

Case No.: DSP-13031  
Beyond Restaurant

Applicant: Beyond Restaurant c/o  
James Ibe

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

FINAL DECISION — APPROVAL OF DETAILED SITE PLAN

Pursuant to Section 25-210 of the Land Use Article (“LU”), Md. Ann. Code (2012 Ed. & Supp. 2015) and Section 27-290 of the Prince George’s County Code (2011 Ed. & Supp. 2015, or as amended) (“PGCC”), we have jurisdiction to issue the final decision in this Detailed Site Plan Application Number 13031, (“DSP-13031”).<sup>1</sup> Planning Board’s Resolution No. 15-107 (“PGCPB No. 15-107”), approving Applicant’s request for the renovation and expansion of an existing 18,905-square-foot building to include a multi-venue eating and drinking establishment, a proposed dinner theatre and office use of 24,400 square feet, is hereby AFFIRMED.

Appeal and Applicant’s Response

On or about December 5, 2015, the Citizens’ Action Committee of Bladensburg filed an appeal and requested oral argument before the District Council based on its contention that Planning Board’s approval of DSP-13031 was based on erroneous information. *See* Appeal Letter, 12/3/2015. The Applicant filed a response to Citizens’ appeal. *See* Applicant’s Response, 2/1/2016.

Having reviewed the administrative record in this matter and the findings of facts and conclusions made by Planning Board in PGCPB No. 15-107, we find that Planning Board’s

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<sup>1</sup> *See also* *Cnty. Council of Prince George’s Cnty. v. Zimmer Dev. Co.*, 444 Md. 490; 120 A.3d 677; (2015) (The District Council is expressly authorized to review a final decision of the county planning board to approve or disapprove a detailed site plan and the District Council’s review results in a final decision).

decision in PGCPB No. 15-107 was not based on erroneous information. Accordingly, as the basis for this final decision, and as expressly authorized by Titles 22 and 25 of the Land Use Article of the Annotated Code of Maryland and Subtitle 27 of the Prince George’s County Code, we hereby adopt the findings and conclusions set forth within PGCPB No. 15-107, and APPROVE DSP-13031, subject to the following conditions:

A. APPROVAL of the alternative development district standards for:

1. **Street Type Specifications**—For relief from the requirements for the location of the building along northbound Alt. US 1 and 46th Street.
2. **Streetscape Standards, Street Trees No. (4)**—To provide relief from the street tree requirements along Alt. US 1 because there isn’t room for the trees due to right of way improvements.
3. **Streetscape Elements No. (4)**—To allow a reduction in the sidewalk width from six feet to five feet along Alt. US 1 as existing within the SHA right-of-way.
4. **Building Envelope Standards—Façade Composition, No. 2** - To allow the absence of a functioning street door due to the existing building setback.
5. **Building Envelope Standards—Siting as follows:**
  - No. 1** - To allow relief from the requirement of the building within 30 feet of a block corner due to the location of the existing building.
  - No. 2** - To allow relief from the requirement of a street wall where the building does not exist along the frontage.
  - No. 8** - To allow relief from the parking setback line.
6. **General Building Envelope Standards for Height**—To reduce the building height requirement from 4 to 1–3 stories.
7. **General Building Envelope Standards for Siting—Street Façade No. (1)**—To allow relief from the BTL.

8. **Architectural Standards—Signage**—For relief from the placement of signs.
  9. **Architectural Standards—Awnings**—For relief from awning standards.
  10. **Parking and loading**—To allow compact parking space sizes due to the shortage of parking for the overall development.
- B. DISAPPROVAL of the requested Departure from Design Standards to allow valet parking and instead require the applicant conform to Section 27-574(c).
- C. APPROVAL of Detailed Site Plan DSP-13031, Beyond Restaurant, subject to the following conditions:
1. Prior to certification of the detailed site plan (DSP), the following revisions shall be made or information be submitted:
    - a. General Note 18 shall be corrected to switch the Free Hope Baptist Church (Historic Site 69-005-06) with the George Washington House (Historic Site 69-005-02) as having an impeded view from the site.
    - b. References to the applicant’s address shall be corrected from “Dr. Beane’s” to “Dr. Beans.”
    - c. References to “Shephard Street” shall be corrected to “Shepherd Street.”
    - d. The proposed valet parking lot shall be redesigned to be an off-site parking compound in accordance with the requirements of Section 27-574(c) compact-sized (8 feet wide by 16.5 feet long) parking spaces. The resulting decrease in the number of parking spaces shall be reflected in a corresponding decrease in seats.
    - e. Provide a floor plan indicating the number of seats for the restaurant and dinner theatre with separate parking calculations for each.
    - f. In the event that the Maryland State Highway Administration (SHA) denies access to Baltimore

Avenue (Alt. US 1) from the site or from Shepherd Street, the applicant shall demonstrate how affected service vehicles can be accommodated.

- g. Provide notes on the plans in accordance with the Prince George's County Health Department's recommendations by adding notes to the plans as follows:

- (1) Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

- (2) Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

- h. The applicant shall provide a walkway along 46th Street in order to provide safe passage between the site and the off-site parking lot. To the extent feasible and not contrary to the alternative development district standards, including streetscape standards and streetscape elements, the Applicant shall construct the walkway along 46th Street with appropriate curbs and gutters in order to provide safe passage between the site and the off-site parking lot. Final design and approval of the walkway by the Town of Bladensburg, the Prince George's County Department of Public Works and Transportation (DPW&T), or other authorizing agency shall be submitted prior to signature approval of the plans.

- 2. To ensure compatibility with the historic character of the surrounding area, prior to certification of the detailed site plan (DSP), the following revisions shall be made:

- a. The proposed plans for DSP-13031, Beyond Restaurant, should be revised to ensure that the property is not overly illuminated, employs a uniform, monochromatic lighting scheme that is not too harsh or intrusive, and that full cut-off optics are provided to limit the impact of the project on the adjacent historic sites.

Lighting fixtures should be contemporary and compatible with the project's overall design and no historicist fixtures should be used.

- b. The proposed signage plans for the DSP-13031, Beyond Restaurant, should be revised to limit signage and lettering for the project to two colors, i.e., a single background color and another different lettering color for all signature sign opportunities, and that a suitably contemporary font be employed that is compatible with the architectural character of the building. If individual businesses within the project require other lettering or color schemes, those should be limited to the same background color throughout and a single different lettering color and/or font.
  - c. The green or burgundy glazed brick option for the masonry elements of the building shall be used.
- 3. Prior to issuance of the building permit, the applicant shall submit evidence of a legal arrangement to ensure that the off-site parking will be permanently available for use by the restaurant.
  - 4. There shall be no outdoor live entertainment.
  - 5. The applicant shall work with the Town of Bladensburg to assess the feasibility of providing a walkway within the right-of-way of Shepherd Street.

ORDERED this 4<sup>th</sup> day of April, 2016, by the following vote:

In Favor: Council Members Davis, Glaros, Harrison, Patterson, Taveras, Toles and Turner.

Opposed:

Abstained:

Absent: Council Members Franklin and Lehman.

Vote: 7-0

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: \_\_\_\_\_  
Derrick Leon Davis, Chairman

ATTEST:

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Redis C. Floyd  
Clerk of the Council