas GIS site.

The site is not within a Priority Preservation Area.

NEIGHBORHOOD DEFINITION

The neighborhood of the subject property was defined in the Technical Staff Report as having the following boundaries:

North –	East-West Highway
West –	Chillum Manor Road
East –	Riggs Road
South –	Dayton Road

The neighborhood boundary is not much larger than the property boundaries, extending only to the limits of the single block in which the subject property lies; this is unrealistically small. This planner would instead concur with the neighborhood proffered by the Applicant in its Statement of Justification, namely:

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

LOCATION AND FIELD INSPECTION

The subject property comprises parts of a single platted parcel. It is located in the southwest quadrant of the intersection of East-West Highway (Maryland Route 410) with Riggs Road (Maryland Route 212). The subject property is currently occupied by a building that was constructed as a Safeway supermarket, but is now a small strip shopping center which was previously occupied by a Rite Aid drugstore, as well as a barber shop, a pupuseria and a Papa John's pizza restaurant.

The subject property is part of a commercial node which surrounds the intersection of East-West Highway and Riggs Road. The commercial node occupies all four corners: Across Riggs Road to the east in the southeast quadrant of the intersection is an Exxon station, an international market and an insurance office, all in the CGO Zone. Across East-West Highway to the north in the northwest quadrant is a small shopping center in the CGO Zone occupied by a (former) cleaner, a bakery, a pupuseria and a vehicle repair facility. Caddy-corner across the intersection in its northeast quadrant is the Green Meadows Shopping Center in the CGO Zone, which is occupied by five restaurants, a liquor store, a Latin American market, a mobile phone store, a barbershop and a bakery. Beyond the Green Meadows Shopping Center to the east, in the gore between Ager Road and East-West Highway are a 7-Eleven, a PEPCo substation and a small retail building, also in the CGO Zone.

The uses to the immediate west of the subject property are a row of ten single-family dwellings in the RSF-65 Zone which front on a service road parallel to East-West Highway. To the west and the south is Sligo Creek and the surrounding MNCPPC stream valley park in the ROS Zone, which includes the Parklawn community center and a small playground. Beyond to the southwest to the limits of the neighborhood are principally single-family dwellings in the RSF-65 Zone, but also a nursing home and a telephone switching building.

Other uses in the northwest quadrant out to the limits of the neighborhood are single-family dwellings in the RSF-65 Zone and the northwesterly extension of the stream valley park in the ROS Zone. Other uses in the northeast quadrant are principally single-family dwellings in the RSF-65 and RSF-A Zones, Lewisdale Elementary School in the RSF-65 Zone (a little more than a half-mile distant from the subject property), the Pallotine seminary in the Green Hill historic site in the RR Zone, and the Newbury Square apartments in the RMF-20 Zone.

Finally, the other uses in the extended southeast quadrant of the intersection of East-West Highway and Riggs Road are also principally single-family dwellings in the RSF-65 and RSF-A Zones, but also include the Kmart, a Pizza Hut and a Wendys at the intersection of Riggs Road and Sargent Road in the CGO Zone, Cesar Chavez Elementary School in the AG Zone, Rosa Parks Elementary School in the RSF-65 Zone, the southeasterly extension of the stream valley park in the ROS Zone, the Rollingcrest-Chillum aquatic center in the AG Zone, the Evergreen Terrace apartments in the RMF-20 Zone.

DESCRIPTION OF THE PROPOSED USE

The proposed use for Special Exception application SE-4846 is the razing of the existing building, and its replacement by a new convenience store and gas station. Eight MPDs are proposed.

The new facility will be provided with modern stormwater management using Environmental Site Design (ESD) techniques where none now exists (including 100-year quantity management), and will remove significant areas of existing paving which currently run to the property boundaries, and replace them with modern conforming landscaped areas both around the property's perimeter and internal to the parking lot area.

One of the two existing entrances from East-West Highway will be closed, with the remaining entrance being located to the west of the subject property's frontage, further away from the signalized intersection with Riggs Road, providing greater safety. Additionally, the entrance from Riggs Road will be channelized entrance, also providing greater safety.

CRITERIA FOR APPROVAL

The criteria for approval of a Special Exception for a gas station in combination with a food and beverage store in the C-S-C Zone are the general criteria for approval of a Special Exception of §27-317(a), the special criteria for approval of a food or beverage store of §27-355 and the special criteria for approval of a gas station of §27-358.

COMPLIANCE WITH SECTION 27-317:

Section 27-317(a) of the Zoning Ordinance provides that a Special Exception may be approved if:

27-317(a)(1) The proposed use and site plan are in harmony with the purpose of this Subtitle;

The Zoning Ordinance has a hierarchy of Purposes, for the Ordinance as a whole, for commercial zones generally, and for the C-S-C Zone in specific. Each of these series of purposes is addressed, following.

The fifteen purposes of the Zoning Ordinance are laid out in section 27-102(a). The harmony of the subject project with these purposes is as follows:

(1) To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;

The proposed gas station in combination with a food and beverage store will be developed to provide substantive aesthetic, environmental and safety upgrades in the form of modern landscaping and tree planting to meet modern Landscape Manual and tree canopy coverage requirements, stormwater management (where only an obsolete oil/grit separator now exists), and a reduced number of vehicular entrances, and will thus promote the health and safety of the present and future inhabitants of the County by providing for a safe and convenient accommodation of the shopping public.

(2) To implement the General Plan, Area Master Plans, and Functional Master Plans;

The relevant plans which apply to this site are the 2014 General Plan, the 1989 *Langley Park-College Park-Greenbelt and Vicinity* Master Plan, and a number of Functional Master Plans, including the

Resource Conservation Plan (which includes the Green Infrastructure Plan), the County Master Plan of Transportation, the Public Safety Facilities Master Plan, The Historic Sites and Districts Plan, and the Water Resources Functional Master Plan.

General Plan

As noted above, the General Plan classified the subject site in its Growth Policy Map¹ in the Established Communities category, and the Generalized Future Land Use Map² designated it for Residential Medium land use.

“Established Communities” are described by the General Plan as “the County’s heart – its established neighborhoods, municipalities and unincorporated areas outside designated centers,”³ and recommends that, “Established communities are most appropriate for context-sensitive infill and low- to medium-density development....”⁴

“Residential Medium” land use is described by the General Plan as, “residential areas between 3.5 and 8 dwelling units per acre. Primarily single-family dwellings (detached and attached).”⁵ It is noted, however, that the Generalized Future Land Use Map is generally intended to replicate the recommendations of the Master Plan or Sector Plan in force at the time of the approval of the General Plan, though in this case it apparently did not: The Master Plan, in force long prior to the adoption of the General Plan, recommended “Commercial” land use instead of the “Residential Medium” designation on the PGAtlas GIS site. And, the note under the Generalized Future Land Use Map directs the reader that, “by definition, this map should be interpreted broadly and is intended to provide a countywide perspective of future land use patterns. To identify the future land use designation for a specific property, please refer to the property’s relevant approved sector or master plan.”⁶

Given that the instant Application proposes the redevelopment of an existing, long-used commercial site located in a historic commercial node, it is this planner’s opinion that its approval would allow for the context-sensitive infill envisioned by the General Plan.

Master Plan

As noted above, the applicable Master Plan is the *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity*, approved on October 31, 1989. The insert Map, “Comprehensive Plan,” recommends the subject property and the surrounding commercial node described above for “Retail Commercial” land use.⁷ The Master Plan does not have a specific discussion of the subject property in its Commercial Areas and Activity Centers component, or even the surrounding commercial node, but does state that,

¹ M-NCP&PC, *Plan Prince George’s 2035 – Approved General Plan* (May, 2014), p. 107.

² *General Plan*, p. 101.

³ *Ibid.*, p. 106.

⁴ *Ibid.*, p. 20.

⁵ *Ibid.*, p. 100.

⁶ *Ibid.*, p. 101.

⁷ M-NCP&PC, *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity* (October, 1989), map insert.

“Retail and other commercial uses exist along New Hampshire Avenue, Greenbelt Road, Riggs Road, Sargent Road and Chillum Road. Many 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.”⁸

The proposed Special Exception Site Plan will in fact implement the applicable recommendations for the Route 1 commercial strip from the Master Plan. Those applicable recommendations are:

- *Increase requirements for screening and landscaping where commercial uses extend to a residential street...*

The proposed Special Exception Site Plan proposes a full Section 4.7 Bufferyard (the requirement for which not being force at the time of the adoption of the Master Plan) against the adjoining single-family dwellings along the service road along south side of East-West Highway.

- *Minimize commercial driveways to the extent possible and conduct studies to determine the feasibility of combining entrances in certain locations.*

The proposed Special Exception Site Plan proposes the elimination of an existing entrance from East-West Highway.

- *Upgrade parking compounds by providing asphalt paving, structural concrete curbing, and concrete wheel stops.*

The proposed Special Exception Site Plan proposes new concrete curbing and eliminates unchannelized existing spaces where the use of wheel stops might otherwise have been considered.

- *Provide landscaped strips wherever possible...*

The proposed Special Exception Site Plan proposes new Landscape Strips around the property's perimeter where none previously existed.

The proposed Special Exception Site Plan also will implement the Master Plan's recommendations for implementing stormwater management and minimizing imperviousness, though the standards for the stormwater management have evolved considerably since that time.

Because the proposed application is consistent with the Master Plan's land use recommendation and its environmental recommendations, the approval of the subject food and beverage store in combination with a gas station would be in harmony with the recommendations of the Master Plan.

⁸ Sector Plan, p. 54.

Other Applicable Functional Master Plans

The special exception area is not mapped as containing an area of 100-year floodplain in the southeastern corner of the subject property. The application proposes to reduce the existing impervious area within the 100-year floodplain, while providing a pervious, landscaped compensatory storage area to offset the land disturbance in the floodplain necessary to safely reconfigure the existing entrance from Riggs Road. By this removal of the existing imperviousness and minimization of an impact which is restricted to providing safety improvements, and by the environmental compensation provided, the subject application conforms to the Resource Conservation Plan.

With regard to the Historic Sites and Districts Plan, only the environmental setting of "Green Hill" (the former residence of the Digges' Chillum Castle Manor estate, (County Historic Site 65-008) is within 1,000 feet of the subject property. The Green Hill house itself, now a Pallottine seminary, is beyond 1,000 feet distant and is amply screened by intervening development and woodland. Because the proposed development and the Green Hill house are not intervisible, the development will cause no adverse impact to it, and as such, the approval of the subject application will not have an adverse impact on this Functional Master Plan.

The Water Resources Functional Master Plan addresses broad regulatory policy and large-scale watershed planning, and as such makes no recommendations which are directly applicable to the subject application.

No proposed sites for Public Safety facilities are in the area affected by the subject application.

The Countywide Master Plan of Transportation was approved subsequent to the 1989 *Langley Park-College Park-Greenbelt and Vicinity* Master Plan, and so its recommendations remain in force. It proposes both East-West Highway and Riggs Road as 120' arterial roadways and also proposes, on-road bicycle facilities along East-West Highway." These recommendations are not in conflict with the proposed improvements, and thus the approval of the subject application will not impair the Countywide Master Plan of Transportation.

In conclusion, because the proposed gas station in combination with a food and beverage store are not in conflict with the General Plan, the Sector Plan or the applicable Functional Master Plans, approval of the subject application will be in harmony with the Ordinance's purpose of implementing those plans.

(3) *To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;*

Because this application proposes the redevelopment of a long-existing commercially-used property, in accordance with provisions of the laws which assure the adequacy of local public facilities, approval of it would be in harmony with this purpose of promoting the conservation of a community which will be developed with adequate public facilities.

(4) *To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;*

Approval of the subject application would recognize the needs of the County's workers by redeveloping an existing commercial use at a local commercial node, and so would abet the orderly growth and development of the County, making the subject application in harmony with this Purpose of the Ordinance.

(5) *To provide adequate light, air, and privacy;*

The subject gas station in combination with a food and beverage store will be in harmony with this Purpose as it will be developed in conformance with the various regulations in the Zoning Ordinance to ensure the provision of adequate light, air and privacy, both for the occupants of the subject site and for its neighbors. These principles include the provision of sufficient setback distances, and conformance with height limitations in order to allow for access to light and air.

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

The subject gas station in combination with a food and beverage store would be in harmony with this Purpose as it will be developed in accordance with the various principles that have been codified in the Zoning Ordinance to promote the beneficial relationships between land and buildings, including its conformance with the tables of permitted uses for the various zones as laid out in the Ordinance, by providing modern stormwater management, and by bringing the subject property into conformance with the provisions of the Landscape Manual which provide for buffering, roadside and parking lot landscaping, and the screening of service functions.

(7) *To protect the County from fire, flood, panic, and other dangers;*

The subject gas station in combination with a food and beverage store would be in harmony with this Purpose as it will be developed in conformance with regulations established in the body of the Zoning Ordinance, as well as other County Ordinances, which are intended to protect from fire, flood, panic and other dangers, namely: the floodplain regulations, stormwater management regulations, the fire prevention code, the building code, and the tables of permitted uses for the various zones.

(8) *To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;*

Because the subject use is commercial in nature, this Purpose is not directly applicable to this Application.

(9) *To encourage economic development activities that provide desirable employment and a broad, protected tax base;*

The redevelopment of the subject property would be in harmony with this Purpose because it would augment the tax base of the County directly and through the employment provided to its workers.

(10) *To prevent the overcrowding of land;*

The subject gas station in combination with a food and beverage store would be in harmony with this Purpose as it will occur on a site which will be redeveloped in accordance with various principles that have been codified in the Ordinance to ensure the prevention of overcrowding, including the provisions of the Table of Uses that provides for the compatibility of uses, height limits, and setbacks.

(11) 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 approval of the subject gas station in combination with a food and beverage store would be in harmony with this Purpose because of several factors.

As noted above, the proposed use is a redevelopment of an existing commercial site at a long-established commercial node. The proposed use will generate fewer trips to the road network compared with the existing uses (counting generation the now-vacant former Rite Aid drug store), and will further eliminate an existing entrance from East-West Highway to minimize traffic conflicts and to provide greater intersection separation, and therefore greater safety, lessening the danger or traffic on the streets.

Also, the proposed gas station in combination with a food and beverage store will be developed in accordance with the regulations established in the body of the Zoning Ordinance (and other County ordinances) which are intended to lessen the danger and congestion of traffic on roads, such as the requirements for the provision of adequate off-street parking, and the separation of entrances from nearby intersections.

(12) To insure the social and economic stability of all parts of the County;

As the Zoning Ordinance is the principal tool for the implementation of the planning process by enacting legal requirements which implement the planning goals that strive to maintain the social and economic stability of the County, this planner believes that conformance with the requirements and regulations of the Zoning Ordinance will be prima facie evidence of the Application's harmony with this purpose.

Beyond that, however, the subject gas station in combination with a food and beverage store would promote the economic and social stability of the County by contributing to the tax base, by continuing to provide a useful and convenient service to the surrounding community.

(13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;

Because the subject gas station in combination with a food and beverage store is a redevelopment of an existing developed site, approval of the subject application will have no impact to the enumerated natural features in the County: It will not generate noise pollution beyond that expected by other commercial uses, and the use will be in compliance with the County's Woodland Conservation policies by virtue of its exemption from the requirement for approval of a Tree Conservation Plan. No steep slopes or scenic vistas will be affected. The proposed gas station in combination with a food and beverage store will be provided with modern stormwater management measures where none now

exists, and will thus better act against water pollution and protect the stream valleys than the existing development at the subject property. By conformance to these principles and regulations, the approval of this application would be in harmony with this Purpose.

The final two Purposes,

- (14) *To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and*
- (15) *To protect and conserve the agricultural industry and natural resources.*

are not directly applicable to the approval of this gas station in combination with a food and beverage store.

In addition to the purposes of the broader Ordinance, there are Purposes for Commercial Zones generally and the C-S-C (Commercial Shopping Center) Zone specifically. The ten purposes of Commercial Zones generally are laid out in Section 27-446(a), as follows:

- (1) *To implement the general purposes of this Subtitle;*

As noted by the foregoing discussion, this planner believes that the subject proposal will implement the general purposes of the Zoning Ordinance.

- (2) *To provide sufficient space and a choice of appropriate locations for a variety of commercial uses to supply the needs of the residents and businesses of the County for commercial goods and services;*

The approval of this facility at this location will allow the proposed gas station in combination with a food and beverage store to provide a useful and convenient site for a needed service.

- (3) *To encourage retail development to locate in concentrated groups of compatible commercial uses which have similar trading areas and frequency of use;*

Because the proposed gas station in combination with a food and beverage store involves (1) a retail use in a retail zone; and (2) because the subject property is located at a commercial node where there is already a mix of retail and service commercial uses, including another gas station and a vehicle repair facility, the approval of this application would be in harmony with this purpose of Commercial Zones generally.

- (4) *To protect adjacent property against fire, noise, glare, noxious matter, and other objectionable influences;*

The redevelopment of the subject property into a gas station in combination with a food and beverage store would implement this purpose by its physical separation from other uses, and by the supplemental planting which will provide buffering of the adjacent residential uses where none now exists, and conformance with modern tree canopy coverage requirements where no trees now exist.

(5) To improve traffic efficiency by maintaining the design capacities of streets, and to lessen the congestion on streets, particularly in residential areas;

The approval of the subject application will improve traffic efficiency by the combination of the existing vehicular entrances on East-West Highway into a single new entrance point.

(6) To promote the efficient and desirable use of land, in accordance with the purposes of the General Plan, Area Master Plans and this Subtitle;

Because the subject gas station in combination with a food and beverage store will meet the intent for the land use provided for in the Master Plan, it will fulfill this purpose for Commercial Zones.

(7) To increase the stability of commercial areas;

The redevelopment of the subject property with a combination of a retail commercial use and a complementary service commercial use which are together in keeping with the existing character of the surrounding commercial node will promote the stability of the surrounding commercial area by revitalizing the existing development with a new, viable use.

(8) To protect the character of desirable development in each area;

Because the subject property will: (1) be redeveloped and operated in accordance with the provisions specifically provided in the ordinance to promote the safe and orderly layout and operation of gas stations and food and beverage stores, and (2) be compatible with the materials, scale and character of the architecture of the surrounding development, the approval of this application will fulfill this purpose.

The final two purposes,

(9) To conserve the aggregate value of land and improvements in the County; and

(10) To enhance the economic base of the County.

are fulfilled by allowing for the redevelopment of existing commercial uses that will enhance the tax base and provide additional employment for residents of the County.

In addition to the purposes for commercial zones generally, there are also four purposes for the C-S-C (Commercial Shopping Center) Zone specifically, which are laid out in Section 27-454(a)(1), as follows:

(A) To provide locations for predominantly retail commercial shopping facilities;

While the subject application proposes a new service commercial use (in addition to its associated retail component), it will be in keeping with the mix of existing retail and service commercial uses in the surrounding commercial node, and thus is not in conflict with this purpose. The new gas station – which does not propose visually disruptive auto repair services – will be in keeping with the character of commercial uses which are found around the neighboring intersection.

(B) To provide locations for compatible institutional, recreational, and service uses;

As described above, the redevelopment of the subject property – when redeveloped in accordance with the provisions of the ordinance that promote a safe and orderly operation – fulfills this purpose with its compatible service use component.

(C) To exclude uses incompatible with general retail shopping centers and institutions; and

Because the proposed uses are compatible with general retail uses, this application fulfills this purpose.

(D) For the C-S-C Zone to take the place of the C-1, C-2, C-C, and C-G Zones.

This purpose is not applicable to the subject application, though it is to be noted that the most recent local Sectional Map Amendment (i.e. prior to the Countywide Map Amendment) reclassified the subject property from its former C-1 zoning.

The other criteria for approval of a Special Exception laid out in Section 27-317(a) of the Zoning Ordinance continue as follows:

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

Based upon an inspection of the proposed Special Exception Site Plan and to the best of this planner's professional knowledge, information and belief, that, with the grant of a variance from the provisions of §27-358(a)(2), discussed below, the proposed use will be in conformance with all of the applicable requirements and regulations of the Zoning Ordinance.

(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;

As discussed at length above, it is the Applicant's belief that the subject Application is in harmony with the Purposes of the Zoning Ordinance generally to implement the General and Master Plans and to provide for the efficient and desirable use of land in accordance with those Plans. Accordingly, the approval of the subject application will not impair the integrity of neither the approved Master Plan nor the County's General Plan.

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

As this planner believes to have been amply demonstrated, the conformance of the subject application with the principles laid out in the purposes of the Zoning Ordinance, its compliance with the provisions of the Zoning Ordinance, its compliance with the provisions of other State and County regulations for environmental protection, and building construction represent a high level of protection against adverse effects to the public health, safety and welfare.

Beyond those basic principles, however, the substantive improvements to the existing development, including the combination of the existing vehicular entrances on East-West Highway, the incorporation of modern stormwater management into the proposed development, and the provision of modern landscaping and buffering will actively improve the health, safety and welfare of residents and workers in the area as compared to the development currently existing on the subject property.

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

This planner believes that the diverse character of uses in the neighborhood, including vehicle repair facilities and other gas stations, indicates that the character the use at the subject property will continue to be compatible with the surrounding commercial uses and 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.

The subject property has received an exemption from the requirement for a Tree Conservation Plan.

(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.

Only a 9,000-square foot area of 100-year floodplain in the southeastern corner exists on the subject site, and all of the floodplain area is currently paved. While making safety improvements to the existing entrance on Riggs Road (which is located in the existing floodplain area), the proposed Special Exception Site Plan will remove approximately 40% the existing imperviousness, and provide planted compensatory storage which will create more than 4,000 square feet of new floodplain area to restore the floodplain area to the fullest extent possible.

Finally, this planner notes that because the site is not located within the Chesapeake Bay Critical Area, the provisions of §27-317(b) are not applicable to the subject application.

In summary, this planner believes that the general findings discussed above which are required for approval of a Special Exception are met.

The specific conditions for the approval of a food and beverage store continue in Section 27-355(a):

COMPLIANCE WITH SECTION 27-355:

- (a)(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;*
- (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 conditions to demonstrate reasonable need for the store, the size, location and access to the store, and the lack of undue restriction of the availability of land are addressed by another witness.

(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 is not located in the I-1 or I-2 Zones.

(5) The retail sale of alcoholic beverages from a food or 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.

No retail sale of alcoholic beverages is proposed.

The specific conditions for the approval of a gas station continue in Section 27-355(a):

COMPLIANCE WITH SECTION 27-358:

(a) (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;

Both East-West Highway and Riggs Road have rights-of-way substantially exceeding seventy feet, and the site has direct vehicular access to each. The subject property has 371.30' of surveyed frontage on East-West Highway, and 215.85' of surveyed frontage on Riggs Road.

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

No lots containing schools, hospitals or libraries exist within 300' of the subject property. An outdoor playground does exist, however, on the adjacent MNCPPC Property. This condition has been the subject of lengthy discussion with the Parks Department, and an agreement has been reached to remove the existing obsolete playground and replace it with a suite of improvements to the Sligo Mill Stream Valley Park. With the removal of this playground, this criterion will be 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;

No display or rental of any vehicles is proposed at the subject site.

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

No storage or junking of any vehicles is proposed at the subject site.

(5) Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Public

Works and Transportation, whichever is applicable, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than twenty (20) feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter. A driveway may begin or end at a point not less than twelve (12) feet from the side or rear lot line of any adjoining lot;

The Special Exception Site Plan indicates that each of the proposed access driveways will be at least 30.9' wide.

The setbacks of the driveways from the intersection PCs are not dimensioned on the Special Exception Site Plan, but it is clear that both the driveway locations amply exceed the requirement: By scaling, the extension of the east edge of the new single access driveway from East-West Highway begins approximately 244' west of the intersection curb's point of curvature; and the extension of the north edge of the reconfigured access driveway from Riggs Road begins 66' south of the intersection curb's point of tangency.

The setbacks of the egress driveways from the side lot line of the adjoining lots are, however, open to some further interpretation. If "driveway begins" means the extension of the edges of the driveways with the edge of the public roads, then the East-West Highway egress driveway is 41' from the side lot line of the adjoining Lot 10, Block A, "Parklawn", meeting the requirements of this subsection. If, on the other hand "driveway begins" means the point of curvature of the curb return of the driveway, then the driveway will only be 16 feet from the side lot line, which is still sufficient. Along Riggs Road, however, the interpretation of the ordinance matters: If "driveway begins" means the extension of the edges of the driveways with the edge of the public roads, then the Riggs Road egress driveway is approximately 21.5' from the side lot line of the Sligo Creek Stream Valley Park, which meets the requirements of this subsection. If, on the other hand "driveway begins" means the point of curvature of the curb return of the driveway, then the driveway will be approximately 13.5 feet beyond the side lot line. In this case, the condition will still meet the letter of the Zoning Ordinance, as 13.5 feet is more than 12 feet from the side lot line, even though it is more than 12' beyond the side lot line.

(6) Access driveways shall be defined by curbing;

The Special Exception Site Plan indicates that 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 the curb in those areas serving pedestrian traffic;

The Special Exception Site Plan indicates that sidewalks which are at least 5' wide exist along the site's frontages along 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;

While the Special Exception Site Plan does not provide distances from the pumps to the surrounding street lines, it does indicate that the concrete pad under the gas pumps will 60.5' behind the right-of-

way line of East-West Highway, and 52.8' from a point (though not the closest point) on the right-of-way of Riggs Road. The nearest MPD scales to be approximately 57 feet from a right-of-way line.

(9) Repair service shall be completed within forty-eight (48) hours after the vehicle is left for service. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored either inside the main structure or in an accessory building used solely for the storage. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan.

No repair service is proposed.

(10) 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.

The architectural details of the proposed structure will harmonize with the commercial character of the surrounding commercial development around the intersection of East-West Highway and Riggs Road.

(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 abutting lots (for a depth of at least fifty (50) feet);

Topography of the subject lot and its surroundings has been shown on the subject Special Exception Site Plan.

(2) The location and type of trash enclosures; and

The location and details for the construction of a trash enclosure have been shown on the subject Special Exception Site Plan.

(3) The location of exterior vending machines or vending area.

No exterior vending machines or a vending area are proposed; sales will be inside the proposed convenience store.

(c) Upon the abandonment of a 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 food and beverage store in combination with a gas station for a period of fourteen (14) months after the retail services cease.

This requirement is noted.

(d) 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;

(2) requires that, "the District Council shall find that the proposed use...Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses."

The conditions to demonstrate reasonable need for the gas station and the lack of undue restriction of the availability of land are addressed by another witness.

CONCLUSION

In summary, this planner finds that with the grant of a variance from the provisions of Section 27-358(a)(2), the approval of the subject application would be in compliance with the general criteria for approval of a Special Exception found in §27-317(a), and the specific criteria for approval of a food or beverage store found in §27-355, and the specific criteria for approval of a gas station found in §27-358 of the Zoning Ordinance.

