



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>

## Detailed Site Plan Bruster's Real Ice Cream

## DSP-18043

REQUEST	STAFF RECOMMENDATION
Approval of a 1,265-square-foot eating and drinking establishment, excluding drive-through.	APPROVAL with conditions

<b>Location:</b> In the southwest quadrant of MD 704 (Martin Luther King Jr Highway) and Addison Road.	
Gross Acreage:	0.37
Zone:	M-U-I/D-D-O
Dwelling Units:	N/A
Gross Floor Area:	1,256 sq. ft.
Planning Area:	72
Council District:	07
Election District:	18
Municipality:	Seat Pleasant
200-Scale Base Map:	201NE05
<b>Applicant/Address:</b> Jessrite Development, LLC 7700 Old Branch Avenue Clinton, MD 20735	
<b>Staff Reviewer:</b> Henry Zhang, AICP LEED AP <b>Phone Number:</b> 301-952-4151 <b>Email:</b> Henry.Zhang@ppd.mncppc.org	



Planning Board Date:	01/28/2021
Planning Board Action Limit:	01/29/2021
Staff Report Date:	01/13/2021
Date Accepted:	11/05/2020
Informational Mailing:	02/14/2020
Acceptance Mailing:	10/13/2020
Sign Posting Deadline:	12/29/2020

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at [http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-18043  
Bruster's Real Ice Cream

The Urban Design staff has completed the review of detailed site plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

**EVALUATION**

The detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Development District Overlay (D-D-O) Zone Standards of the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment*;
- b. The requirements of the Mixed Use-Infill (M-U-I) Zone, the Development District Overlay (D-D-O) Zone, and the site design guidelines of the Prince George's County Zoning Ordinance;
- c. The requirements of the 2010 *Prince George's County Landscape Manual*;
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- e. The requirements of the Prince George's County Tree Canopy Coverage Ordinance;
- f. Referral comments.

**FINDINGS**

Based upon the evaluation and analysis of the subject application, the Urban Design Section recommends the following findings:

- 1. **Request:** The subject detailed site plan (DSP) application proposes to construct a new 396-square-foot addition to an existing commercial building, and to convert it to a 1,256-square-foot eating and drinking establishment, excluding drive-through service in the Development District Overlay (D-D-O) Zone established by the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Subregion 4 Master Plan and SMA).

**2. Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	M-U-I/D-D-O	M-U-I/D-D-O
Use(s)	Vacant Commercial	Eating or Drinking Establishment
Gross/Net Acreage	0.37	0.37
Gross Floor Area (GFA)	860 sq. ft.	1,256 sq. ft. (396 to be added)

OTHER DEVELOPMENT DATA

**Parking Requirements per the 2010 Approved Subregion 4 Master Plan and Sectional Map Amendment**

The following table outlines the parking that is required within the Subregion 4 D-D-O Zone for the proposed development:

<b>Use</b>	<b>Description</b>	<b>Minimum Required*</b>	<b>Maximum Allowed**</b>	<b>Total Provided***</b>
<b>Eating and Drinking Establishment</b> (Excluding drive-through service) 1,256 sq. ft. 12 seats	1space/ 3 seats + 1 space/ 50 sq. ft. of GFA (excluding any area used exclusively for storage or patron seating, and any exterior patron service area)	11	14	<b>12</b>
<b>Total Parking</b>				<b>12</b>

**Notes:** \*The minimum number of surface parking spaces shall be 80 percent of the total number of parking spaces required by Section 27-568 of the Prince George’s County Zoning Ordinance per the D-D-O-Zone standards on page 554.

\*\*The maximum number of surface parking spaces shall be 100 percent of the total number of parking spaces required by Section 27-568.

\*\*\*Of the total 12 surface parking spaces provided on this site plan, 11 of them are standard spaces (9.5 ft. x 19 ft.) and one space is van-accessible for the physically handicapped (13 ft. x 19 ft.).

**3. Location:** The subject property is located on the south side of Martin Luther King Jr Highway (MD 704), in the southwest quadrant of its intersection with Addison Road, in Planning Area 72 and Council District 7. The subject site is also within the municipal boundary of the City of Seat Pleasant.

4. **Surroundings and Use:** The subject property is bounded to the north by the right-of-way of MD 704, to the south by an alley with properties in the One-Family Detached Residential and D-D-O Zones beyond, to the west by a vacant property in the Mixed Use-Infill (M-U-I) and D-D-O Zones, and to the east by Addison Road. The neighborhood is predominately developed with a mix of established residential homes and commercial development.
5. **Previous Approvals:** The subject property is identified as Part of Lots 1, 2, 3, and 4, shown on a plat for Gregory Heights recorded in Plat Book BB 5-84 in May 1905. The subject property is improved with an 860-square-foot commercial building; but it is currently vacant. The property is also the subject of Stormwater Management Concept Plan 19353-2019-00, approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and valid until August 20, 2022.
6. **Site Design:** The property was originally developed in 1986, as can be seen through aerial photography, with the original one-story, rectangular brick structure located in the middle of the site. The new 396-square-foot addition is to the west side of the existing building. The site consists of Lots 1-4, which total 0.37 acre in size.

The subject site is accessed from a right-in/right-out only driveway off MD 704 to the north and full access off the alley to the south, which connects to Addison Road to the east. The main pedestrian entrance to the proposed eating and drinking establishment, is located on the northern side of the building, facing MD 704.

The existing surface parking lot is to remain on the east side of the building, with a one-way drive aisle circulating from west to east and returning to the main south-north oriented two-way driveway that connects MD 704 and the alley dividing the site into two distinct parts. The existing building and its new addition are located in the western part and the parking is in the eastern part. The proposed patio area with outside seating in front of the new addition is located between the building and MD 704, with direct pedestrian connection to the sidewalk along MD 704. New benches and concrete pad are also provided in front of the existing building facing MD 704. A new trash receptacle with enclosure and new concrete pad are also added to the rear of the building fronting the alley. Even though both the existing building and new addition are setback far from the MD 704 frontage, the concrete pads in front of each building are extended to the build-to-line, as required by the D-D-O Zone standards.

There is no loading space proposed with this application, in accordance with Section 27-582 of the Zoning Ordinance, which states that loading is not required if the retail sales or service use is less than 2,000 square feet of gross floor area on a store-by-store basis. Gross floor area for the proposed use is below this threshold, therefore, a loading space is not required.

**Architecture**—The existing single-story commercial building is generally rectangular and is 13 feet in height, with a flat roof. The front of the existing building, facing north onto MD 704, includes a brick façade, storefront windows and doors, and a canopy accenting the building face. Engineered stone accent columns have been added to the brick façades of the northwest, northeast, and southwest elevations. A stone accent water table has also been added on all elevations. The finish materials for the proposed addition include engineered stone, glass, and synthetic stucco, which is not the dominant material consistent with the D-D-O Zone standards. Conformance with the applicable architectural standards of the D-D-O Zone is discussed further in Finding 7 below. The building design treats the northwest, northeast, and southwest elevations as main elevations with equal articulation

and the southeast elevation, which is facing the alley, as a secondary elevation with less articulation. The building and the new addition are attractive and acceptable.

**Lighting**—This DSP is proposing an addition to an existing building that predates the D-D-O Zone, and the existing building does not have exterior lighting. This site plan does not propose lighting and should be revised to provide lighting to illuminate the building and parking areas on the site, as required. The proposed lighting should provide a balanced lighting pattern on the property, highlighting the building entrances and providing patrons with a bright, safe atmosphere while not causing a glare onto adjoining properties. A condition has been included in the Recommendation section of this report, requiring that the site plan be revised to include sufficient lighting.

**Signage**—The applicant submitted a sign plan that includes building-mounted primary identification signage. The applicant is proposing two building-mounted signs, on the northeast and northwest elevations. The signs are located between the two stone accented columns and are below the roof lines facing MD 704 and the interior parking lot, respectively. Each sign is mounted to the building elevation and has a sign face area of approximately 39 square feet. Each sign is painted in coordinating colors and features the name of the ice cream shop with two red cherries and a green leaf. All of the proposed building-mounted signs are internally illuminated and include red, white, and green color themes. The signage plan included with this application is unclear and staff recommends that the site plan be revised to include a sign information table that provides details of each sign.

The Development District Standards (page 549) for Signage Standards and Guidelines require that the window signs, including letters and logos, not obscure views into the business and occupy not more than 25 percent of the total window area in which the sign is located. In addition, the window signs shall generally be centered within the storefront display window and be limited to one window sign per ground level building entry. The applicant proposes a sign on the entry door with information on the hours of operation. A condition has been added to the Recommendation section of this report requiring the specific sign information to be provided in one sign table to meet the development district standards for signage standards and guidelines for window signs.

## COMPLIANCE WITH EVALUATION CRITERIA

- 2010 Approved Subregion 4 Master Plan and Sectional Map Amendment and Development District Overlay Zone Standards:** Subregion 4 is located in central Prince George's County. The plan area is approximately 29 square miles and bordered by John Hanson Highway (US 50) to the north, the District of Columbia to the west, Suitland Parkway to the south, and I-95/I-495 to the east. The subregion comprises six "living areas" that are predominately residential in character containing multiple neighborhoods and six established municipalities. In addition, there are a number of large industrially zoned properties located along US 50 and I-95/I-495, as well as the eight urban growth centers and the two corridors that were designated by the 2002 General Plan.

Nine opportunity areas were identified for potential redevelopment opportunities. Strategies were provided to guide future development. The subject site is located within Martin Luther King Jr Highway/Glenarden City Revitalization area that encourages the development of a new character and image for MD 704 that is inviting to pedestrians and promotes the City of Glenarden. In order to implement the vision of the Subregion 4 Master

Plan and SMA for this revitalization area, a D-D-O Zone was superimposed on the subject property.

Section 27-548.25(b) of the Zoning Ordinance requires the Prince George's County Planning Board to find that the site plan meets all applicable development district standards of the governing Subregion 4 Master Plan and SMA. Section 27-548.25(c) of the Zoning Ordinance provides that the Planning Board may approve modifications to the development district standards if they are found to benefit the development and not substantially impair the implementation of the master plan. If approved with conditions, the subject application will conform to all of the recommendations and requirements, except for those from which the applicant has requested an amendment. In areas where staff is recommending that the amendment be approved, staff finds that granting of the amendment will benefit the development and the development district and will not substantially impair implementation of the master plan. The applicant requests five amendments to the development district standards, of which staff recommends approval of all of them as follows:

a. **Building Envelope Standards and Guidelines** (page 540)

**B. Mixed-Use, Commercial, and Institutional Types**

**A. Building Height**

The development district standards require that the ground floor on all one-story commercial buildings be 14 feet from the ground to the ceiling. The existing building predates the D-D-O Zone and does not meet this requirement. Since this DSP only adds a small portion to the west of the existing building, there is no change to the building height of the existing building. Staff supports this modification request to allow the existing building to remain and recommends **approval** of the amendment request.

b. **Building Envelope Standards and Guidelines** (page 540)

**D. Build-To Line and Setbacks**

**D1. Build-To Line-18 feet from the back of curb**

The subject DSP proposes an addition to an existing site that has frontage on MD 704. The majority of the site layout, including the siting of the existing building will not be altered with this DSP. The only new addition to the site is a 396 square-foot building expansion that will be located to the west of the existing building. The development district standards require a build-to-line of 18 feet from the curb of MD 704 to define streets that is not met by this application. The DSP is proposing an addition to an existing building that predates the D-D-O Zone, and strict conformance with these requirements are not realistic. Due to the location of the existing building on the property, it is not possible without demolition to locate a building within 18 feet of the back of curb along this portion of MD 704. Therefore, in designing the site to accommodate the proposed use, the applicant is unable to strictly adhere to the 18-foot build-to-line for the road frontage on MD 704 and requests an amendment to said standard. However, the additional concrete pads in front of the building will extend to the build-to-line and meets the intent of the standard.

Staff also notes that the proposed addition and configuration along with the proposed modifications to the build-to-line requirements continues the existing pattern of development in the neighborhood. Given the existing building location and site conditions, the required building location is unfeasible. For these reasons, staff recommends **approval** of the amendment request.

c. **Building Envelope Standards and Guidelines B-Mixed-Use, Commercial, and Institutional Types** (page 540)

D. **Build-To Line and Setbacks–Frontage Occupancy 80 percent minimum**

The subject site is developed with a single one-story brick building in the middle of the site that predates the establishment of the D-D-O Zone. The existing site has a frontage occupancy along MD 704 of approximately 14 percent. With the addition of 396 square feet of the gross floor area, the site's frontage occupancy is double to approximately 28 percent that is still way below the required minimum 80 percent. As stated previously, the DSP proposes outdoor sitting areas in front of both buildings that extends the pedestrian activities further to and even into the build-to-line zone along the frontage and meets the intent of the master plan that aims to activate the public street.

Staff believes that the proposed addition to the existing building and the improved site is one step further toward implementing the vision of the Subregion 4 Master Plan for this area and therefore, recommends **approval** of the amendment request.

d. **Parking and Loading Standards and Guidelines** (page 555)

B. **Surface Parking Lots**

1. **Surface parking lots shall be set back from the rear façade of nonresidential, mixed-use, or commercial structures in order to accommodate a landscape planting buffer adjacent to the building and five-foot-wide walkway adjacent to the parking.**

This standard requires that surface parking lots be set back from the rear façade of commercial structures to accommodate landscaping and a sidewalk. Staff notes that the application is proposing an addition to an existing building that predates the D-D-O Zone, and in order to meet the parking requirements, the DSP is proposed to use the existing parking lot that is on the east side of the property along MD 704. Due to the required number of parking spaces, and the configuration of the property, it is not practical to set back the parking from the rear façade of the building to accommodate a landscape planting buffer. The rear, southern side of the building is so close to the alley that there is only have enough space for the service facility. Therefore, staff recommends **approval** of the amendment request.



e. **Parking and Loading Standards and Guidelines** (page 555)

**B. Surface Parking Lots**

4. **Surface parking lots located on the side of a principal building must have screen walls behind the build-to line that connect to the principal building and conceal the parking from the adjacent public space. The walls must be between three and three and one-half feet in height and must consist of materials similar to the primary façade of the principal building. Additionally, appropriate landscaping should be provided in front of the wall. Chain link and chain link fences with privacy slats are prohibited as a screening material.**

As discussed above, the DSP will use the existing parking lot that is located to the east of the site and has frontages on both Addison Road and MD 704. The existing parking lot is separated from the building on the west side of the site by a two-way driveway connecting MD 704 to the north and the alley to the south. If the screen wall were built, that would accrue significant cost that may well exceed the cost of the proposed 396 square feet of addition given the location of the parking lot at the corner of two public rights-of-way. As such, staff recommends **approval** of the amendment request to allow the applicant use of the existing surface parking lot without building the screen walls.

**8. Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the M-U-I Zone, the requirements of the D-D-O Zone, and the site design guidelines of the Zoning Ordinance, as follows:

- a. The subject application is in conformance with the requirements of Section 27-546.18(a) of the Zoning Ordinance, which governs the requirements for the M-U-I Zone, and states that the Commercial Shopping Center(C-S-C) Zone regulations apply to the proposed use. The C-S-C Zone, per Section 27-454 of the Zoning Ordinance, states the following:

**(d) Regulations.**

- (1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the C-S-C Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Table (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

However, in accordance with the requirements of Section 27-548.21 of the Zoning Ordinance, the D-D-O Zone modifies specific requirements of the underlying zone. Staff has reviewed the application and found that it meets the requirements of the D-D-O Zone, except for the amendments that staff has recommended approval, as discussed in Finding 7 above.

- b. The DSP is in general conformance with the applicable site design guidelines, as referenced in Section 27-283 and contained in Section 27-274 of the Zoning Ordinance. Since the DSP is limited to addition of 396 square feet of gross floor area with a few site modifications, the majority of the existing site improvements will be exempt from the design guidelines. For instance, the parking lot is generally provided to the side of the structure, with the trash facilities located away from the major streets. In addition, the new green area incorporates a significant amount of landscaping that greatly improves the site conditions.
- c. D-D-O Zone Required Findings (with code cited in **boldface text**, followed by staff comment):

#### **Section 27-548.25 Site Plan Approval**

- (a) **Prior to issuance of any grading permit for undeveloped property or any building permit in a Development District, a Detailed Site Plan for individual development shall be approved by the Planning Board in accordance with Part 3, Division 9. Site plan submittal requirements for the Development District shall be stated in the Development District Standards. The applicability section of the Development District Standards may exempt from site plan review or limit the review of specific types of development or areas of the Development District.**

The DSP has been submitted in fulfillment of the above requirement.

