



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council  
301-952-3600

March 11, 2021

**RE: DSP-20017 Royal Farms #381 Walker Mill Road  
Two Farms, Inc., Applicant**

## ***NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL***

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on March 9, 2021.

### ***CERTIFICATE OF SERVICE***

This is to certify that on March 11, 2021, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script that reads "Donna J. Brown".

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Donna J. Brown  
Clerk of the Council

Case Nos.: DSP-20017  
TCP2-027-2020  
Royal Farms #381  
Walker Mill Road

Applicant: Two Farms, Inc.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL

FINAL DECISION — APPROVAL OF DETAILED SITE PLAN

On February 22, 2021, this matter was considered by the District Council on the record from Planning Board using oral argument procedures. Council review of this case was required pursuant to conditions imposed by Council in Zoning Map Amendment cases A-9190-C and A-8033-C. Zoning Agenda, 2/22/2021.

On December 10, 2020, Planning Board recommended approval of Detailed Site Plan (DSP) 20017 (DSP-20017) and Type 2 Tree Conservation Plan (TCP2-027-2020), to construct a 4,649 square-foot food and beverage store, gas station, and a 1,248 square-foot car wash, on the property located in the southwest quadrant of the intersection of Walker Mill Road and Ritchie Road, Planning Area 75A, Council District 6. PGCPB No. 2020-165.

Before the Planning Board, and to some extent during oral argument before Council, Opposition raised several concerns about DSP-20017. Among them were concerns about site designs, light pollution, number of gas stations and fast food restaurants in the surrounding area, number of gas pumps on site, hours of operation, ownership structure, economic viability and investment potential of the fossil fuel industry, potential other uses involving alternative fuels or renewable energy, community giving programs offered by the proposed user, food proposed to be sold on site, potential for loitering, impact of convenience stores on the economic and physical health of the surrounding community, increased truck traffic around the community, car racing,

congestion and traffic gridlocks on local streets, the condition of offsite roadway traffic, impacts on air quality from the proposed uses, and disproportionate impact of such uses on the environment in predominantly black communities. (11/12/2020. Tr.), PGCPB No. 2020-165, pp. 3-10, (2/22/2021, Tr.).

The District Council has accorded full consideration of the issues raised by Opposition. Upon careful review of the record, Council finds that Planning Board's approval of DSP-20017 was supported by substantial evidence of record, not arbitrary, capricious, or otherwise illegal. The Board provided sufficient findings and conclusions to address each of the concerns raised by Opposition, which are adopted and incorporated fully herein. (11/12/2020. Tr.), PGCPB No. 2020-165, pp. 3-10. Where reasonable in DSP-20017, the Board also imposed certain conditions of approval to address specific concerns raised by Opposition. (11/12/2020. Tr.), PGCPB No. 2020-165, pp. 11-13. Moreover, the Applicant has also proffered certain conditions of approval, which Council has incorporated in this final decision to approve DSP-20017. (11/12/2020. Tr.), PGCPB No. 2020-165, pp. 3-10, (2/22/2021, Tr.). *See infra*, p. 4.

Finding no error in the Board's determination that the site plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use as referenced in Section 27-283 and contained in Section 27-274 of the Zoning Ordinance, DSP-20017 and TCP2-027-2020 are APPROVED, subject to conditions as follows:

1. Prior to certification of the detailed site plan (DSP), the following revisions shall be made to the plan:
  - a. Provide the green area tabulations in the General Notes.
  - b. Provide the required car wash parking spaces in the Parking and Loading Schedule and correct the total number of required spaces.

- c. Correct General Note 6 to add car wash as a proposed use.
- d. Revise General Note 12 to remove parts of Parcel G and indicate the entirety of Parcel G has been recorded in Plat Book NLP 100-27. The plan label for Parcel G should also include the plat recordation number.
- e. In General Note 14, complete the Type 2 tree conservation plan data once the information is provided.
- f. Provide a 10-foot-wide shared-use-path/sidewalk west of the Walker Mill Road motor vehicle entrance, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
- g. Provide inverted-U bicycle racks, or racks of a similar style that can provide two points of contact to support and secure each parked bicycle.
- h. Provide crosswalks at each of the motor vehicle access driveways.
- i. Provide the linear foot measurement for the Schedule 4.3-1 on the Landscape Plan.
- j. Label the recording reference for the right-of-way dedication deed as recorded in Liber 18207 folio 359. There is a discrepancy between the bearings and distances on Plat Book NLP 100-27 for Parcel G resulting from this dedication.
- k. Prior to certification of the DSP, the Type 2 tree conservation plan shall be revised as follows:
  - (1) Show the proposed master plan trail easement that overlaps existing woodlands to remain, as being woodland retained counted as cleared on the plan, not as woodland preservation and update the woodland conservation worksheet accordingly.
  - (2) Have the Property Owners Awareness Certificate signed and dated by the owner or owner's representative.
  - (3) Add the following note under the Type 2 tree conservation plan certification block on Sheet 1:

“Woodlands preserved, planted, or regenerated in fulfillment of on-site woodland conservation requirements have been placed in a Woodland and Wildlife Habitat Conservation Easement recorded in the Prince George's

County Land Records at Liber \_\_\_\_\_ Folio \_\_\_\_\_.  
Revisions to this TCP2 may require a revision to the  
recorded easement.”

- l. Revise the Landscape Plan as provided on Applicant’s Exhibit 3.
  - m. Remove the rear building-mounted sign from the plans.
  - n. Revise the DSP to facilitate smart growth and install an Electrical Vehicle Charging Device (EVCD). A space containing an EVCD shall be designated on the revised DSP as exclusively for use by electric cars and the space shall be created as one of the reserved spaces on the premises. Prior to certification of the revised DSP, the applicant shall submit the revised DSP to Planning Board or authorized designee and People’s Zoning Counsel, for review and approval of this or other conditions imposed by the District Council. Unless Planning Board or authorized designee and People’s Zoning Counsel approve of the revised DSP for conformance with the conditions of DSP approval, certification shall be denied.
  - o. Provide a painted pedestrian crosswalk along the west side of the fuel canopy connecting the parking spaces on the north side of the site with the parking spaces in front of the food or beverage store.
  - p. Revise the Landscape Plan to replace the tree plantings on the south side of the drive aisle behind the food or beverage store with evergreen trees from Table A-3-4 of the Landscape Manual. These evergreen trees shall be no less than 6 feet in height when planted and shall be planted every 5 feet on center.
  - q. Revise the Parking and Loading Schedule to reduce the total number of provided parking spaces from 72 to 67.
  - r. Revise the signage plan to include details for “No Loitering” signs. These signs should be located near the entrance of the food or beverage store and in at least two other locations within the parking lot area in accordance with plan’s on-site security features.
2. Prior to the approval of any permits, which impact 100-year floodplain, wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
  3. Prior to the approval of a building permit, the applicant and the applicant’s heirs, successors, and/or assignees shall provide a public use easement for the future Ritchie Branch Trail, the location and width of which shall be determined in accordance with the Prince George’s County Department of Parks and Recreation.

ORDERED this 9<sup>th</sup> day of March, 2021, by the following vote:

In Favor: Council Members Anderson-Walker, Davis, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter, Taveras, and Turner.


Opposed:

Abstained:

Absent: Council Member Dernoga.

Vote: 10-0.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S COUNTY,  
MARYLAND

By:   
\_\_\_\_\_  
Calvin S. Hawkins, II, Chair

ATTEST:



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Donna J. Brown  
Clerk of the Council