Additionally, it is this planner's opinion that because of: (1) the varied character of uses in the surrounding neighborhood; (2) the proposed deletion of one existing vehicular entrance from East-West Highway; (3) the provision of modern stormwater management; and (4), the provision of modern conforming landscaping, that the approval of this particular application would not entail a more adverse impact on the public health, safety and welfare than those inherently associated with food or beverage stores or with gas stations, irrespective of their location in the C-S-C Zone.

**LIMITED POWER
OF
ATTORNEY**

RF EAST WEST HYATTSVILLE, LLC, a limited liability company organized under the laws of the State of Maryland ("Principal"), does hereby appoint Jeffery Bainbridge and Thomas Ruszin III as its true and lawful Attorney-In-Fact ("Attorney-In-Fact") relating solely to the authorization and purposes provided herein.

Principal intends to redevelopment and use property located at 1821 East West Highway, Hyattsville, Maryland 20783, which is in the southwest quadrant of the intersection of MD 410 (East West Highway) and Riggs Road. The property consists of approximately 1.90 acres and is known as Parcel A (Plat Book WWW 17 at Page 79), as shown on County Tax Map 41, Grid C-1 (hereinafter the "Subject Property").

The Subject Property is in the CGO (Commercial General Office) Zone, but is being reviewed pursuant to the provisions of the prior Zoning Ordinance in accordance with Section 27-1703(a) of the Zoning Ordinance. The Subject Property is currently developed and all existing features on the Subject Property will be razed to accommodate the proposed new development.

Principal has filed a Special Exception (to wit: SE-4846) with the Development Review Division of The Maryland-National Capital Park and Planning Commission (the "M-NCPPC") requesting that the Subject Property be redeveloped with and used as a food and beverage store, in combination with a gas station.

Principal hereby approves, authorizes, and directs each of Jeffery Bainbridge and Thomas Ruszin III acting individually, to act on behalf and for Principal and take any and all action necessary to obtain approval of SE-4846 to accommodate the ultimate redevelopment and use of the Subject Property as a food and beverage store, in combination with a gas station. This authorization and direction to act on behalf of Principal as its Attorney-In-Fact includes, but is not limited to, appearing before any boards, municipalities, administrative agencies, hearing examiners, county or district councils, etc.; entering into or accepting any agreement(s)/condition(s) necessary to accommodate the redevelopment of the Subject Property as envisioned in SE-4846; and to provide testimony or evidence on behalf of Principal.

Further, Principal does ratify and confirm all actions authorized hereunder that its Attorney-In-Fact shall do or cause to be done by virtue of this Limited Power of Attorney. Except as for the power herein stated, Principal does not authorize its Attorney-In-Fact to act for any other purpose unless otherwise provided in its Operating Agreement or by resolution.

Third parties may rely upon the representations of the Attorney-In-Fact as to all matters relating to the power granted hereunder, and no person who may act in reliance upon the representations of the Attorney-In-Fact shall incur any liability to the Principal as a result of permitting the Attorney-In-Fact to exercise the stated power.

This Power of Attorney will expire at such time as Principal designates in writing to the Attorney-In-Fact.

IN WITNESS WHEREOF, the Principal has hereunto executed and delivered this Power of Attorney this 1st day of June, 2022.

RF EAST WEST HYATTSVILLE, LLC

By: Two Farms, Inc.
Member

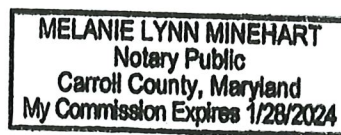
By: [Signature]
Name: John Kemp
Title: President

STATE OF MARYLAND

COUNTY OF CARROLL

On the 18th day of July in the year 2022, before me, the undersigned, personally appeared John M. Kemp, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the Baltimore, MD.
(City/State acknowledgement was taken)

[Signature]
Notary Public Signature
Melanie L. Minehart
Printed Name



Matthew C. Tedesco

From: Matthew C. Tedesco
Sent: Tuesday, July 19, 2022 8:21 AM
To: Matthew C. Tedesco
Subject: FW: SE-4846 - Royal Farms #393 - Post SDRC Submission

From: Warner, David <david.warner@mncppc.org>
Sent: Wednesday, May 25, 2022 10:43 AM
To: Matthew C. Tedesco <mtedesco@mhlawyers.com>; Daniel F. Lynch <dlynch@mhlawyers.com>; Tom Haller <thaller@gibbshaller.com>
Subject: FW: SE-4846 - Royal Farms #393 - Post SDRC Submission

Matt, Dan, Tom

Peter brought this to my attention. I understand this issue has been percolating for awhile and that the three of you had a call with him. I looked into it and agree that the Council intended the new provisions re EV stations, etc. would not apply to applications filed prior to January 1, 2022. Staff has been advised and I also followed up with Maurene. Let me know if you have any questions.

David

David Warner

Office of the General Counsel | Principal Counsel
The Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive, Suite 4120
Upper Marlboro, Maryland 20772
202.603.9466
email: david.warner@mncppc.org



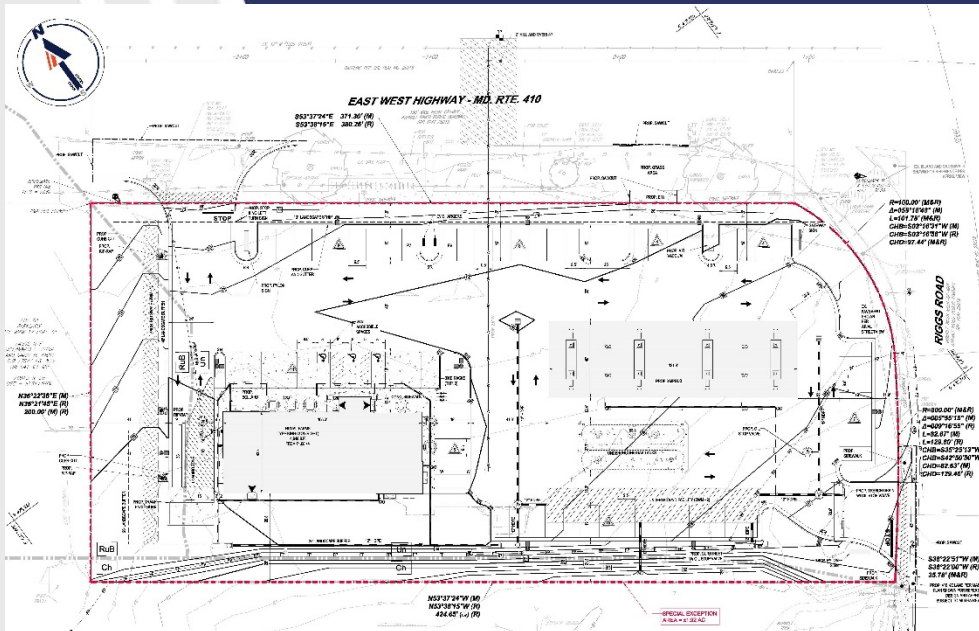


Valbridge
PROPERTY ADVISORS

Need Analysis

Proposed Automobile Filling Station
1821 East-West Highway
Hyattsville, MD 20783

FOR
Royal Farms
3611 Roland Avenue
Baltimore, MD 21211



Valbridge Property Advisors |
Baltimore Washington Metro

11100 Dovedale Court
Marriottsville, Maryland 21104
443-333-5522
443-333-5445 fax
valbridge.com

BW01-20-0103

June 26, 2022

Mr. Jeff Bainbridge
Director of Real Estate
Royal Farms
3611 Roland Avenue
Baltimore, Maryland 21211

**Subject: Proposed Automobile Filling Station and Convenience Store
1821 East-West Highway, Hyattsville, MD - Need Analysis**

Dear Mr. Bainbridge:

Enclosed please find Valbridge Property Advisor's (Valbridge) analysis of the need for the proposed automobile filling station and convenience store to be located at 1821 East-West Highway in the unincorporated area west of the City of Hyattsville area in Prince George's County, Maryland. The site is proposed as an eight MPD gasoline station and 4,649 sq. ft convenience store with appropriate parking. Our analysis has been conducted in connection with your petition for a special exception to permit a new automobile filling station and convenience store on that property.

We find that that the proposed automobile filling station and convenience store will serve public need for convenient retail and gasoline purchases. The enclosed report summarizes our reasoning process.

It has been a pleasure working with you on this project. Please call me at (443) 333-5521 should you have any questions or comments.

Respectfully submitted,
Valbridge Property Advisors |
Baltimore Washington Metro



Edward M. Steere, AICP
Managing Director

PROPOSED AUTOMOBILE FILLING STATION NEED ANALYSIS

Executive Summary

Valbridge Property Advisors has been engaged by Royal Farms in connection with its petition to the Prince George's County District Council for a special exception permitting the redevelopment of a corner land parcel fronting East-West Highway (MD-410) and Riggs Road, as a gas station and convenience store, in the City of Hyattsville in Prince George's County, Maryland.

Scope of Work

Valbridge Property Advisors has been engaged to examine evidence of the public need for an automobile filling station in combination with a food and beverage store at this location. Presentation of sufficient evidence of public need for gasoline sales and the food and beverage store use is required before a special exception for those uses can be granted.

Royal Farms Automobile Filling Station and Convenience Store

The proposed Royal Farms gas station in Hyattsville is a rectangular shaped land parcel bounded by MD-410 (East-West Highway) and MD-212 (Riggs Road). The proposed improvements to the site include a gasoline station with eight multi-product dispensers (MPD's) under a canopy. In addition, there will be a convenience store of approximately 4,649 sq. ft with indoor/outdoor seating.

The Maryland Department of Transportation State Highway Administration published an estimated annual average daily traffic (AADT) count in 2020 on MD-212 between MD-410 and Red Top Road as 28,933 average annual weekday traffic (AAWDT). MD-410 serves as a major commuter route which runs through the inner northern suburbs of Washington D.C., connecting the commercial districts of Bethesda, Silver Spring and Hyattsville. Additionally, it provides a highway connection to transit and commercial hubs centered around Washington Metro subway stations in Bethesda, Takoma Park, Hyattsville, Silver Spring and New Carrollton. This site location provides an opportunity for commuters and consumers traveling on MD-410 to have convenient access to fresh food and competitive fuel prices before continuing to and from home.

Needs Analysis

Under the assumption that the special exception conditions have been met at the proposed site, we are of the opinion that granting the request is appropriate. Valbridge believes that the proposed convenience store with gas will be more convenient and therefore necessary to the residential households and commuters in the trade area. We do not believe that the proposed gas station will detract from or impair the health, morals, or welfare of residents in any conceivable way, given the considerable number of residential households and employment opportunities in the area as well as the significant volume of daily pass-thru traffic who are in need of expedient

fuel and convenience store services. Recent industry surveys reveal that while the price per gallon is still one of consumer's top considerations when choosing a gas station, an increasing proportion of consumers are more likely to go out of their way to visit a certain brand of station which has the quality of in-store offerings such as fresh food and loyalty programs they value. This trend is likely to continue going forward as in-store sales numbers climb and more people report entering the store during their visit. Overall, we estimate total fuel demand in the trade area at approximately **17.80 million gallons per year**.

Hyattsville Trade Area Annual Demand	
Residential	10.01 mgal/yr
Commercial	0.49 mgal/yr
Pass-Through	0.86 mgal/yr
Workforce	6.44 mgal/yr
Total	17.80 mgal/yr

Competitive Supply

Our survey revealed 18 existing gas stations in the subject's trade area. Based on our assessment of each station and using the average motor fuel gallonage sold per month data from NACS, trade area stations are estimated to supply an aggregate of **16.1 gallons per year**. Throughout our survey we evaluated conditions that are important to the marketing of goods and services, such as clean, well-lit facilities, quality fresh food products, visibility and access from the highway and neighborhood, modern design and cover from the elements. Based on this analysis we found that for the majority, gas stations that populated this area followed a classic service station design with three or more service garage bays or were formatted as small kiosk/mini convenience stores. These stations are unlikely to draw the same volumes of customers as the subject site as further demonstrated by our estimates of annual fuel sales volumes which are slightly below average.

We believe that only two trade area stations are realistically competitive with the subject as these stations have larger convenience store formats and modern designs with services such as a Bank of America ATM. The remaining 16 trade area stations have little competitive advantage over one another in terms of the services they offer and benefit solely from the fact that they are well-positioned to capture traffic along commuter routes. One station on Ager Road appears to be closed for business. On average, existing neighborhood stations do not meet modern consumer demands. Performance data from NACS and ITE traffic generation models reinforce that a modern convenience store such as the subject will generate more than double the customer traffic of the traditional and smaller gas stations.

NAME	ADDRESS	MPD	Diesel Positions	Convenience Store	Carwash	Service Bays	Sq.Ft.	Yr Built
EXXON	6762 RIGGS RD	3	2	KIOSK	Y	4	2,233	1987
GAS KING	2025 UNIVERSITY BLVD E	4		KIOSK		2	1,344	1959
VALERO	2301 UNIVERSITY BLVD E	6		KIOSK		4	2,331	1964
ADELPHI GAS	2300 UNIVERSITY BLVD E	4		KIOSK	Y		528	1970
SHELL	2344 UNIVERSITY BLVD E	4		KIOSK		3	1,568	1968
UNIVERSITY GAS	2201 UNIVERSITY BLVD E	4		MINI	Y		1,343	1950
CITGO	2210 UNIVERSITY BLVD E	3		KIOSK		3	1,840	1970
ERROL'S GAS	1825 UNIVERSITY BLVD E	4		KIOSK		3	1,440	1964
US FUEL	5851 RIGGS RD	4		KIOSK		3	1,827	1961
BP	5818 RIGGS RD	3	1	MINI		4	8,953	1966
SHELL	5801 RIGGS RD	4	2	KIOSK			1,305	1956
RED TOP	949 EAST-WEST HWY	5		LTD	Y	3	2,218	1954
SHELL	7430 RIGGS RD	4		LTD			1,568	1970
US FUEL	5320 QUEENS CHAPEL ROAD	3		MINI		3	1,728	1963
SHELL	5398 QUEENS CHAPEL ROAD	4	4	MINI			800	1987
SUNOCO	3599 EAST WEST HIGHWAY	4	4	LTD			2,065	1965
SUNOCO (closed)	5601 AGER ROAD	3		KIOSK		3	1,682	1957
EXXON	3200 QUEENS CHAPEL ROAD	3		KIOSK			475	1983
TOTALS/AVERAGES		69	13		4	11	1,958	1966

Convenience Store

Although there are other existing convenience stores in the neighborhood, there are none that offer the selection of fresh foods and fuel proposed on this site. All of the other stores are smaller and limited in scope of offerings. Industry trends show that a majority of drivers who purchased fuel are also entering the food and beverage stores (52% in 2020 vs. 35% in 2015) and that younger consumers are likely to shop convenience stores daily, purchase healthy food offerings and base their fuel purchase decision on what they plan on purchasing inside the convenience store. The necessity or demand of the gas station creates a reasonable need for a food or beverage store, given the increase in sales for both product offerings when offered in unison. The establishment of a hyper convenience store with gasoline sales on East-West Highway will provide a convenient and expedient service to the community.

Conclusions

Valbridge concludes, therefore, that there is public need/necessity for the proposed Royal Farms automobile filling station and food and beverage store in Hyattsville, due to the facts presented above. The site and use is, "convenient, useful, appropriate, suitable, proper or conducive" to the public in this area, by providing a single location for the purchase of fuel and a wide variety of food and convenience options. The store and fueling station complement the surrounding retail character of the area and is positioned at one of the high traffic volume locations along MD-410. This area is a mixture of residential, commercial and civic uses and the proposed site has the unique benefit of being in close proximity to two high ridership bus stop routes and the Sligo Creek Trail allowing it to serve pedestrian demand. Traveling to the site is unlikely to increase traffic on side roads or the distance traveled by residents/commuters on their standard daily

journeys. The subject will be an attractive improvement over the existing commercial uses located at this site which are partially vacant.

There are few opportunities in the market area for customers to find fuel and associated convenience items paired in a clean, well-lit environment that is in demand at this time. With two exceptions, the gas stations in the trade area are all outdated, and many do not offer a full range of fuels or convenience items. We judge that that the few modern facilities, that offer larger convenience spaces and services are attractive to a broader market of consumers, and present a greater convenience than the existing stock in the marketplace.

I. INTRODUCTION

Valbridge Property Advisors has been engaged by Royal Farms in connection with its petition to the Prince George's County District Council for a special exception permitting the redevelopment of a corner land parcel fronting East-West Highway (MD-410) and Riggs Road (MD-212), as a gas station and convenience store, in the City of Hyattsville in Prince George's County, Maryland.

Purpose of Assignment

This site is a 1.7 acre corner parcel within a Commercial Shopping Center, C-S-C zoning district. The parcel is improved with a retail strip center of approximately 16,984 sq. ft. and is leased by Papa John's, a restaurant and unisex clothes store. The proposal is to redevelop the site as a gas station and convenience store. The Royal Farms store is planned with eight MPD's under a canopy in addition to a convenience store of approximately 4,649 sq. ft. with indoor/outdoor seating. Diesel fuel will also be offered. It is assumed that Royal Farms may prefer a modified site plan, but that the development will generally be in context with the current concepts.

Valbridge Property Advisors has been engaged to examine evidence of the public need for an automobile filling station with a food and beverage store at this location. Presentation of sufficient evidence of public need for those uses is required before a special exception can be granted. The Prince George's County Zoning Regulations, Section 27-355 requires, among others:

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

Section 27-358 (d):

- (d) 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; and*
 - (2) Will not unduly restrict the availability of land, or upset the balance of land user, in the area for other trades and commercial uses.*

A convenience store alone is a permitted use on this site, but motor fuels sales requires the demonstration of public need. When combined, both uses are required to demonstrate need and convenience to the public. For purposes of this analysis, we have considered public need/necessity to mean "expedient or reasonably convenient and useful to the public" (as defined in *Lucky Stores, Inc. v. Board of Appeals*) and "convenient, useful, appropriate, suitable, proper or conducive to the public in the surrounding area" (as defined in *Baltimore County Licensed Beverage Association, Inc. v. Kwon*). In this case, we consider 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.

Scope of Work

In conducting this analysis Valbridge has accomplished the following tasks:

- Inspected the subject site and neighborhood;
- Reviewed the subject's site plan;
- Defined the subject's surrounding trade area;
- Consulted demographic and economic data for the trade area produced by ESRI (Environmental Systems Research Institute, Inc.) based on U.S. Census information, Metropolitan Washington Council of Governments (MWCOG) and others;
- Inspected gas station properties in the trade area;
- Estimated the scale of gasoline demand within the defined trade area and arrived at certain conclusions.

Organization of Report

Following this Section I, Valbridge's report is organized in three sections as follows: Section II, site and location analysis; Section III, need analysis; Section IV, survey of nearby competitive supply; Section V, conclusions.

Qualifications of Consultant

Valbridge is the largest independent real estate valuation firm in the continental United States, with 70 offices and more than 675 employees, of which more than 200 are MAI appraisers. We have experience and data on all types of real estate, including special purpose and portfolio assignments.

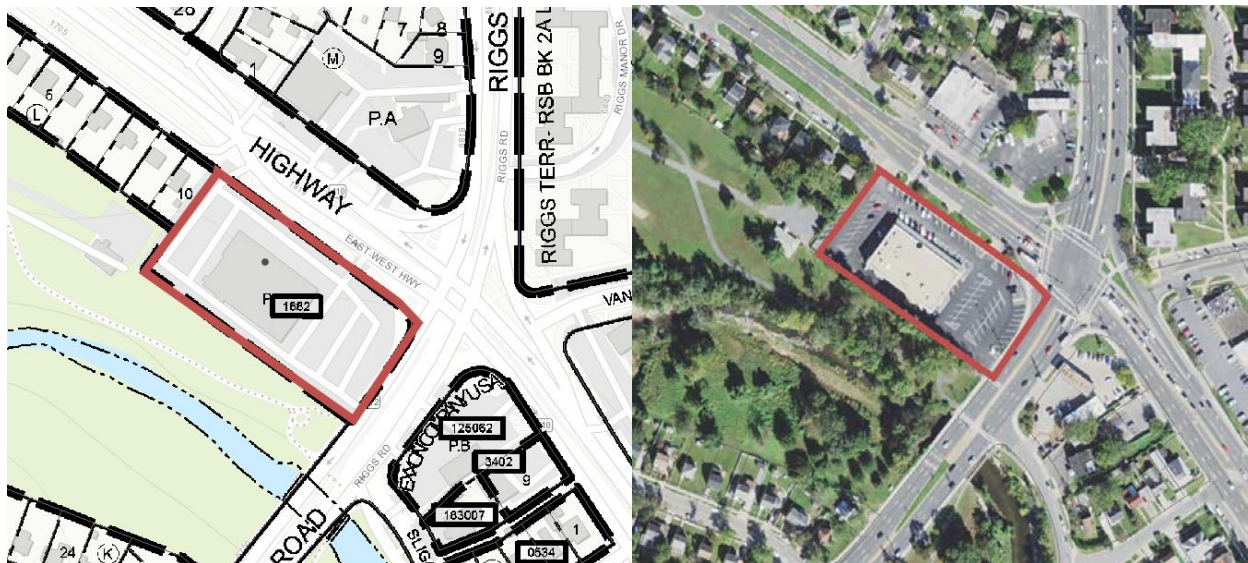
The principal-in-charge of this assignment has been Edward Steere, AICP, Senior Managing Director. He has 30 years of real estate development, finance and consulting experience. Most relevant to this assignment, Steere has successfully completed feasibility assessments for commercial opportunities throughout Maryland. Additional information on the firm and Steere are found in Appendix A at the end of this study.

II. SITE LOCATION ANALYSIS

In this section, Valbridge describes the proposed automobile filling station and convenience store location, its access and surroundings in order to establish its positioning within its trade area and competitive environment generally.

A. SITE DESCRIPTION

The proposed Royal Farms gas station in the unincorporated area of Hyattsville is located at the intersection of MD-410 and Riggs Road, approximately one mile northeast of the Washington, D.C. line and less than two miles from the Prince George's Plaza Metro Station. The rectangular shaped parcel is presently improved as a retail strip center of approximately 16,984 sq. ft. and is separated from a block of residential homes by a fence at its western boundary. The Sligo Creek Trail runs behind the site in an area set aside as open space. There are other commercial uses immediate north and east of the site, including a gas station with a four-bay service garage. In its entirety the parcel is 1.7 acres in size and is currently zoned C-S-C: Commercial Shopping Center.



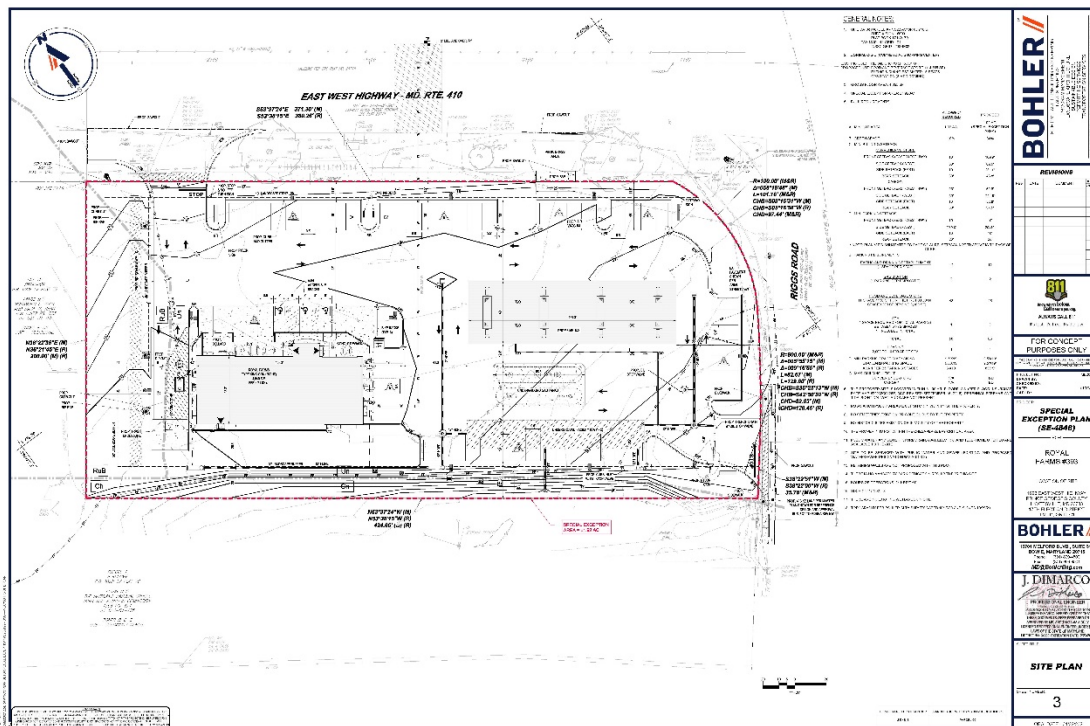
The proposed improvements to the site include a gasoline station with eight multi-product dispensers (MPD's) under a canopy, in addition to a convenience store of approximately 4,649 sq. ft. with indoor/outdoor seating. Diesel fuel will also be offered. It is assumed that Royal Farms may prefer a modified site plan, but the development will generally be in context with the current concepts. The existing topography of the site is generally flat with no evident environmental sensitivities.

B. SITE ACCESS

The subject property has excellent frontage on the south side of MD-410, which is the primary corridor used for east-west travel in the City of Hyattsville. This multi-lane highway carries a significant amount of daily traffic and provides connections to most other major commuter routes such as the north-south corridor of US-1, MD-650 and MD-500 as well as employment and retail centers in Silver Spring, Bethesda and other Montgomery County locations. The site's positioning at the intersection with north-south Riggs Road places it roughly halfway between northeastern neighborhoods of Washington, D.C. and the Capital Beltway Inner Loop.

Traveling east bound on MD-410 there will be one access point placed at the western boundary of the site. The site will have an egress on along Riggs Road, however this point may only be used by those traveling southbound due to a central median. The site has been designed with the store on the western side of the site with eight MPD's under canopy on the eastern end of the site. The Maryland Department of Transportation State Highway Administration published an estimated annual average daily traffic (AADT) count in 2020 on MD-212 between MD-410 and Red Top Road as 28,933 average annual weekday traffic (AAWDT). Likewise, traveling northbound towards MD-193 was estimated at 33,173 AADT. Traffic count estimates provided by ESRI for the area are also provided.