- (b) **In approving the Detailed Site Plan, the Planning Board shall find that the site plan meets applicable Development District Standards.**
- (c) **If the applicant so requests, the Planning Board may apply development standards which differ from the Development District Standards, most recently approved or amended by the District Council, unless the Sectional Map Amendment text specifically provides otherwise. The Planning Board shall find that the alternate Development District Standards will benefit the development and the Development District and will not substantially impair implementation of the Master Plan, Master Plan Amendment, or Sector Plan.**

In response to Sections 27-548.25(b) and (c) of the Zoning Ordinance, the applicant requests that the Planning Board apply development standards which differ from the development district standards. Staff believes that the alternate development district standards will benefit the development project and will not substantially impair implementation of the master plan, given the property's location, site constraints, and limited site improvements as discussed in Finding 7 above.

- (e) **If a use would normally require a variance or departure, separate application shall not be required, but the Planning Board shall find in its approval of the site plan that the variance or departure conforms to all applicable Development District Standards.**

The proposed use as an eating or drinking establishment is permitted in the M-U-I and D-D-O Zone, in accordance with Table 14-2: Uses for M-U-I Zone on page 493 of the Subregion 4 Master Plan and SMA. No variance or departure is required with this DSP.

- d. Section 27-546.19(c), Site Plans for Mixed Uses, of the Zoning Ordinance requires that:

**(c) A Detailed Site Plan may not be approved unless the owners show:**

- 1. The site plan meets all approval requirements in Part 3, Division 9;**
- 2. All proposed uses meet applicable development standards approved with the Master Plan, Sector Plan, Transit District Development Plan, or other applicable plan;**

The site plan does not meet all the applicable site design guidelines and development district standards of the Subregion 4 Master Plan and SMA, as discussed in Finding 7. Where development district standards were not met, the applicant has requested amendments.

- 3. Proposed uses on the property will be compatible with one another;**
- 4. Proposed uses will be compatible with existing or approved future development on adjacent properties and an applicable Transit or Development District, and;**

The proposed eating and drinking establishment will be compatible with the existing commercial and residential development on adjacent properties.

- 5. Compatibility standards and practices set forth below will be followed, or the owner shows why they should not be applied:**

**(A) Proposed buildings should be compatible in size, height, and massing to buildings on adjacent properties;**

The adjacent properties to the south are single-family detached residential and the commercial properties on other sides are all low-scale. The proposed building is an appropriate size and scale for its use and is compatible with existing development in the MD 704 corridor.

**(B) Primary facades and entries should face adjacent streets or public walkways and be connected by on-site walkways, so pedestrians may avoid crossing parking lots and driveways;**

The primary façade of the building faces north toward MD 704 with a pedestrian connection to the sidewalk within the right-of-way and the parking lot on-site.

- (C) Site design should minimize glare, light, and other visual intrusions into and impacts on yards, open areas, and building facades on adjacent properties;**

As conditioned herein, a photometric plan should be provided indicating that the proposed lighting design will minimize glare, light, and visual intrusion into nearby properties and buildings.

- (D) Building materials and color should be similar to materials and colors on adjacent properties and in the surrounding neighborhoods, or building design should incorporate scaling, architectural detailing, or similar techniques to enhance compatibility;**

The materials and colors selected to face the proposed building are compatible with those utilized in similar scale developments. The materials proposed include brick and stone veneer.

- (E) Outdoor storage areas and mechanical equipment should be located and screened to minimize visibility from adjacent properties and public streets;**

The DSP does not propose outdoor storage areas or mechanical equipment.

- (F) Signs should conform to the applicable Development District Standards or to those in Part 12, unless the owner shows that its proposed signage program meets goals and objectives in applicable plans; and**

The signage program provided by this DSP conforms with the D-D-O Zone standards, as conditioned herein.

- (G) The owner or operator should minimize adverse impacts on adjacent properties and the surrounding neighborhood by appropriate setting of:**

- (i) Hours of operation or deliveries;**

The applicant did not indicate the proposed hours of operation or deliveries for the development. However, no loading spaces are required given the small size of the development.

- (ii) Location of activities with potential adverse impacts;**

The trash enclosure is located on the site to minimize potential adverse impacts to the adjacent residential properties.

**(iii) Location and use of trash receptacles;**

The trash enclosure is located to the south of the building.

**(iv) Location of loading and delivery spaces;**

No loading spaces are required given the small size of the development.

**(v) Light intensity and hours of illumination; and**

A photometric plan is conditioned herein to be provided to confirm that there are minimal adverse impacts on adjacent properties and the surrounding neighborhood from the proposed building.

**(vi) Location and use of outdoor vending machines.**

No outdoor vending machines are proposed by this DSP.

9. **2010 Prince George's County Landscape Manual:** Page 490 of the Subregion 4 Master Plan and SMA states that "except as modified by the development district standards, the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) in Section 1.3 (Alternative Compliance) and Sections 4.2 (Commercial and Industrial Landscaped Strip Requirements), 4.3 (Parking Lot Requirements), and 4.7 (Buffering Incompatible Uses) do not apply within the development district. All other standards and regulations of the Landscape Manual apply, as necessary." Therefore, the DSP is only subject to the requirements of Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual. This application has included landscape schedules for Sections 4.2, 4.3, and 4.7 of the Landscape Manual, which should be removed because they are not applicable. A condition has been included in the Recommendation section of this report, requiring this removal.

This DSP application conforms to Section 4.9, which requires that a percentage of the proposed plant materials be native plants. The applicant has provided 50 percent of the shade, and, and 30 percent of the shrubs, in native varieties in accordance with the Landscape Manual requirements. The DSP meets this requirement.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance because the site contains less than 10,000 square feet of woodland and does not have a previously approved tree conservation plan. The site received a Standard Letter of Exemption (S-101-2019). A Natural Resource Inventory Equivalency Letter (NRI-086-2019) has been issued based on the standard woodland conservation exemption and that no regulated environmental features will be impacted. The NRI equivalency letter is valid until July 15, 2024.

11. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that propose 5,000 square feet of disturbance. The application is subject to the requirements of the Tree Canopy Coverage Ordinance, as the proposal will create more than 5,000 square feet of ground disturbance. Properties that are zoned M-U-I are required to provide a minimum of ten percent of the gross tract area in TCC.

The overall legal lot has a gross tract area of 0.37 acre and, as such, a TCC of 1,612 square feet is required. The submitted landscape plan provides a worksheet indicating that this requirement will be met through 2,320 square feet of proposed plantings shown on this DSP.

12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Historic Preservation**—In a memorandum dated November 9, 2020 (Stabler and Smith to Zhang), incorporated herein by reference, the Historic Preservation Section stated that 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.
- b. **Community Planning**—In a memorandum dated December 21, 2020 (Byrd to Zhang), incorporated herein by reference, the Community Planning Division stated that the 2010 *Approved Subregion 4 Master Plan* retained M-U-I zoning on the subject property. Pursuant to Part 3, Division 9, Subdivision 3 of the Zoning Ordinance, master plan conformance is not required for this application.
- c. **Subdivision Review**—In a memorandum dated December 29, 2020 (Gupta to Zhang), incorporated herein by reference, the Subdivision and Zoning Section indicated that the redevelopment of a site of more than 5,000 square feet of gross floor area would require a new preliminary plan of subdivision (PPS), pursuant to Section 24-111(c) of the Prince George's County Subdivision Regulations. However, a PPS is not required at this time because less than 5,000 square feet is proposed. The Subdivision and Zoning Section also provided a review of the site history and commented on the plans. The staff recommends one condition of approval that has been included in the Recommendation section of this report.
- d. **Transportation Planning**—In a memorandum dated December 28, 2020 (Ryan to Zhang), incorporated herein by reference, the Transportation Planning Section offered the following summarized comments:

The Transportation Planning Section has reviewed the submitted DSP application for conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the Subregion 4 Master Plan and SMA in order to implement planned trails, bicycle ways, and pedestrian improvements.

The submitted plans show five-foot-wide sidewalks along MD 704 and Addison Road. An internal walkway leading from the ADA accessible parking area to the building is shown on site plans. An additional pedestrian connection has been provided between the north side of the building and the sidewalks along MD 704.

The applicant intends to close one point of vehicle entry along the alley which fronts the southern edge of the subject property. An existing crosswalk crossing Addison Road is located at the northeast bounds of the subject property, directly southwest of the intersection of MD 704 and Addison Road. However, the applicant's submission incorrectly displays the western landing of this crosswalk as being located south of the intersection. Staff recommends that plans be updated to accurately depict the location of this crosswalk at the intersection. Bicycle racks have been displayed near the entrance of the building. Staff recommends that a detail sheet showing the inverted-U style bicycle rack, or a similar style that provides two points of contact for each parked bicycler be provided.

The master plan rights-of-way for A-22 (MD 704) and C-408 (Addison Road) are not labeled on the submitted plan. The subject property currently has three vehicle entry points, one of which is on MD 704 and the remaining two on the alley which fronts the subject property to the south. This project proposes to remove the one vehicle access from alley. The remaining two points of vehicle entry will be used as an entrance or exit.

The Transportation Planning Section concludes that the multimodal transportation site access and circulation of this plan are acceptable, consistent with the site design guidelines pursuant to Section 27-283, and meet the findings required by Section 27-285(b) of the Zoning Ordinance for a DSP for transportation purposes. The Transportation Planning Section further recommends approval of this DSP with conditions that have been included in the Recommendation section of this report.

- e. **Permit Review**—In a memorandum dated December 28, 2020 (Bartlett to Zhang), incorporated herein by reference, the Permit Review Section provided 10 comments on this DSP. Some comments have been addressed through revisions to the plans. The relevant comments that have not been addressed, such as requiring a sign table and frontage occupancy information, are conditioned in the Recommendation section of this report.
- f. **Environmental Planning**—In an email dated November 24, 2020, (Schneider to Burke), incorporated herein by reference, Environmental Planning indicated they had no additional comments on the subject application.
- g. **Prince George's County Department of Inspections, Permitting and Enforcement (DPIE)**—At the time of the writing of this technical staff report, DPIE did not offer comments on the subject application.
- h. **Prince George's County Police Department**—At the time of the writing of this technical staff report, the Police Department did not offer comments on the subject application.
- i. **Prince George's County Health Department**—At the time of this writing, staff did not receive comments regarding the subject DSP from the Health Department; however, the following standard notes are recommended to be added to the plan:
  - (1) During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. 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.

- (2) During the demolition/construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

A condition has been included in the Recommendation section of this report requiring these County regulations to be noted on the DSP prior to certification.

- j. **Maryland State Highway Administration (SHA)**—In an e-mail dated November 5, 2020 (Woodroffe to Burke), incorporated herein by reference, SHA indicated that they had no comments on the subject application, because no work is being proposed within the SHA right-of-way.
  - k. **City of Seat Pleasant**—At the time of the writing of this technical staff report, the City of Seat Pleasant did not provide any comments on the subject application.
13. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, if approved with the proposed conditions, the DSP represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
14. Per Section 27-285(b)(4) of the Zoning Ordinance, a required finding for approval of a DSP is as follows:
- (4) **The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

In an e-mail dated November 24, 2020, (Schneider to Burke), the Environmental Planning Section stated that no regulated environmental features will be impacted by this DSP. This finding is not required.

15. The subject application adequately takes into consideration the requirements of the D-D-O Zone and the Subregion 4 Master Plan and SMA. The amendments to the development district standards required for this development, as recommended for approval, would benefit the development and the development district, as required by Section 27-548.25(c), and would not substantially impair implementation of the sector plan.

## RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and:

- A. APPROVE of the alternative development district standards for:



1. **Building Envelope Standards and Guidelines-B Mixed-Use, Commercial, and Institutional Types -Building Height-Ground floor height** (page 540)—To allow ground floor (of the existing one-story commercial building) to remain at the existing height.
  2. **Building Envelope Standards and Guidelines B Mixed-Use, Commercial, and Institutional Types -Build-To-Line** (page 540)—To allow for the existing building and proposed addition to be set back more than 18 feet from the back of curb of MD 704.
  3. **Building Envelope Standards and Guidelines B Mixed-Use, Commercial, and Institutional Types -Frontage Occupancy** (page 540)—To allow for the development frontage occupancy (of approximately 28 percent) that is less than the required minimum 80 percent.
  4. **Parking and Loading Standards and Guidelines-Surface Parking Lots-Standard 1** (page 555)—To allow the applicant to use the existing parking lot without setback from the rear façade and for not providing landscape area between the parking and the building.
  5. **Parking and Loading Standards and Guidelines-Surface Parking Lots-Standard 4** (page 555)—To allow the applicant to use the existing parking lot without constructing screen walls behind the build-to line that connect to the principal building and conceal the parking from the adjacent public space.
- B. APPROVE of Detailed Site Plan DSP-18043, Bruster’s Real Ice Cream, subject to the following condition:
1. Prior to certification, the detailed site plan (DSP) shall be revised, or additional information shall be provided, as follows:
    - a. Provide a table showing the applicable Development District Overlay Zone standards and what has been provided to satisfy the standards. If the standards are modified, a note to that effect shall be provided on the table.
    - b. Provide a continental style crosswalk traversing the driveway along MD 704 unless modified by the Maryland State Highway Administration with written correspondence.
    - c. Shift the existing crosswalk traversing Addison Road north to the intersection of MD 704 and Addison Road.
    - d. Provide a detailed exhibit of the inverted-U style bicycle rack or racks of a similar style that provide two points of contact for securing and supporting each parked bicycle.
    - e. Show the ultimate planned right-of-way for master plan road A-22 (MD 704), which is a planned 120-foot arterial road along the property frontage, and master plan road C-408 (Addison Road), which is a planned 80-foot collector road along the property frontage.

- f. Add the following site plan notes:

“During the demolition and construction phases, this project will conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”

“During the demolition and construction phases, this project will conform to construction activity noise control requirements as specified in the Code of Maryland Regulations (COMAR).”

- g. Revise the DSP to include locations and details of all light fixtures for the development indicating full cut-off optics, no spillover at the property lines, and sufficient lighting for all parking facilities, entrances, pedestrian pathways, public spaces, and property addresses, to be reviewed by the Urban Design Section as the designee of the Prince George’s County Planning Board.
- h. Provide a sign table with details such as number of each sign type and sign face area consistent with the development district standards and guidelines for signage.
- i. Provide consistent site data such as existing gross floor area of the existing property, in accordance with the property survey, and add reference to Plat Book 5-84.
- j. Remove the landscape schedules for Sections 4.2, 4.3, and 4.7 of the 2010 *Prince George’s County Landscape Manual*.