Site Plan





Subject looking Southeast



Existing Building and Parking looking Southwest



Existing Building and Parking looking West



Rear of Existing Building



Southbound on Riggs Road

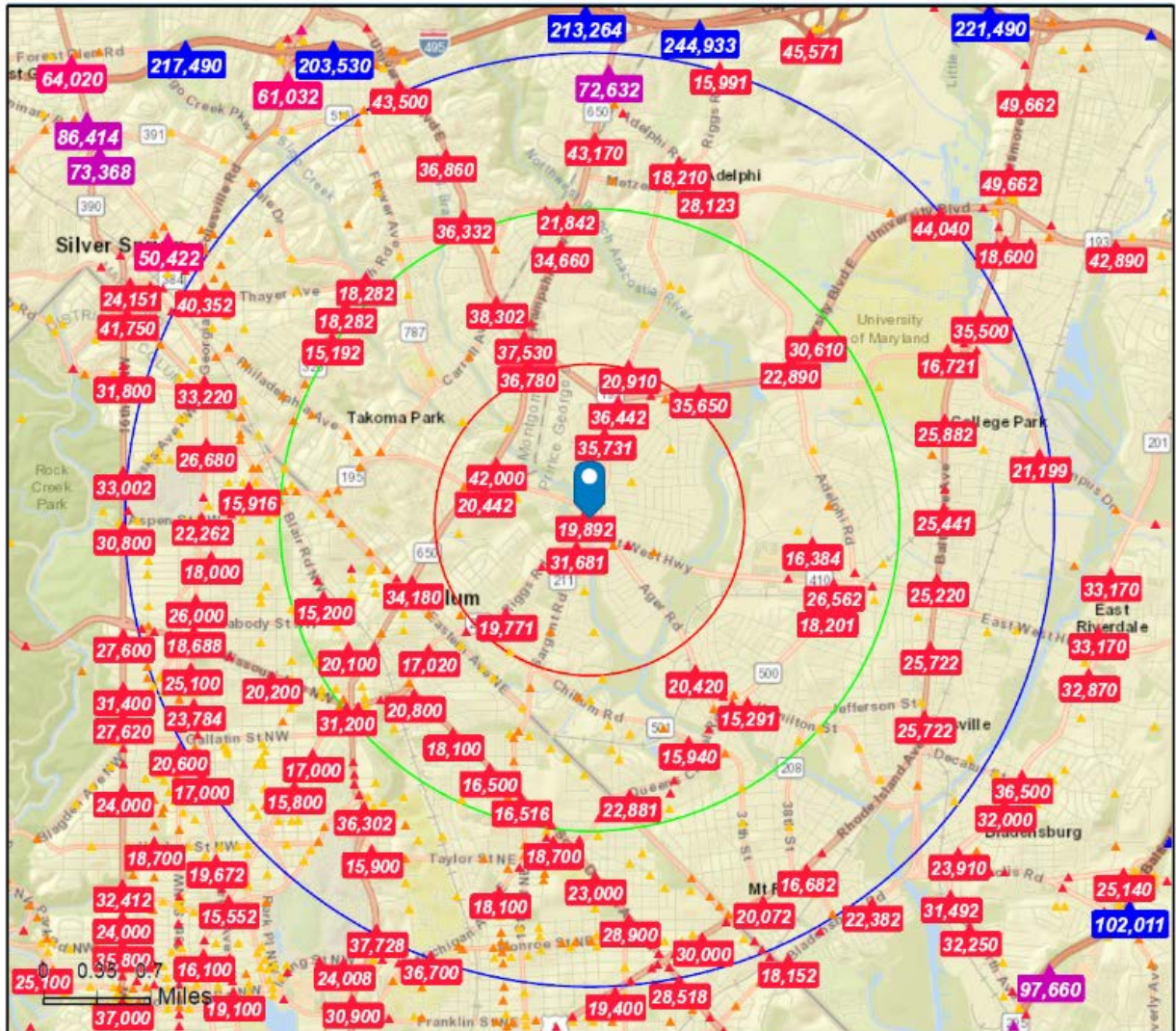


Intersection of Riggs Road and MD-410

Traffic Count Map

1823 East West Highway, Hyattsville, Maryland, 20783
Rings: 1, 2, 3 mile radii

Prepared by Esri
Latitude: 38.97230
Longitude: -76.98045

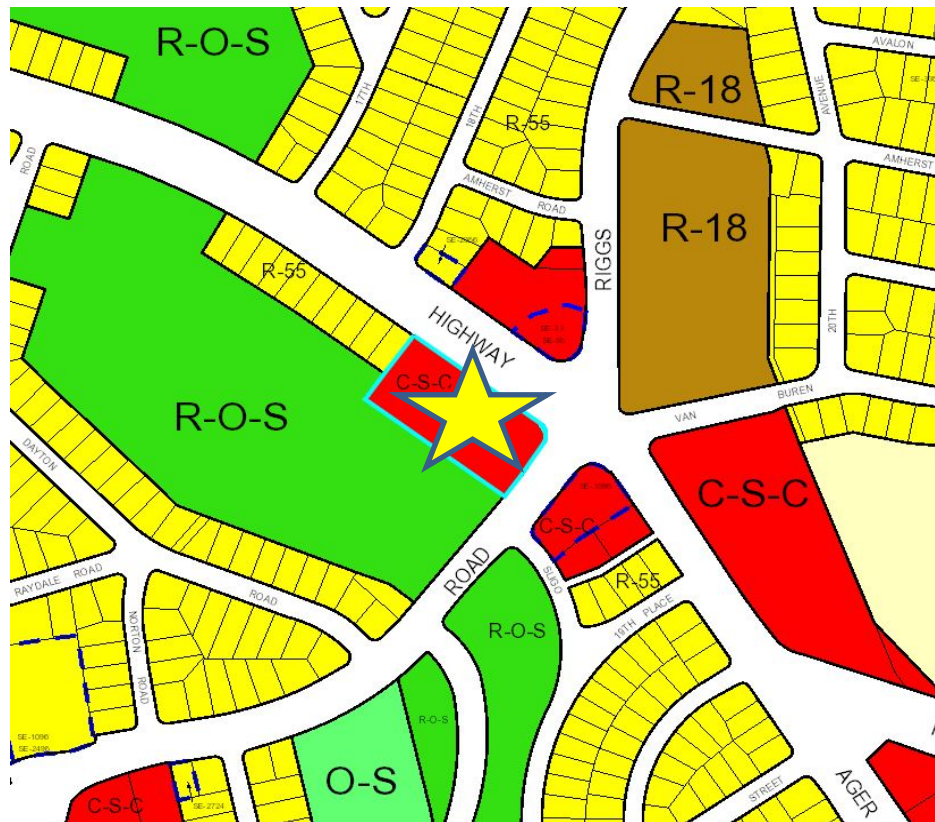


C. SURROUNDING LAND USES

The subject is located within the C-S-C (Commercial Shopping Center) zone. The general purpose of commercial zones as provided by the Prince George's County Zoning Ordinance among other provisions is to provide sufficient space and a choice of appropriate locations for a variety of commercial uses as well as to improve traffic efficiency and lessen the congestion on streets, particularly in residential areas. More specifically, the C-S-C zone provides locations for compatible institutional, recreational, and service uses. The area immediately surrounding the intersection of MD-410 and Riggs Road is a mixture of small strip centers, residential development and civic uses.

Four corners of the intersection of MD-410, Riggs Road and Van Buren Street are zoned for commercial use. There is a smaller retail strip center and car audio shop across MD-410 to the north and another similarly sized retail strip directly east. Across Riggs Road is an Exxon gas station with a four-bay service garage. This station is accessible traveling eastbound on MD-410 or northbound on Riggs Road. Aside from the 213-unit Newbury Square Apartments at the northeast corner, the rest of the area is primarily zoned for single-family detached homes.

The site is bounded to the south by an area of reserved open space. The Sligo Creek Trail runs through this area and passes by a small Prince George's County Department of Parks and Recreation building. The trail continues across MD-410 to the west of the subject towards MD-650 as part of the Anacostia Tributary Trail System. The proposed Royal Farms convenience store has the unique opportunity to attract a volume of pedestrian traffic due to its position immediately adjacent to this cross-county trail system. The site is also in close proximity to bus stops for the WMATA F4 and R2 lines, two routes with high ridership volumes in Prince George's County. The pedestrian focus of this location is further reinforced by the presence of a Capital Bikeshare placed in front of the subject.



D. SUMMARY

The subject property is well situated at the intersection of MD-410 and Riggs Road, approximately one mile northeast of the Washington, D.C. line and less than two miles from the Prince George's Plaza Metro Station. This multi-lane highway carries a significant amount of daily traffic and provides connections to most other major commuter routes such as the north-south corridor of US-1, MD-650 and MD-500 as well as employment and retail centers in Silver Spring, Bethesda and other Montgomery County locations. This is further demonstrated by the Maryland SHA's estimated AADT exceeding 30,000 traveling north-south on Riggs Road.

The site is currently zoned for commercial use and the proposed improvements will replace a partially vacant retail strip center built in 1955 with a convenience store and fuel station that meets modern design standards. The subject is surrounded by commercial uses to the north and east, with low and medium density residential development to the south and west. The Sligo Creek Trail runs through an area of reserved open space behind the site as part of the longer cross-county Anacostia Tributary Trail System.

The services that will be offered by the proposed Royal Farms vehicle fueling station and convenience store align with the general purpose of the C-S-C zone to provide sufficient space and a choice of appropriate locations for a variety of commercial uses.

The subject's site design allows for the efficient distribution of incoming vehicles, further improving traffic efficiency and reducing congestion on streets. The site is supportive of the existing developed area given the commercial and civic uses which feed into this intersection. The subject will also be an appropriate supportive use to the residential neighborhoods which surround it as well as pedestrian traffic stemming from the nearby trail system and WMATA F4 and R2 bus stops.

III. NEED ANALYSIS

In this section, Valbridge reviews certain factors which are determinative of the subject's ability to accommodate public need. We estimate total demand for gasoline within the subject's trade area, estimate the subject fueling station's usage, then draw conclusions regarding accommodation of public need.

A. ACCOMMODATION OF PUBLIC NEED

In the Final Decision regarding SE-4680 for the proposed gas station location at the BJ's Wholesale Club at Ritchie Station Marketplace, the District Council for Prince George's County found that the proper standard to apply in the review of that request is whether the proposed fueling station would be "convenient, useful, appropriate, suitable, proper or conducive" to the public in that area given the nature of the use rather than an actual deficit of capacity. This does not mean that the proposed use is required to be absolutely necessary. Furthermore, in Schultz v. Pritts, 291 Md. 1, 432 A. 2d 1319, 1325 (1981), the Court of Appeals of Maryland provided that "if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal."

The proposed site has the unique benefit of being in close proximity to both commercial uses as well as low and medium density residential developments. Its location is entirely within a Commercial Shopping Center zone and as such provides a clear incentive for consumers to combine their nearby shopping trips with a quick visit to the gas station. Not only will the proposed site promote business activity at other C-S-C zone retail establishments, its positioning will also help reduce the impacts of traffic congestion, fuel consumption and air quality by improving vehicular trip efficiency. The colocation of food and beverage offerings with gas stations is an ever-increasing industry trend which will likely continue to gain momentum in the short-term. We believe that the pairing of the two uses at this site is practical and appropriate given the fact that there is already an existing, albeit substandard fuel station at this intersection which is serving the high volume of pass-by traffic.

The proposed site is a compatible redevelopment of an existing commercial use at an intersection already generally developed for retail uses. Our review of the site plans and building renderings as provided by Royal Farms has shown that the proposed site would improve the current aesthetic character of the area with the redevelopment of the mostly vacant, outdated retail strip center and large surface parking lot. Legal rulings such as Klevens v. Deep River PZC¹ have noted that property values would actually be enhanced by "any project that would remove an existing eyesore and replace it with a modern facility which would fit in well in the area."

¹ *Klevens v. Deep River PZC*, 2007 Ct. Sup. 15531 (Conn. Super. Ct. 2007)

B. HYATTSVILLE'S TRADE AREA

We have defined the subject fueling station's trade area as the area centered on the MD-410 commercial corridor between Adelphi Road/MD-500 and MD-650. The trade area boundaries extend northward to MD-193 and southward to Eastern Avenue, effectively capturing commuters and consumers traveling out of residential communities in northeastern Washington, D.C. neighborhoods, Adelphi, Langley Park and West Hyattsville. We judge that this area is a reasonable representation of consumers seeking convenience store and fueling services along the course of their travel to and from work or in combination with their routine shopping trips. Realistically, residents of other areas will also avail themselves of the broad variety of offerings in this area, especially given the subject's proximity to the Prince George's Plaza Metro Station, the Mall at Prince George's and employment opportunities at the University of Maryland.

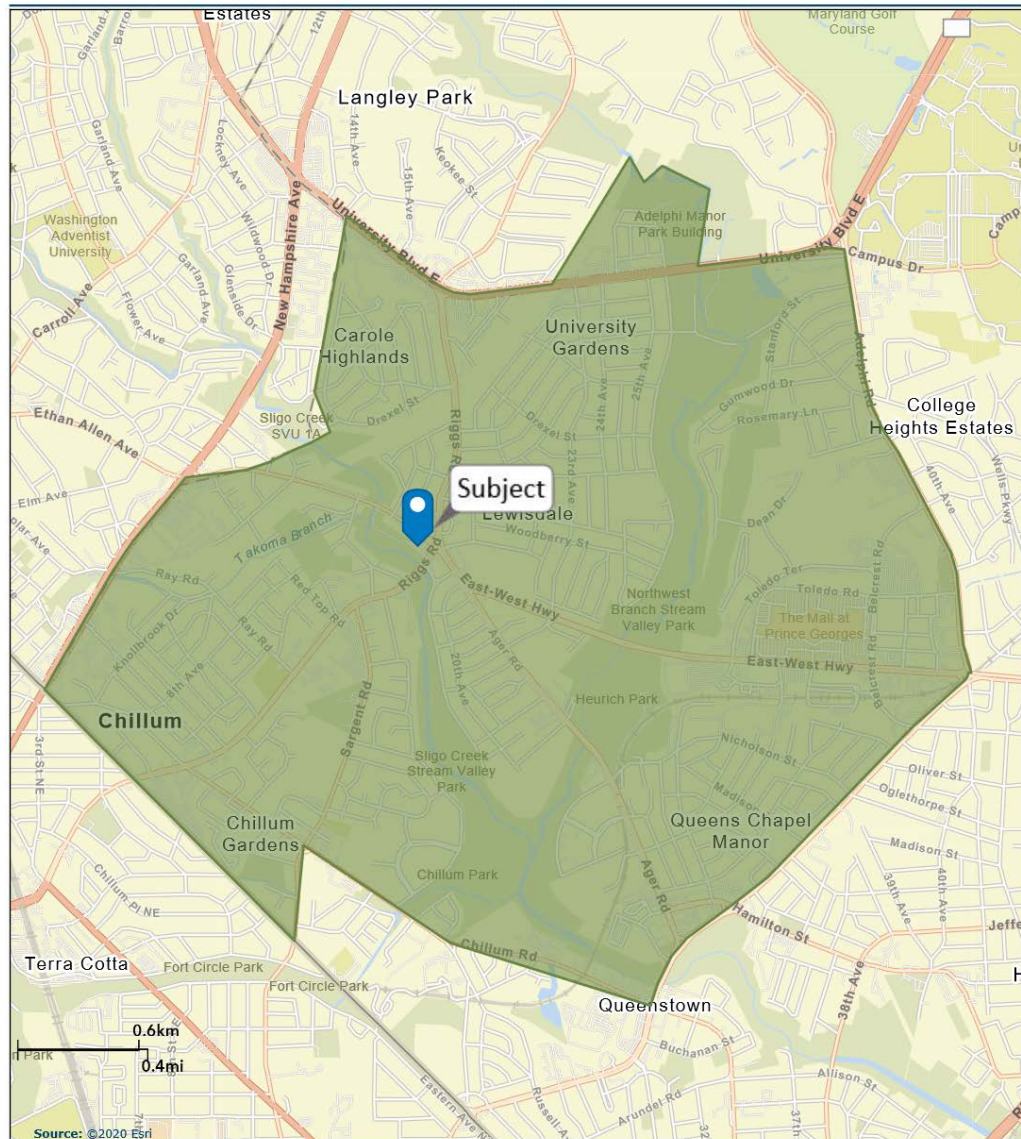
The accessibility of MD-410 allows larger traffic volumes to diverge from main highways such as the Baltimore-Washington Parkway and through this area to reach residential neighborhoods and popular retail destinations as well as locations further west in Montgomery County such as Silver Spring and Bethesda. The trade area is comprised of the following ten Prince George's County census tracts:

8050	8051.01	8052.01	8052.02	8055
8058.01	8058.02	8059.08	8059.09	8060

The trade area is depicted on the map on the following page. We have defined the trade area based on these principal factors:

- Drive Time Analysis – National consumer behavior studies such as a 2016 study titled "*The Impact of Retail Proximity on Consumer Purchases*" by Access Development, reveals that frequent purchases made once or more per week (such as fuel, groceries, fast food) are typically made within 10 minutes of home. In particular, fuel purchases were the most frequent purchase and had a corresponding average distance of six minutes away from home. Our trade area coincides with the majority of the area covered by the six-minute radius. Although the 6-minute drive time analysis does include some areas beyond the defined trade area, we have only included neighborhoods located within Prince George's County. We make the conservative assumption that the subject will not capture those consumers outside the County.
- Highway Network - The subject is located at a key crossroads location to serve residents and commuters from both Prince George's and Montgomery County as well as travelers stemming from northeastern Washington, D.C. neighborhoods. MD-410 provides easy connections to major County facilities and employment centers such as the University of Maryland, the Mall at Prince George's County and several Metro Stations.

Trade Area Map



C. RESIDENTIAL DEMAND

We have compiled data obtained from the U.S. Census and Environmental Systems Research Institute, Inc. (ESRI) a respected national demographic and economic research firm, describing demographic trends and socio-economic characteristics of the trade area. Population trends have been as follows:

Trade Area Demographic Trends				
	2000	2010	2021	2026
Population	37,982	40,636	43,181	43,835
Households	13,502	13,142	13,845	14,109

Source: 2000 and 2010 Census; ESRI estimate, 2021 and 2026.

We have also consulted the Metropolitan Washington Council of Governments (MWCOG) Round 9.1a Cooperative Forecasts for population, household and employment data for the same general market area. MWCOG develops its data based on geographic submarket areas, known as Traffic Analysis Zones (TAZ), whose borders are formed by census tracts, jurisdictional boundaries, major transportation routes and geographical barriers such as rivers. The MWCOG data is typically more precise than Census data due to the local source information and participation.

MWCOG 2020 Household Estimate – 13,748

We find that the current MWCOG household projections appear to be slightly lower than ESRI's estimates, however the ESRI and MWCOG estimates of existing households complement each other. With this in mind, we estimate the number of households in the defined trade area in the at 13,900 in 2022, based on a growth rate of approximately 53 households per year. Those households have the following socio-economic characteristics:

Median Household Income (2021)	\$66,115
Average Household Size--Persons (2021)	3.09
Average Owner-Occupied Home Value (2021)	\$348,614
Estimated Homeownership Rate (2021)	38.4%
Average Vehicles per Household (2015-2019)	1.6
Workers Driving to Work (2015-2019)	69.0%
Travel Time to Work 30+ minutes (2015-2019)	62.6%

The trade area is populous and is expected to grow by approximately 1.9% through 2026 based on ESRI forecasts. The Census Bureau's American Community Survey for 2015-2019 estimates that there are 1.6 vehicles per household on average and that the vast majority (69.0%) of workers drove to work, with more than half of workers (62.6%) commuting more than 30 minutes to work. Each of these households would benefit from the colocation of a food and beverage store and gas station proximate to home. The trade area's aggregate income is calculated as \$912,387,000 in 2021:

13,900 households x \$66,115 median income = \$919.0 Million Aggregate Income

Trade Area Residential Gasoline Demand

Residential consumers within the defined Hyattsville trade area were estimated to purchase approximately 10.01 million gallons of gasoline in Calendar Year 2021.

This estimate conservatively assumes that each of the estimated 13,900 households used for 2022 is buying approximately the same amount of gasoline as in 2020. For 2021, Census American Community Survey estimates that consumer households within the trade area spent on average \$2,207 on gasoline and diesel fuels. With regular gasoline selling at an average of \$3.01 per gallon for the East Coast PADD 1 in 2021 YTD according to the U.S. Energy Information Administration and assuming that driving behavior has not changed substantially, we estimate that trade area households are now buying an average of 720 gallons of gasoline per year. We find these estimates to be conservative since the estimates only include households living in the trade area.

If the average household is purchasing approximately 720 gallons of gas annually, that equates to roughly 14 gallons per week—equivalent to roughly one fill-up for a typical sedan. We note that the average number of vehicles per household in the market area is 1.6, that many of the residents are longer-distance commuters and that many of the vehicles are likely to be SUVs based on an average household size of 3.09 indicating the presence of children. In addition, with the lifting of COVID-19 travel restrictions, it is possible that driver behavior has altered, becoming somewhat less price-sensitive and driving more. Understanding all those factors, we judge the estimates to be conservative.

$$13,900 \text{ households} \times 720 \text{ gallons per year} = 10,008,000 \text{ gallons}$$

D. OTHER DEMAND

In addition to trade area residential consumers who will be the principal patrons at the subject fueling station and convenience store, we find that there are additional identifiable groups of consumers whom the station will serve:

Workers in the Hyattsville Trade Area

The daytime worker population in the Hyattsville trade area is approximately 11,970 persons according to estimates by US Census. Of this population, only 2.6% both live and work in the trade area. It is important to note that the trade area includes the Mall at Prince George's, a Kaiser Permanente Medical Center and office space at University Town Center.

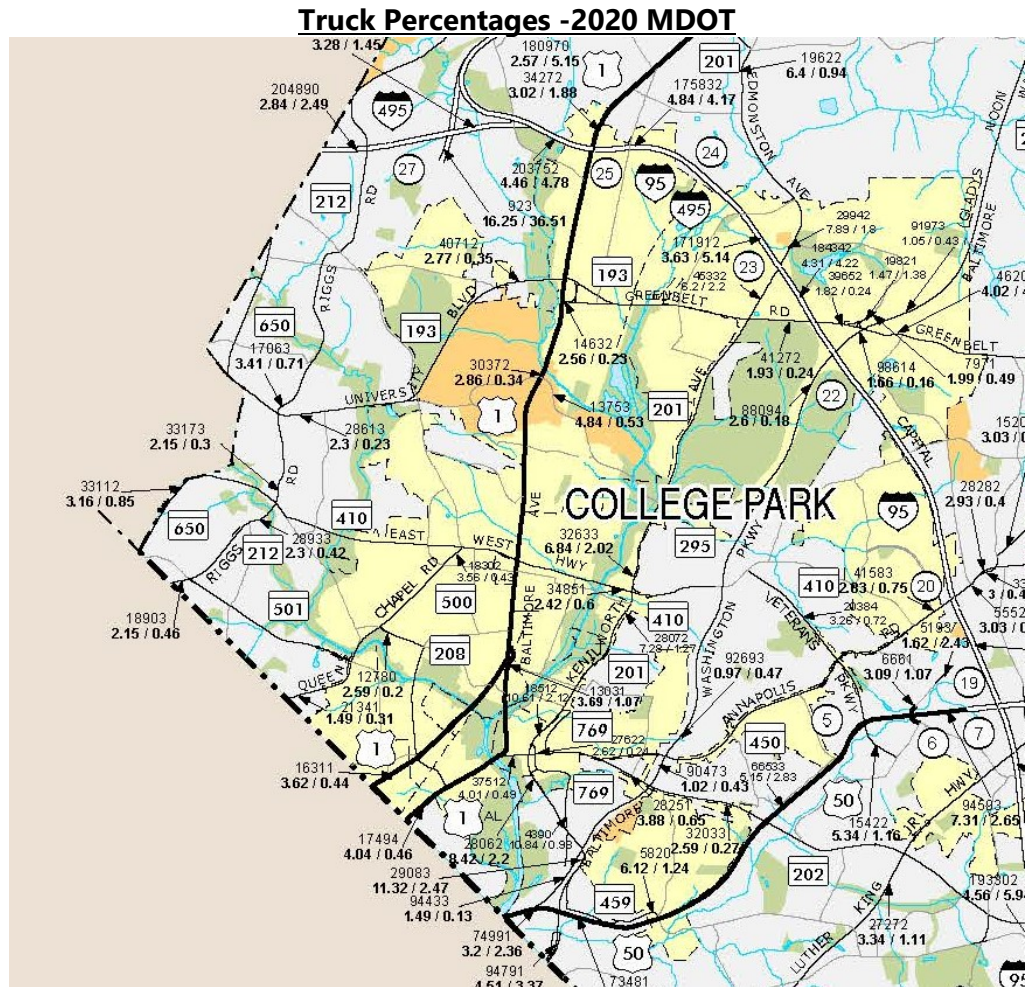
Within the trade area, using Census data on transportation to work, Valbridge estimates the proportion of personal vehicles used by the employees to commute to/from their place of employment at 69.0% or 8,259 vehicles. Each of those vehicles can benefit from fuel service convenient to the place of employment.

Valbridge estimates conservatively that each commuter vehicle will average at least one fill-up per week near the workplace. Assuming a commuter vehicle uses one fill up of roughly 15 gallons per week, we estimate personal vehicle demand from workers within the trade area to be 123,885 gallons per week or over **6.4 million gallons** per year.

Commercial Demand

We take note of the fact that fuel is purchased at gasoline stations by more than residential consumers. A Federal Highway Administration report, for example, states that in 2014 the number of Maryland private and commercial registrations for trucks and buses was 1.89 million as compared to 1.95 million automobiles.

Though we are not aware of any empirical data concerning the proportion of typical service station gas sales which are made to commercial vehicles, we have certainly observed those vehicles fueling up with some regularity. We assume that small businesses in particular are most likely to use typical gasoline stations, since larger construction companies, trucking companies, etc. more often will have their own fueling facilities. The nearest State Highway Administration data available for truck percentages is from points just north and south of the intersection along Riggs Road where single unit Class 4 -7 trucks make up between 2.15% - 2.3% of AADT and combination units Class 8-13 trucks make up between 0.3% - 0.42% of AADT. We therefore estimate that these sources of demand add at least 3% to total gasoline sales in the trade area.



Pass-Through Demand

Traffic generation models show that a modern gas station with convenience stores could attract as much as 64% of morning peak hour pass-by traffic and 66% of evening peak hour pass-by traffic.² We cannot use traffic count data to compute the individual impacts of each of these three consumer groups of local residents, commuters and commercial vehicles because the overall traffic data includes overlap among them. We consider these sources to be “pass-through” demand since these persons/drivers do not reside within the more tightly drawn trade area. It is reasonable to assume that at the subject’s location that there will be sufficient traffic to accommodate the proposed gas station and convenience store based on traffic modeling statistics provided in the previous section. Though it is more difficult to quantify these sources of demand for gasoline, they are certainly a major factor in the location of multiple gasoline retailers at many of MD-410 intersections. We estimate this source of demand to constitute approximately 5% of total gasoline sales in the trade area.

² Traffic Generation Manual, 10th Edition; Institute of Traffic Engineers, September 2017.

Total Demand

We have, therefore, adjusted trade area demand for gasoline upwards by 8% to account for the commercial and pass-through consumers likely to purchase gasoline within the Hyattsville trade area.

Hyattsville Trade Area Annual Demand	
Residential	10.01 mgal/yr
Commercial	0.49 mgal/yr
Pass-Through	0.86 mgal/yr
Workforce	6.44 mgal/yr
Total	17.80 mgal/yr

E. INDUSTRY TRENDS

The 2022 NACS Consumer Fuels Survey found that while the price per gallon is still one of consumer's top considerations on where to make their gas purchases, although declining in prior years, beginning in early 2022 fuel prices have increased significantly³. In fact, today's consumer is more likely to go out of their way to visit a certain brand of station which has the quality of in-store offerings such as fresh food and loyalty programs they value rather than a station that has the lowest prices at the pump. A primary draw is speed of service, with cashier-less checkouts and a broad range of food and convenience offerings, with easy access from the road and into the store. Over the last decade, food and beverage stores have begun to transform into popular food destinations that also conveniently offer fuel for sale. In-store sales have steadily climbed during this period and for the first time in NACS survey history a majority of drivers who purchased fuel are also entering the store (58% in 2022 vs. 52% in 2020 vs. 35% in 2015)⁴. The 2022 survey confirmed that one in four consumers are choosing healthy food products when entering the store as well. Although this trend will certainly help the kiosk and mini marts that are prevalent in the neighborhood, NACS survey revealed that the purchase of tobacco products fell below 20% which are a significant component of fast-moving retail sale items at these stores, but may also be influenced by local tobacco laws and taxes.

Going forward these trends are likely to continue as younger consumers are far more likely to shop convenience stores daily, purchase healthy food offerings and base their fuel purchase decision on what they plan on purchasing inside the convenience store. As of the 2020 NACS Survey more than two thirds of drivers age 18-34 chose to come inside the store when filling up their vehicles. Overall, comparing the results of this most current survey to only one year ago demonstrates a swift growth in the priority being placed on the quality of the store and that saving time is becoming more valued than saving money by consumers.

³ "The 2020 NACS Consumer Fuels Survey"; NACS Magazine, March 2020,

⁴ Ibid

Under the assumption that the special exception conditions have been met at the proposed site, we are of the opinion that granting the request is appropriate. Valbridge believes that the proposed convenience store with gas will be more convenient and therefore necessary to the residential households in the neighborhood. We do not believe that the proposed gas station will detract from or impair the health, morals, or welfare of residents in any conceivable way, given the considerable number of residential households surrounding the subject as well as the significant volume of daily pass-thru traffic who are in need of expedient fuel and convenience store services. Overall, we estimate total fuel demand in the trade area at approximately **17.8 million gallons** per year.

Recent industry surveys reveal that while the price per gallon is still one of consumer's top considerations when choosing a gas station, an increasing proportion of consumers are more likely to go out of their way to visit a certain brand of station which has the quality of in-store offerings such as fresh food and loyalty programs they value. This trend is likely to continue going forward as in-store sales numbers climb and more people report entering the store during their visit. As one the Baltimore-Washington Metro area's largest convenience store and gas station company, Royal Farms is well equipped to meet the demands of this emerging trend.

IV. COMPETITIVE SUPPLY

Valbridge has surveyed automobile filling stations located within the defined trade area. The primary trade area is defined as ten census tracts that represent the local residential and commercial community. In addition to our observations, we have consulted various sources including the Maryland Department of Assessments & Taxation (SDAT), CoStar Realty Group's commercial multiple list system and others to better describe the competitive supply in the Hyattsville area. We examine the likely demand of Royal Farms patrons for the subject gasoline fueling facility in the context of competition within its retail trade area.

A. STATION TYPES

Valbridge consulted the National Association of Convenience Stores (NACS) for facts associated with the different types of motor fuel sales operations. NACS classifies these establishments as follows:⁶

- **Kiosk** – less than 800 square feet with fast moving retail items like tobacco, beverages and snacks. Typical customers are transients and locals stopping in to buy gasoline.
- **Mini Convenience Store** – typically 800-1,200 sq.ft.. Limited to prepared foods and serving people buying gasoline.
- **Limited Selection Convenience Store** – approximately 1,500 to 2,200 sq.ft. which is the typical conversion of a former 2-bay service station.
- **Traditional Convenience Store** – Typically 2,400 to 2,500 sq.ft. with an expanded product mix, often including more grocery items.
- **Expanded Convenience Store** – About 2,800-3,600 sq.ft. This is a popular alternative to the large grocery store and often attract more families, women and senior citizens.
- **Hyper Convenience Store** – Very large stores at 4,000-5,000 sq.ft., such as the subject. These stores employ more staff, offer fresh food and sit-down eating spaces. These stores attract more families, senior citizens and in some locations act as a mini-truck stop with expanded services.

We find it important to study the classification of the supply in the trade area and balance that against the customer type, or target markets in this community.

NACS reports that convenience store operations sell approximately 80% of all consumer motor fuels in the country. The remaining 20% is sold at traditional service stations and supermarkets. They also report that consumers will drive up to 10 minutes out of their way to save pennies on gas purchases, which is why the convenience store venues are often able to sell fuel with lower margins, based on sales of other goods with higher margins.

⁶ NACS State of the Industry of 2016 Data Fact Book.

B. EXISTING FUEL OPPORTUNITIES

We have inventoried the supply of existing fuel opportunities within the defined trade area. Valbridge finds that there are a total of 18 stations as summarized in the table below:

NAME	ADDRESS	MPD	Diesel Positions	Convenience Store	Carwash	Service Bays	Sq.Ft.	Yr Built
EXXON	6762 RIGGS RD	3	2	KIOSK	Y	4	2,233	1987
GAS KING	2025 UNIVERSITY BLVD E	4		KIOSK		2	1,344	1959
VALERO	2301 UNIVERSITY BLVD E	6		KIOSK		4	2,331	1964
ADELPHI GAS	2300 UNIVERSITY BLVD E	4		KIOSK	Y		528	1970
SHELL	2344 UNIVERSITY BLVD E	4		KIOSK		3	1,568	1968
UNIVERSITY GAS	2201 UNIVERSITY BLVD E	4		MINI	Y		1,343	1950
CITGO	2210 UNIVERSITY BLVD E	3		KIOSK		3	1,840	1970
ERROL'S GAS	1825 UNIVERSITY BLVD E	4		KIOSK		3	1,440	1964
US FUEL	5851 RIGGS RD	4		KIOSK		3	1,827	1961
BP	5818 RIGGS RD	3	1	MINI		4	8,953	1966
SHELL	5801 RIGGS RD	4	2	KIOSK			1,305	1956
RED TOP	949 EAST-WEST HWY	5		LTD	Y	3	2,218	1954
SHELL	7430 RIGGS RD	4		LTD			1,568	1970
US FUEL	5320 QUEENS CHAPEL ROAD	3		MINI		3	1,728	1963
SHELL	5398 QUEENS CHAPEL ROAD	4	4	MINI			800	1987
SUNOCO	3599 EAST WEST HIGHWAY	4	4	LTD			2,065	1965
SUNOCO (closed)	5601 AGER ROAD	3		KIOSK		3	1,682	1957
EXXON	3200 QUEENS CHAPEL ROAD	3		KIOSK			475	1983
TOTALS/AVERAGES		69	13		4	11	1,958	1966

Evaluation

Despite the stations being in close proximity to one another, certain stations had clear advantages over the other. Of the 18 stations located within our defined trade area, only two are realistically competitive with the subject. These are the stations that offer both gas and diesel options and more modern convenience food options. The Shell located at 7430 Riggs Road just north of the subject is the primary alternative due to its updated design and larger store format. The Exxon at 6762 Riggs Road will certainly attract some customers, however this fueling station has limited parking and only a kiosk store. One other service station appears to be closed. Based on our survey, we find that the other stations are predominately mini stores/kiosks or classic service station designs with three or more garage bays. We do not believe that there is any distinguishable competitive advantage between any of the stores in the PMA which would detract from the subject's capability to attract customers. Hyper-convenience stores such as Royal Farms and Wawa offer modern convenience, accessibility and product offerings that result in higher fuel sales, however reviewing our PMA shows that there are none of these highly popular stores in the area.

Among the supply of gas stations in the trade area we observed service bays at 11 stations, six stations had only 3 MPD's (6 fueling positions) and 10 others with only four MPD's, in contrast to the subject station with eight MPD's with diesel options. None of the stations in this area offer

more than six MPD's – a Valero, with a four bay service garage, has six MPD's but four are placed back-to-back around a kiosk, limiting fueling positions to a total of eight. We believe these stations in particular are likely to underperform the subject in terms of volume of fuel sold due to the fact that their primary business interest is performing high profit margin auto repairs. Vehicle fuel as well as food and beverage sales are merely a small component of those establishments' overall sales. The stations have been oriented with this goal in mind as reflected in small footprint kiosk-style stores, expanded parking areas around the property perimeter for storage of vehicles and often higher margins on fuel prices.

Other than the Exxon service station across Riggs Road from the subject, all of the other stations are located on the extreme perimeter of the trade area, along University Boulevard, Queens Chapel Road and Riggs at Chillum. New Hampshire Avenue is in Montgomery County. These stations are positioned to serve other markets outside of the core area represented by the Royal Farms trade area.

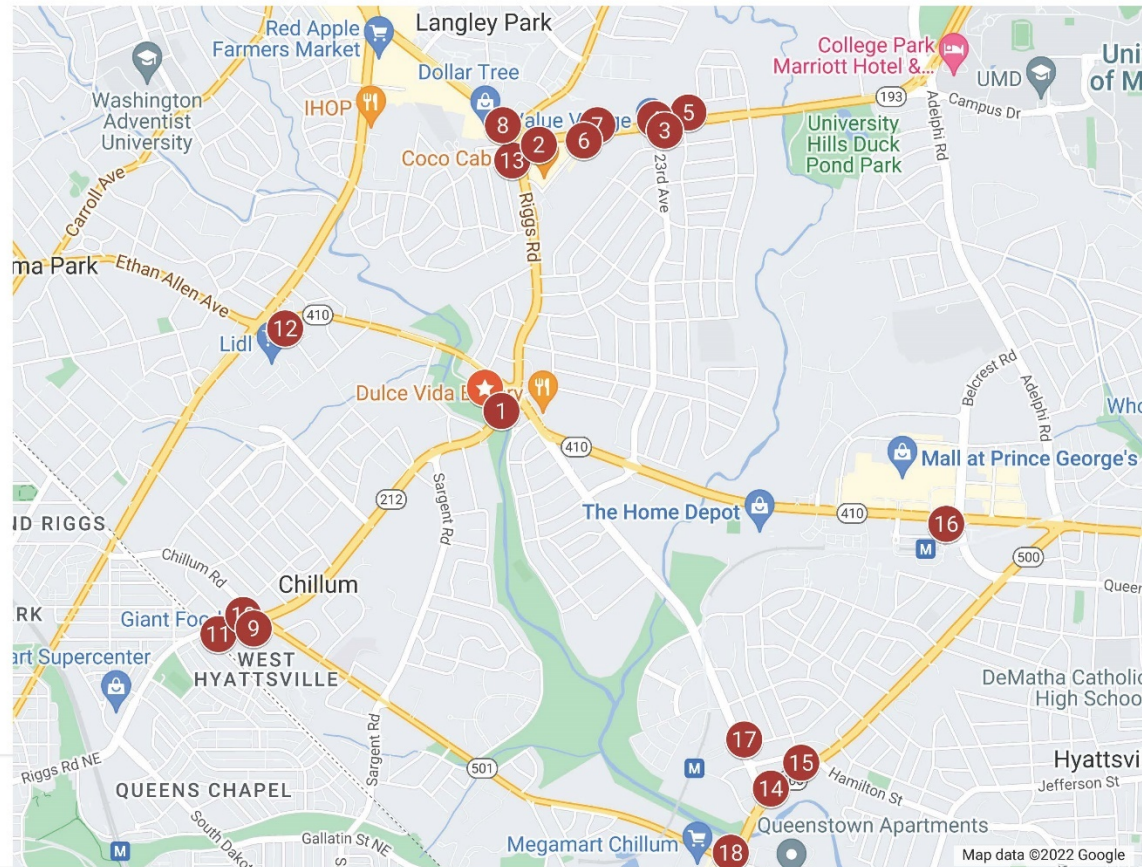
Royal Farms #393 Comps

Map index.xlsx

- 1 EXXON
- 2 GAS KING
- 3 VALERO
- 4 ADELPHI GAS
- 5 SHELL
- 6 UNIVERSITY GAS
- 7 CITGO
- 8 ERROL'S GAS
- 9 US FUEL
- 10 BP
- 11 SHELL
- 12 RED TOP
- 13 SHELL
- 14 US FUEL
- 15 SHELL
- 16 SUNOCO
- 17 SUNOCO (closed)
- 18 EXXON

SUBJECT SITE

★ SUBJECT



C. CURRENT PERFORMANCE

Petroleum retail industry sources including the National Association of Convenience Stores (NACS) State of the Industry report and our experience indicate that the average gasoline fuel service station pumps between 1.4-1.6 million gallons per year. Additionally, data from NACS indicates that, on a national average, the most efficient dealers sold upwards of 2.7 million gallons per year, which we find more realistic for larger, more contemporary stores.⁷

The 2019 NACS State of the Industry Report places surveyed stations into one of four quartiles based on store operating profit. The most profitable 25% of firms make up the top quartile. The store operating profit metric is used to represent store performance as it eliminates the influence of corporate general and administrative expenses, asset sales or income from other operations. NACS also provides data based on whether the store sells both gasoline and diesel as well as if they sell privately branded or oil company fuels. Each performance quartile corresponds with an average motor fuel gallonage sold per month, per store.

NACS Performance Quartiles			
<u>Rank</u>	<u>Quartile</u>	<u>Gal/mo</u>	<u>Annual Gallons</u>
4	0-25	88,191	1,058,292
3	26-49	120,759	1,449,108
2	50-74	136,255	1,635,060
1	75-100%	229,831	2,757,972

The variation between the highest and lowest suppliers in the trade area is not explicitly available due to proprietary secrecy in reporting. Therefore, we observe conditions that are important to the marketing of goods and services, such as clean, well-lit facilities, quality and fresh food products, site access and traffic volumes. The following fueling station productivity analysis measures each station's anticipated quartile performance relative to industry standards. We have derived our estimates of productivity for each location based on a rating system and our own proprietary database. Based on an assessment of these conditions, we have placed each station into a performance quartile which we believe is most appropriate. However the performance quartiles are broad and although we categorized most of the supply as quartile 4, the lowest performing at 1.1 million gallons per year, we fully suspect that these small service stations are not even reaching that goal.

⁷ NACS State of the Industry Annual Report of 2017 Data: Convenience and Fuel Retailing Totals, Trends and Analysis of 2017 Industry Data; National Association of Convenience Stores; June 2018.

Address	Fueling Positions	Building Size	Store Appeal	Dispenser Ratio	Daily Traffic (Primary Road)	Performance Quartile
6762 Riggs Rd	6	2,233	Below Average	1 per 372 sq. ft.	Above Average	4
2025 University Blvd E	8	1,344	Below Average	1 per 336 sq.ft.	Average	4
2301 University Blvd E	8	2,331	Fair	1 per 291 sq. ft.	Average	4
2300 University Blvd E	6	528	Fair	1 per 88 sq. ft.	Average	4
2344 University Blvd E	8	1,568	Below Average	1 per 196 sq. ft.	Average	4
2201 University Blvd E	8	1,343	Below Average	1 per 168 sq. ft.	Average	4
2210 University Blvd E	6	1,840	Fair	1 per 307 sq. ft.	Average	4
1825 University Blvd E	8	1,440	Fair	1 per 180 sq. ft.	Average	4
5851 Riggs Rd	8	1,827	Below Average	1 per 228 sq. ft.	Average	4
5818 Riggs Rd	6	1,902	Below Average	1 per 317 sq. ft.	Average	4
5801 Riggs Rd	8	1,305	Below Average	1 per 163 sq. ft.	Average	4
949 East West Hwy	10	2,218	Fair	1 per 222 sq. ft.	Average	4
7430 Riggs Rd	8	1,568	Average	1 per 196 sq. ft.	Average	3
5320 Queens Chapel Rd	6	1,728	Fair	1 per 288 sq. ft.	Average	4
5398 Queens Chapel Rd	8	800	Below Average	1 per 100 sq. ft.	Average	4
3599 East West Hwy	8	2,065	Average	1 per 258 sq. ft.	Average	3
5601 Ager Rd (closed)	6	1,682	Fair	1 per 280 sq. ft.	Below Average	4
3200 Queens Chapel Rd	6	475	Fair	1 per 217 sq. ft.	Average	4

Based on an assessment of these conditions, we have determined that all of the stations excluding the Shell located at 7430 Riggs Road and the Sunoco at 3599 East West Highway are operating in the lowest performance quartile. All other fueling stations are pumping below the average 1.06 million gallons per year. Of the lowest performers, we judge the eight below average small stations are producing approximately 0.8 million gallons per year on average, and the seven fair stations are producing an approximate average of 0.95 million gallons per year, and the two average stations in the third quartile are approximating 1.5 million gallons per year. We believe the third performance quartile is appropriate for the Shell and Sunoco given their larger store formats, modern design with services such as a Bank of America ATM and positioning. Using the average motor fuel gallonage sold per month data from NACS that coincides with each performance quartile, we estimate annual fuel sales in the trade area as approximately **16.1 million gallons per year**.

Most of the trade area stations have little competitive advantage over one another in terms of the services they offer and benefit solely from the fact that they are well-positioned to capture traffic along commuter routes. This results in a tight performance range between 1 – 1.4 million gallons per year. The average trade area station was constructed in 1966 and the area has not seen a new station in over two decades. While the subject site is proposed to have eight multi-product dispensers, the average neighborhood station has slightly less than half this capacity at 3.8 MPD's. Although our survey determined that the average site has 1,958 sq. ft. of above grade building area, this figure is largely overstated due to presence of three or more service bays at more than a half of the stations. Based on these considerations we are of the opinion that on average, existing trade area stations are substandard to meet modern consumer demand.

Based on ITE traffic generation models, hyper convenience stores have a daily customer traffic of 3,350 vehicles, whereas a traditional service station generates only 1,200 ADT.⁸ ITE classifies the super convenience station as one with greater than 3,000 sq. ft. of retail space and at least 10

⁸ Trip Generation Manual, 10th Edition, Institute of Traffic Engineers; September 2017

fueling positions. Within our Hyattsville trade area, of the seventeen existing stations, there are zero other super convenience stations. Factoring the 36% rate of traffic generation among smaller stations to the hyper station, we can further refine the supply to be limited by a factor of 2:1, suggesting that a modern gas station with convenience services such as the subject will draw more than double the customer traffic of the older and largely obsolete competitive supply. It is unlikely that any of the surveyed trade area stations are achieving fuel sales volume which would place them in the top two performance quartiles.

Top performing hyper-convenience stores differentiate themselves from the lower quartiles by offering value to customers through fresh-food offerings, well-lit and clean facilities, loyalty rewards programs and ultra-low pricing. These stores are rewarded with higher traffic volumes which in turn results in more gross profit dollars per customer and drives profit higher. The investment into larger store footprints pays off considering the volume of fuel typically being sold by these stations.

D. SUMMARY

Our survey revealed eighteen existing gas stations in the subject's trade area, of which one appears closed. Throughout our survey we evaluated conditions that are important to the marketing of goods and services, such as clean, well-lit facilities, quality fresh food products, visibility and access from the highway and neighborhood, modern design and cover from the elements. Based on this analysis we found that for the majority, gas stations that populated this area followed a classic service station design with three or more service garage bays or were formatted as small kiosk/mini convenience stores. These stations are unlikely to draw the same volumes of customers as the subject site as further demonstrated by our estimates of annual fuel sales volumes which are below average.

We believe that only two trade area stations are realistically competitive with the subject as these stations have larger convenience store formats and modern designs with services such as a Bank of America ATM. One station is closed. The remaining fifteen trade area stations have little competitive advantage over one another in terms of the services they offer and benefit solely from the fact that they are well-positioned to capture traffic along commuter routes. More than half of trade area stations also had service bay garages present. On average, existing neighborhood stations do not meet modern consumer demands. Performance data from NACS and ITE traffic generation models reinforce that a modern convenience store such as the subject will generate more than double the customer traffic of the traditional and smaller gas stations.

V. NEED ANALYSIS FOR CONVENIENCE STORE

In this section, Valbridge reviews certain factors which are determinative of the subject's ability to accommodate public need. We estimate total demand for a convenience store within the subject's neighborhood trade area, then draw conclusions regarding accommodation of public need, as per Section 27-355 of the Prince George's County Code.

The term "necessary" is not defined in Prince George's County code, but Maryland case law has determined, and the District Council has applied, the definition to mean, "convenient, useful, appropriate, suitable, appropriate or conducive to the public in that area."⁹ This has been applied to both §27-355(a)(1) and §27-358(d)(1) of the Zoning Ordinance.¹⁰

Further, Valbridge has determined that there is unmet demand for gasoline sales in the area, and that it is unreasonable, cost prohibitive and inefficient to establish a retail gas station outlet without an associated convenience food and beverage store. Our experience with other regional convenience store operations has shown that inside sales can increase on average 35% with the addition of fuel pumps to existing convenience store sites, which is indicative of the convenience to the community. Therefore, the necessity or demand of the gas station creates a reasonable need for a food or beverage store, which will provide convenience and expedient service to the community.

A. CONVENIENCE STORE NEIGHBORHOOD TRADE AREA

Valbridge has examined the residential communities which surround the subject and have determined that commuters and employees who are most likely to be patrons of the convenience store at Royal Farms will stem from the areas branching off collector roads between University Boulevard and Ray Road. We have limited the trade area to the west by the County line and by the Northwest Branch stream to the east. The trade area is focused on those neighborhoods and businesses that are highly likely to pass by this intersection at some point during daily travel. These neighborhoods are for the majority built out and we do not expect any significant growth in the number of households in the area over the next five years. There is certainly room for employment growth with the potential repurposing of the former K-Mart space close by. We have used a custom polygon to create logical boundaries for the trade area, however the general shape of the polygon aligns with the area comprised of the following eight Prince George's County Census block groups:

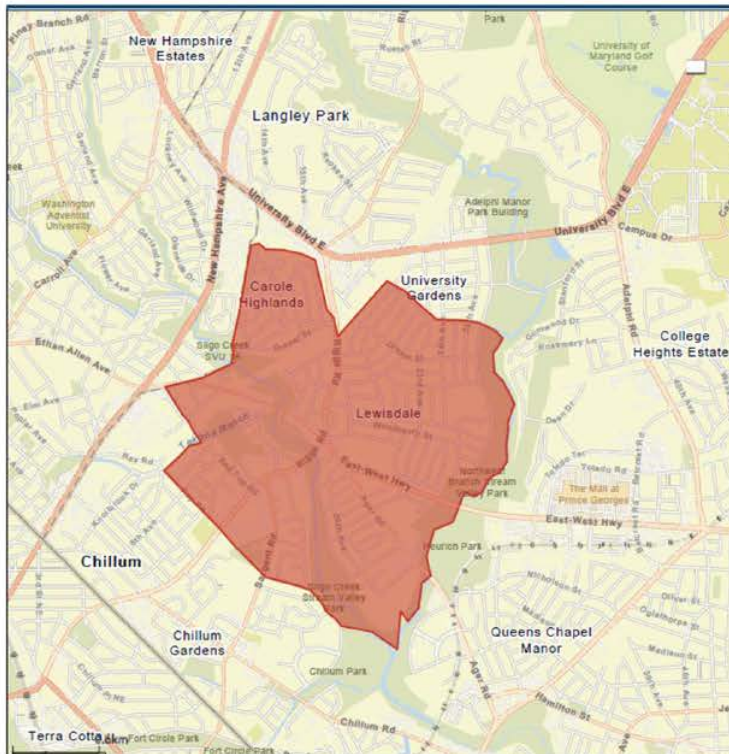
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⁹ Baltimore County Licensed Beverage Association, Inc. v. Kwon, 135 Md. App. 178, 194 (2000), Court of Special Appeals

¹⁰ Lucky Stores, Inc. v. Board of Appeals, 270 Md. 513, 517, 32 A. 2d 758, 766 (1973)



Polygon Map



Block Group Map



We have examined this neighborhood trade area, in contrast to the larger gasoline trade area previously used, based on consumer demand for convenient food and beverage purchases. Although consumers may travel out of their way to save pennies at the pump, food and beverage prices are relatively static across convenience store retailers. Thus, the trade area for a convenience store is much smaller than the gasoline trade area, with particular emphasis placed on the "convenience" factor. For residents and employees in the area between University Boulevard and Ray Road, the subject would surely be a convenient stop relative to all other existing convenience stores in the Greater Hyattsville fuel station trade area.

B. BUSINESS DEMAND

We have compiled data obtained from the U.S. Census and Environmental Systems Research Institute (ESRI), a respected national demographic and economic research firm. Population trends in our defined neighborhood trade area have been as follows:

Trade Area Demographic Trends				
	2000	2010	2022	2027
Population	12,087	15,149	16,562	16,590
Households	3,784	4,113	4,166	4,160

In addition, ESRI estimates that there are 2,109 persons employed in the trade area for a total daytime population of 8,438.

Convenience Store Demand

The NACS and Nielson conducted a national count of convenience stores as of December 2021 and determined there are 148,026 stores operating in America. Of those, 116,641 sell gasoline. Based on a national population of 332.4 million people, there is approximately one store for every 2,250 people:

$$332,402,978 \text{ people} \div 148,026 \text{ C-stores} = 2,246 \text{ people/store}$$

When computing the stores with gasoline the number increases slightly to one store per 2,682 people:

$$332,402,978 \text{ people} \div 116,641 \text{ C-stores w/gas} = 2,850 \text{ people/store}$$

At this national rate, the local demand is for approximately seven convenience stores with gasoline sales.

C. BUSINESS CLIMATE (SUPPLY)

There are a total of four convenience store establishments within the neighborhood trade area. The Exxon convenience store and 7-Eleven are located east of the subject, while the Red Top fuel

station with convenience store is located to the West. The final store at the Shell fuel station at 7430 Riggs Road is located north of the subject and can only be accessed traveling southbound on Riggs Road. Of these options, only the 7-Eleven is a stand-alone convenience store. This store offers approximately 3,200 sq. ft. of retail space and some fresh food offerings. The 7-Eleven can only be accessed traveling eastbound on MD-410.