ITEM: 10

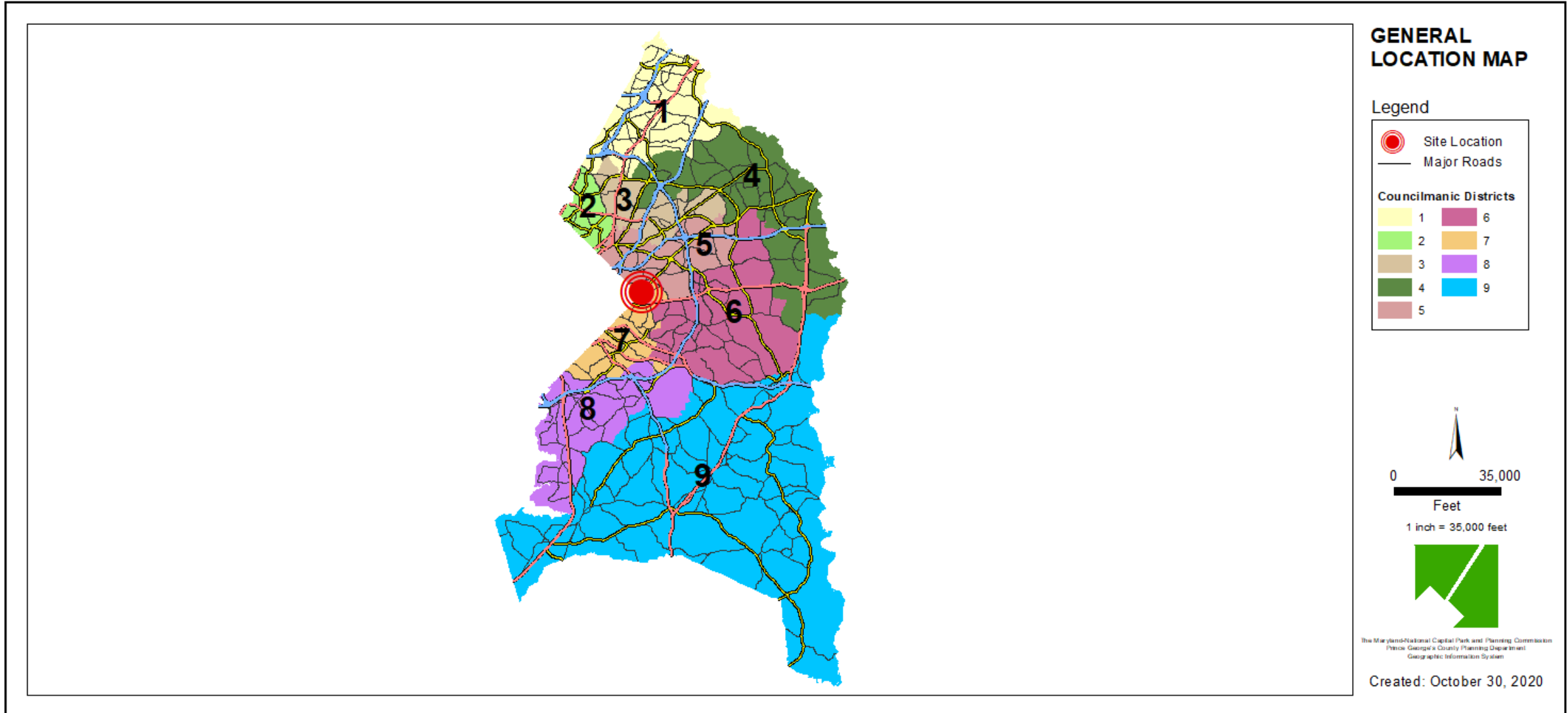
CASE: DSP-18043

# BRUSTER'S REAL ICE CREAM

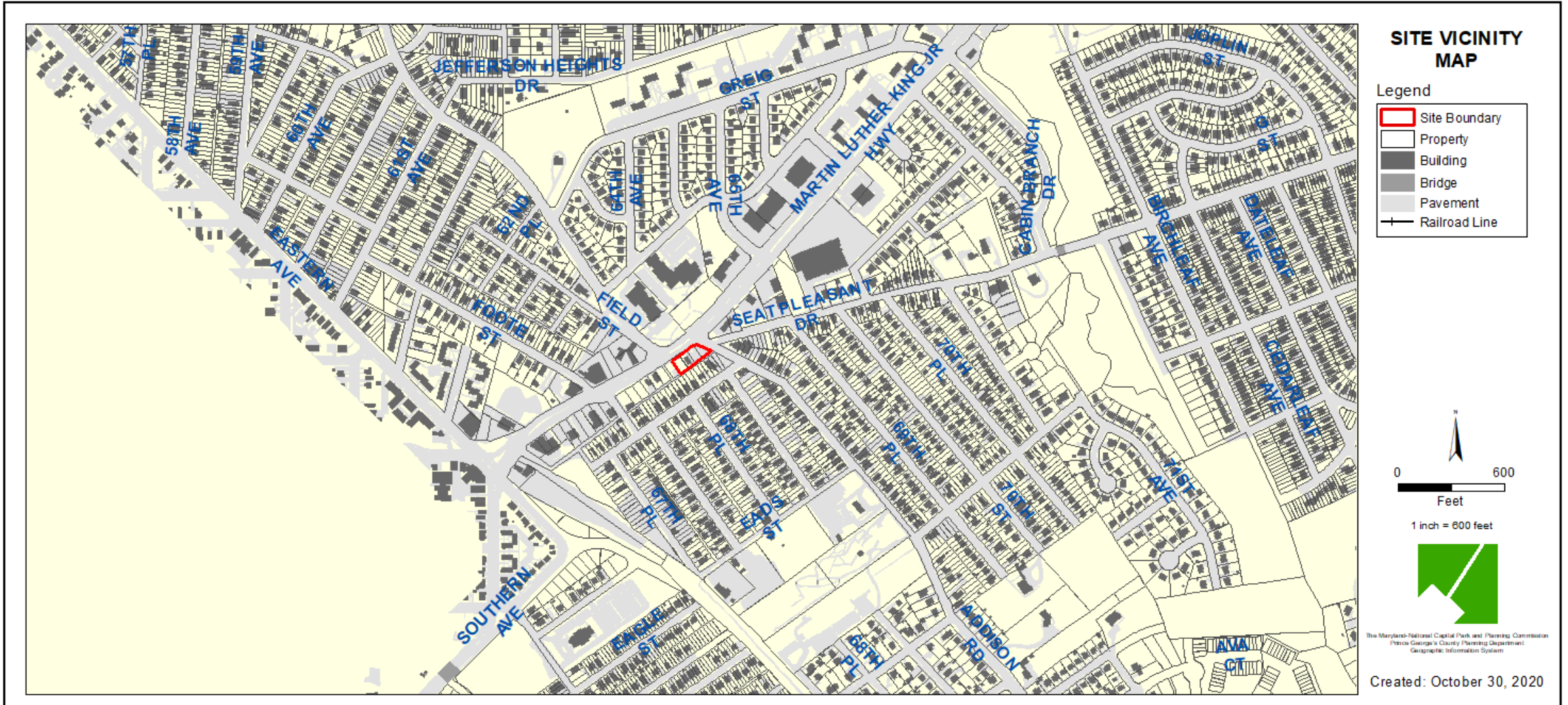
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