The three convenience stores offering fuel services vary in quality. The Exxon convenience store which is located across the street from the subject is attached to a four bay service garage and only offers a kiosk-style convenience store. Much of the parking at this site is occupied by vehicles stored overnight by the repair shop. Both the convenience store at the Red Top and Shell fueling stations can be classified as limited convenience stores offering some prepared foods in addition to fast moving items such as tobacco, beverages and snacks. Over the last decade, food and beverage stores have begun to transform into popular food destinations that also conveniently offer fuel sales. for the first time in NACS survey history a majority of drivers who purchased fuel are also entering the store (52% in 2020 vs. 35% in 2015)². Although this trend will certainly help the kiosk and mini marts that are in the neighborhood, the NACS survey revealed that the purchase of tobacco products fell below 20% which are a significant component of fast-moving retail sale items at these stores, but may also be influenced by local tobacco laws and taxes.

Going forward these trends are likely to continue as younger consumers are far more likely to shop convenience stores daily, purchase healthy food offerings and base their fuel purchase decision on what they plan on purchasing inside the convenience store. As of the 2020 NACS Survey more than two thirds of drivers age 18-34 chose to come inside the store when filling up their vehicles. Overall, comparing the results of this most current survey to only one year ago demonstrates a swift growth in the priority being placed on the quality of the store and that saving time is becoming more valued than saving money by consumers.

Stand-Alone Stores

7-Eleven 2000 East West Highway

Gas Station Stores

Shell 7430 Riggs Road

Exxon 6762 Riggs Road

Red Top 949 East West Highway

Valbridge Property Advisors believes that the neighborhood trade area is currently underserved with convenience store options, especially those of similar caliber as the proposed Royal Farms store. Existing stand-alone convenience stores have a smaller assortment of food offerings and limited accessibility. The proposed site would have improved access for both convenience store and fuel customers, as well as fresh food options which are not presently available at the 7-Eleven or fueling station convenience stores. Based on the national average of one store per 2,250 people (or 2,850 people) alone, the community is not served. The site has excellent accessibility for vehicular traffic as well as pedestrians stemming from high volume bus stops and the nearby Sligo

Creek Trail. The convenience store will be an improvement over the partially vacant commercial use that currently exists at the site.

D. CONCLUSION

There are currently four other convenience stores within the neighborhood trade area. Of these, only one is a stand-alone store. The existing stores offer a smaller assortment of food offerings and no outdoor seating area. Industry trends show that a majority of drivers who purchased fuel are also entering the food and beverage stores (52% in 2020 vs. 35% in 2015)² and that younger consumers are likely to shop convenience stores daily, purchase healthy food offerings and base their fuel purchase decision on what they plan on purchasing inside the convenience store. The necessity or demand of the gas station creates a reasonable need for a food or beverage store, given the increase in sales for both product offerings when offered in unison.

The establishment of a hyper convenience store with gasoline sales at the intersection of MD-410 and Riggs Road will provide a convenient and expedient service to the community. The combination of uses will reduce trips to other locations as consumers fulfill both needs at once. Additionally, the site will be pedestrian friendly with sidewalks and indoor seating allowing it to serve the significant number of people making use of the WMATA bus stops just in front of the subject as well as the Sligo Creek Trail. We do not believe that the proposed food and beverage store will detract from or impair the health, morals, or welfare of residents in any conceivable way, given the considerable amount of both vehicular and pedestrian traffic who pass by the subject and are in need of a clean, well-lit modern store.

APPENDIX A

Consultant Qualifications

Valbridge Property Advisors

Valbridge is the largest national commercial real estate valuation and advisory services firm in North America with more than 675 professionals in 70 offices. We are a multifaceted, independent real estate consulting and appraisal firm covering all property types, including special-purpose and services from site acquisition to market feasibility to valuation. Our Marriottsville, Maryland office employs 13 professionals, of which three hold the MAI designation and other advanced degrees. Professional licenses are held by various members of the firm in Maryland, District of Columbia, Pennsylvania, Delaware and Virginia. Academic degrees and professional designations are combined with hands-on real estate investment, development and ownership expertise-- offering our clients many decades of accumulated counseling and valuation experience.

We provide clients with objective advice and practical assistance at every stage of decision-making on the development, use or reuse of all types of real estate. Our clients include corporations, institutions, real estate owners, builders, developers, and government entities. Our professional staff has an exceptional capability to use a vast array of information and resources to assist clients in making sound, timely decisions through the real estate planning, financing and development process.

Edward M. Steere, AICP

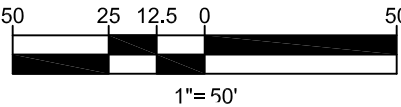
Edward M. Steere, AICP is the senior consultant who completed this assignment. Mr. Steere has a broad professional background in planning and real estate acquired over 30 years in the industry including: site design, entitlement, research, sales and marketing, development, financing and appraisal. His advisory assignments have encompassed: market and financial feasibility analyses of major real estate projects; land acquisition and marketing for residential development; tax-motivated and conventional financing for single family and multifamily residential projects; and advising public, non-profit and private clients concerning real estate decision-making. Mr. Steere is qualified in analyzing the multitude of issues relating to residential and commercial real estate development, including: demographic and economic trends, financial analysis and property valuation, economic and fiscal impacts. Mr. Steere has conducted real estate and market feasibility analyses throughout the Washington-Baltimore region. He has testified before administrative bodies concerning the public need for various kinds of commercial facilities and other planning issues in many of the jurisdictions in the Washington-Baltimore region.



OVERALL CONCEPT PLAN

1823 EAST-WEST HIGHWAY
HYATTSVILLE, MARYLAND
PRINCE GEORGE'S COUNTY

MB202122



05-10-2022





December 16, 2019

Re: Royal Farms Fuel Operations

To Whom It May Concern:

Royal Farms has prepared this letter in order to outline its fuel system design; and highlight certain policies and procedures as they pertain to fuel system operations. Royal Farms and its team of petroleum industry experts take pride in designing and installing state of the art fuel systems that go above and beyond State and Federal guidelines in order to ensure that releases of petroleum to the environment do not occur.

Royal Farms installs double-walled fiberglass reinforced plastic (FRP) tanks and sumps, supplied by Containment Solutions, Inc., that come with a 30-year warranty. The containment sumps are equipped with rigid entry fittings for the product piping and FRP entry fittings for the vent piping. Double-walled OPW Flexworks II product piping is installed within a corrugated plastic chase pipe, with all fittings located within liquid tight containment sumps.

Royal Farms performs continuous interstitial monitoring of the double-walled tank and piping secondary containment. This is accomplished by installing liquid sensors in all containment sumps and in the interstice of the storage tanks (the space between the primary and secondary containment). These sensors are tied into an automatic tank gauge (ATG). The ATG continuously monitors the amount of fuel in the tanks through probes located in the storage tanks, and also monitors sensor status. This provides 24/7 monitoring of the secondary containment for the storage tanks and piping. Should liquid hit a sensor located in any of the containment sumps (liquid/fuel alarm), or if there is a change in level of brine in the interstitial space of the storage tanks (high level alarm/low level alarm) the ATG will sound an alarm inside the store. Additionally, the alarm is sent to the corporate headquarters where they are monitored daily. In all states of operation, with the exception of Delaware and New Jersey, any sensor fuel alarm will trigger automatic shut-down of the fuel system.

Federal and State regulations require a form of release detection for storage tanks and pressurized product piping. Again, Royal Farms satisfies requirements for release detection of product piping by utilizing interstitial monitoring of double-walled product piping in conjunction with an automatic line leak detector. Royal Farms also pays a certified testing company to perform a precision tightness test of the product piping during its annual compliance testing of the fuel system, which constitutes a second form of release detection for the piping. During this annual compliance testing, the functionality of the ATG, along with each probe and sensor, are certified per manufacturer guidelines.

Though not required, Royal Farms contracts petroleum vendors and utilizes in-house technicians to perform preventative maintenance site visits on a semi-monthly (every other month) basis.

However, Royal Farms performs preventative maintenance at stations located in well head areas, Delaware, and New Jersey on a monthly basis. During a portion of the preventative maintenance site visits, monitoring pipes are inspected for the presence petroleum impact. Two permanent monitoring pipes are required to be installed vertically and in opposing corners of new or replacement storage system installations. Royal Farms installs four permanent monitoring pipes, with one located at each corner of the tank field.

Spill and overfill protection are required through Federal and State regulations. Spill protection is required in the form of spill catchment basins at the fill ports for the storage tanks. There are currently no regulations requiring double-walled spill catchment basins; however, these are standard on the fuel systems installed by Royal Farms. All underground storage tank (UST) systems receiving more than 25-gallons of fuel per delivery are required to have one form of overfill protection. Royal Farms utilizes two forms of overfill protection. Royal Farms installs an audible and visual high level alarm at the point of fuel delivery which engages when the fuel level in the storage tank reaches 90% capacity. This is also monitored through the ATG. In addition, Royal Farms installs automatic shutoff devices in the form of drop tube flapper valves, which cut off the flow of fuel to the storage tank should the level of fuel reach 95% capacity.

Royal Farms also provides a strong corporate structure and oversight to store level personnel to ensure that employees are informed and prepared. All store level personnel are required to complete a "UST Operator Training" through our World-Famous Training Centers "Learn" program. This training module addresses inspection of the fueling area, dispenser hanging hardware (i.e., hoses, nozzles, etc.), and aspects of the stage I vapor recovery system. Inspections of the fueling areas are required to be performed at a minimum of once every shift (i.e., three times per day). These inspections must be documented in Royal Farms "Blue Book", which are handed out quarterly. Daily inspections are reported to Royal Farms Facilities Support Center and are noted on a monthly log which is placed in a fuel compliance box in the manager's office and retained in the box for five years.

Additionally, the training module informs the employees on how to respond in the event of fuel spills, both small and large. These instructions are also posted in the manager's office, and include contact information for emergency services and key corporate staff members. Procedures on how to respond to various ATG alarms are also posted at each location. Furthermore, all Royal Farms management team (i.e., District Leaders, Store Leaders, and Assistant Managers) are certified Class A/B UST Facility Operators, and the remaining store level personnel are certified Class C UST Facility Operators.

We appreciate your consideration of this proposed new Royal Farms location.

Sincerely,
Royal Farms



Thomas E. Ruszin III
Environmental & Fuel Leader

Attachments: RF Spill Emergency Action Plan
RF Tank Monitor Alarm Response Guide
RF Fuel Compliance Box TOC



FUEL SPILL AND LEAK EMERGENCY ACTION PLAN

FIRES OR LARGE SURFACE SPILLS 5 OR MORE GALLONS OF FUEL

1. Turn electricity OFF to the fuel system using the Emergency Stop/Shut-Off Button.
2. Contact Fire Department Emergency (Call 911).
3. Evacuate area.
4. Block area to prevent employee and/or customer contact.
5. Block off all storm drains with a ring of absorbent or booms.
6. Contact the Royal Farms Facilities Support Center (410-889-8295). The Support Center will coordinate additional emergency response and clean up. Fuel Department will report spills to Regulatory Agencies, as necessary.
7. Person in Charge must contact Store Leader. Store Leader will contact District Leader.
8. The Person in Charge must complete Dashboard Incident Report within 60 minutes.

SMALL SURFACE SPILLS LESS THAN 5 GALLONS OF FUEL

1. Block area to prevent employee and/or customer contact.
2. Cover area with absorbent material, making sure all storm drains are blocked from surface flow. Allow time (approx. 5 minutes) for fuel to be absorbed.
3. This petroleum contaminated material must be addressed and handled as a hazardous waste. DO NOT flush area with water or sweep spilled material into grass or sewers.
4. Employee must sweep up absorbent material to be placed in designated hazardous waste drum located in dumpster enclosure (NOT in dumpster). Drum must contain "Hazardous Waste" label and remain closed when not tending to a spill. Once drum is full, call the Support Center to arrange for it to be picked up by an authorized hazardous waste disposal contractor.
5. Person in Charge must contact Store Leader. Store Leader will contact District Leader.
6. Person in Charge must complete Dashboard Incident Report within 60 minutes. Fuel Department will report spills to Regulatory Agencies, as necessary.

*Adequate amount of emergency petroleum spill and all fire response equipment and materials must be maintained on-site at all times. Spill material can be ordered through CBW. Fire suppression equipment needs should be called into the Facilities Support Center. **Procedures on how to respond to various Tank Monitor alarms should be posted at the Tank Monitor console.

Royal Farms Tank Monitor Alarm Response Guide

Alarm	Cause
T-Sudden Loss	System detects loss of fuel during idle time; this indicates a possible leak
T-High Liquid	A sensor in a brine-filled interstice detects an increase in the brine level; Liquid is entering the riser pipe, or in a high groundwater area an outer wall rupture has occurred.
T-Low Liquid	A sensor in a brine-filled interstice detects a decrease in the brine level; A hole is in the tank's inner wall, or in low groundwater areas, a hole is in the outer wall.
T-Periodic Test Fail	In-tank leak periodic test (0.2 gallons per hour) failed
L-Fuel / Liquid / High Liquid	Liquid or Fuel vapor detected in dry interstitial space, tank top or under dispenser containment sump
T-Probe Out	Hardware failure – probe or interconnecting wiring to console
Sensor Out / Short Alarm	Sensor is disconnected or not functioning properly; Liquid sensor setup was performed incorrectly; An internal short has occurred in the sensor
Max Product	Fuel level in the tank has exceeded the safe working capacity
This is a potential 911 and needs IMMEDIATE ACTION Immediately call RF Facilities Support Center (410.889.8295); notify store leader	

Alarm	Cause
High Water Warning (Warning/Alarm)	Water detected in storage tank exceeds preset amount, sludge build up under float
T-CSLD Increase Rate (Warning)	Fluid entered tank during test period
T-No CSLD Idle Time	System has not had enough idle time over previous 24 hours to run a statistical leak detection test
Setup Data (Warning)	System setup problem or probe out on startup
ACTION Immediately call RF Facilities Support Center (410.889.8295)	

Alarm	Cause
T-Delivery Needed (Warning)	Product level dropped below preset/programmed warning limit
T-Low Product (Alarm)	Product dropped below preset/programmed alarm limit
T-Invalid Fuel Level (Warning)	Fuel level dropped to a point below the minimum detectable level or only one float is present; Product level is too low, causing the fuel and water float to be too close together
ACTION Store leader to call Coraluzzo dispatch at 856-691-1142. At the voice prompt for "if you know your parties extension", please enter 003. This will connect you to the dispatchers for Royal Farms. E-mail to dispatch@coraluzzo.com and rfuel@royalfarms.com	

Alarm	Cause	Action
T-High Product Alarm	Product level rose above preset/programmed alarm limit	Driver must stop delivery. Check for spillage. Attempt to clear alarm. Follow spill procedures, if necessary.
T-Overfill	Potential overflow of tank may occur	Driver must stop delivery. Check for spillage. Attempt to clear alarm. Follow spill procedures, if necessary.
Paper Out	Paper roll empty	Replace paper in Tank Monitor
Printer Error	Feed roller release is open	Push the release lever to the up position
Missing Ticket (Warning)	Missed ticketed delivery	Insert missed Ticket Delivery data
E-Communication	No Communication between DIM board and an external device	Attempt to Clear; Check cables at Tank Monitor and Radiant server; RF Facilities Support Center

E = DIM modules; L = Liquid sensor; T = Tank / In-tank probe

*Alarms that have been addressed must be cleared from the console. On TLS-350 this is done by pressing the red "Alarm/Test" key twice; and on TLS-450 it is done by pressing the "Bell" icon twice. Additional alarm information on the TS-550 EVO can be obtained by pressing the status bar at the bottom of the screen; then the magnifying glass next to the alarm. NOTE: The front panel warning and alarm lights cannot be turned off until the cause of the alarm condition has been rectified.

Tank Monitor Operators Quick Help guides are located in your fuel compliance box. If it is missing contact the Facilities Support Center so that one can be provided. *All alarms must be recorded on the Blue Book "Tank Monitor Form"



Fuel Environmental Compliance Box

File # 0: Miscellaneous

This file will contain this Table of Contents and any keys associated with fuel equipment, most importantly fuel dispenser door keys. Keys for diesel dispenser door locks and monitoring pipe cap locks may also be kept here.

File #1: Delivery Information

The Bills of Lading from the LAST 90-DAYS worth of deliveries for EACH PRODUCT (i.e., regular, premium, diesel, etc.) must be kept here for the State Comptroller/Weights & Measures to review. If additional information is required during an inspection, this info can be provided by the fuel department.

File # 2: Completed Fuel Inspection Form

At the end of each month, tear out the completed walkthrough form and file in the compliance box. This form must be retained on-site for 5 years. This form covers inspection of the tank monitor, fuel forecourt, dispensers, and hanging hardware. Please note any issues with the fuel system, including equipment in need of service, if alarms are present on the tank monitor, if we have a passing CSLD test, etc. Any issues noted during the inspection must be called into the Facilities Support Center. At the end of each month, staple one PASSING CSLD test for EACH TANK and/or normal sensor status report to this form, and file in the compliance box. If 'No Results Available' on CSLD report, contact Facilities Support Center. NOTE: If you do not have a passing CSLD by the 15th of the month, notify the Fuel Dept. and failures and other alarms must be addressed per the Tank Monitor Troubleshooting Guide. DE Stores must also file the DNREC 30 Day Walk-Around Form here and retain for 3 years.

File # 3: Work Orders

File any work orders relating to dispensers, nozzles, system alarms etc. Work Orders must be retained for 5 years.

File # 4: Tank Monitor Info.

A copy of the Veeder-Root TLS-350, TLS-450, or 450-Plus; or Franklin Fueling TS-550 EVO manual is required to be available on site.

File # 5: Tank Information & Permits

This file contains a tank chart for each product and storage tank registration certificate. This file will also contain your fuel license and Stage I & II Permits, as applicable.

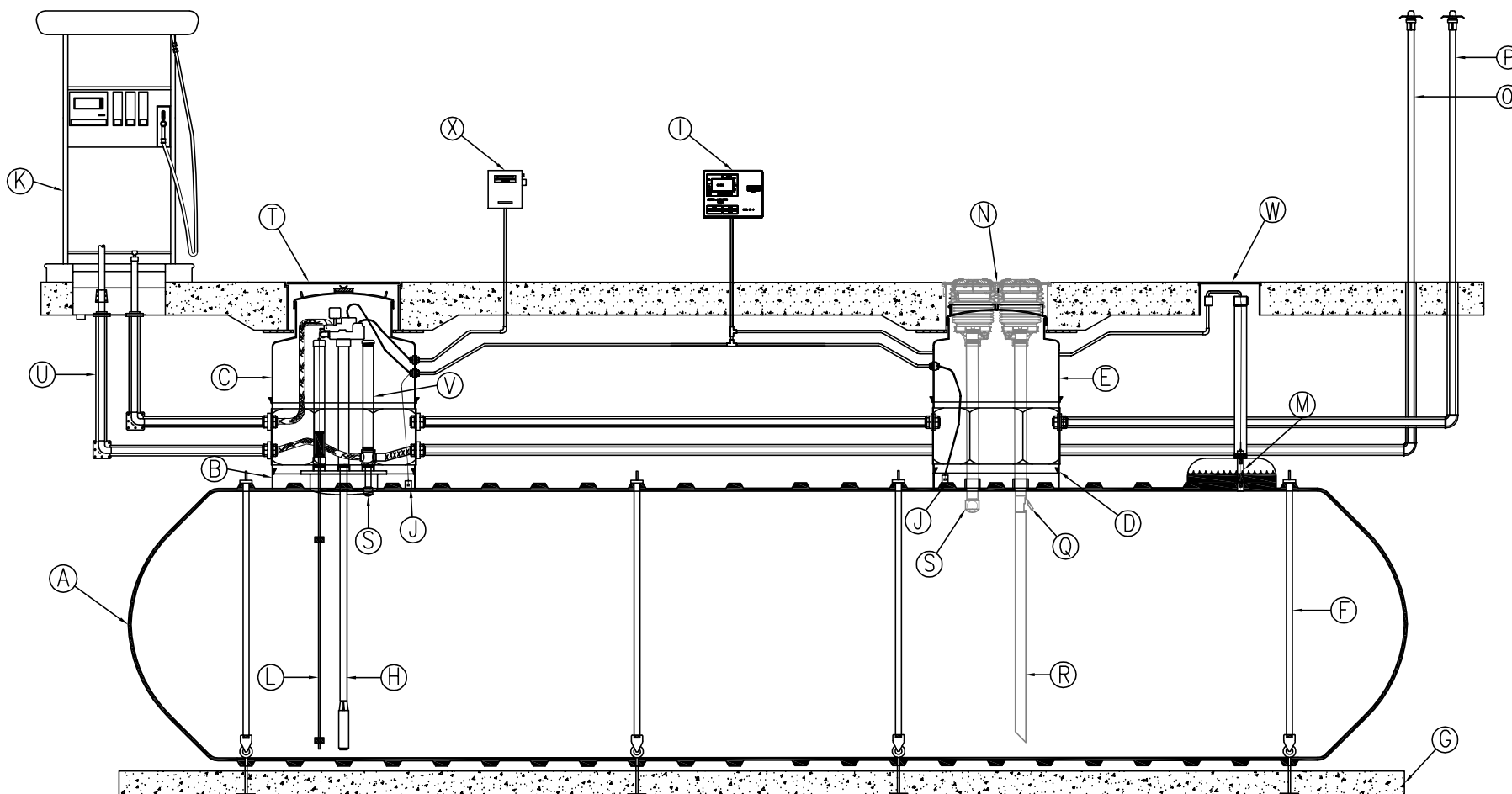
File #6: Training & Facility Operator Information

Federal and state regulations require that each fuel facility have a designated A, B, and C Operator(s). Information on training for A & B Operators (i.e., certificates), and the C Operator Walk-Through form will be kept here. Employee's that are no longer employed may be discarded.

***Fuel Inventory Reports, Underground Storage Tank Compliance Testing, and Financial Responsibility (i.e., Tank Insurance Certificates) are maintained at the corporate office.**

MARK	QTY	SIZE	EQUIPMENT LISTING	MARK	QTY	SIZE	EQUIPMENT LISTING	MARK	QTY	SIZE	EQUIPMENT LISTING
A	1	8'	HYDROSTATIC DOUBLE WALL TANK	I	1*		INVENTORY & LEAK DETECTION PANEL	Q	1*		OVERFILL PREVENTION VALVE
B	1	48"	SINGLE WALL CONTAINMENT COLLAR	J	2*		CONTAINMENT COLLAR SENSOR	R	1*	4"	DROP TUBE
C	1	48"	SW PTS WATER TIGHT TURBINE SUMP	K	1*		FUEL DISPENSER w/UDC	S	2*	4"	BALL FLOAT ASSEMBLY
D	1	42"	SINGLE WALL CONTAINMENT COLLAR	L	1*		TANK INVENTORY GAUGE	T	1*	36"	WATERTIGHT MANHOLE
E	1	42"	SW PTS FILL/VAPOR SUMP	M	1*		HYDROSTATIC TANK RESERVOIR SENSOR	U	*	3"x2"	DOUBLE WALL FRP PIPE
F	4		HOLD DOWN SPLIT STRAP ASSEMBLY	N	1*	36"	FILL/VAPOR MANHOLE	V	1*	4"	EXTRACTOR HOUSING w/CAP
G	4	16'	12"x 12" CONCRETE DEADMAN ANCHORS	O	1*	2"	PRIMARY TANK VENT	W	1*	18"	MANHOLE
H	1*		SUBMERSIBLE PUMP w/LEAK DETECTION	P	1*	2"	SUMP VENTS	X	1*		PUMP CONTROL PANEL

NOTE: * SUPPLIED BY OTHERS



Pub. No. TYP-812DW-STD 1/1/2014

TYPICAL PETROLEUM ILLUSTRATION DRAWING
(8') 12,000 DOUBLE-WALL TANK
W / SINGLE-WALL TURBINE AND FILL / VAPOR SUMPS

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Exhibit 1: List and Site Map of Gas Stations within 1.5 miles of Proposed Royal Farms Site

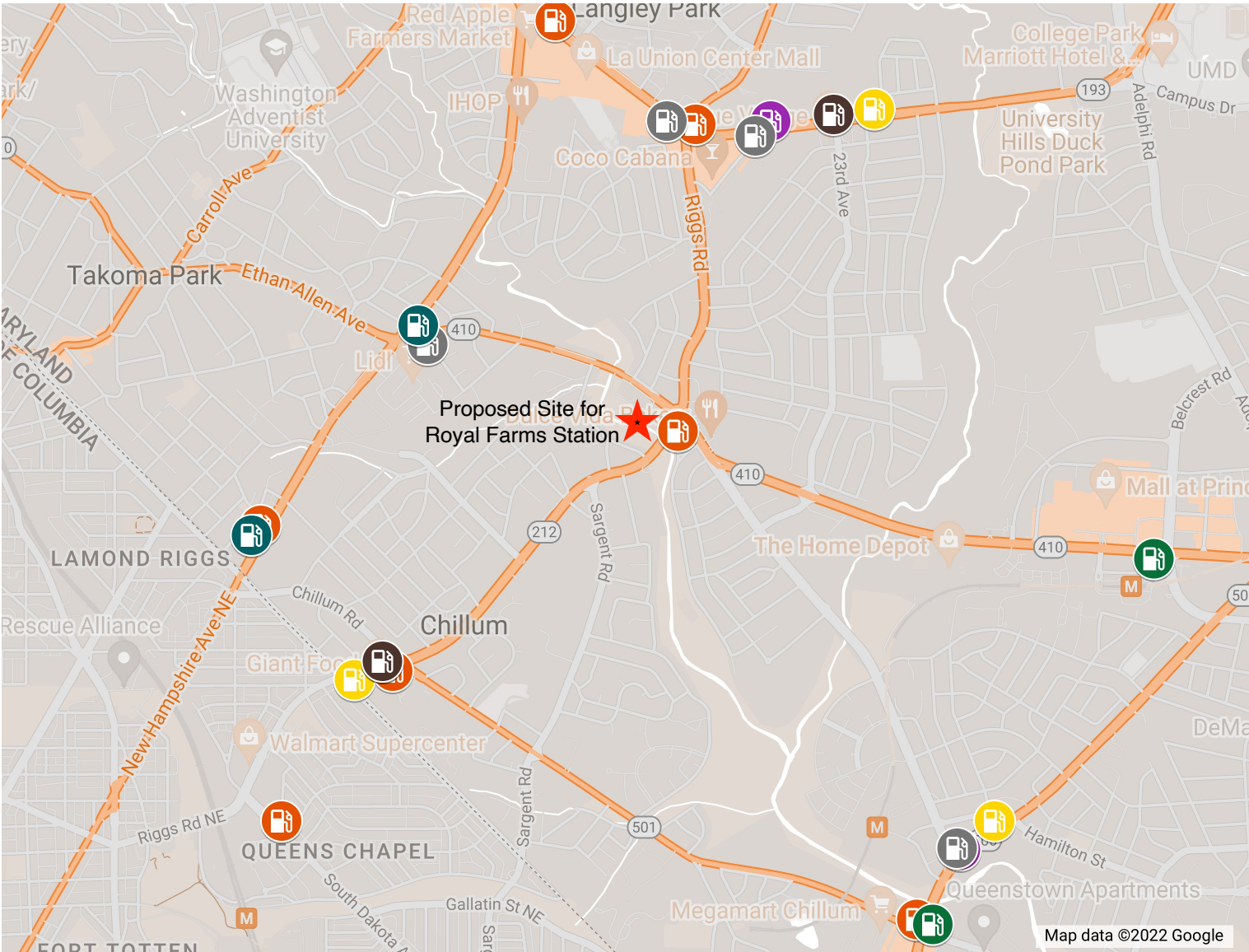
Provided by: Carlos Manjarrez, August 3rd, 2022 Public Hearing for Application No. SE-4846

Company Name/Affiliation	Street Address of Station
1 Sunoco	6907 New Hampshire Ave, Takoma Park, MD 20912
2 Shell	2344 University Blvd E, Adelphi, MD 20783
3 Exxon	6762 Riggs Rd, Hyattsville, MD 20782
4 Red Top Gas	949 East-West Hwy, Takoma Park, MD 20912
5 Errol's Gas	1825 University Blvd E, Hyattsville, MD 20783
6 Exxon	2000 University Blvd E, Hyattsville MD 20783
7 Sunoco	3599 East-West Hwy, Hyattsville, MD 20782
8 BP	3599 East-West Hwy, Hyattsville, MD 20782
9 BP	5818 Riggs Rd, Hyattsville, MD 20783
10 Shell	5801 Riggs Rd, Hyattsville, MD 20783
11 Exxon	5501 South Dakota Ave NE, Washington, DC 20011
12 US Fuel	5320 Queens Chapel Rd, Hyattsville, MD 20782
13 Shell	5398 Queens Chapel Rd, Hyattsville, MD 20782
14 Citgo	5320 Queens Chapel Rd, Hyattsville, MD 20782
15 University Gas Station	2301 University Blvd E, Chillum, MD 20782
16 Adelphi Citgo	2210 University Blvd E, Adelphi, MD 20783
17 BP	2300 University Blvd E, Hyattsville, MD 20783
18 Sunoco	3201 Queens Chapel Rd, Mt Rainier, MD 20712
19 Exxon	3200 Queens Chapel Rd, Chillum, MD 20782
20 US Fuel	5851 Riggs Rd, Hyattsville, MD 20783
21 Marathon Express	6400 New Hampshire Ave, Takoma Park, MD 20912
22 Sunoco	6360 New Hampshire Ave, Takoma Park, MD 20912

Royal Farms Site Map

Gas Stations within 1.5 Miles of Site

-  Sunoco Gas Station
-  Shell
-  Exxon
-  Red Top
-  Exxon
-  Errol's Gas
-  Exxon
-  Sunoco Gas Station
-  bp
-  bp
-  Shell
-  Exxon
-  US FUEL
-  Shell
-  Citgo
-  University Gas Station
-  Adelphi Citgo
-  BP Gas Station
-  Sunoco Gas Station
-  Exxon
-  US Fuel
-  Marathon
-  Sunoco Gas Station





Benzene emissions from gas station clusters: a new framework for estimating lifetime cancer risk

Pei Yang Hsieh¹ · Jenni A. Shearston¹ · Markus Hilpert¹

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Abstract

Purpose During gas station operation, unburned fuel can be released to the environment through distribution, delivery, and storage. Due to the toxicity of fuel compounds, setback distances have been implemented to protect the general population. However, these distances treat gasoline sales volume as a categorical variable and only account for the presence of a single gas station and not clusters, which frequently occur. This paper introduces a framework for recommending setback distances for gas station clusters based on estimated lifetime cancer risk from benzene exposure.