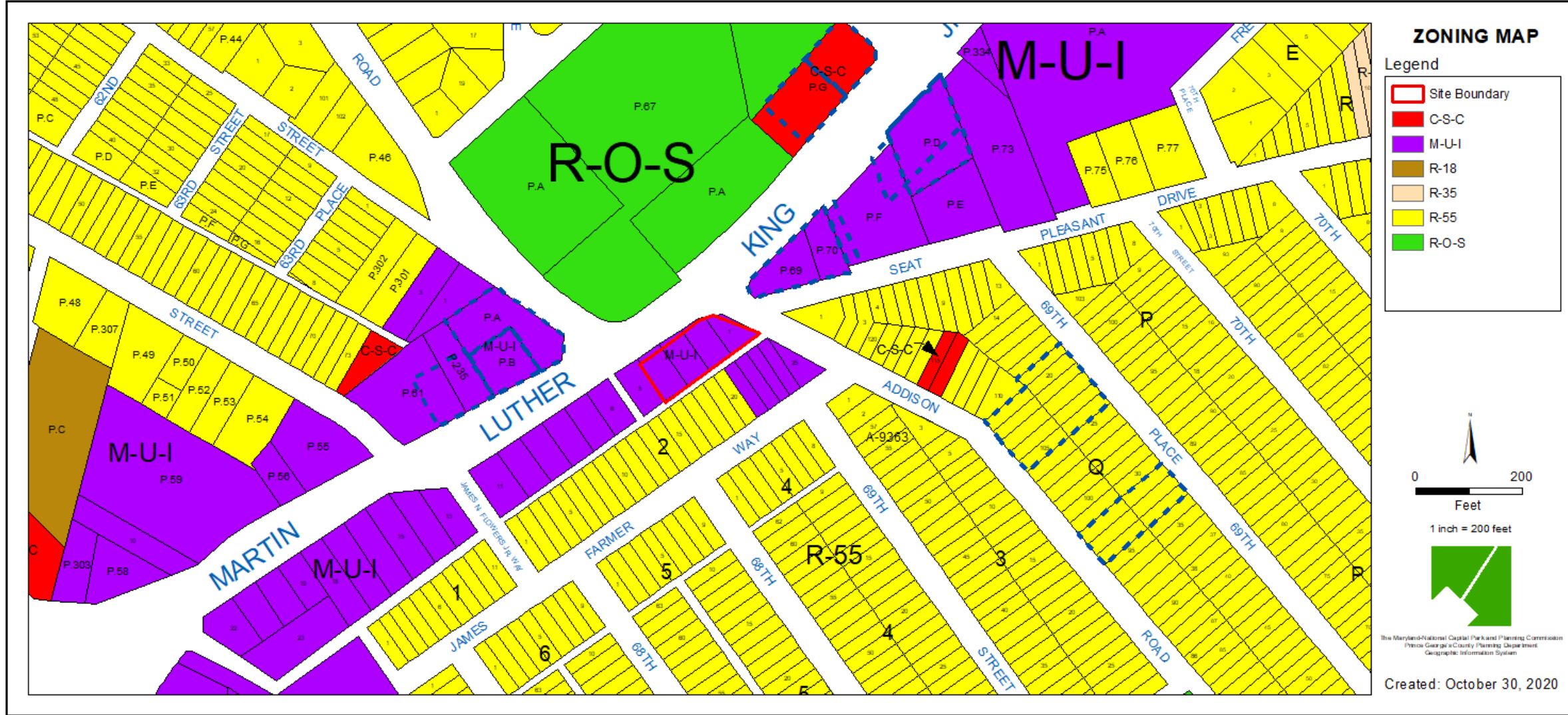
# GENERAL LOCATION MAP



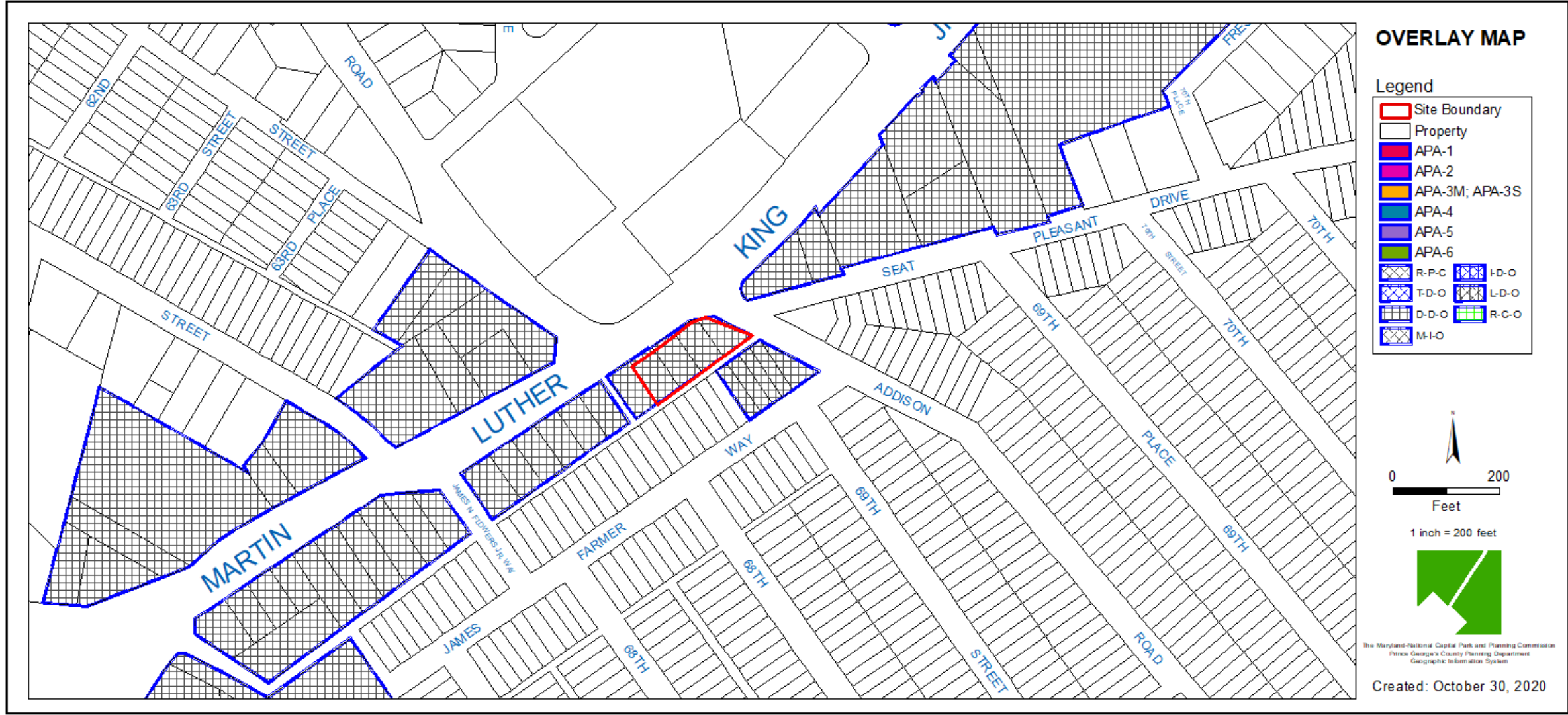
# SITE VICINITY



# ZONING MAP



# OVERLAY MAP

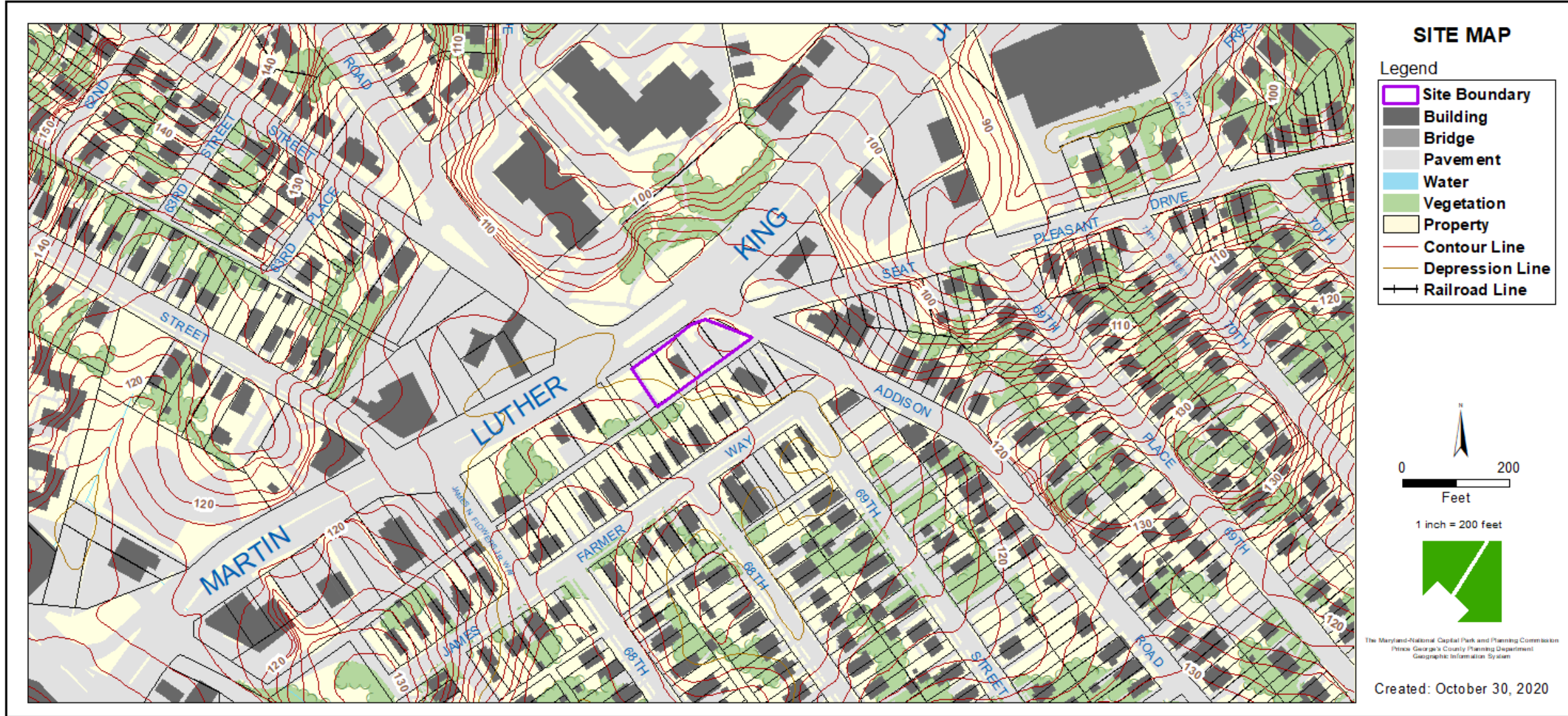


# AERIAL MAP

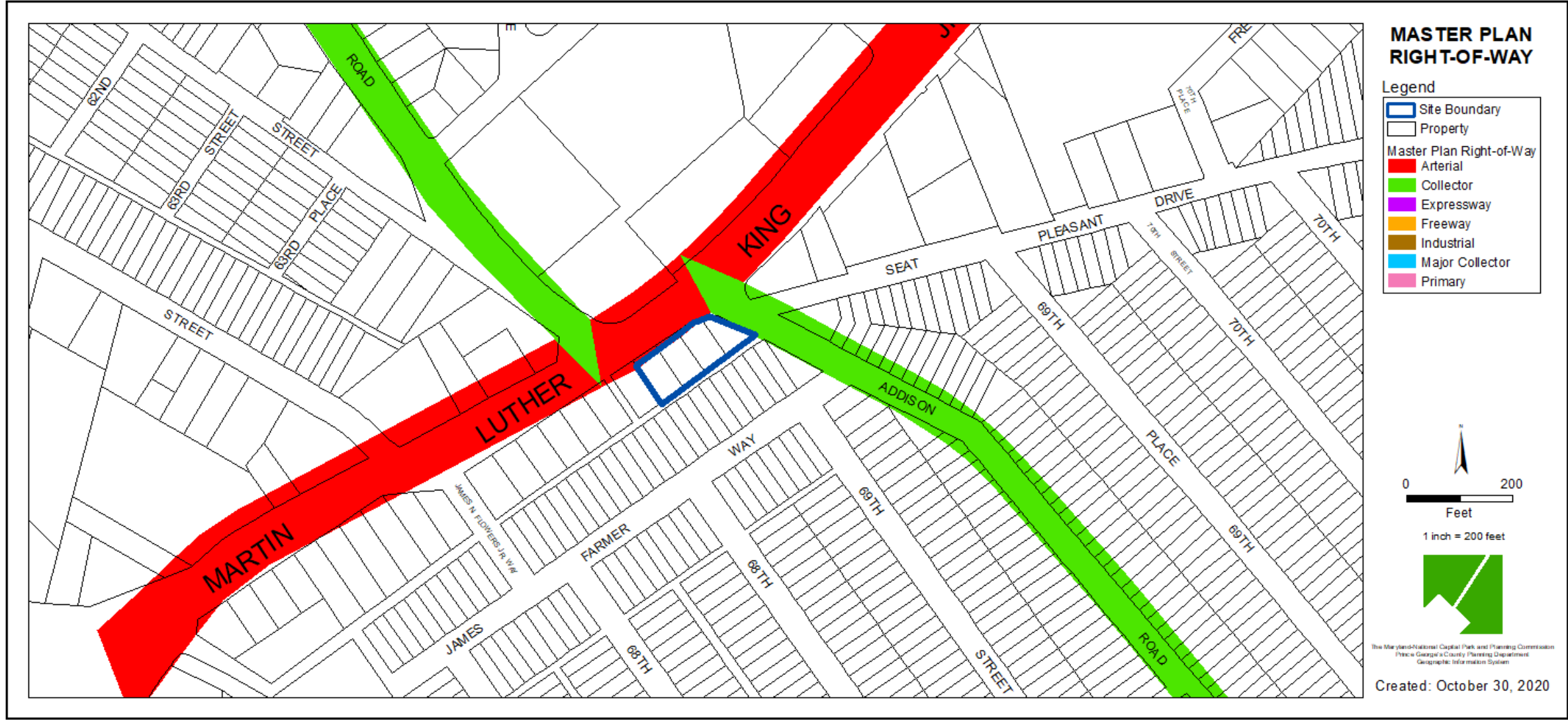




# SITE MAP



# MASTER PLAN RIGHT-OF-WAY MAP



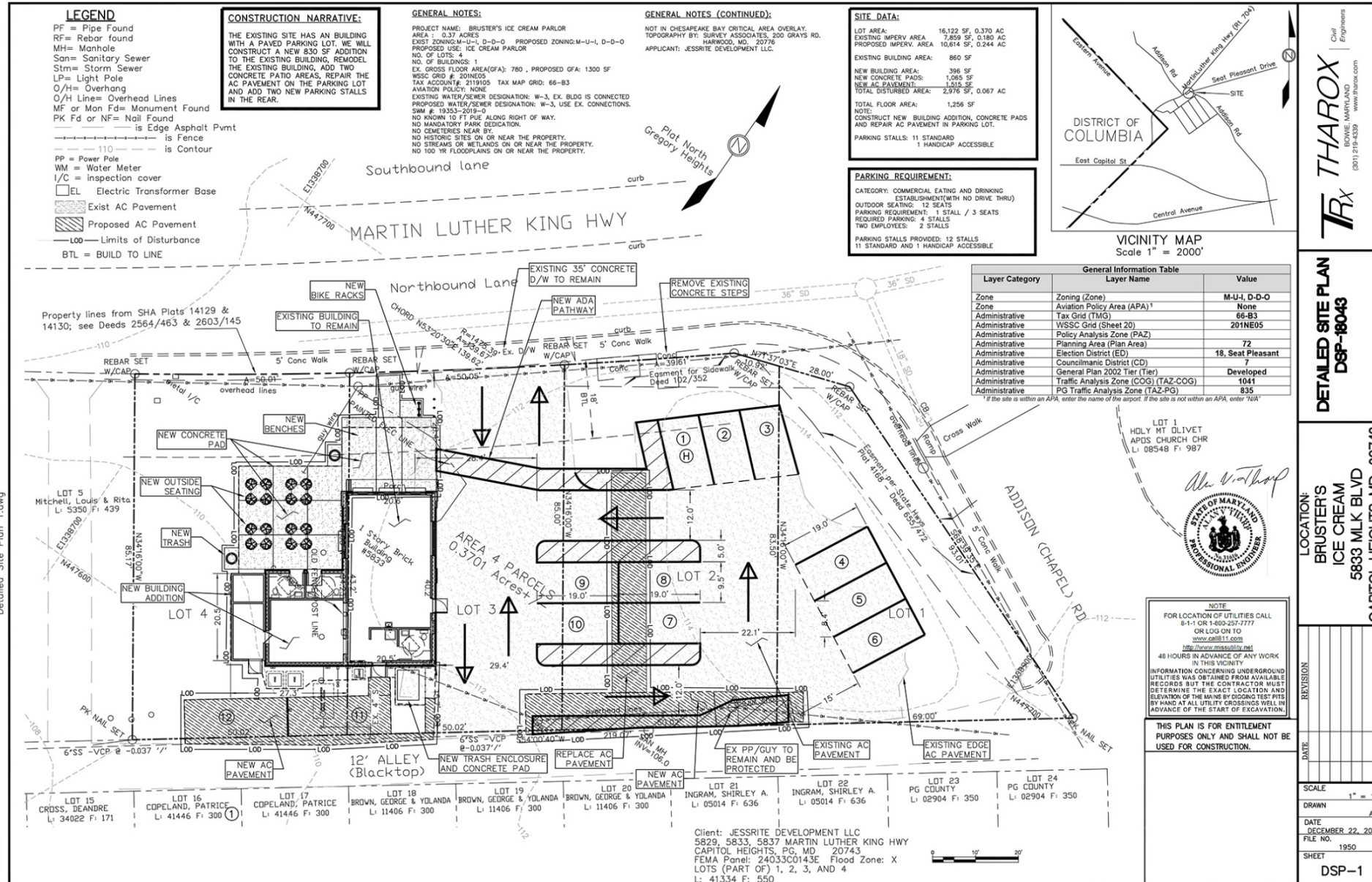
# BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



# SUBREGION 4 MASTER PLAN



# SITE PLAN



**THAROX**  
 Civil Engineers  
 BOWIE, MARYLAND  
 (301) 219-4539  
 www.tharox.com

**DETAILED SITE PLAN**  
**DSP-18043**

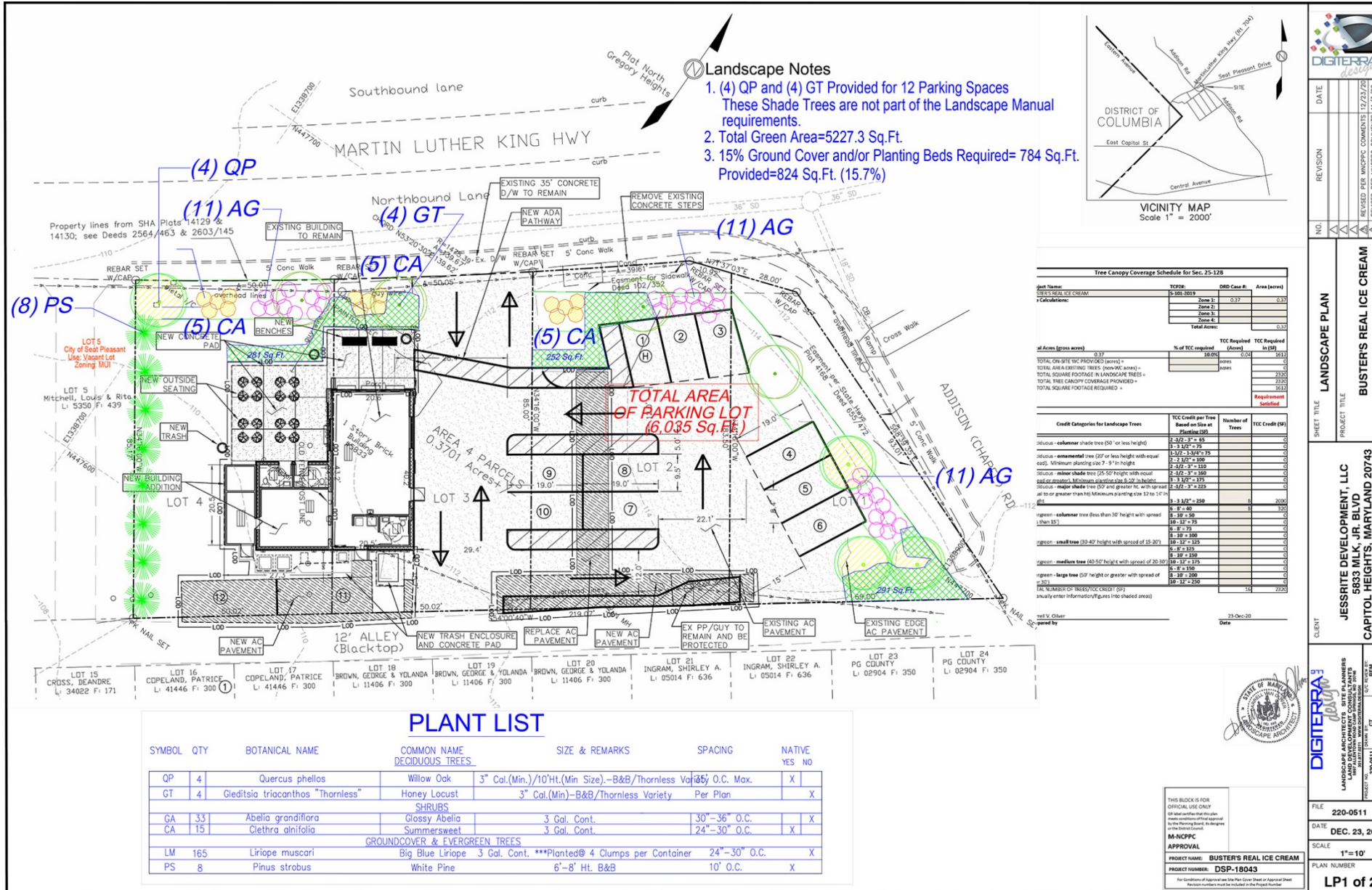
**LOCATION:**  
 BRUSTER'S  
 ICE CREAM  
 5833 MLK BLVD  
 CAPITOL HEIGHTS, MD 20743

DATE: \_\_\_\_\_  
 REVISION: \_\_\_\_\_  
 SCALE: 1" = 10'  
 DRAWN: AVT  
 DATE: DECEMBER 22, 2020  
 FILE NO.: \_\_\_\_\_  
 SHEET: 1950  
 DSP-1

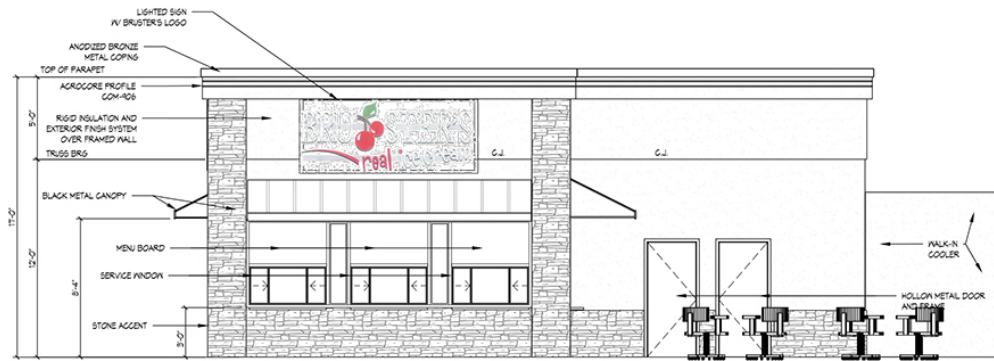
BRUSTER'S DETAILED SITE PLAN



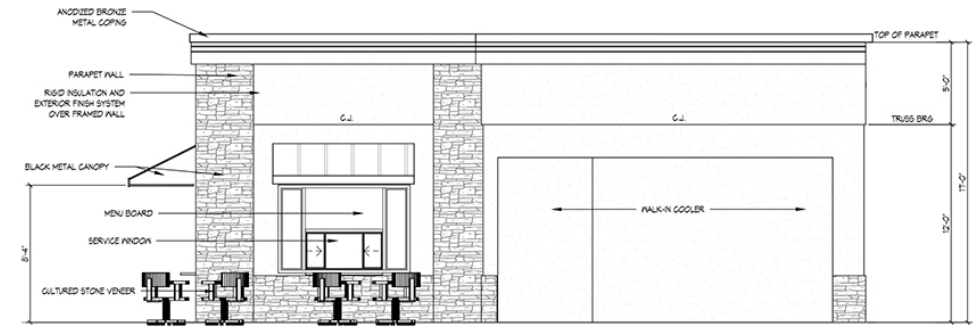
# LANDSCAPE PLAN



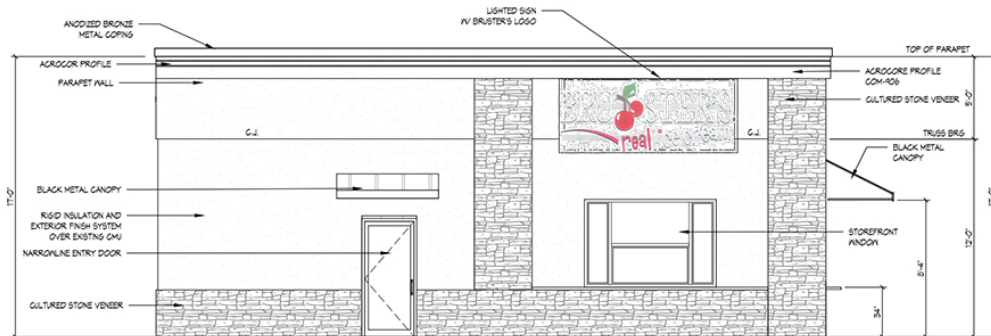
# ELEVATIONS



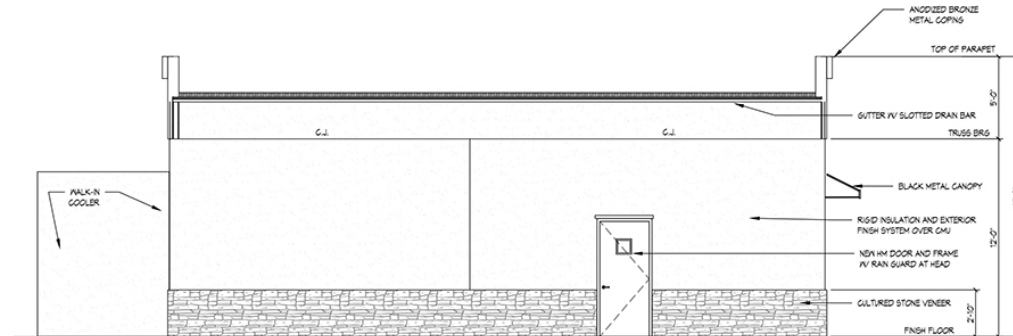
1 NORTHWEST ELEVATION  
1/4" = 1'-0"



3 SOUTHWEST ELEVATION  
1/4" = 1'-0"

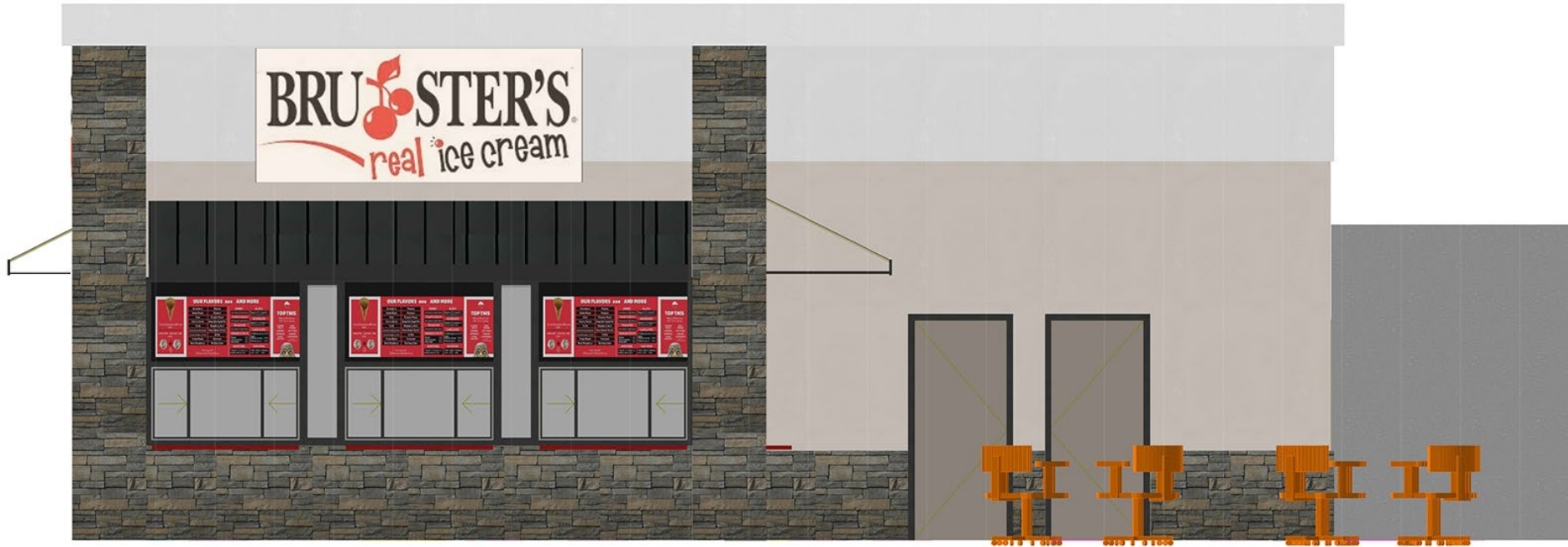


2 NORTHEAST ELEVATION  
1/4" = 1'-0"



4 SOUTHEAST ELEVATION  
1/4" = 1'-0"

# ELEVATION



1 MARTIN LUTHER KING HIGHWAY ELEVATION  
1/2" = 1'-0"



# ELEVATIONS



1 MARTIN LUTHER KING HIGHWAY ELEVATION



2 SOUTHWEST ELEVATION



3 SOUTHEAST ELEVATION



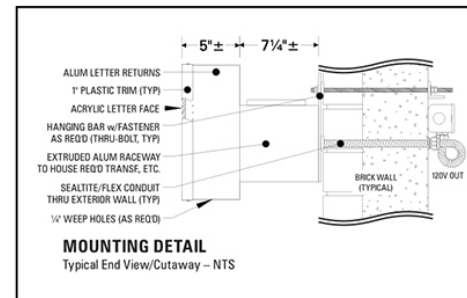
4 ADDISON ROAD ELEVATION

# SIGNAGE



**INSTALLED**  
Partial Elevation - Scale: 1/4"=1'-0"

### Raceway Channel Letters



**INSTALL LOCATION - Front Bldg Elevation**  
For Reference Only - Not to Scale

### NOTES -

- CHANNEL LETTERS:**
- Fabricated aluminum channel construction (typical)
  - Flat acrylic faces with surface vinyl and 1" plastic trim
  - White LED internal illumination (as required)
  - Letters mount flush on aluminum raceway extrusion
- INSTALLATION & ELECTRICAL:**
- Raceways mounts flush against building brick fascia as required (see Mounting Detail)
  - Signage to be wired for 120V (unless specified otherwise)

Total Square Feet: 39.0

### COLORS

COLORS SHOWN ARE REPRESENTATIVE ONLY

- White (acrylic)
- Red Pantone #485 / 3M #3630-43 (vinyl)
- Green Pantone #3415 / 3M #3630-26 (vinyl)
- Brown Pantone #1535 (print to match)
- Black (trim, returns)
- TBD (paint to match fascia)



Savannah, GA

DATE

28-Aug-13

CUSTOMER

E3 Enterprises, LLC

PROJECT

Bruster's

LOCATION

1821 E. Victory Drive

DESCRIPTION

Channel Letters

SALES

D. Jenkins

DESIGNER

T. Riek

SCALE

1" = 1'-0"

DRAWING

52956-a2

REVISIONS

REV	DATE	BY	NOTE

CUSTOMER APPROVAL

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CONTACT INFO

1-843-448-5168

Fax: 843-448-0535

Mail: P.O. Box 50580

Myrtle Beach, SC 29579

www.tysonsign.com



# SIGNAGE



**INSTALLED – Typical Door**  
For Reference Only – Not to Scale



Savannah, GA

DATE

28-Aug-13

CUSTOMER

E3 Enterprises, LLC

PROJECT

Bruster's

LOCATION

1821 E. Victory Drive

DESCRIPTION

Door Vinyl

SALES

D. Jenkins

DESIGNER

T. Riek

SCALE

3" = 1'-0"

DRAWING

52956-c1-R3

REVISIONS

REV	DATE	BY	NOTE
R1	08-29-13	TR	added website & FB
R2	08-29-13	TR	chgd copy
R3	09-05-13	TR	chgd layout

CUSTOMER APPROVAL

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Fax: 843-448-0535

Mail: P.O. Box 50580

Myrtle Beach, SC 29579

www.tysonsign.com



**NOTES –**

– Qty. ( 1 ) set 1st surface vinyl for entrance door as shown (as required)

**COLORS** COLORS SHOWN ARE REPRESENTATIVE ONLY

- White (vinyl)
- Red Pantone #485 / 3M #3630-43 (vinyl)
- Green Pantone #3415 / 3M #3630-26 (vinyl)
- Brown Pantone #1535 (print to match)

Door Vinyl





Countywide Planning Division  
Historic Preservation Section

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

301-952-3680

November 9, 2020

**MEMORANDUM**

**TO:** Thomas Burke, Urban Design Section Development Review Division

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

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

**SUBJECT: DSP-18043 Bruster's Real Ice Cream**


The subject property comprises 0.37-acres in the southeast quadrant of the intersection Martin Luther King Jr. Highway and Addison Road. The subject application proposes an ice cream shop. The subject property is Zoned M-U-I.

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 DSP-18043 Bruster's Real Ice Cream with no conditions.

December 21, 2020

**MEMORANDUM**

**TO:** Henry Zhang, AICP, Master Planner, Development Review Division

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

**FROM:** Brian Byrd, Planner Coordinator, Long Range Planning Section, Community Planning Division *Brian Byrd*

**SUBJECT:** **DSP-18043, BRUSTER'S ICE CREAM**

**FINDINGS**

Pursuant to Part 3, Division 9, Subdivision 3 of the Zoning Ordinance, Master Plan conformance is not required for this application.

**BACKGROUND**

**Application Type:** Use property as an ice cream shop.

**Location:** Located in the southeast quadrant of Martin Luther King JR HWY at the intersection at Addison Road.

**Size:** 0.37 acres

**Existing Uses:** M-U-I (Mixed Use Infill)

**Proposal:** Use property as an ice cream shop.

**GENERAL PLAN, MASTER PLAN, AND SMA**

**General Plan:** This application is in the *Established Communities*. The vision for "Established Communities is most appropriate for context-sensitive infill and low-to-medium density development," (p. 20).

**Master Plan:** The *2010 Approved Subregion 4 Master Plan* recommends mixed use land uses on the subject property.

DSP-20017 ROYAL FARMS #381 WALKER MILL ROAD

**Planning Area:** 72

**Community:** Capitol Heights, MD

**Aviation/MIOZ:** The subject site is not located in the MIOZ or the Aviation Policy Area.

**SMA/Zoning:** The *2010 Approved Subregion 4 Master Plan* retained M-U-I (Mixed Use Infill) zoning on the subject property.

**ADDITIONAL INFORMATION**

N/A

c: Long-range Agenda Notebook

Scott Rowe, AICP CNU-A, Supervisor Long Range Section Community Planning Division

December 29, 2020

**MEMORANDUM**

**TO:** Henry Zhang, Master Planner, Urban Design Section  
**VIA:** Sherri Conner, Supervisor, Subdivision and Zoning Section *SC*  
**FROM:** Mridula Gupta, Planner Coordinator, Subdivision and Zoning Section *MG*  
**SUBJECT:** DSP-18043; Brusters Ice Cream

The subject property considered in this Detailed Site Plan (DSP) is located on Tax Map 66 in Grid B-3 and is identified as Part of Lots 1, 2, 3, and 4 shown on a plat for Gregory Heights recorded in Plat Book BB 5-84 in May, 1905. The subject site is 0.37 acres and is zoned Mixed use Infill (M-U-I) with Development District Overlay (D-D-O). The property is located within the area of the 2010 Approved Subregion 4 Master Plan and Sectional Map Amendment (SMA). The subject property also lies within the municipal boundary of Seat Pleasant.

Lots 1-4 as shown in Plat Book 5-84 have been modified subsequent to recordation by conveyance of rights-of-way, and the property is therefore no longer configured as shown on the record plat.

The site was improved in 1986 with a 780 square-foot building, which was permitted for commercial use, but is currently vacant. The applicant has submitted this DSP for a total of 1,300 square feet of commercial use - specifically, an eating or drinking establishment without drive-through service, which is an allowed use in the M-U-I/D-D-O Zone. The 780 square-foot existing building is proposed to be renovated and improved with an 830 square-foot addition.

The property considered in this DSP is not subject to a previously approved Preliminary Plan of Subdivision (PPS). Since the property has a final plat of subdivision approved prior to October 27, 1970 with development in existence prior to January 1, 1990, any additional development proposed not exceeding five thousand (5,000) square feet of gross floor area is exempt from requirement of resubdivision in accordance with Section 24-111(c)(3) of the Subdivision Regulations. Any future development on the subject site proposing a different use, or greater than 5,000 square feet of gross floor area will require resubdivision of the property in accordance with Section 24-111(c).

**Plan Comments:**

1. The DSP should label the widths of ultimate right-of-way for master plan road A-22 (Martin Luther King Jr. Highway) which is a planned 120-foot arterial road along the property frontage; and master plan road C-408 (Addison Road) which is a planned 80-foot collector

road along the property frontage. It is noted that requirements of Subtitle 24 are not applicable to this DSP, and no public road right-of-way dedication is required at this time.

2. The DSP labels existing properties as Lots 1, 2, 3, and 4, whereas these properties no longer conform to the boundaries of these lots as originally platted after conveyance of public rights-of-way. The existing properties should be labeled as per the property survey and reference added to the record plat, for example, "Part of Lot 1, Plat Book 5-84".

### **Recommended Conditions**

1. Prior to certificate approval, the following revisions shall be made to the DSP:
  - a. Label the ultimate master plan right-of-way widths for Martin Luther King Jr. Highway and Addison Road.
  - b. Revise labels for existing properties in accordance with the property survey and add reference to Plat Book 5-84.

The referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. The DSP has been found to be in substantial conformance with the record plat. All bearings and distances must be clearly shown on the DSP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.



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 Upper Marlboro, Maryland 20772  
 TTY: (301) 952-4366  
 www.mncppc.org/pgco


Countywide Planning Division  
 Transportation Planning Section


301-952-3680

December 28, 2020

**MEMORANDUM**

TO: Henry Zhang, Development Review Division

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

VIA: Bryan Barnett-Woods, Transportation Planning Section, Countywide Planning Division 

SUBJECT: **Detailed Site Plan Review for Multimodal Transportation, DSP-18043, Bruster's Real Ice Cream**

The following detailed site plan (DSP) was reviewed for conformance with the zoning ordinance, the *Approved Countywide Master Plan of Transportation (MPOT)*, and the *2010 Approved Subregion 4 Master Plan and Sectional Map Amendment* to provide the appropriate multimodal transportation recommendations.

**Detailed Site Plan Number:** DSP-18043

**Development Case Name:** Bruster's Real Ice Cream

Type of Master Plan Bikeway or Trail

Municipal R.O.W.	<input type="checkbox"/>	Public Use Trail Easement	<input type="checkbox"/>
PG Co. R.O.W.	<input checked="" type="checkbox"/>	Nature Trails	<input type="checkbox"/>
SHA R.O.W.	<input checked="" type="checkbox"/>	M-NCPPC - Parks	<input type="checkbox"/>
HOA	<input type="checkbox"/>	Bicycle Parking	<input checked="" type="checkbox"/>
Sidewalks	<input checked="" type="checkbox"/>	Trail Access	<input type="checkbox"/>

Detailed Site Plan Background	
Building Square Footage (non-residential)	1,256 SF
Number of Units (residential)	N/A
Abutting Roadways	MD 704 (Martin Luther King Jr. Highway), Addison Road
Abutting or Nearby Master Plan Roadways	MD 704 (Martin Luther King Jr. Highway (A-22) Addison Road (C-408)
Abutting or Nearby Master Plan Trails	Planned Bike Lane: Martin Luther King Jr. Highway, Addison Road, Seat Pleasant Drive

Proposed Use(s)	Commercial Eating & Drinking Establishment (No Drive-Thru)
Zoning	M-U-I
Centers and/or Corridors	Central Avenue Corridor
Prior Approvals on Subject Site	N/A

**Background**

The 0.37-acre M-U-I Zoned property is located at the southwest quadrant of the intersection of Martin Luther King Jr. Highway and Addison Road. This application proposes to use the site for an eating and drinking establishment with no drive-through service.

**Previous Conditions of Approval**

This development case does not have any binding prior approvals germane to multimodal transportation.

**Existing Conditions and proposed sidewalk and bicycle infrastructure**

The submitted plans show five-foot-wide sidewalks along Martin Luther King Jr. Highway and Addison Road. An internal walkway leading from the ADA accessible parking area to the building is shown on site plans. An additional pedestrian connection has been provided between the north side of the building and the sidewalks along Martin Luther King Jr. Highway. The applicant intends to close one point of vehicle entry along the alley which fronts the southern edge of the subject property. An existing crosswalk crossing Addison Road is located at the northeast bounds of the subject property, directly southwest of the intersection of Martin Luther King Jr. Highway and Addison Road. However, the applicant's submission incorrectly displays the western landing of this crosswalk as being located south of the intersection. Staff recommend that plans be updated to accurately depict the location of this crosswalk at the intersection. Bicycle racks have been displayed near the entrance of the building. Staff recommend that a detail sheet showing the inverted-u style bicycle rack, or a similar style that provides two points of contact for each parked bicycled be provided.

**Review of Master Plan Compliance:**

This development case is subject to 2009 *Approved Countywide Master Plan of Transportation* (MPOT), which recommends the following facilities:

- Planned Bike Lane: Martin Luther King Jr. Highway, Addison Road, Seat Pleasant Drive
- Planned Side Path: Martin Luther King Jr. Highway

**Comment:** Martin Luther King Jr. Highway and Addison Road both front the subject site. No additional right-of-way is being sought with this application. The Maryland State Highway Administration (SHA) can require the construction of the master plan recommended bike lane or side path along Martin Luther King Jr. Highway as appropriate, or they may be installed by SHA as part of a future roadway repaving or capital improvement project. The Prince George's County Department of Permits, Inspections, and Enforcement can require the construction of the master plan recommended bike lane along Addison Road and/or Seat Pleasant Drive as appropriate, or the bike lanes may be installed by the Department of Public Works & Transportation (DPW&T) as part of a future roadway repaving or capital improvement project.

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 features sidewalks along the northern and eastern frontages of the site. A walkway has been provided between the building and the parking area as well as an additional walkway between the building and the sidewalk network along Martin Luther King Jr. Highway. The applicant has included bicycle racks to be installed along the north side of the building.

The MPOT and the area master plan classify Martin Luther King Jr. Highway (A-22) as an arterial road. The current roadway section which fronts the subject site to the north is a five-lane road with a landscaped median. The westbound portion features two through lanes. The east bound portion, as it approaches its intersection with Addison Road, features two through lanes and one exclusive right-turn lane.