Methods Using the air quality dispersion model AERMOD, we simulated levels of benzene released to the atmosphere from single and clusters of generic gas stations and the associated lifetime cancer risk under meteorological conditions representative of Albany, New York.

Results Cancer risk as a function of distance from gas station(s) and as a continuous function of total sales volume can be estimated from an equation we developed. We found that clusters of gas stations have increased cancer risk compared to a single station because of cumulative emissions from the individual gas stations. For instance, the cancer risk at 40 m for four gas stations each dispensing 1 million gal/year is 9.84×10^{-6} compared to 2.45×10^{-6} for one gas station.

Conclusion The framework we developed for estimating cancer risk from gas station(s) could be adopted by regulatory agencies to make setback distances a function of sales volume and the number of gas stations in a cluster, rather than on a sales volume category.

Keywords Gas station clusters · Cancer risk · Benzene · VOC emissions · Air pollution modeling

Introduction

In 2016, about 143 billion gallons of gasoline were dispensed at United States (US) gas stations [1]. This is equivalent to an average consumption of 442 gal of gasoline per person [2]. During the operation of a gas station, unburned fuel is released from multiple sources, including spills, leaky pipes, leaky dispenser hoses, leaks in underground storage tanks, and underground storage tank venting [3–6]. All of these sources of exposures can contribute to negative health effects due to the toxicity of chemicals in unburned fuel.

Gasoline contains the BTEX group, consisting of benzene, toluene, ethylbenzene and xylenes, all of which are toxic [7–9]. Within the BTEX group, benzene is the sole chemical classified as a human carcinogen [10]; it is a causal agent of leukemia and is associated with non-Hodgkin's lymphoma and multiple myeloma [7, 11]. While the general population experiences low exposure to benzene at gas stations when dispensing gasoline, at-risk populations include those who are occupationally exposed, people that live near gas stations, and children in schools near stations [12–16]. People living near gas stations can be exposed to chemicals from the stations even inside their homes, as modeled by Hicklin et al. [17] in Malta and measured by Barros et al. [18] in Portugal. Additionally, studies suggest that there may be a risk of childhood leukemia associated with living close to gas stations [19–22]. Yet another study concluded that the lifetime cancer risk at and around selected gas stations in Iran exceeded values proposed by the US Environmental Protection Agency (EPA) [23].

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As cancer risk due to toxic evaporative emissions from a gas station is a function of distance from the gas station [24, 25], regulations in the form of setback distances have been put in place to protect people. In the US, different states have different guidelines for setback distances, and even within states different counties may set their own guidelines. Based on estimations of lifetime cancer risk, the California Air Resources Board (CARB) recommends that new sensitive land uses (such as schools and daycares) should not be sited within 300 ft (91 m) of a large gasoline dispensing facility, where large is defined as having a sales volume of at least 3.6 million gallons per year [26, 27]. On the other hand, a county council in the US state of Maryland approved a zoning amendment that requires gas stations that pump more than 3.6 million gallons of gas per year to be 500 ft. from public and private schools, parks, playgrounds, recreational areas, homes, and environmentally sensitive areas [28]. In these examples, sales volume is treated as a categorical value, which results in a loss of precision and assumes the relationship between exposure and cancer risk is the same for all sales volumes in a given category. Moreover, we are unaware of any setback distances that account for the presence of gas station clusters. To improve regulations around setback distances for gas stations, the effects of sales volume and number of gas stations in a cluster on cancer risk due to fuel spills and evaporative fuel losses should be examined.

To inform recommendations for setback distances from gas stations, we performed air dispersion modeling to obtain the spatial distribution of lifetime cancer risk due to benzene emissions from single gas stations and clusters, making assumptions about evaporative emission rates from gas stations and meteorological conditions that are representative of Albany, New York. The main objectives of this paper are to (1) examine how lifetime cancer risk due to evaporative benzene releases depends on sales volume and the number of gas stations in a cluster and (2) to introduce a framework for recommending setback distances between gas stations and adjacent sensitive land uses based on estimated lifetime cancer risk from benzene exposure. Unlike previous work [24, 26], this framework treats sales volume as a continuous variable, accounts for cumulative emissions from gas station clusters, and allows calculating cancer risk by evaluating an equation instead of reading it from a plot.

Methods

Meteorological data

We used three years of hourly meteorological data (2015–2017) for Albany, New York in the US. A location in the state of New York was chosen, because we wanted our work to be relevant to a local community. We chose Albany over New

York City, however, because New York City has generally much taller buildings, which would need to be accounted for in pollutant dispersion simulations, something that is typically avoided when modeling health effects from generic gas stations [24, 29]. The surface air data were obtained from the National Climatic Data Center for the Albany International Airport, and the upper air data were obtained from the NOAA/ESRL Radiosonde Database for Albany, NY [30]. Descriptive statistics of the meteorological data were obtained with the ‘openair’ package in R 3.5.1 and are shown in Supplementary Table 1, and the wind rose is shown in Supplementary Fig. 1.

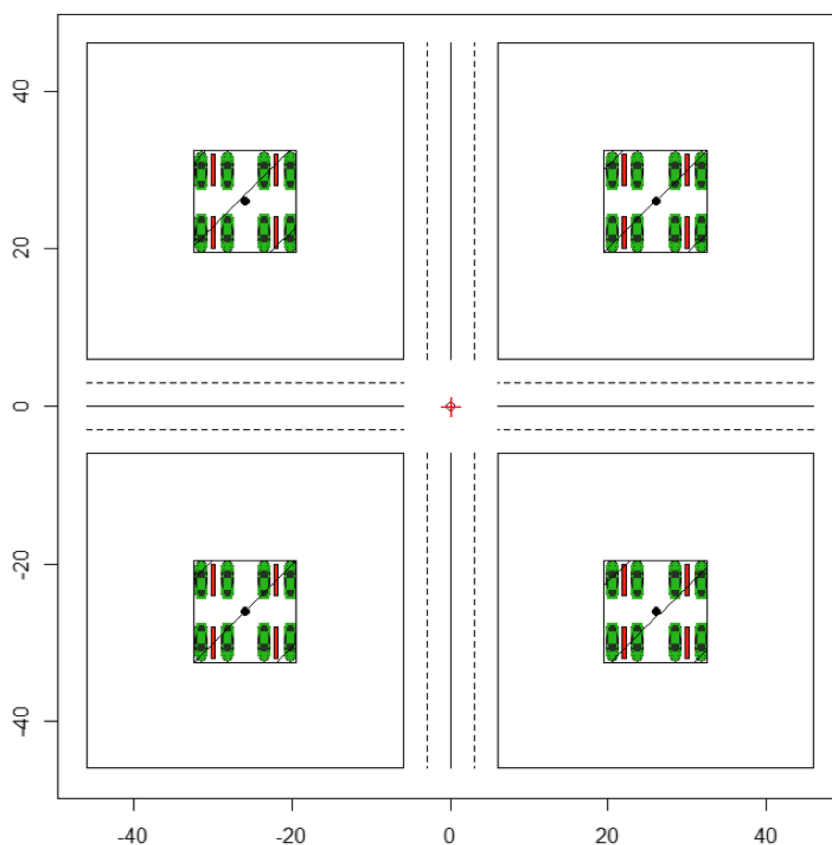
Generic gas station modeling

We assumed that gas station clusters consist of up to $N_{st} = 4$ gas stations located on the four corners of an intersection (even though other configurations are possible). Figure 1 depicts the four-gas station configuration. Each of the four gas stations is assumed to have four pump islands, from which fuel can be dispensed from both sides. At each gas station, the underground storage tank vent pipe is assumed to be in the center of the gas station, even though they are often located at the fence line or on the walls of convenience stores or auto repair shops, which are often part of a gas station. For configurations with more than one gas station, the origin of the modeling domain is the center of the intersection. For a single gas station configuration, the origin is the center of that gas station. This assumption was made for better comparability between the cancer-distance relationships for single and clusters of gas stations. Figure 2 depicts three-, two-, and one-gas station configurations. In Figs. 1 and 2, the origin is indicated by a red plus sign.

Air dispersion modeling

To model the dispersion of benzene vapors released into the atmospheric environment through evaporative losses from gas station clusters, we used AERMOD and AERMET, regulatory software developed by the US EPA [31, 32]. The AERMOD software models hourly levels of air pollutants in gas or particulate phase in the atmospheric boundary layer based on a steady-state plume approach that accounts for meteorological, topographic, surface roughness and emission source information [33]. AERMOD was compared to 16 tracer release field studies, and with few exceptions was found to have superior model performance when compared to other models tested [34]. The AERMET software was used to pre-process meteorological data for input into AERMOD. Benzene levels for subsequent cancer risk estimations were modeled on two-dimensional polar grids at different radial distances r_j (from 0 to 200 m in 20-m steps) and different angles φ_i (from 10° to 360° in 10° steps). Benzene levels were simulated at a 1-h temporal resolution at three elevations, $z = 0, 2$ and 4 m,

Fig. 1 Generic gas station cluster with one gas station on each corner of an intersection (drawn to scale except for enlarged vent pipes). Each gas station can accommodate two vehicles (green) per pump island (red) and has one vent pipe in the center (black dot). Diagonal lines indicate gas station canopies. Axes labels indicate distance in meters. The red “+” represents the origin of the modeling domain



representative of the ground-level, the breathing zone, and a second-floor level residence, respectively. We configured AERMOD to calculate the 3-year temporal averages of the hourly time series of the simulated concentration fields. For visualizing the simulated 3-year average benzene levels, much finer numerical grids that were particularly well resolved around the benzene sources were used to create contour plots of benzene levels using Matlab™ R2017b version.

Emission modeling

Emissions of unburned gasoline from gas stations depend on installed pollution prevention technologies. We assumed

presence of pollution technology that is representative or will become representative for most US states (with the notable exception of California). Based on these assumptions, we simulated California Air Pollution Control Officers Association’s (CAPCOA) Scenario 5B (“Phase I” with vent valves, underground storage tank) [24].

Specifically, we assumed presence of Stage I vapor recovery, which reduces the amount of fuel vapors that would be pushed into the atmosphere during the refueling of underground storage tanks by the rising fuel levels in the tanks by directing these vapors into tanks on the delivering tanker truck. We assumed the absence of Stage II vapor recovery, because EPA has recently allowed states not to require Stage

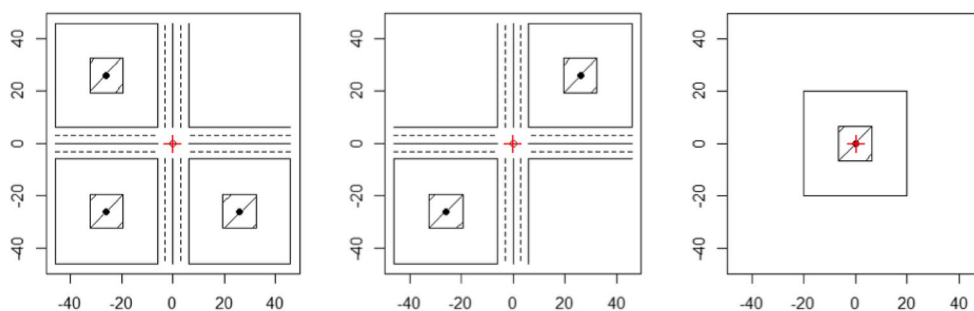


Fig. 2 Simplified depictions of generic gas station clusters consisting of three, two and one gas stations (drawn to scale except for enlarged vent pipes). Each station has one vent pipe in the center (black dot). Diagonal

lines indicate gas station canopies. The red “+” represents the origin of the modeling domain. Axes labels indicate distance in meters

II systems if widespread use of Onboard Refueling Vapor Recovery (ORVR) is given [35].

The refueling emission factor we used accounts for the fact that not all vehicles (e.g., legacy fleet, motorcycles) are equipped with ORVR. We assumed an ORVR penetration rate (PR) of 93.2% which represents the percentage of gasoline dispensed to ORVR-equipped vehicles that has been estimated for the US for the year of 2019 [35]. We assumed 95% for the efficiency of ORVR [35], i.e., refueling losses from ORVR-equipped vehicles are 5% of the losses from non-ORVR equipped vehicles, which is 8.4 lbs./kgal. Thus the refueling loss is given by: $[(1 - \text{PR}) + 0.05 \times \text{PR}] \times 8.4 \text{ lbs./kgal} = 0.96 \text{ lbs./kgal}$. Table 1 summarizes the emission losses we assumed.

To convert gasoline losses into benzene emission rates, we made assumptions about fuel composition. We assumed that current US liquid gasoline (except in California) contains about 1% of benzene by volume [36]. Like CAPCOA [24] and Hilpert et al. [29], we assumed a mass fraction of benzene in the ullage/headspace of the underground storage tank of 0.003 (by weight benzene in vapors) [29].

Emission factor values were used to calculate the parameter values for the AERMOD input file. For a 1-gas station configuration, we defined a total of nine sources: one vent pipe, four refueling and hose permeation loss sources (combined for each pump island), and four spillage loss sources (one for each pump island). We think of a gas station as having point and volume sources. Refueling, hose permeation and spillage losses were modeled as volume sources because they do not occur at fixed locations since the locations of different customer vehicles vary even if the same pump is used for refueling. For all volume sources, we assumed an initial lateral dimension of 3.02 m (stated as SYINIT in Table 2) and initial vertical dimension of 1.86 m (stated as SZINIT in Table 2), which are based on previous modeling assumptions for gas stations. The release height (stated as HS in Table 2) of the spillage losses was assumed to be at the ground-level

elevation, because spilled droplets fall to the ground, where most of the evaporation takes place, while the release height for refueling and hose permeation was assumed to be 1 m. Vent pipe losses were modeled as point sources because underground storage tank vent pipes extend up above the surface of the pavement behaving more like a chimney emission rather than a volume emission. For vent pipe sources, the altitude from the ground was assumed to be 4 m (stated as HS in Table 2). For each gas station, all emission sources were assumed to be located at its center. Table 1 describes the source parameters.

Table 2 shows selected input parameters for AERMOD simulations. Note that the SYINIT (initial lateral dimension of the volume source [SYINIT]) of 3.02 m was obtained by dividing the canopy width (13 m) by 4.3, a constant, which is based on previously developed modeling assumptions for gas stations [24]. The vent pipe exit velocity was calculated from the sales volume $\text{SV}_{\text{single}}$, the assumed inside diameter of the vent pipe (2 in = 5.1 cm), and the loading and breathing emission factors from Table 1.

Our single generic gas station was assumed to have a sales volume $\text{SV}_{\text{single}} = 1,000,000 \text{ gal/yr}$. Even though the dependence of stack exit velocity on sales volume causes simulated benzene concentration fields to depend non-linearly on sales volume, this non-linearity is negligible. A comparison between the concentration field simulated for the actual stack exit velocity and the field for a hypothetical stack exit velocity of zero showed that concentrations differed by no more than 0.3% on the numerical grid points. Therefore, concentration fields for other sales volumes can be estimated from the simulations for $\text{SV}_{\text{single}} = 1,000,000 \text{ gal/yr}$ by assuming a linear scaling law between the benzene concentration field for $\text{SV}_{\text{single}} = 1,000,000 \text{ gal/yr}$ and the actual sales volume. Finally we assumed no buildings to be present and flat terrain.

Cancer risk modeling

Cancer risk (CR) from inhalation exposure to benzene was modeled using the concept of Inhalation Unit Risk (IUR), which is an estimate of the increased cancer risk from inhalation exposure to a concentration of $1 \mu\text{g}/\text{m}^3$ for a lifetime [37]. EPA estimates IUR to be between 2.2×10^{-6} per $\mu\text{g}/\text{m}^3$ and 7.8×10^{-6} per $\mu\text{g}/\text{m}^3$ [37]. Lifetime cancer risk from benzene was calculated according to EPA guidelines for inhalation risk assessment [37]. Thus, cancer risk at each point of the numerical grid can be calculated as follows:

$$CR = IUR \times EC \quad (1)$$

where EC ($\mu\text{g}/\text{m}^3$) is the spatially variable exposure concentration or intake. The intake is calculated from $EC = (\text{CA} \times \text{ET} \times \text{EF} \times \text{ED}) / \text{AT}$ where CA ($\mu\text{g}/\text{m}^3$) is the benzene concentration modeled at each grid point and averaged over the entire

Table 1 Emission factors

Type	Loss (lbs/kgal)*
Loading	0.084
Breathing	0.21
Refueling for 0% ORVR penetration	8.4
Refueling for assumed 93.2% ORVR penetration	0.96
Spillage	0.61
Hose permeation	0.062

*In the US, regulatory agencies typically express emission losses in units of lbs./kgal, i.e., pounds of gasoline emitted/lost per 1000 gal of gasoline dispensed

Note that 1 lbs./kgal = 0.1198 kg/m³ *

Table 2 Selected input parameters for AERMOD simulations

Description	Emission rate QS (g/s)	Release height HS (m)	Stack exit temperature TS (Kelvin)	Exit velocity VS (m/s)	Stack diameter DS (cm)	Initial lateral dimension of volume SYINIT (m)	Initial vertical dimension of volume SZINIT (m)
Hose permeation losses and refueling losses combined	0.0001567	1.0	N/A	N/A	N/A	3.02	1.86
Spillage losses	0.0003159	0.0	N/A	N/A	N/A	3.02	1.86
Vent pipe loading and breathing losses combined	0.0001522	4.0	290	0.001236	5.1	N/A	N/A

Abbreviations: N/A not applicable

simulation period (3 years), ET (hours per day) is the exposure time, EF (days per year) is the exposure frequency, ED (years) is the exposure duration, and AT (hours) is the average time per exposure period. We chose EPA's upper bound for IUR which would be appropriate for a sensitive land use and exposure parameters indicative of constant presence e.g. children in a boarding school or residents in a nursing home: ET = 24 h/day, EF = 350 days/year (7 days/week \times 52 weeks/year), ED = 70 years (lifetime cancer risk), and AT = 613,200 h (70 years \times 365 days/year \times 24 h/day) [37]. We therefore calculated the lifetime cancer risk as follows: $CR = 7.8 \times 10^{-6} (\mu\text{g}/\text{m}^3)^{-1} \times \text{EC}$.

To facilitate estimation of cancer risk of the various gas station clusters as a function of distance r from the gas station and the total sales volume $SV_{tot} = N_{st} SV_{single}$ where N_{st} represents the number of gas stations, we fitted a simple mathematical model to the spatial distribution of modeled cancer risk. This model condenses the concentrations simulated on the two-dimensional polar grid onto a one-dimensional grid where concentration is expressed as a function of distance r from the origin of the model domain: $\langle CR \rangle (r_j) = \frac{1}{N} \sum_{i=1}^N CR(r_j, \varphi_i)$ where $N = 36$ is the number of discrete angles used in the numerical grid. We assumed that the dependence of cancer risk $\langle CR \rangle$ on distance r is described by an exponentially decaying function according to the following equation:

$$\log_{10} \left((CR) \frac{10^6 \text{ gal/yr}}{N_{st} SV_{single}} \right) = a + br \quad (2)$$

As shown in Section A in [Supplementary Material](#), Eq. (2) is consistent with empirical Gaussian plume models [38].

Also note that the cancer risk scales linearly with sales volume SV_{single} , consistent with the AERMOD simulations, which yields concentration fields that scale linearly with benzene source terms. Therefore, regressions coefficients a and b do not depend on which value of SV_{single} is chosen in the simulations. We also assumed cancer risk to depend linearly on N_{st} ; however, a and b can be expected to show some dependence on N_{st} because benzene levels at any grid point do not scale exactly linearly with N_{st} as the gas stations in the

cluster have typically different distances to a grid point. We therefore did not only determine a and b by fitting simultaneously the modeled spatial distributions of cancer risk for all gas station configurations to Eq. (2), but we also determined for each gas station configuration alone a and b and then used one-way ANOVA to examine potential differences between regression coefficients among the four gas station configurations (significance level of 0.05). The goodness of fit was evaluated with the R^2 value. In the regressions, we excluded the first two data points for distances 0 and 20 m from the regressions, because inclusion would have increased the variance of the regression too much since for these distances normalized cancer risks were too different across the four cluster types.

Cancer risk modeling and analyses were completed using R 3.5.1 (R Foundation for Statistical Computing, Vienna, Austria).

Results

Air pollution modeling

Figure 3 shows simulated atmospheric benzene levels arising from the gas station cluster, which contains four gas stations, for three different elevations. Generally, benzene levels decrease with distance from each gas station until the influence of one of the other three gas stations is felt; then levels may increase again. Further away from the intersection and the entire gas station cluster, benzene levels generally decrease. Benzene level fields do not exhibit any symmetry, and levels are not constant along circles of radius r around the center of the modeling domain.

Close to the intersection (< 60 m), benzene levels depend substantially on elevation. At the 4-m elevation around the vent pipes, the only modeled point sources of benzene, concentrations tend to be highest. Further away from the intersection (> 80 m), benzene levels do not depend much on elevation.

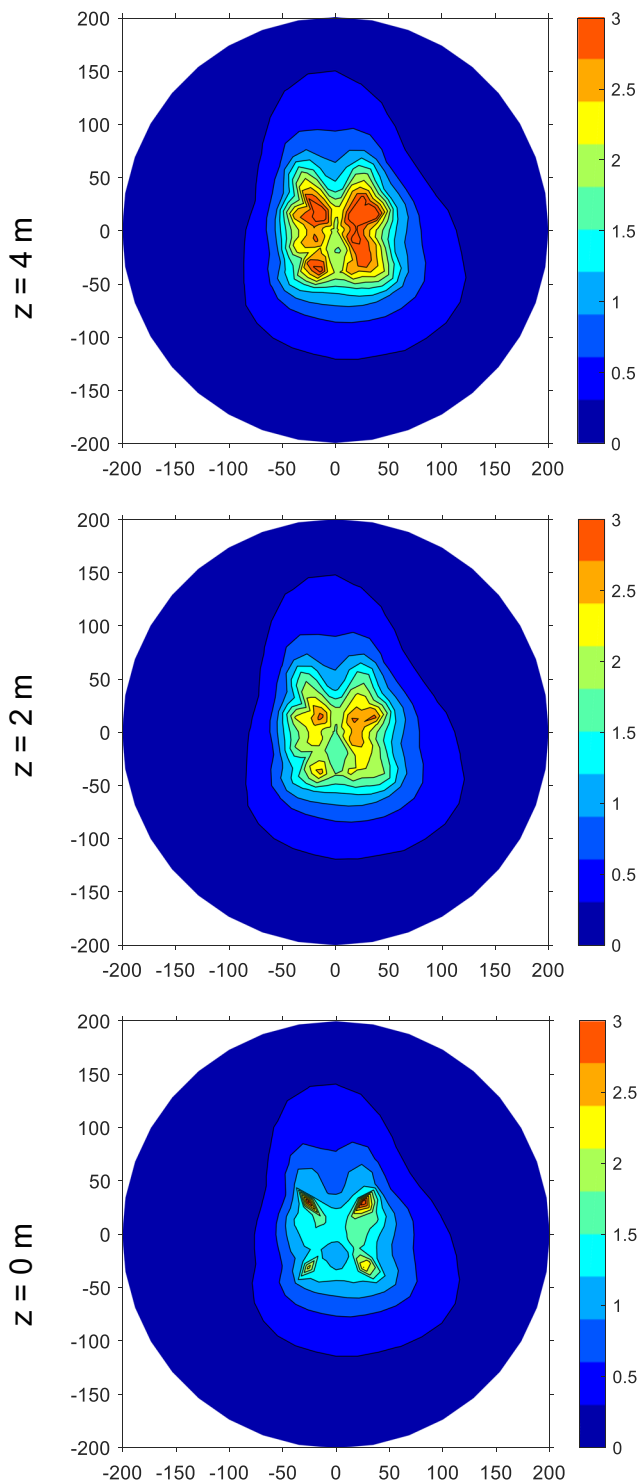


Fig. 3 Modeled atmospheric benzene levels (3-year average) due to emissions from four-gas station configuration shown at 3 elevations: 0 (bottom panel), 2 (middle panel), and 4 m (top panel). Abscissa and ordinate labels indicate distance in meters. Color bar indicates benzene concentration in $\mu\text{g}/\text{m}^3$

Figure 4 shows simulated atmospheric benzene levels in the breathing zone that arise from the four different gas stations clusters. Benzene levels clearly depend substantially on

the number of gas stations present. Moreover, the spatially dependent concentration fields for more than one gas station cannot simply be obtained by multiplying the concentration field for one gas station by the number of gas stations in the cluster.