The MPOT and the area master plan classify Addison Road (C-408) as a collector road. The current roadway section which fronts the subject site to the east is a three-lane road. The southbound portion features one through lane, which provides access to the alley fronting the southern edge of the subject property. The northbound portion, as it approaches its intersection with Martin Luther King Jr. Highway, features one through lane which serves as an exclusive right-turn lane, and one dedicated left-turn lane. An existing crosswalk crossing Addison Road is located at its most northern bounds where it intersects with Martin Luther King Jr. Highway.

It should be noted that Addison Road is not continuous in the immediate vicinity of the subject application. Only one portion of Addison Road provides frontage on the subject property. An additional portion of Addison Road which does not front on the subject is located directly northwest of the subject property, along the north side of Martin Luther King Jr. Highway.

The master plan rights-of-way for A-22 (Martin Luther King Jr. Highway) and C-408 (Addison Road) are not labeled on the submitted plan.

**Comment:** Staff recommend the applicant update plans to display the ultimate right-of-way for master plan road A-22 (Martin Luther King Jr. Highway) which is a planned 120-foot arterial road along the property frontage; and master plan road C-408 (Addison Road) which is a planned 80-foot collector road along the property frontage. While right-of-way dedication is not recommended nor required for this application, labeling the master plan right-of-way is valuable for assessing the on-site circulation and reviewing the plan during subsequent applications.

The Transportation Recommendations Section of the *2010 Approved Subregion 4 Master Plan and Sectional Map Amendment* makes the following recommendations:

- Identify priority sidewalk corridors to parks, schools, Metro stations, and other activity centers where sidewalk construction is necessary to meet existing pedestrian needs. (p.233)

- Provide sidewalks, neighborhood trail connections, and bicycle-friendly roadways to accommodate nonmotorized transportation (bicycling and walking) as the preferred mode for some short trips, particularly to transit stops and stations, schools, and within neighborhoods and centers (p.233)
- Improve bicycle facilities around Metro stations in Subregion 4. Facilities needed include bicycle racks, lockers, and striping for designated bike lanes. (p.233)

**Comment:** The subject application features sidewalks along the north and eastern frontage of the property, an additional pedestrian connection from the building to existing sidewalks, crosswalks crossing the drive aisle along Martin Luther King Jr. Highway, and bicycle racks located at the entrance of the building. Staff recommend plans be updated to provide a continental style crosswalk crossing the vehicle entry point along Martin Luther King Jr. Highway.

The Capitol Heights Metro station is approximately 0.50 miles southwest of the project site and the Addison Road – Seat Pleasant Metro station is approximately 0.9 miles southeast of the project site. The subject's use of existing sidewalks, and the recommended bicycle parking support further multimodal transportation in the area.

### **Site Access and Circulation**

The subject property currently has three vehicle entry points, one of which is on Martin Luther King Jr. Highway and the remaining two on the alley which fronts the subject property to the south. This project proposes to remove the one vehicle access from alley. The remaining two points of vehicle entry will be used as an entrance or exit. Twelve parking spaces are proposed for this project. Ten of the twelve parking spaces are proposed on the eastern side of the building, while the remaining two parking spaces are located south of the proposed building.

The proposed layout displays two north-south drive aisles, originating along Martin Luther King Jr. Highway and the alley to the south of the subject property, respectively. Upon entering the site from either location, parking is located directly east within the parking lot, or the two parking spots displayed directly south of the proposed building. Drivers can enter or exit along Martin Luther King Jr. Highway or the alley to the south. There is a planted median along Martin Luther King Jr. Highway, at the entrance of the subject site, preventing motor vehicles from turning left into the site or turning left on to Martin Luther King Jr. Highway when exiting the site.

**Comment:** The layout of the site allows vehicles to flow freely throughout the site without encouraging higher speeds, and the access driveways connecting to the rear alley will help minimize conflict with oncoming traffic along Martin Luther King Jr. Highway. Staff conclude that proposed site access, the parking lot, and circulation are designed in accordance with Sections 27-283 and 27-274.

The subject application proposes 12 parking spaces. The minimum requirements, per Section 27-568 for an eating or drinking establishment is one parking space per three seats. The subject application includes 12 seats and the required minimum parking is 4 parking stalls. The proposed development includes 12 parking stalls, one of which is ADA accessible.

**Comment:** Staff conclude that the proposed number of parking spaces are in accordance with Section 27-568.

### **Conclusion:**

Based on the findings presented above, staff conclude that the multimodal transportation site access and circulation of this plan is acceptable, consistent with the site design guidelines pursuant to Section

27-283, and meets the findings required by Section 27-285(b) for a detailed site plan for transportation purposes if the following condition is met:

1. Prior to certification of the detailed site plan, the applicant, or the applicant's heirs, successors, and/or assigns shall revise the plans to provide:
  - a. Continental style crosswalk crossing the driveway along Martin Luther King Jr. Highway unless modified by the Maryland State Highway Administration (SHA) with written correspondence.
  - b. Existing crosswalk crossing Addison Road be shifted north to the intersection of Martin Luther King Jr. Highway and Addison Road
  - c. A detailed exhibit of the inverted-u style bicycle rack or racks of a similar style that provide two points of contact for securing and supporting each parked bicycle.
  - d. Ultimate planned right-of-way for master plan road A-22 (Martin Luther King Jr. Highway) which is a planned 120-foot arterial road along the property frontage; and master plan road C-408 (Addison Road) which is a planned 80-foot collector road along the property frontage.

**From:** Schneider, Alwin <[Alwin.Schneider@ppd.mncppc.org](mailto:Alwin.Schneider@ppd.mncppc.org)>  
**Sent:** Tuesday, November 24, 2020 4:42 PM  
**To:** Burke, Thomas <[thomas.burke@ppd.mncppc.org](mailto:thomas.burke@ppd.mncppc.org)>  
**Cc:** Reiser, Megan <[Megan.Reiser@ppd.mncppc.org](mailto:Megan.Reiser@ppd.mncppc.org)>  
**Subject:** DSP-18043 / Bruster's Ice Cream

Hi Tom,

The Environmental Planning Section (EPS) has reviewed the referral information received by EPS on November 5, 2020. The proposal is for the redesign of an existing building into an ice cream shop.

The site has been issued a standard exemption from the Woodland and Wildlife Habitat Conservation Ordinance (S-101-2019) because the site is less than 40,000 square feet in size and has no previous TCP approval. An NRI equivalency letter has been issued for the site (NRI-086-2019). The NRI was issued based on the standard woodland conservation exemption and that no regulated environmental features will be impacted. A stormwater management concept approval letter (19353-2019-01) were submitted and states the site is exempt from stormwater management and a stormwater management fee of \$1,011.94 in lieu of providing on-site attenuation/ quality control measures.

No other environmental requirements have been identified for this application. This email serves in lieu of a memo.

## **Chuck Schneider**

**Planner Coordinator** | *County Wide Planning – Environmental Planning Section*



9400 Peppercorn Place, Suite 230 Largo Maryland 20774  
301-883-3240 | [alwin.schneider@ppd.mncppc.org](mailto:alwin.schneider@ppd.mncppc.org)



December 28, 2020

**MEMORANDUM**

TO: Henry Zhang, Urban Design  
FROM: Jason Bartlett, Permit Review Section, Development Review Division  
SUBJECT: Referral Comments for DSP-18043, Bruster's Ice Cream

1. Floor plan shows 16 outdoor seats, but parking schedule lists 12. Revise parking schedule or architectural floor plan to match. If there are 16 outdoor seats, then the parking schedule needs to reflect the revised number of required spaces.
2. A spot dimension (length and width) of one space should be provided for each noncontiguous parking bay. Applicant has 4 bays. 3 do not provide a spot dimension.
3. No parking is allowed along the paved alley lane, per the development standard on page 545 of the Sub 4 MP & SMA. Applicant shows two spaces along the alley.
4. Show build to line on site & landscape plan.
5. Show public R/W line on plans and identify the dooryard.
6. Identify frontage occupancy on plan to demonstrate conformance to the general site guidelines.
7. Show dimension of HC space, access aisle and ADA pathway.
8. Show building height, square footage and dimensions, labeling the existing structure as "Existing", the proposed addition as "Proposed Addition" and the proposed cooler as "Proposed Cooler".
9. A sign table should be provided to demonstrate conformance to sign development standards.
10. Alley does not meet design standards of 16' width with two 7' aprons designed for landscaping.

\*\*\*\*\* End \*\*\*\*\*

**From:** [Kwesi Woodroffe](#)  
**To:** [Burke, Thomas](#)  
**Cc:** [PGCReferrals](#)  
**Subject:** RE: EPlan ACCEPTANCE Referral for DSP-18043, BRUSTER"S ICE CREAM (PB); SHA; KW  
**Date:** Thursday, November 5, 2020 12:19:48 PM  
**Attachments:** [image011.png](#)  
[image012.png](#)  
[image013.png](#)  
[image014.png](#)  
[image015.png](#)  
[image016.png](#)  
[image018.png](#)  
[image019.png](#)  
[image020.png](#)  
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[image022.png](#)  
[image023.png](#)  
[image024.png](#)  
[image025.png](#)

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

Thomas,

I have no comments at this time.

Thanks, Kwesi

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





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

**Sent:** Thursday, November 5, 2020 9:05 AM

**To:** Smith, Tyler <Tyler.Smith@ppd.mncppc.org>; Stabler, Jennifer <Jennifer.Stabler@ppd.mncppc.org>; Hall, Ashley <Ashley.Hall@ppd.mncppc.org>; Henderson, Tamika <Tamika.Henderson@ppd.mncppc.org>; Franklin, Judith <Judith.Franklin@ppd.mncppc.org>; Green, David A <davida.green@ppd.mncppc.org>; Masog, Tom <Tom.Masog@ppd.mncppc.org>; Barnett-Woods, Bryan <bryan.barnett-woods@ppd.mncppc.org>; Gupta, Mridula <Mridula.Gupta@ppd.mncppc.org>; Conner, Sherri <sherri.conner@ppd.mncppc.org>; Dixon, June <june.dixon@ppd.mncppc.org>; Chaconas, Sheila <Sheila.Chaconas@ppd.mncppc.org>; Larman, Brooke <Brooke.Larman@ppd.mncppc.org>; Hughes, Michelle <Michelle.Hughes@ppd.mncppc.org>; Rotondo, Chris <Chris.Rotondo@ppd.mncppc.org>; Reilly, James V <JVReilly@co.pg.md.us>; sltoth@co.pg.md.us; SLToth@co.pd.md.us; Rey DeGuzman (rsdeguzman@co.pg.md.us) <rsdeguzman@co.pg.md.us>; Giles, Mary C. <mcgiles@co.pg.md.us>; rlattivor@co.pg.md.us; Snyder, Steven G. <SGSnyder@co.pg.md.us>; mabdullah@co.pg.md.us; Formukong, Nanji W. <nwformukong@co.pg.md.us>; mtayyem@co.pg.md.us; SYuen@co.pg.md.us; wmcontic@co.pg.md.us; swthweatt@co.pg.md.us; aoadepoju@co.pg.md.us; Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>; Tania Brown <TBrown13@mdot.maryland.gov>; #dsgintake@wsscwater.com; jeanelle.Wallace@seatpleasantmd.gov; weyimi.ayu@seatpleasantmd.gov

**Cc:** Burke, Thomas <thomas.burke@ppd.mncppc.org>; Kosack, Jill <Jill.Kosack@ppd.mncppc.org>; Summerlin, Cheryl <Cheryl.Summerlin@ppd.mncppc.org>; Staton, Kenneth <Kenneth.Staton@ppd.mncppc.org>; Grigsby, Martin <Martin.Grigsby@ppd.mncppc.org>; Fairley, Lillian <Lillian.Fairley@ppd.mncppc.org>; Davis, Lisa <Lisa.Davis@ppd.mncppc.org>; Lee, Randar <Randar.Lee@ppd.mncppc.org>; Graham, Audrey <Audrey.Graham@ppd.mncppc.org>; Checkley, Andree <andree.checkley@ppd.mncppc.org>; Bishop, Andrew <andrew.bishop@ppd.mncppc.org>; Dawn of a New Day Pastoral Counseling <revjlgriffin@gmail.com>

**Subject:** EPlan ACCEPTANCE Referral for DSP-18043, BRUSTER'S ICE CREAM (PB) via DROPBOX

Hello,

This is an EPlan ACCEPTANCE referral for **DSP-18043, BRUSTER'S ICE CREAM**. This case was officially accepted on, November 5, 2020. SDRC is scheduled for November 30, 2020. Please submit ALL comments to Thomas Burke(email attached). Click on the hyperlink to view the case: [https://www.dropbox.com/sh/jnbfv1yubao2eqr/AACns98Gl4EipUrB2fOE\\_CnNa?dl=0](https://www.dropbox.com/sh/jnbfv1yubao2eqr/AACns98Gl4EipUrB2fOE_CnNa?dl=0)

**Donald R. Townsend**

Senior Planning Technician | Development Review Division



14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

301-952-4688 | [donald.townsend@ppd.mncppc.org](mailto:donald.townsend@ppd.mncppc.org)





# BRUSTER'S

*REAL ICE CREAM*

*CAPITOL HEIGHTS, MD*

5833 Martin Luther King Junior Highway  
Capitol Heights, MD 20743

## STATEMENT OF JUSTIFICATION

### DSP-18043

**APPLICANT:**

Jessrite Development LLC  
7700 Old Branch Avenue, D103  
Clinton, MD 20735  
Jesse L. Griffin  
240-300-3150

**ENGINEER:**

Tharox Engineering  
Alan Tharp, CE  
2605 Wallingford CT  
Bowie, MD 20721  
301219-4339

**ARCHITECT:**

LD Holmes Architects  
Lisa D. Holmes  
313 East Charles St PO Box 1598  
La Plata, MD 20646  
301-934-8078



Examples of storefront variations



## **TABLE OF CONTENTS**

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9.0	CONFORMANCE WITH THE DEVELOPMENT DISTRICT OVERLAY ZONE STANDARDS
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11.0	CONFORMANCE WITH CRITERIA OF APPROVAL-DSP'S
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## 1.0 INTRODUCTION/OVERVIEW

The applicant, Jessrite Development, LLC presents Detailed Site Plan Application DSP-18043. The property is owned by Jessrite Development LLC. The design concept presented in this application represents a renovated/addition, converting a building formally used as a barbershop into an ice cream shop.

The initial proposed development conversion consists of four existing parcels located in a substantially currently community developed with an existing 800 square ft building and surface parking lot. The total area of land is approximately 16,000 square ft area. Below is a description of the property, a summary of development

## 2.0 DESCRIPTION OF PROPERTY

**DESCRIPTION OF 4 PARCELS OF LAND  
OF AREA 0.3701 ACRES MORE OR LESS  
AT THE WESTERLY LINE OF ADDISON (CHAPEL) ROAD  
AT SOUTHERLY LINE OF MARTIN LUTHER KING HWY  
(MD ROUTE 704) CAPITOL HEIGHTS MD  
18TH DISTRICT PRINCE GEORGES COUNTY MARYLAND**

BEGINNING for the same at a PK Nail in the easterly line of a 40 foot right of way known as Addison (Chapel) Road depicted upon a State Highways Plat made in 04-14-1940 recorded among the Land Records of Prince Georges County Maryland at Plat number 4168 said beginning point also being the southeast corner of Lot 1 shown upon a plat made in December 1931 recorded among the Land Records of Prince Georges County Maryland at Plat File A page 84 entitled "Gregory Heights Part of Scotts Blunder" and running thence along the north line of a 12 foot Alley binding upon the rear (south) lines of Lots 1, 2, 3 and 4 Gregory Heights 1) South 54 degrees 00 minutes 40 seconds West 219.07 feet to a PK nail set in the easterly outlines of Lot 5 Gregory Heights recorded among the Land Records of Prince Georges County Maryland at Plat File A page 84 thence binding upon the common property line between Lots 4 and 5 2) North 34 degrees 16 minutes 00 seconds West 85.17 feet to a rebar set with cap in the southerly line of a Variable width right of way formerly known as Palmer Highway - now known as Martin Luther King Hwy (MD Route 704) – depicted upon State Highways Plats made in 06-10-1961 recorded among the Land Records of Prince Georges County Maryland at Plat numbers 14129 and 14130, and running thence binding upon said Highway passing over Rebars set with cap at the northerly corner points of parts of Lots 4, 3 and 2 (at each north/south property line intersection with Martin Luther King Hwy), said property line being witnessed approximately by an existing edge of concrete walk 3) by a curve to the left of radius of 1475.39 feet the arc distance of 139.67 feet subtended by a chord bearing: North 53 degrees 20 minutes 30 seconds East 139.62 feet to a rebar set with cap, thence binding upon the State Road transition to Addison (Chapel) Road 40 foot R/W ;4) North 71 degrees 37 minutes 03 seconds East 28.00 feet to a rebar set with cap; 5) South 68 degrees 39 minutes 35 seconds East 93.01 feet to the place of beginning. Prince Georges County Maryland at Plat File A page 84 and thought to be Magnetic 1931.

BEING the same property granted to Laura and William Price by Deeds recorded among the said Land Records at Liber 28979 Folio 1 and 28979 Folio 5, and also BEING Parts of Lots 1, 2, 3 and 4 Gregory Heights (PB A Pg. 84). Said lands designated and known as 5829, 5833, and 5837 Martin Luther King Hwy, Capitol Heights MD 20743.

CONTAINING 0.370 1 Acres of land more or less according to a Survey Plat and Description made in June 2018, by Survey Associates.com see drawing number 59356.

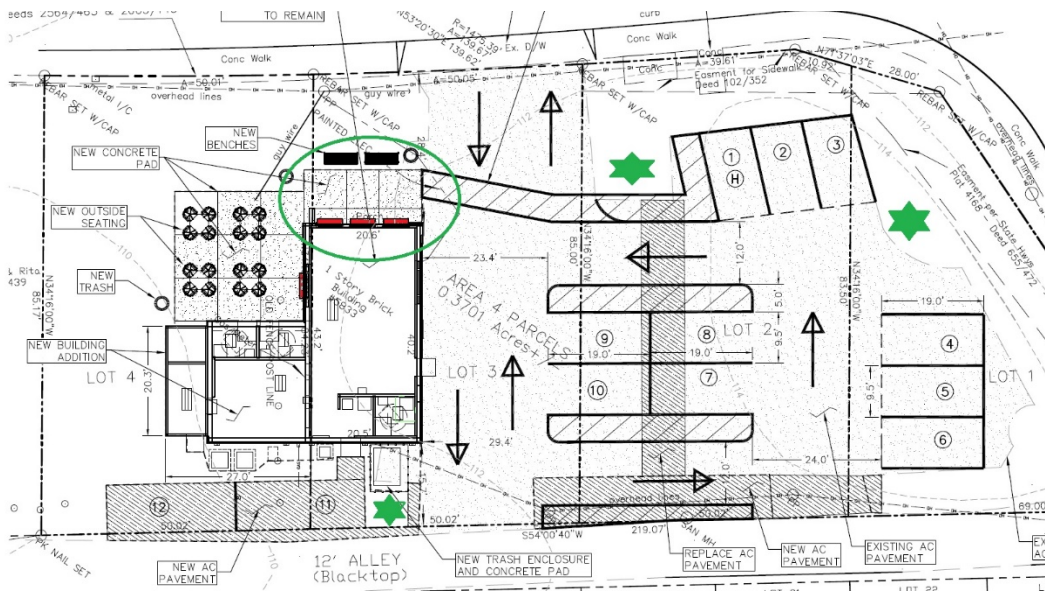
As indicated the property subject to DSP-18043 contains approximately 16,000 square feet of land consisting of four existing lots.

The applicant proposes adding on to the existing structure formerly used as a barber shop and converting into an ice cream shop and resurfacing the existing parking lot.

Adhering to possible future compliance and collaborations with both Parks and Planning and Set Pleasant Township's master plans, building signage will be the only signage.

### 3.0 SUMMARY OF DEVELOPMENT PROPOSAL

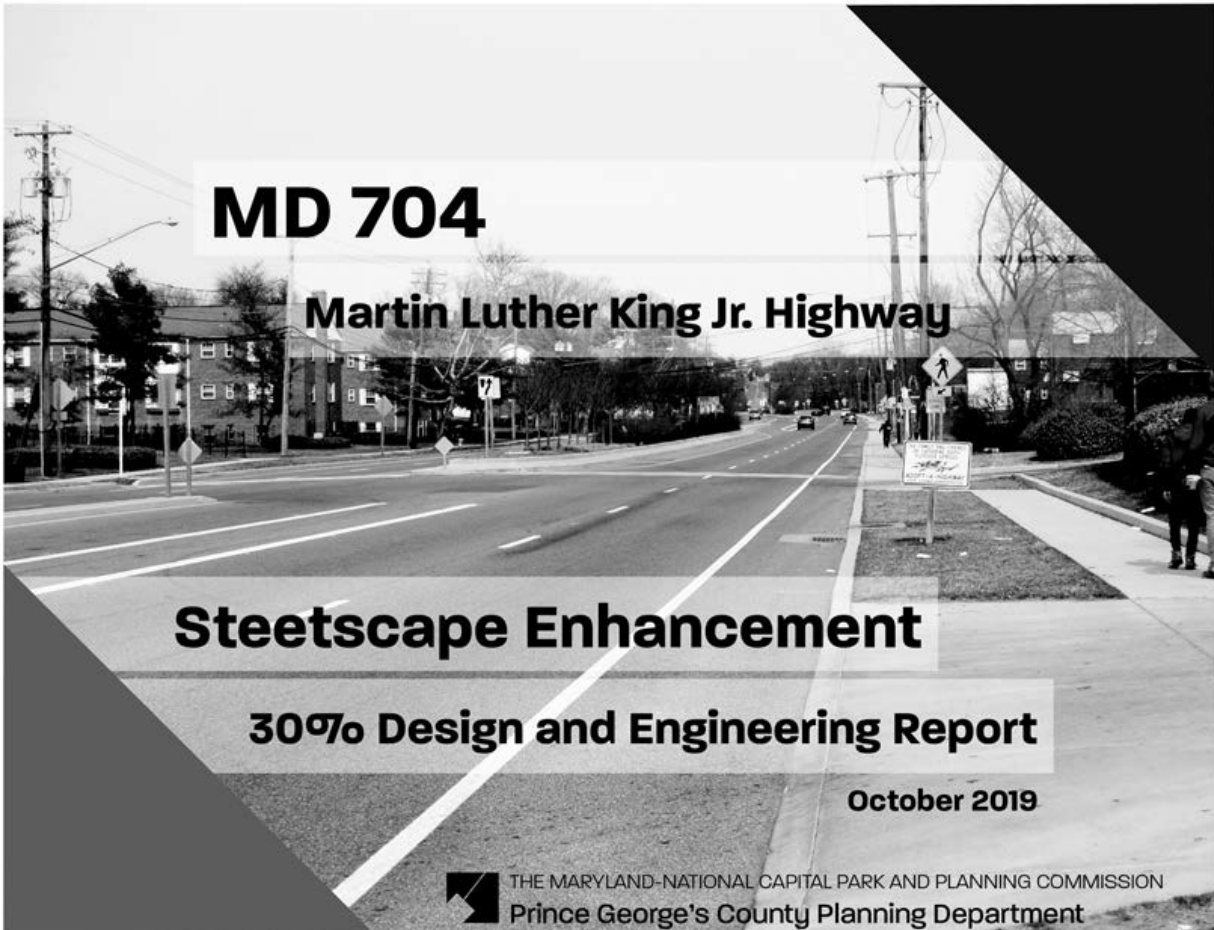
The applicant proposes to add an addition to the existing structure and resurface and stripe the existing parking lot. The building when complete will be approximately 1400 square feet with addition of an outside freezer and a 23'x24' foot patio area. A total of 12 parking spaces are provided with 9 regular spaces, 1 handicap space and 2 spaces for employees. Hours of operation will be from 12- 10pm. Historically our business traffic will be heaviest between 7pm and 9pm well beyond any rush hour traffic. It will be during that time that any overflow traffic will utilize on-street parking.



The existing drive in entrance/exit will remain the same with the exception that we have determined a flow of traffic in and out of the lot. Designing this flow, we will be reducing the current striped parking slots by about 9 spaces however by doing so traffic direction will be more controlled.

In discussions with representatives from the Seat Pleasant Township, future plans, (Seat Pleasant Master Plan 2018) would be for the parking to be eliminated entirely and that space to be built up in the future while collaborating with all stakeholders and interested parties. The Subject Property will eventually be fully utilized in adherence to intended mixed commercial and residential use. We understand that the Martin Luther King Jr. Hwy corridor is currently under study and design to create a more user- friendly

pedestrian/bike trail environment with less traffic and provisions made for on-street parking. The ability to park on the street currently exists.



# MD 704

(Martin Luther King Jr. Hwy)

## Streetscape Enhancement

### 30% Design and Engineering Report

October 2019

Consultant: STV Incorporated

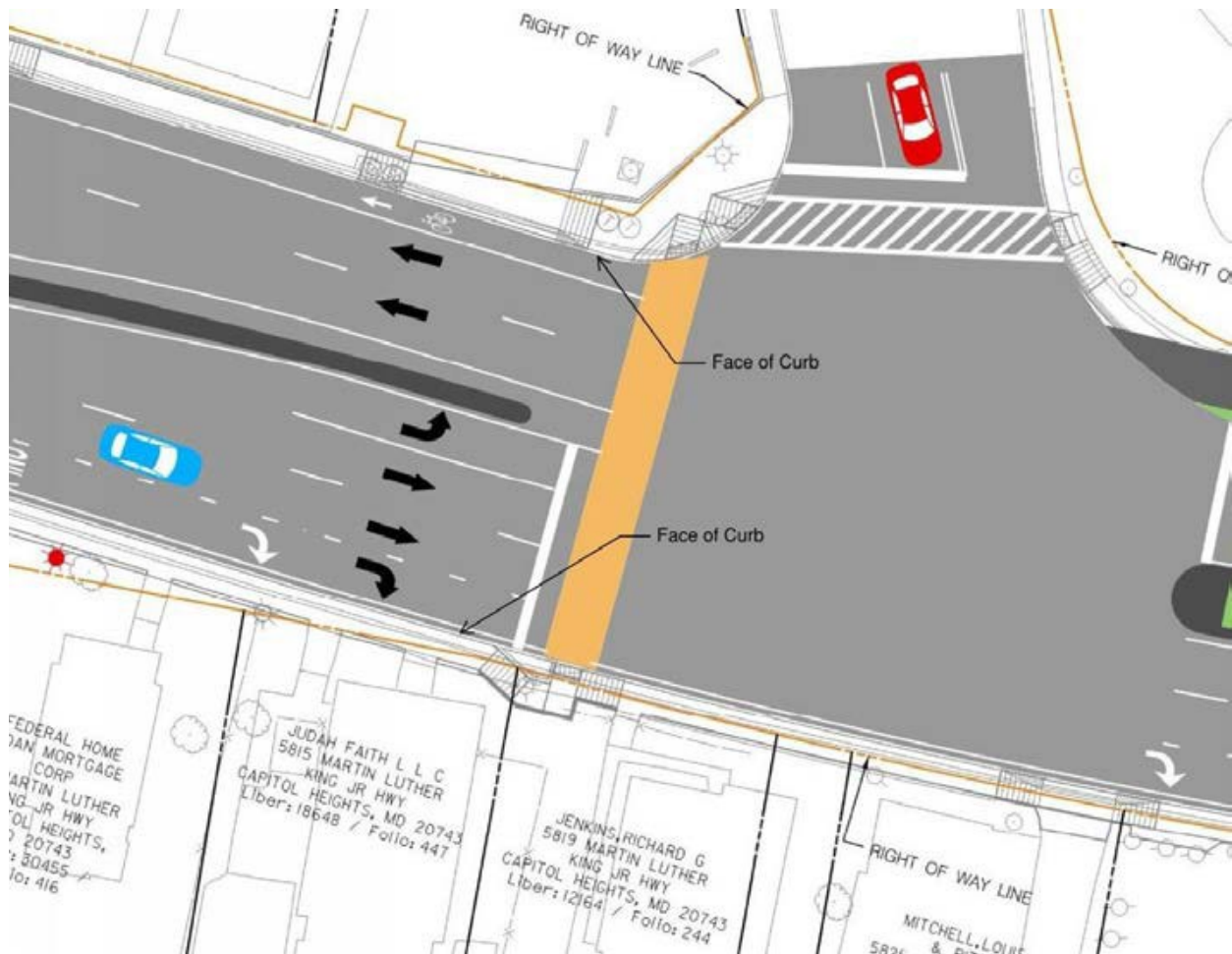
The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
14741 Governor Oden Bowie Drive



### 3.3. 2010 Approved Subregion 4 Master Plan and Sectional Map Amendment and a Master Plan for the City of Seat Pleasant

Recommendations from the 2010 Subregion 4 Master Plan, approved by the Prince George's County Council, and a master plan prepared by the City of Seat Pleasant in 2018 were considered and incorporated into the alternative development. Recommendation in these plans are consistent with the project goals of increasing safety and enhancing the experience for pedestrians and bicyclists. Key strategies listed in the 2018 Master Plan for the City of Seat Pleasant include improving the streetscaping along MD 704 (Martin Luther King Jr. Highway) and considering traffic calming features and **on-street parking**.

#### POSSIBLE DEVELOPMENT ALTERNATIVE



## 4.0 SUMMARY OF DEVELOPMENT HISTORY

According to the **Vision Statement Subregion 4 thrives as the “Heart of Prince George’s County,”** featuring a large percentage of the county’s residents and employment base and as described in the 2002 General Plan vision for the Developed Tier, the subregion is a unique location where new and older suburban neighborhoods are balanced by development that is more urban in character. Longtime residents live in revitalized neighborhoods alongside newcomers, all taking advantage of the diverse offerings of the area. A network of sustainable, medium- to high-density, transit-supporting, mixed-use, pedestrian-oriented neighborhoods located at the centers and corridor nodes is connected to the residential enclaves by a multimodal transportation network. Smaller, urban-scale residential communities, neighborhood commercial centers, and older “main streets” also exist to meet residents’ needs. Additional employment centers exist in the many industrial and business parks along the subregion’s boundaries. The industrial areas are improved and buffered to minimize their visual and environmental impacts. This plan envisions balancing new development, that optimizes existing infrastructure, with maintaining and revitalizing existing neighborhoods and commercial areas through redevelopment, adaptive reuse, preservation, and conservation.

As noted above the property is currently developed with a one- story commercial building and is to be redeveloped initial as an ice cream that will be structurally built for future add-on building possibly 3-4 stories in conformance with the purposes of the M-U-I Zone.

## 5.0 CONFORMANCE WITH GENERAL PURPOSES OF DETAILED SITE PLANS

The general and specific purposes of Detailed Site Plan (DSP) are contained in 27-281 (b) and (c) of the Zoning Ordinance, and are expressed as follows:

### **General purposes. (1)(b)**

The general purposes of Detailed Site Plans are:

- (A) To provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;**
- (B) To help fulfill the purposes of the zone in which the land is located**
- (C) To provide for development in accordance with the site design guidelines established in this Division; and**
- (D) To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.**

COMMENTS: According to the Preliminary Subregion 4 Master Plan and Proposed Sectional Map Amendment, Planning Areas 72, 75A and 75B August 2009, this plan envisions balancing new development that optimizes existing infrastructure with maintaining and revitalizing existing neighborhoods and commercial areas through redevelopment, adaptive reuse, preservation, and conservation. The applicant proposes to redevelop

## 6.0 CONFORMANCE WITH THE PURPOSES OF THE M-U-I ZONE

Paragraph (b) (1) (B) of section 27-282 expresses that a DSP proposal needs to fulfill the purpose of the zone in which the land is located. As previously noted, the property is within the M-U-I Zone, with purposes outlined in Section 27-546.15 (a) and (b) :

- **SUBDIVISION 4. - M-U-I ZONE (MIXED USE - INFILL).**
- **Sec. 27-546.15. - Purposes.**
- **(a)The general purpose of the M-U-I Zone is to permit, where recommended in applicable plans or requested by a municipality or the Prince George's County Redevelopment Authority, a mix of residential and commercial uses as infill development in areas which are already substantially developed. The M-U-I Zone may be approved on properties which adjoin developed properties or otherwise meet plan recommendations and which have overlay zone regulations requiring site plan review, or on property owned by a municipality or the Prince George's County Redevelopment Authority, which requests the zone.**
- **(b)The specific purposes of the M-U-I Zone are:**
  - **(1)To implement recommendations in approved Master Plans, Sector Plans, or other applicable plans by encouraging residential or commercial infill development in areas where most properties are already developed;**
  - **(2)To simplify review procedures for residential, commercial, and mixed residential and commercial development in established communities;**
  - **(3)To encourage innovation in the planning and design of infill development;**
  - **(4)To allow flexibility in the process of reviewing infill development;**
  - **(5)To promote smart growth principles by encouraging efficient use of land and public facilities and services;**
  - **(6)To create community environments enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses; and**
  - **(7)To permit redevelopment, particularly in areas requiring revitalization, of property owned by a municipality or the Prince George's County Redevelopment Authority.**

COMMENT: The proposed project conforms with the general purposes of the M-U-I Zone in that the Subject Property is in an area which is already a substantially developed community. This property is developed and the proposed redevelopment conforms with the general purposes of the M-U-I Zone in that the initial plans for this initial project has been designed for future add-on building.