Cancer risk modeling

Figure 5 shows boxplots of the log-transformed cancer risk normalized by total sales volume (left-hand-side of Eq. (2)) as a function of distance from the origin of the modeling domain. For distances ≥ 40 m, median normalized cancer risks are roughly the same for the four configurations. For distances < 40 m (0 and 20 m), however, these risks differ substantially between configurations. Specifically, the single gas station exhibits different patterns, with cancer risk monotonically decreasing with distance; whereas for the configurations with more than one gas station cancer risk is greatest at a distance of 20 m. The heights of the box plots (interquartile range) in Fig. 5 also illustrate that cancer risk for a given distance and gas station configuration can vary by more than a factor of 10 depending on the angle φ_i .

Figure 6 shows the linear regressions for the log-transformed cancer risk medians, normalized by total sales volume, for the four different gas station configurations. Results from the regression analyses are summarized in Table 3. For all regressions, R^2 values are > 0.96 , and the F statistics are statistically significant ($p < 0.05$). In addition, all intercept and regression coefficients are statistically significant ($p < 0.05$), meaning distance and lifetime cancer risk are significantly associated. One-way ANOVA showed that regression coefficients a and b are not different across the four gas station configurations. At the same time, confidence intervals (CIs) between coefficients across gas station configurations overlapped. CIs of the regression coefficients that account for the data of all gas station configurations together overlap with the CIs from the four individual regressions.

Summary and discussion

Spatial dependence of benzene levels

We for the first time presented simulations for the cumulative effects of several gas stations on atmospheric benzene levels. As previously established, benzene levels depend substantially on distance from gas station [12–15, 25]; however, similar to Hilpert et al. [29], we also found that elevation is a determining factor [29]. Benzene levels on the ground surface (0-m elevation) and in the breathing zone (2-m elevation) are similar to each other (Fig. 3), because at lower elevations benzene levels arise from volume and surface forces and are not affected much by vent pipe emissions. Close to a gas station ($<$

Fig. 4 Modeled atmospheric benzene levels (3-year average) due to emissions from 4, 3, 2, and 1 gas station configuration at an elevation of 2 m. Abscissa and ordinate labels indicate distance in meters. Color bar indicates benzene concentration in $\mu\text{g}/\text{m}^3$

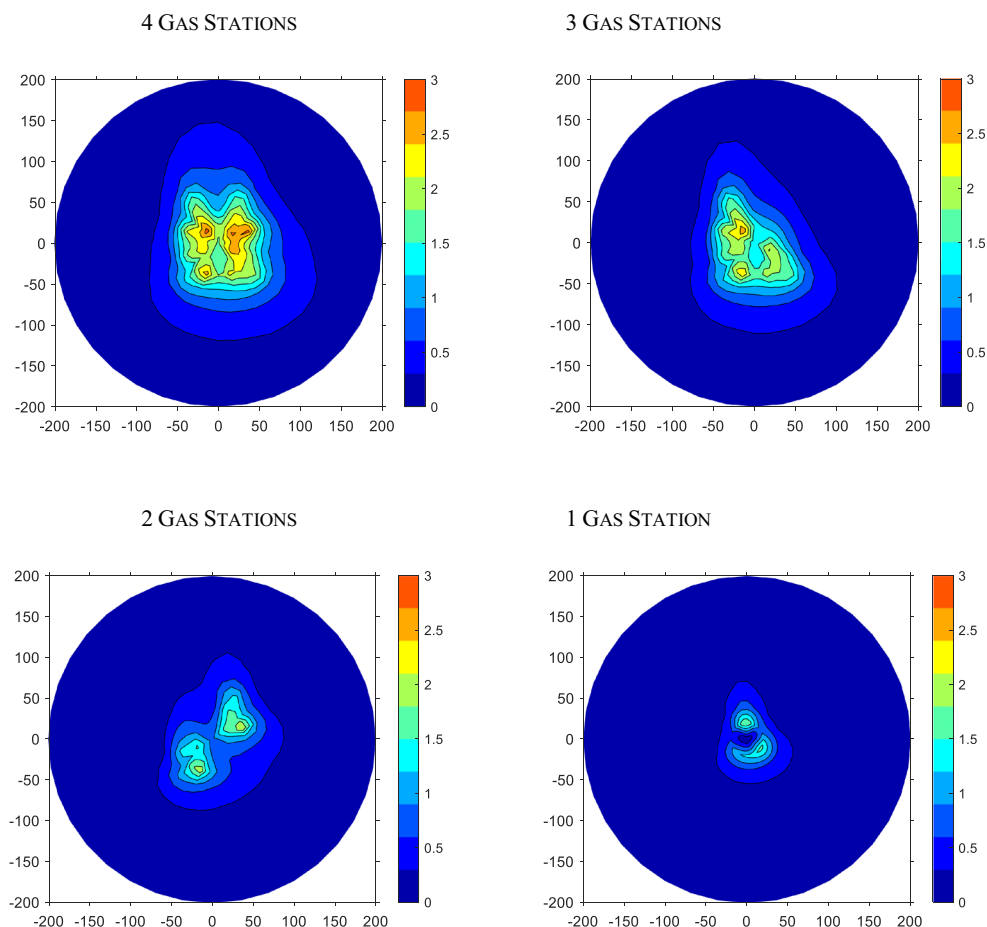


Fig. 5 Lifetime cancer risk $\langle \text{CR} \rangle$ normalized by total sales volume and then log-transformed for four different gas station clusters consisting of 1, 2, 3 and 4 gas stations by distance r from the origin of the model domain. Box plots indicate the variation of cancer risk at distance r due to its dependence on the angle φ_i at the $z = 4$ m elevation

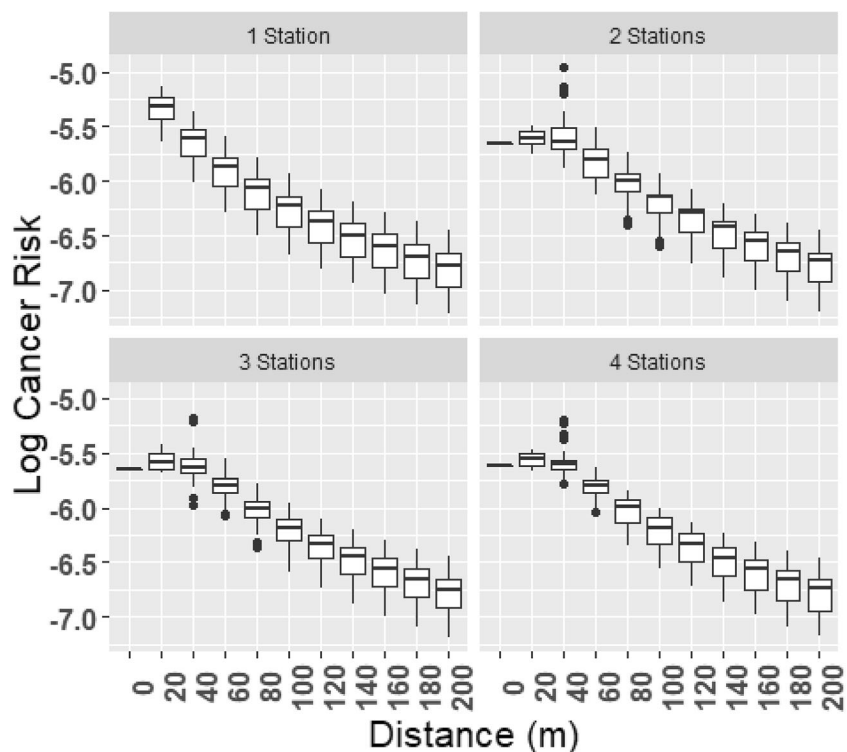


Table 3 Summary of linear regression for medians of lifetime cancer risk according to Eq. (2)

# Gas Stations	All	4	3	2	1
Intercept a	−5.50	−5.40	−5.42	−5.41	−5.45
[95% CI]	[−5.55, −5.45]	[−5.53, −5.28]	[−5.53, −5.30]	[−5.51, −5.32]	[−5.61, −5.30]
Distance coefficient b (1/km)* [95% CI]	−6.49	−7.12	−7.04	−6.92	−7.03
	[−6.91, −6.07]	[−8.10, −6.15]	[−7.92, −6.15]	[−7.62, −6.22]	[−8.19, −5.87]
R-squared	0.96	0.98	0.98	0.99	0.97
Cancer Risk at 40 m	N/A	9.84×10^{-6}	6.94×10^{-6}	4.66×10^{-6}	2.45×10^{-6}

*All intercepts and distance coefficients are statistically significant ($p < 0.05$)

40 m), benzene hot spots are present at a 4-m elevation where the vent pipes of the fuel storage tanks were assumed to release fuel vapors to the atmospheric environment, potentially putting residents at the 2nd floor level at risk. Further away from the center of the modeling domain (about >80 m), concentration fields do not depend much on elevation, as evidenced by the almost identical contour lines for benzene levels. This is because of vertical mixing of the benzene vapors due to atmospheric dispersion. Additionally, for quality assurance, we conducted a simulation for a single gas station where stack velocity is zero and compared the benzene concentration levels to our results (which use a stack velocity of 0.0012). We found that the percent difference for benzene concentration between the two simulations was close to zero.

Cancer risk as a function of sales volume and number of gas stations

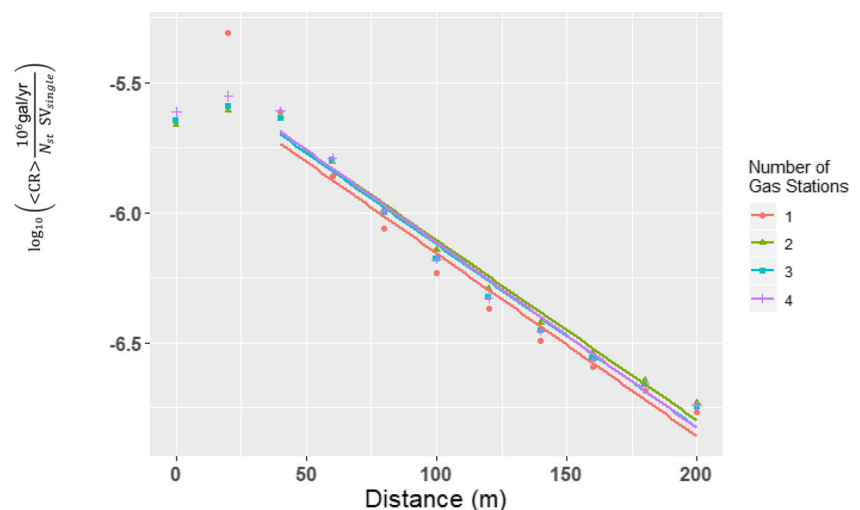
We performed for the first time analyses that not only allow estimating cancer risk of a single gas station as a function of sales volume but also the risk from multiple gas stations in a cluster. In contrast, previous reports presented examples of

cancer risk as a function of distance r only from a single gas station in the form of plots for a given sales volume SV, with no guidance about how to estimate cancer risk for a different sales volume. See, for example, Appendix E in CAPCOA [24] which presents cancer risks for gas stations dispensing 1 million gal/yr or Figs. 1, 2, 3, 4, 5 and 6 in CalEPA/CARB [26] for a gas station dispensing 3.6 million gal/yr [24, 26]. Our plots and Eq. (2), both of which normalize cancer risk by sales volume, respond to this need. For instance, one can now easily answer the question: what is the lifetime cancer risk <CR> of a single gas station dispensing 10 million gal/yr at a distance $r = 150$ m? We can read from the red line in Fig. 6, that $\log_{10}(\dots) \sim -6.5$ and therefore $10^{-6.5} = (\text{CR}) \frac{10^6 \text{ gal/yr}}{N_{st} \text{ SV}_{single}}$. Since $N_{st} = 1$ and $\text{SV}_{single} = 10^7$ gal/yr, the cancer risk is <CR> = $10^{-5.5}$ which is 3 in a million.

Directional dependence of cancer risk

At a single location (specified by distance r and angle φ_i), substantial differences between the cancer risk inferred from Eq. (2) and the risk calculated from Eq. (1) using the AERMOD benzene concentration at that location may occur.

Fig. 6 Linear regression of the medians of lifetime cancer risk <CR> normalized by sales volume and then log-transformed for 1, 2, 3 and 4 gas stations. The regression excludes the first two distances (0 and 20 m)



This is because Eq. (2) represents a cancer risk averaged over all angles φ_i and because cancer risk may vary by more than an order of magnitude depending on φ_i for a given r (Fig. 5). Local meteorology and in particular variability in wind direction partially explain the spatial patterns and the directional dependence of modeled benzene concentrations, as a comparison between the wind rose (Supplemental Fig. 1) and the benzene concentrations fields (Figs. 3 and 4) shows. Therefore while Eq. (2) provides insights about how cancer risk depends on distance from gas station(s), detailed air dispersion simulations may be required to evaluate cancer risk for given receptor locations.

Equation for calculating cancer risk from gas station clusters

We proposed a simple equation, Eq. (2), which is based on an exponentially decaying function for estimating cancer risk as a function of distance from a gas station or a cluster of gas stations. Our statistical analysis (p -values and R^2) showed that cancer risk is a function of distance from gas station(s). Based on a theoretical premise, modeled cancer risk could be expected to scale linearly with sales volume SV_{single} but it was not clear whether it would also scale linearly with the number of gas stations N_{st} . One-way ANOVA, however, supports the hypothesis that cancer risk (averaged over all angles φ_i) scales linearly with total sales volume $SV_{single} N_{st}$ for distances ≥ 40 m as evidenced by the similarity of the normalized cancer risk plots for the four different gas station configurations (Fig. 5) and the regression analyses for Eq. (2). However, Eq. (2) should not be used outside the range of distances r used to inform the regression (40 to 200 m).

As an example for an application of Eq. (2), we use it to calculate cancer risk at a distance $r = 150$ m from the aforementioned gas station dispensing 10 million gal/yr. With $a = -5.5$ and $b = -6.5 \text{ km}^{-1}$, $\log_{10}(\dots) = a + b r = -5.5 - 6.5 \times 0.15 = -6.5$, the same value determined from Fig. 6, thus also resulting in a cancer risk of 3 in a million.

Setback distances

Our Eq. (2), or variations thereof that account for actual emission rates and local meteorological conditions, provides a framework for formulating setback policies. E.g., if policy makers assume $CR = 5 \times 10^{-6}$ is an acceptable cancer risk, one can solve Eq. (2) for r to calculate the distance at which this cancer risk is obtained, e.g., for a cluster of $N_{st} = 4$ gas stations having each a sales volume $SV_{single} = 3.6$ million gal/year (or a single gas station dispensing 14.4 million gal/year): $r = \left[\log_{10} \left((CR) \frac{10^6 \text{ gal/yr}}{N_{st} SV_{single}} \right) - a \right] / b = 145$ m. This distance can be interpreted as a setback distance, keeping in mind that cancer risk varies due to its directional dependence. This

setback distance is much greater than the setback distance of 91 m recommended by CARB for California gas stations (with much lower emission factors) dispensing more than 3.6 million gal/year [26]. Thus, CARB guidelines should be used with caution if vapor emission control technology is below their standards.

Policy recommendations

While it is not surprising that cancer risks are higher for gas station clusters than for a single gas station, some policies on setback distances for gas stations account only for emissions from a single gas station [26], thereby neglecting the cumulative cancer risk arising from a cluster. We propose that policies should acknowledge the additional cancer risks arising from gas station clusters. This issue is of concern when a new gas station is built in an area where none is initially present and additional gas station(s) might be proposed thereafter or when a new gas station is built close to an existing one. Furthermore, our findings could provide a basis for improved standardization of policy at both the county and state level. Finally, we recommend that setback distances account for actual sales volume.

Limitations

Our study has some limitations. While we have devised an approach for estimating cancer risks from a gas station cluster, our study is not representative of any specific gas station development, because we only accounted for one set of meteorological conditions, assumed flat terrain, and made assumptions about fuel composition (benzene content) and emission prevention technology that are only representative of the US (except California). Indeed, according to an article published by the International Fuel Quality Center in 2009 benzene levels in gasoline can reach up to 7% in regions where these levels are regulated [39]; and levels can perhaps be even higher where not regulated. Moreover, benzene level may vary seasonally due to changes in fuel composition (winter versus summer fuel) [40–42]. However, because EPA [36] estimates of national gasoline benzene content ($\sim 1\%$ by volume in 2016) and prior studies inform our assumptions, we feel they are a reasonable proxy. We also used emissions factors, which potentially underestimate actual emissions, as shown in a recent study that measured vent emissions at two fully functional US gas stations, finding that emissions greatly exceeded the emission factors listed in the CAPCOA (1997) study [24, 29].

Conclusions

We have developed a model to estimate cancer risk from gas station clusters, accounting for the increasing risk with

additional gas stations and allowing for continuous rather than categorical sales volume inputs. Overall, we found that clusters of gas stations result in increased cancer risk compared to a single station. For instance, the cancer risk at 40 m for four gas stations each dispensing 1 million gal/year is 9.84×10^{-6} compared to 2.45×10^{-6} for one gas station. This framework can be utilized in real-life scenarios as a basis to estimate cancer risk by distance for gas station clusters in the US. Future work should consider developing a more general and widely applicable equation for cancer risk that also accounts for site-specific information such as emission factors, benzene content of the liquid gasoline and the gas phase in the ullage of the storage tank, and summary statistics of meteorological conditions. Future policies around setback distances should be reassessed to account for heightened risk from clusters.

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Data availability All data and material are publicly available.

Compliance with ethical standards

Conflicts of interest/Competing interests The authors declare they have no conflict of interest.

Code availability Code available upon request.

Ethics approval This study does not involve human subjects.

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Testimony on Royal Farms, Prince George's Zoning Hearing Examiner
Aug. 3, 2022, Friends of Sligo Creek

Good morning, Madame Examiner and all in attendance.

Michael Wilpers, 907 Maplewood Ave, Takoma Park, MD 20912

I am past President and chair of natural history of the Friends of Sligo Creek, testifying on behalf of the board of directors. We greatly appreciate this opportunity to weigh in on the Royal Farms proposal adjacent to Sligo Creek and Parklawn Park. We are opposed the proposal and believe that a better match for the site should be sought.

My comments will take about 15 minutes and cover four dangers posed to the creek and other habitats in Parklawn Park with regards to stormwater, riparian forest buffer, air pollution, and fish habitat.

QUALIFICATIONS: MW

I earned my bachelor's degree in molecular biology at the University of Wisconsin-Madison and then served as a staff science writer at the university and later for the International Medical News Group. I was a technical editor at the Wisconsin Department of Natural Resources for implementation of the Clean Air Act. In 2010, I received my Certificate in Natural History Field Studies from the Audubon Naturalist Society. I served on the FOSC board from 2008 to 2010 and as President from 2010-2013.

QUALIFICATIONS: FOSC

The Friends of Sligo Creek was founded in 2002 and currently has more than 1,800 members. Our mission is the protection, improvement, and appreciation of the ecological health of Sligo Creek and its surrounding watershed. We fulfill our mission through trash cleanups, non-native invasive plant removals, stormwater management, water quality testing, natural history programs, and advocacy.

Our committee chairs have received awards from Montgomery County for their work in non-native invasive plants and stormwater. For our tenth anniversary, Montgomery Parks recognized FOSC for (quote) "untiring dedication to conservation and stewardship of natural resources in Sligo Creek Park" (unquote).

In Prince George's County, FOSC initiated a joint project with Pepco in 2008 to maintain the powerline corridor adjacent to Sligo Creek as a 17-acre wildflower pollinator meadow, which

also supports several bird species that are in decline statewide. A winding trail through the meadow is frequently enjoyed by neighbors -- and especially their dogs. The meadow project has been certified every other year by the Wildlife Habitat Council. In recent years, we have collaborated on this valuable project with the Carole Highlands Neighborhood Association in Chillum.

THE CREEK

Sligo Creek begins its eight-mile journey in Kemp Mill and traverses Silver Spring, Takoma Park, and Chillum, before merging with the Northwest Branch of the Anacostia near Chillum Community Park. Along the way, Sligo Creek passes directly behind the proposed site for Royal Farms. In fact, the creek's precious waters flow just 100 feet from the south boundary of the property. The Royal Farms project threatens to adversely impact the creek and surrounding wildlife habitats and the opportunity for park users to enjoy its birds, butterflies, foxes, fish and cottontail rabbits.

STORMWATER

Our first area of concern is stormwater a serious challenge in areas like ours, where so much of the land surface is covered by impervious surfaces. Since roads, roofs, parking lots, and sidewalks can't absorb rainwater, it rushes at high speed and high temperature across polluted surfaces into our creeks, where it deposits chemicals and sediments and gouges out the stream banks, all to the detriment of wildlife.

The current proposal does add two stormwater installations, but their ability to handle high impact storms doesn't seem to be described in the available documents. Also missing are the crucial cross-section views that would allow us to see where the outfall pipes for each stormwater feature would send overflow water in high rain events. The building's expansive roof should certainly be designed a green roof, either for solar energy or vegetation

Lastly, a sensible development at this site should greatly reduce, rather than maintain, the existing expanse of uninterrupted pavement and rooftop. The Royal Farms plan does add a narrow perimeter of trees but no vegetation to the interior of the parking area, something that is required by some jurisdictions. A good parking lot ordinance mandates landscape islands, including at least one shade tree. Royal Farms should follow suit.

In sum, to provide modern stormwater management, the county should seek a developer who brings much more green infrastructure to the site, so that the creek habitat is protected as much as possible.

RIPARIAN BUFFER

A second and related reason we oppose this proposal is the very narrow area behind the site for trees and shrubs to act as a buffer against rainwater runoff, with all its pollution and sediments. The Chesapeake Bay Program, in its Guide on Riparian Buffers (that is, streamside woodlands), notes that the more degraded a watershed is – the more it consists of roads and buildings -- the more important the riparian buffer becomes for absorbing stormwater runoff, chemical pollutants, and sediment. The Guide points out that **wider** buffers are recommended for urbanized areas (compared to rural areas) because of the greater need to absorb harmful inputs that can enter our streams and destabilize the stream banks.

Currently, the narrow strip of parkland between the site and the creek is landscaped mostly with turf grass and a few shade trees. The Guide reports that a dense growth of trees and shrubs is **15 times more effective** than turf grass at absorbing stormwater, pollutants, and sediment. The single ring of trees that Royal Farms proposes at the south edge of the site is a start but will hardly compensate for the shortage of woody vegetation overall. The proposed “20-foot landscaped buffer yard” is not described in the proposal so it's impossible for us to evaluate.

In compensation for removing the playground in Parklawn Park, Royal Farms has “proffered to make improvements” to the entire Park. If the applicant’s proposal is approved, these commitments should be made explicit and dramatically expanded. They should guarantee that the full width of the area between Royal Farms and the creek is planted with a true buffer of trees and shrubs, to the maximum degree that the paved trail will allow. The county should also require a widening of the entire forest buffer along the creek from Riggs and East-West Highway, even though it means a slightly narrower playing field (which is already smaller than a regulation soccer field). The plan for an “auxiliary playing field,” behind the residential properties, should instead be forested, to increase an additional buffer against runoff from East-West Highway, while providing privacy for the adjacent homeowners.

BENZENE POLLUTION

Air pollution is a third serious issue, for both humans and wildlife. The gas station’s proximity to the creek and the heavily used hike-biker trail will mean greatly elevated exposure to the invisible toxic fumes released in the ordinary course of gas station operations. These gasses include benzene, a known carcinogen. In addition to its spread as a gas, benzene is also deposited by snow and rain on soil, plants, and creek water, providing another avenue by which wildlife can be subjected to its toxic effects, which have been demonstrated on insects and mammals.

For these reasons, many jurisdictions, including Prince George’s County, impose a minimum distance of 300 feet between gas stations and natural areas or gathering places, though jurisdictions differ on their lists of such places. The county’s code pertains only to (quote) “a school, outdoor playground, library, or hospital” (close quote). The Royal Farms proposal avoids this requirement by offering to destroy the outdoor playground in Parklawn. Fortunately for Royal Farms, but not so for residents and wildlife, the county’s prohibition **does NOT** apply to

parks, which many jurisdictions include. The ordinance allows gas stations near its parks, even when they include outdoor play areas, such as lawn-like grassy fields, which are these promoted on county websites. The distance from the proposed gas pumps to the nearest open grassy area, at the southwest corner of the site, is only 285 feet. The paved trail, also traversed by children, is less than 100 feet from the gas pumps. The Parklawn Recreation Building is slightly further, at 340 feet, which is hardly reassuring those who rent the space for events.

Making matters worse, a 2018 study conducted by the Columbia University School of Public Health throws serious doubt on the effectiveness of the 300-foot requirement so commonly used. The study shows that toxic vapors released from gas stations are (quote) “10 times higher than estimates used in [current] setback regulations [that] determine how close schools, playgrounds, **and parks** can be situated” (close quote). The study shows that the **300 foot** distance is severely inadequate to protect people from benzene. If a Royal Farms gas station is allowed here, it would not be unreasonable for Parks to feel obligated to install signage along the paved trail and next to play areas warning, “High Benzene Zone.” Sadly, such signs would be unintelligible to wildlife, who would suffer the consequences.

In Montgomery County, the code requires new gas stations that sell high quantities of gas to be located at least **500 feet** from any (quote) “dwelling unit; public or private school; park; playground; day care center; any outdoor [areas for] civic, institutional, or recreation and entertainment use; or **any wetland, stream, river, [or] flood plain**” (close quote).

Since public amenities in Parklawn, as well as Sligo Creek itself, are closer than 300 feet, shown to be inadequate, the gas station should be disqualified for approval. Residents of Prince George’s County, and the wildlife in its parks, deserve at least as much protection from airborne carcinogens as Montgomery County provides. We believe this is a question of environmental justice.

FISH PASSAGE

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Working against this tremendous effort, the Royal Farms proposal risks creating a bottleneck in the creek by worsening an already poor habitat through polluted stormwater, an overly narrow forest buffer, and pollution from benzene and other toxic gasses. The migratory fish may find themselves in trouble when they encounter these degraded conditions, discouraging them from reaching the upper extent of their spawning grounds.

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CONCLUSION

In sum, the proposed development by Royal Farms is a very poor fit for this site in terms of the inevitable environmental damage caused by its proximity to Sligo Creek and Parklawn Park. Any of the four reasons I've mentioned are environmental justice concerns and should be enough to disqualify the Royal Farms proposal.

To reduce stormwater impacts to the creek, the county should seek a developer who will dramatically decrease the 100 percent impervious surface through tree islands and a green roof. To prevent toxic benzene fumes from affecting people and wildlife, the county should eliminate a gas station as an option from any proposal. And to avoid undercutting the county's important investment in enhancing fish habitat, the county should look for a developer who will advance, rather than retreat from, the goals of a healthier Anacostia watershed for people and wildlife, alike.

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<https://nepis.epa.gov/Exe/ZyNET.exe/P100D97A.TXT?ZyActionD=ZyDocument&Client=EPA&Index=2006+Thru+2010&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C06thru10%5CTxt%5C00000031%5CP100D97A.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL>

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MD DNR on buffers: <https://dnr.maryland.gov/forests/pages/publications/Sink.aspx>

Fish Passage Barriers

Army Corps summary:
<https://www.nab.usace.army.mil/Missions/Environmental/Anacostia-Watershed-Restoration/>

Army Corps press release
<https://www.nab.usace.army.mil/Media/News-Releases/Article/784867/corps-of-engineers-seeks-comment-on-plan-to-restore-aquatic-habitat-in-prince-g/>

Army Corps appendix C:
https://www.nab.usace.army.mil/Portals/63/docs/Environmental/Anacostia/Appendix_C_Environmental%20Compliance_Dec2018.pdf

Army Corps appendix D:
https://www.nab.usace.army.mil/Portals/63/docs/Environmental/Anacostia/Appendix_D_PublicInvolvement_Dec2018.pdf

Good afternoon,

My name is Lisa Entzminger and I live at 7213 16th Avenue, Takoma Park, MD 20912 in the unincorporated portion of Takoma Park in Prince George's County. I am a resident of the Carole Highlands neighborhood and currently serve as Secretary of the Carole Highlands Neighborhood Association. I am also the mother of a young son. I live $\frac{3}{4}$ mile by foot from the proposed site.

The proposed development does not serve the needs of the community and hinders the County's ability to meet its goals for reducing obesity and related illnesses. Prince George's County has the highest obesity rate in the state of Maryland, with 71% of adults classified as overweight or obese and 48% of children considered at risk for obesity, compared to just 29% of Marylanders being considered obese. The Prince George's County Health Department's own tracking system for obesity and obesity-related illnesses shows that the County is failing to meet its own targets for reducing obesity. At the same time, fast food restaurant density has been increasing at an alarming rate since 2007 while grocery store density has declined. There are 0.85 fast food establishments per 1000 people yet only 0.18 grocery stores per 1000 people in Prince George's County. With that in mind, it is extremely short-sighted to court the development of a business that discourages exercise and promotes unhealthy eating. Royal Farms is primarily a fast food/convenience food operation seeking to expand in an area that is already has a glut of such establishments. We need better choices in this part of the County.

The site chosen for this fast food/convenience food operation falls squarely within an area that the County has identified as a Healthy Food Priority Area. According to the County, "A Healthy Food Priority Area (HFP) in Prince George's County is an area where: 1) The ratio of healthy to unhealthy food retailers is low, 2) The median household income is below \$67,553, the Maryland Self Sufficiency Standard for a family of four and 3) Over 5.2% of households have no vehicle available."

Adding insult to injury is the fact that in order for this development to proceed, a playground, which promotes exercise and movement by children and adults alike, must be eliminated and will not be replaced on either the existing site or any site nearby. Eliminating the playground to allow the construction of a gas station and fast-food convenience store directly contradicts the goals established in the County's Healthy People Plan.

The construction and operation of a gas station/convenience store is not necessary to the public in the surrounding area. There are many similar establishments already operating in the immediate vicinity. The construction of a gas station on this site also restricts the use of the surrounding land for the duration of the existence of the gas station in that the existing playground must be eliminated and cannot be rebuilt or revitalized in the existing space simply due to the existence of a gas station nearby.

The community wants healthy, sustainable food choices that meet the needs of a variety of constituents consisting of establishments that prioritize lean proteins, fresh vegetables, nutrient-dense grains prepared and served by workers trained about how to safely navigate food allergies, intolerances, and celiac disease. Nearby localities such as Riverdale and College Park have attracted similar establishments already with the addition of Gangster Vegan Organics, Burton's, and Seoulspice, and we want more of this kind of development.

We want beautiful community spaces that our families can use for gathering, recreation, and play. We do not want yet another gas station and fast food takeout establishment that further entrenches us in a food swamp.

Therefore, for the reasons stated above, I urge the committee to deny the special exception requested by Royal Farms. Allowing this development to move forward would cause irreparable harm to the community and would send a very bad message about the importance of defeating the obesity epidemic in the county.

Thank you.

Citations:

Obesity rates -

<https://www.pghealthzone.org/indicators/index/view?indicatorId=56&localeId=1260>

Fast food restaurant density -

<https://www.pghealthzone.org/indicators/index/view?indicatorId=242&localeId=1260>

Grocery store density -

<https://www.pghealthzone.org/indicators/index/view?indicatorId=250&localeId=1260>

Healthy food priority areas -

<https://princegeorges.maps.arcgis.com/apps/opsdashboard/index.html#/9f9202c51cc345ab9e0e1aa21a23bb76>

My name is Paul Rowe. I've been a resident of the Carole Highlands community in Prince George's County for 21-years, and am old enough to know the County's history as a dumping ground for pawn shops, liquor stores, fast food establishments and yes, gas stations. Although I am not necessarily opposed to Royal Farms, I am opposed to its use of a 16-pump gas station, for the following three (3) reasons). **Its use is:**

I. Incompatible with the Needs of the County and Community

- Our community is not considered a gas station desert.
- There are 14 gas stations w/in one mile of Carole Highlands, including the Exxon gas station across the street from the subject property.
- Therefore, I submit WE ARE NOT IN NEED of another gas station.

II. Contrary to Prevailing National and Local Public Policy

- The prevailing federal and local policy is to reduce Green House Gases (GHG's)
- The cause of GHG's is excessive use and reliance on fossil fuels
- A 16-pump gas station at the congested intersection of East-West Highway and Riggs Road contributes to that and is contrary to recent actions by the Prince George's County Council and County Executive to reduce fossil fuel consumption.
- I evidence the recent July 12, County Council adopted Climate Action Plan in CR -032-2022 and on June 15, the approved National Capital Region Transportation Planning Board's - Visualize 2045 Plan Update (www.visualize2045.org). Both plans include resolutions to reduce climate pollution from cars and trucks 50% by 2030, and identified strategies to achieve that goal. Those strategies include:

- **transitioning to electric cars, trucks and buses; and**
- **creating an electric vehicle (EV) charging infrastructure network**

- I dare say it would be ironic, if not embarrassing for a special exception use to be approved which contravenes the climate and transportation policy of the County Council and the Executive.

III. Non-compliant with the County's own zoning regulations and if approved, undermines the purpose of those regulations

- The pending application for the special exception of a gas station is subject to Section 27-358, of the new Zoning Ordinance as amended, but is clearly non-compliant with three (3) of its requirements.

(a)(2) The nearest gas pump on the subject property shall be located at least three hundred (300) feet from any lot on which a school, outdoor playground, library, hospital, or a structure used as a residence is located;

- The nearest gas pump in the application is less than 250 feet away from 1807 East-West Highway, a single-family residence.
- Moreover, it is acknowledged by Planning Board staff and the Applicant the nearest gas pump is only 40 feet from the outdoor playground behind the site, which is a feature of the surrounding 15-acre Parklawn Park, including its highly utilized walking and bike trail.
- That said, what is most alarming and egregious about this application is the proposed removal of the playground by the County, enabling the applicant to avoid this requirement.

(a)(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.

- The Planning Board staff report concludes the application is in accordance with this requirement and (therefore *not* subject to) the amended section. However, while the application was filed prior to January 1, **it has not been approved**. It wasn't approved by January 1, was not approved prior the new Zoning Ordinance effective April 1, 2022, and has not been approved to date. Therefore, unless otherwise permitted it ***should be*** subject to this amended Sec. 27-358.

In closing, an alternative and possible win-win solution for Royal Farms, the community and the County is if 100% of its fueling stations are EV charging stations (*thereby becoming an integral part of a transformative County and regional EV charging station infrastructure*). Only then can the use be considered compatible with the needs of the community, consistent with public policy and conform with County Zoning Regulations.



Friends of Sligo Creek
P.O. Box 11572
Takoma Park, MD 20913

August 4, 2022

To:
Zoning Hearing Examiner
Prince George's County
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

The Board of Directors of the Friends of Sligo Creek confirms that the testimony given at the Zoning Hearing Examiner meeting on August 3, 2022, by the FOSC's Natural History Chair, Michael Wilpers, was given on behalf of the Board with regard to the application by Royal Farms for a development adjacent to Sligo Creek at Riggs Road (Application number: SE-4846; applicant name: RF East West Hyattsville LLC). The Board fully endorses and agrees with the arguments presented in his testimony in opposition to the application. With this letter, the Friends of Sligo Creek formally requests to be added as a Person of Record for the hearing on the application.

Friends of Sligo Creek is a non-profit 501(c)(3) organization, with an EIN number of 52-2345099. Friends of Sligo Creek is a community organization dedicated to protecting, improving, and appreciating the ecological health of Sligo Creek Park and its surrounding watershed.

Attached is the testimony given by Michael Wilpers.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Smith". The signature is fluid and cursive, with the first name "Michael" and last name "Smith" clearly distinguishable.

Michael Smith

President

Friends of Sligo Creek

president@fosc.org, www.friendsofsligocreek.org

Testimony on Royal Farms, Prince George's Zoning Hearing Examiner
Aug. 3, 2022, Friends of Sligo Creek

Good morning, Madame Examiner and all in attendance.

Michael Wilpers, 907 Maplewood Ave, Takoma Park, MD 20912

I am past President and chair of natural history of the Friends of Sligo Creek, testifying on behalf of the board of directors. We greatly appreciate this opportunity to weigh in on the Royal Farms proposal adjacent to Sligo Creek and Parklawn Park. We are opposed the proposal and believe that a better match for the site should be sought.

My comments will take about 15 minutes and cover four dangers posed to the creek and other habitats in Parklawn Park with regards to stormwater, riparian forest buffer, air pollution, and fish habitat.

QUALIFICATIONS: MW

I earned my bachelor's degree in molecular biology at the University of Wisconsin-Madison and then served as a staff science writer at the university and later for the International Medical News Group. I was a technical editor at the Wisconsin Department of Natural Resources for implementation of the Clean Air Act. In 2010, I received my Certificate in Natural History Field Studies from the Audubon Naturalist Society. I served on the FOSC board from 2008 to 2010 and as President from 2010-2013.

QUALIFICATIONS: FOSC

The Friends of Sligo Creek was founded in 2002 and currently has more than 1,800 members. Our mission is the protection, improvement, and appreciation of the ecological health of Sligo Creek and its surrounding watershed. We fulfill our mission through trash cleanups, non-native invasive plant removals, stormwater management, water quality testing, natural history programs, and advocacy.

Our committee chairs have received awards from Montgomery County for their work in non-native invasive plants and stormwater. For our tenth anniversary, Montgomery Parks recognized FOSC for (quote) "untiring dedication to conservation and stewardship of natural resources in Sligo Creek Park" (unquote).

In Prince George's County, FOSC initiated a joint project with Pepco in 2008 to maintain the powerline corridor adjacent to Sligo Creek as a 17-acre wildflower pollinator meadow, which

also supports several bird species that are in decline statewide. A winding trail through the meadow is frequently enjoyed by neighbors -- and especially their dogs. The meadow project has been certified every other year by the Wildlife Habitat Council. In recent years, we have collaborated on this valuable project with the Carole Highlands Neighborhood Association in Chillum.

THE CREEK

Sligo Creek begins its eight-mile journey in Kemp Mill and traverses Silver Spring, Takoma Park, and Chillum, before merging with the Northwest Branch of the Anacostia near Chillum Community Park. Along the way, Sligo Creek passes directly behind the proposed site for Royal Farms. In fact, the creek's precious waters flow just 100 feet from the south boundary of the property. The Royal Farms project threatens to adversely impact the creek and surrounding wildlife habitats and the opportunity for park users to enjoy its birds, butterflies, foxes, fish and cottontail rabbits.

STORMWATER

Our first area of concern is stormwater a serious challenge in areas like ours, where so much of the land surface is covered by impervious surfaces. Since roads, roofs, parking lots, and sidewalks can't absorb rainwater, it rushes at high speed and high temperature across polluted surfaces into our creeks, where it deposits chemicals and sediments and gouges out the stream banks, all to the detriment of wildlife.

The current proposal does add two stormwater installations, but their ability to handle high impact storms doesn't seem to be described in the available documents. Also missing are the crucial cross-section views that would allow us to see where the outfall pipes for each stormwater feature would send overflow water in high rain events. The building's expansive roof should certainly be designed a green roof, either for solar energy or vegetation

Lastly, a sensible development at this site should greatly reduce, rather than maintain, the existing expanse of uninterrupted pavement and rooftop. The Royal Farms plan does add a narrow perimeter of trees but no vegetation to the interior of the parking area, something that is required by some jurisdictions. A good parking lot ordinance mandates landscape islands, including at least one shade tree. Royal Farms should follow suit.

In sum, to provide modern stormwater management, the county should seek a developer who brings much more green infrastructure to the site, so that the creek habitat is protected as much as possible.

RIPARIAN BUFFER

A second and related reason we oppose this proposal is the very narrow area behind the site for trees and shrubs to act as a buffer against rainwater runoff, with all its pollution and sediments. The Chesapeake Bay Program, in its Guide on Riparian Buffers (that is, streamside woodlands), notes that the more degraded a watershed is – the more it consists of roads and buildings -- the more important the riparian buffer becomes for absorbing stormwater runoff, chemical pollutants, and sediment. The Guide points out that wider buffers are recommended for urbanized areas (compared to rural areas) because of the greater need to absorb harmful inputs that can enter our streams and destabilize the stream banks.

Currently, the narrow strip of parkland between the site and the creek is landscaped mostly with turf grass and a few shade trees. The Guide reports that a dense growth of trees and shrubs is 15 times more effective than turf grass at absorbing stormwater, pollutants, and sediment. The single ring of trees that Royal Farms proposes at the south edge of the site is a start but will hardly compensate for the shortage of woody vegetation overall. The proposed “20-foot landscaped buffer yard” is not described in the proposal so it's impossible for us to evaluate.

In compensation for removing the playground in Parklawn Park, Royal Farms has “proffered to make improvements” to the entire Park. If the applicant’s proposal is approved, these commitments should be made explicit and dramatically expanded. They should guarantee that the full width of the area between Royal Farms and the creek is planted with a true buffer of trees and shrubs, to the maximum degree that the paved trail will allow. The county should also require a widening of the entire forest buffer along the creek from Riggs and East-West Highway, even though it means a slightly narrower playing field (which is already smaller than a regulation soccer field). The plan for an “auxiliary playing field,” behind the residential properties, should instead be forested, to increase an additional buffer against runoff from East-West Highway, while providing privacy for the adjacent homeowners.

BENZENE POLLUTION

Air pollution is a third serious issue, for both humans and wildlife. The gas station’s proximity to the creek and the heavily used hike-biker trail will mean greatly elevated exposure to the invisible toxic fumes released in the ordinary course of gas station operations. These gasses include benzene, a known carcinogen. In addition to its spread as a gas, benzene is also deposited by snow and rain on soil, plants, and creek water, providing another avenue by which wildlife can be subjected to its toxic effects, which have been demonstrated on insects and mammals.

For these reasons, many jurisdictions, including Prince George’s County, impose a minimum distance of 300 feet between gas stations and natural areas or gathering places, though jurisdictions differ on their lists of such places. The county’s code pertains only to (quote) “a school, outdoor playground, library, or hospital” (close quote). The Royal Farms proposal avoids this requirement by offering to destroy the outdoor playground in Parklawn. Fortunately for Royal Farms, but not so for residents and wildlife, the county’s prohibition does NOT apply to

parks, which many jurisdictions include. The ordinance allows gas stations near its parks, even when they include outdoor play areas, such as lawn-like grassy fields, which are these promoted on county websites. The distance from the proposed gas pumps to the nearest open grassy area, at the southwest corner of the site, is only 285 feet. The paved trail, also traversed by children, is less than 100 feet from the gas pumps. The Parklawn Recreation Building is slightly further, at 340 feet, which is hardly reassuring those who rent the space for events.

Making matters worse, a 2018 study conducted by the Columbia University School of Public Health throws serious doubt on the effectiveness of the 300-foot requirement so commonly used. The study shows that toxic vapors released from gas stations are (quote) “10 times higher than estimates used in [current] setback regulations [that] determine how close schools, playgrounds, **and parks** can be situated” (close quote). The study shows that the **300 foot** distance is severely inadequate to protect people from benzene. If a Royal Farms gas station is allowed here, it would not be unreasonable for Parks to feel obligated to install signage along the paved trail and next to play areas warning, “High Benzene Zone.” Sadly, such signs would be unintelligible to wildlife, who would suffer the consequences.

In Montgomery County, the code requires new gas stations that sell high quantities of gas to be located at least **500 feet** from any (quote) “dwelling unit; public or private school; park; playground; day care center; any outdoor [areas for] civic, institutional, or recreation and entertainment use; or **any wetland, stream, river, [or] flood plain**” (close quote).

Since public amenities in Parklawn, as well as Sligo Creek itself, are closer than 300 feet, shown to be inadequate, the gas station should be disqualified for approval. Residents of Prince George’s County, and the wildlife in its parks, deserve at least as much protection from airborne carcinogens as Montgomery County provides. We believe this is a question of environmental justice.

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In sum, the proposed development by Royal Farms is a very poor fit for this site in terms of the inevitable environmental damage caused by its proximity to Sligo Creek and Parklawn Park. Any of the four reasons I've mentioned are environmental justice concerns and should be enough to disqualify the Royal Farms proposal.

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MD DNR on buffers: <https://dnr.maryland.gov/forests/pages/publications/Sink.aspx>

Fish Passage Barriers

Army Corps summary:
<https://www.nab.usace.army.mil/Missions/Environmental/Anacostia-Watershed-Restoration/>

Army Corps press release
<https://www.nab.usace.army.mil/Media/News-Releases/Article/784867/corps-of-engineers-seeks-comment-on-plan-to-restore-aquatic-habitat-in-prince-g/>

Army Corps appendix C:
https://www.nab.usace.army.mil/Portals/63/docs/Environmental/Anacostia/Appendix_C_Environmental%20Compliance_Dec2018.pdf

Army Corps appendix D:
https://www.nab.usace.army.mil/Portals/63/docs/Environmental/Anacostia/Appendix_D_PublicInvolvement_Dec2018.pdf

Zoning Hearing Examiner

August 3, 2022

Good morning.

My name is Jeff Cronin and my family and I have lived in Carole Highlands for 20 years. I would describe myself as a heavy user of the Sligo Creek trail both on foot and on bike, including in the stretch of waterfront parkland at issue today.

Thanks for the opportunity to speak in opposition to the [special exception that Royal Farms is seeking in our community](#). And thank you to the hearing examiner, the planning staff, and to Mr. Tedesco and his colleagues for the courtesies you have extended to us.

I'm speaking today as a lay witness and not as any kind of expert.

I was very sorry to learn that the plans for this gas station are so far advanced, and wish that the Carole Highlands Neighborhood Association had been formally notified much earlier. And I'm concerned that families that use the park and playground have not had adequate notice to participate today.

I learned about this development by chance. In June, many members of the planning staff very generously came to Carole Highlands to [walk the neighborhood and explore better pedestrian and bike access to the Purple Line and nearby businesses](#). We are grateful for the planning staff's work on this study and truly look forward to its recommendations. I'm sorry to say that this otherwise great day was darkened by the news of a car-centric project in a neighborhood we're trying to make more walkable.

Carole Highlands is ringed with gas stations, convenience stores, and fast-food. This particular intersection has all of the above.

I was very surprised to learn that the southeast portion of this particular corner, near the pumps, is within the [100-year FEMA floodplain](#), I want to thank Mr. DiMarco, the civil engineer, for his candor on this issue during our meeting.

Just one month ago, on July 2, thunderstorms brought historic flooding to Sligo Creek which [closed the intersection of Riggs and East-West](#) after water levels rose seven feet in one hour. Having these pumps and petroleum tanks in the floodplain should have stopped this project in its tracks at the planning staff level. I'm advised that it would have stopped it in Montgomery County.

I am further advised that one [cannot build a gas station within 300 feet of a playground](#). That sensible requirement seems intended to protect children who use playgrounds from gas stations, not to protect gas stations from inconvenient playgrounds and children.

Also if the project moves forward we would lose a charming pupuseria, [reviewed as the best Salvadoran restaurant in the region](#), and instead get more of the same old [burgers and fries](#) we have too much of.

We would trade exercise equipment for children and culinary diversity in exchange for fast-food, fossil fuels, and finally, cigarettes. I say “finally” though I wonder whether I should have said “firstly,” since Royal Farms has [helpfully testified that tobacco accounts for 36 percent of its in-store revenue](#).

Trading a playground for a gas station that sells fast food and cigarettes, which is what is being proposed, is not a fair trade for this community. We have not had a seat at the table, and most families who use this playground won’t learn it’s in danger until the bulldozer comes.

I am a strong supporter of the zoning rewrite and its vision for a more urbanized and safely walkable county, and the county’s Climate Action Plan’s goals to cut carbon emissions in half by 2030. That’s why I’m really mystified by the planning staff’s support for Royal Farms here, since this project undercuts both of those bold visions.

I urge the Examiner not to grant the special exception for Royal Farms and thank again all parties present for patiently listening.

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Zoning Hearing Examiner

August 3, 2022

Good afternoon Madame Examiner and persons in attendance of his hearing,

My name is Doris Kuehn and I also live in the Carol Highlands neighborhood.

Thank you for giving me the opportunity to voice my opposition to the special exception for Royal Farms in our community.

I come before you as a consumer and a registered dietitian, so I would be remiss if I didn't open my statement with a quote from the Dietary Guidelines for Americans (DGA) 2020-2025: "The DGA discourages not nutrient-dense choices such as foods that are breaded and fried in oil."

RF uses deceptive advertising when referring to its pressure-cooked chicken; in reality it is pressure-fried breaded chicken.

Before I walked through the doors of Royal Farms, I was intrigued to explore what the 'fresh kitchen' in the RF signage would refer to and was quickly disheartened to see artificial day-glow colors or the gross opposite, namely bland looking dinners, advertised as fried chicken, cut Western fries and a dinner roll-- beige matched with beige, and accented with beige, instead of rainbow colors of fresh fruits and vegetables.

The sole vegetarian item on the menu that I could find was a Vegetarian wrap with some of the ingredients usually used more in form as garnishes than vegetable wrap-fillings (i.e., pickles, banana peppers, onion, etc.). But, before hitting the ordering button, I was prompted to add extra cheese, or more in Royal Farms fashion, to make the order a combo by adding a small fry consisting of a fried tender chicken sandwich, a small portion of fries (which are battered before being fried), and a fountain drink. This has me believe that ‘vegetarian’ is a misnomer in the Royal Farm language, just like ‘fresh’ or ‘pressure-cooked’.

Disappointed as I am about the large variety of unhealthy foods on offer, the bigger disappointment lies with the planning board that claims that the presence of Royal Farms would align with the food, beverage, and gas needs of the community. There is no shortage of gas stations (a total of 18 gas stations in a 1 ½ mile radius) and fast food options in the immediate area.

That the County is happy to fill its coffers with commercial property taxes as well as sales taxes from food and gas, at the expense of healthy, non-redundant options for the community it serves, seems very short-sighted to me.

Conveniently left out of the arguments in favor of Royal Farms by the planning board are the adverse health impacts on the community resulting from diets high in fried foods, creamy sauces accompanied by sugary drinks and other non-nutrient rich foods.

Or does the planning board trust that a mid-sized active man, eating, for example, for lunch, a Chicken Tender Meal (5 pieces) w/5 oz breaded

Fries, a Dinner Roll with ranch sauce, Creamy Shredded Cole Slaw as a side with a large coke, and a Strawberry Swirl Cheesecake as desert would then go on a 13 mile hike to walk off the 1410 extra calories he has just consumed?

It is more likely that this man will just carry these calories as an extra quarter to a half pound weight resulting in a higher risk of heart failure and/or type-2 diabetes with each such Royal Farms meal.

The County will see its coffers quickly depleted when caring for these overweight/obese persons in its County Health facilities, which are financed in part by tax revenues.

You cannot blame these community members for not knowing better. RF doesn't provide many learning opportunities for a healthy lifestyle, as aisle upon aisle of junk food is nearly all that is offered.

I also wanted to point out that the products sold at Royal Farms are not economical, either... quote-unquote "convenience" stores are notorious for prices that are higher than grocery stores...so, in fact, the presence of such a place could be considered predatory on the lower-income population, who have few enough healthy options.

Of similar concern, are the four entrance doors, which are completely covered, front and back, with cigarette advertisements, which might lead one to think that smoking is good for health, too.

If Royal Farms and the planning board believes that such an establishment fits the needs of the community, then they do not have an understanding of the needs of our community;

our desires are for greater longevity through healthier living which besides healthy nutrition includes an active lifestyle in form of walking and biking and other activities.

Thank you for listening to my testimony.

I would be happy to entertain any questions.

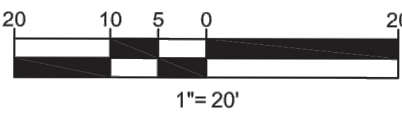


Royal Farms Store

1823 East West Highway
Hyattsville ,MD 20783

APPROVED AREA OF ONSITE FLOODPLAIN

MB202122



05.16.2022

BOHLER //