The proposed application meets the specific purposes of the M-U-I zone in that the design will allow for integration of additional commercial retail, residential and or office space that will benefit the community.

## 7.0 CONFORMANCE WITH SPECIFIC PURPOSES OF THE DETAILED SITE PLAN

Sec. 27-281 (c) lists the specific purposes of a detailed site plan

**The specific purposes of Detailed Site Plans are:**

- (A) To show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site;**

COMMENT: The submitted Detailed Site Plan demonstrates the location of the subject commercial property, that it is located at the intersection of Martin Luther King Jr Hwy and Addison Road. The intersection is well controlled for traffic and pedestrian crossing. There is off-street parking and accessible to on-street parking in the evenings when business will be heaviest. When completed this project will greatly enhance the appearance of this property creating a warm community environment.

- (B) To show specific grading, planting, sediment control, woodland conservation areas, regulated environmental features and storm water management features proposed for the site;**

COMMENT: All documentation supporting approvals and/or exemptions included in DSP

- (C) To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and**

COMMENT: The submitted architectural elevation as well as the DSP included in this application demonstrates the specific building form. The architectural plans in themselves demonstrates furnishings that will be placed in the patio area. No street furnishings are planned.

- (D) To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.**

COMMENT: The submitted DSP and Architectural Elevations demonstrate the necessary infrastructure and building form to be implemented ultimately.

## **8.0 CONFORMANCE WITH ZONING ORDINANCE SECTION 27-546.18**

Section 27-546.18 sets forth certain regulations applicable to development in the M-U-I Zone. The section provides follows:

- (a) Except as provided in Subsection (b), the regulations governing location, setbacks, size, height, lot size, density, and other dimensional requirements in the M-U-I Zone are as follows:**

- (1) R-18 Zone regulations apply to all uses in [Section 27-441\(b\)\(3\)](#), Miscellaneous;**

COMMENT: does not apply

- (2) R-18 Zone regulations apply to all uses in [Section 27-441\(b\)\(6\)](#), Residential/Lodging, except hotels and motels;**

COMMENT: Does not apply

**(3) C-S-C Zone regulations apply to hotels and motels and all other uses; and**

COMMENT: Does not apply

**(4) Multifamily residential densities up to forty-eight (48) units per acre are permitted**

COMMENT: Does not apply

**(b)Where an owner proposes a mix of residential and commercial uses on a single lot or parcel in the M-U-I Zone, the site plan as approved shall set out the regulations to be followed. The approved regulations may reduce parking requirements by thirty percent (30%), where evidence shows that proposed parking will be adequate, notwithstanding provisions in Part 11.**

COMMENT: Currently the owner is proposing an initial build/add-on to existing building and converting into a single unit shop as presented in this Detailed Site Plan. Parking requirements will be addressed accordingly with consideration for future planning and development as per the master planning. At that time the issue of parking will then be readdressed.

## **9.0 CONFORMANCE WITH THE DEVELOPMENT DISTRICT OVERLAY STANDARDS**

### **Subregion 4 Master Plan**

#### **Sec. 27-548.23. - Development District Standards.**

In general, Development District Overlay Zone regulations shall be the same as those in the underlying zone in which property is classified, except as modified by Development District Standards approved by the District Council, in a Sectional Map Amendment, in a Military Installation Overlay Zoning Map Amendment, or in a later amendment of adopted standards. The use of Development District Standards in each Development District Overlay Zone is intended to allow flexibility in the development review process and foster high-quality development through application of design guidelines and standards which promote the purposes of the Master Plan, Master Plan Amendment, or Sector Plan.

#### **Sec. 27-548.19.**

The Development District Overlay Zone is intended to ensure that the development of land in a designated development district meets the goals established for the district in a Master Plan, Master Plan Amendment, or Sector Plan, and takes advantage of unique opportunities presented by the district. Development districts may be designated for town centers, Metro areas, commercial corridors, employment centers, revitalization areas, historic areas, and other special areas which are the subject of development recommendations in a Master Plan, Master Plan Amendment, or Sector Plan. The D-D-O Zone is a mapped zone which is superimposed by a Sectional Map Amendment (SMA) over other zones in a designated development district and may modify development requirements within the underlying zones. In the Development District Overlay Zone, new development is generally subject to the approval of a Detailed Site Plan by the Planning Board. Detailed Site Plans are reviewed for compliance with development standards approved by the District Council, in a Sectional Map Amendment, or in a later amendment of adopted standards.

COMMENTS: Review of the Subregion 4 Master Plan, we determined that this project conforms to the overlay zone standards. Care has been taken by the design team addressing conformance with applicable design standards. As stated, the initial buildout has been structurally designed to build over and add-on in the future. The team was informed that in the future where there may be request for modifications the planning board may apply development standards which differ from approved development district standards. (27-548.25(c)).

## **10.0 CONFORMANCE WITH PRELIMINARY PLAN CONDITIONS**

All conditions of the preliminary conceptual plan required to be addressed at the time of Detailed Site Plan have been adequately addressed.

## **11.0 CONFORMANCE WITH CRITERIA OF APPROVAL—DETAILED SITE PLANS**

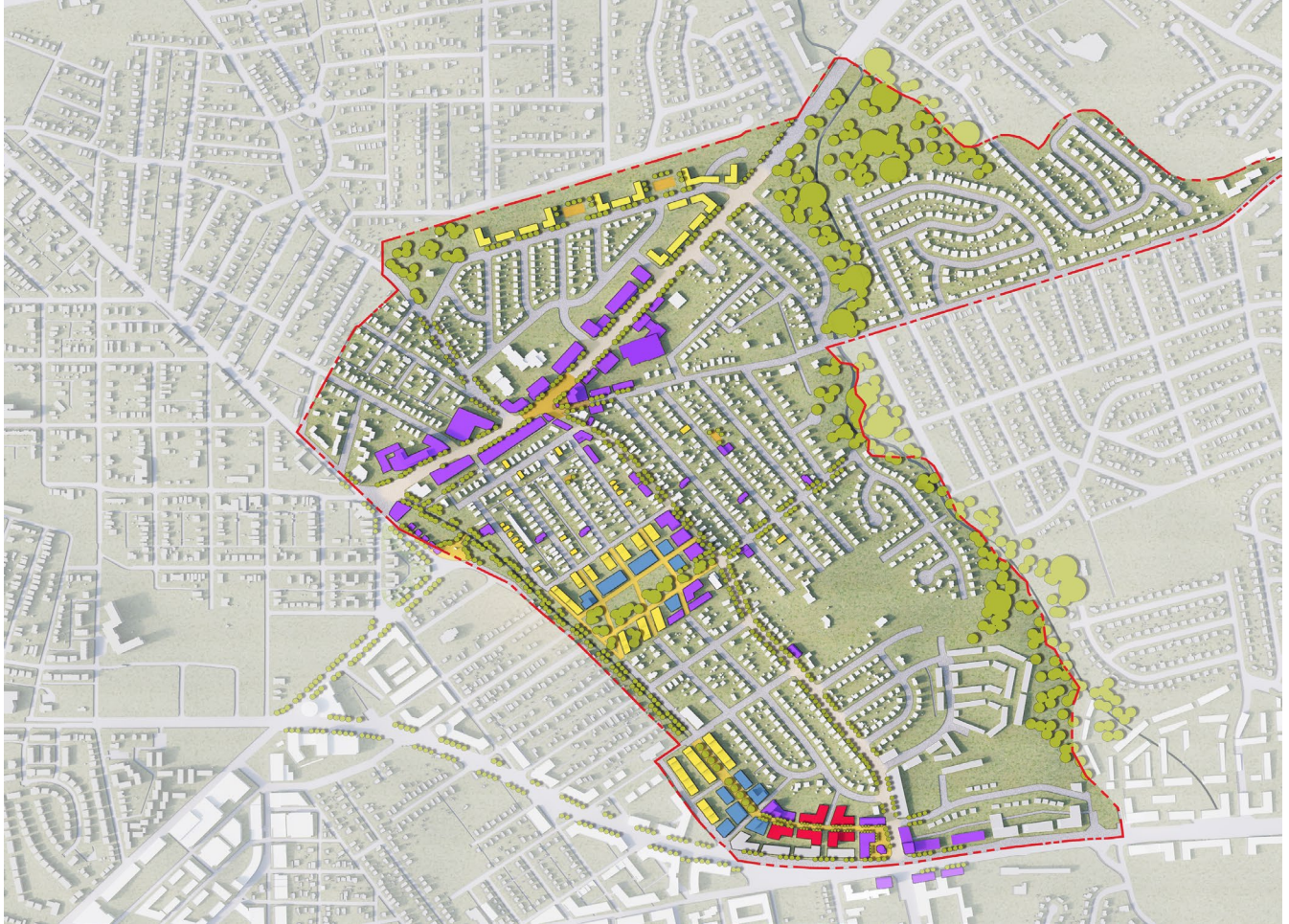
The planning board must also find that the Detailed Site plan satisfies the criteria of approval set forth in section 27-285 (b) of the Zoning Ordinance. These criteria are set forth below:

### **Required findings.**

- (1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan.

COMMENT: The proposed building project does represent a reasonable alternative for satisfying the site design guidelines. The proposed building substantially implements and adheres to the vision of The Parks and Planning Master Plan, Subregion 4 as well as whatever outcomes may derive in the future planning within the Seat Pleasant Township.

Current M-U-I Zoning in Purple.



**Sec. 27-283. - Site design guidelines.**

- (a) The Detailed Site Plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan (Section 27-274).
- (b) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development, and the specific zone in which it is to be located.
- (c) These guidelines may be modified in accordance with Section 27-286.

The site design guidelines address general matters, Parking, loading and circulation, lighting and other

In this case the subject property the general purpose is that the design conforms with the master plan and fulfill the purposes of the zone in which the land is located. In this case the property was placed in a M-U-I DDoz overlay zone subject to the Approved Subregion 4 Master Plan and sectional Map Amendment.

**Section 27-274 (a) (2) Parking, Loading and Circulation**

General guidance is given regarding the location of parking and loading facilities. The parking will be surface parking giving access to the proposed facility.

**Section 27-274 (a) (3) Lighting**

Lighting provided will be attached to the building providing illumination for all on-site elements such as entrances, parking, recreational seating area and pedestrian pathways.

**Section 27-274 (a) (4) Views**

The proposed building will provide service windows on 3 sides with the public being able to see what's going on inside as the employees prepare their requests. Public views will result from the open space provided for a patio.

**Section 27-274 (a) (5) Green area**

The proposed building is being constructed in an urban environment consistent with the requirements of the sector plan.

**Section 27-274 (a) (6) Site and streetscape amenities**

Not applicable to this project

**Section 27-274 (a) (7) Grading**

The site is currently developed.

**Section 27-274 (a) (8) Service Areas**

The location of service area will be in the rear of the building.

**Section 27-274 (a) (9) Public Space**

A public space will be provided to enhance a large-scale commercial, mixed use, or multifamily development.

COMMENT: This is not a large-scale development

**Section 27-274 (a) (10) Architecture**

The Architecture to include structural design will be modern up to date comparable to the McDonalds built in the area. The structural design will enable building up 2-3 stories in the future.

**Section 27-274 (a) (11) Townhouse and three family dwellings**

To be determined in the future.

Section 27-276 (b) (4) provides as follows:

The plan shall demonstrate 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\(b\)\(5\)](#).



In this case, no regulated environmental features were found to exist on the Subject Property at this time.

## **12.0 CONCLUSION**

Care has been taken in our design to enable building up and around this unit in the future as part of fulfilling the tentative master plan desires to create a multi-use property as per the M-U-I zoning.

This ice cream shop project presents an initial phase higher quality design for commercial development in this Zone 2 area and fits right into the aim of creating a pedestrian friendly environment, provide personal service, and a sense of community. It will provide jobs for young people. We will teach them communications and customer service skills. We will provide for them that first job where they will learn how to be responsible. We will hire adults and train them to provide leadership and supervision.

Bruster's is an international favorite known all over. Upon opening we will draw citizens to the area willing to travel for their favorite treat. The ability to draw people from all over will be attractive to other merchants and business owners considering investing in this redevelopment area.

Respectfully Submitted,

Jesse L. Griffin

Jessrite Development LLC

**Statement of Justification**  
**DSP 18043 Bruster's Real ice Cream**  
**Supplemental**

**Site Plan Submittal Requirements (Page 489) require a narrative and graphic description of the proposed development including a site plan that clearly identifies build-to lines and setbacks, which are defined on Page 540 as:**

**Build-to-line = 0-18 feet from the back of the curb**

**Side setbacks = 0-10 feet**

**Front occupancy = 80%**

**Where these requirements (and any other requirements of the D-D-O) are not being met, the statement of justification must clearly describe how they are not being met..**

Amendment Request:

This DSP-18043 proposing an addition to an existing building is unable to meet this requirement due to the fact that the existing building predates the D-D-O Zone standards. The location frontage of the existing sits about 28.4 feet from the curb which is about 10.4 feet beyond the being able to locate the build- to- line to adhere to the 18 foot build-to-line back of the curb. We will be using this front area as a stacking area for our patrons waiting for service from the service window in front of the proposed store. There is no entryway in front of the store. The 5 foot wide connecting walkway connecting this frontal concrete pad to the sidewalk will also cover some of this space. This 5 foot wide walkway will also serve as the connection leading to the patio seating area as well.

For these reasons we request a modification amendment to the standard.

**Provide a Tree Canopy Coverage Table demonstrating 10-percent coverage.**

- **On the landscape plan, the notes refer to parking lot plantings 1-QP and 1-GG; however those are neither shown on the plan, nor represented on the Plant List**
- **Street trees must be at least 3 inches in diameter. The Honey Locust provided on the plant list does not meet this criteria.**

Omission included and corrections have been made by landscape architect.

**MAJOR ISSUES:**

**1. It is noted that the Application Form incorrectly reflects multiple subdivision case types; and number of proposed lots and dwelling units.**

Application to be corrected

- 2. Show ultimate right-of-way for master plan roads A-22 (Martin Luther King Jr. Highway) and C-408 (Addison Road).**
- 3. Show the right-of-way dedication along northbound lane of Martin Luther King Jr. Highway per SHA Plats 4168, 14129, and 14130, and label the recording reference for these dedication deeds on the DSP.**
- 4. Correctly label Lots 1, 2, 3, and 4 as per the property survey and add reference to the record plat**

Corrections made.

#### **Major Issues and Comments:**

- **The applicant shall revise the submitted plans to display: a. A minimum of two Inverted-U style bicycle racks, or a style similar that provides two points of contact to support and secure a parked bicycle, and associated detail sheet displaying the bicycle racks. b. Update plans to display a crosswalk crossing the drive aisle along the site entrance along MD 704. c. Update plans to display a five-foot-wide sidewalk between the proposed outside seating area and the existing sidewalk along Martin Luther King Jr. Highway, to use specialty pavers or other improvement to highlight pedestrian access.**

Site plan has been revised to indicate placement of the two bike racks. An example of this inverted rack has already been submitted previously.

Site plan displays a crosswalk crossing the drive aisle.

Site plan has been updated to display five-foot-wide sidewalk between the sidewalk and proposed seating and stacking areas.

#### **WSSC comments**

Standard comments verified with Dave Margolis

**Existing and/or proposed water and sewer mains and service connections are not shown on the plan. Water and sewer lines as well as proposed connections need to be included on the plan in order for WSSC to be able to comment. This site is currently being served by existing and active water and sewer connection(s)**

CE displays mains and service connections on site plan.

CE to be working and communicating to comply with additional comments as the buildout progresses.

Plumbing plans are being resubmitted after consulting with WSSC plumbing planning in regards to our request to use a smaller grease interceptor as opposed to the size previously considered. We want to make sure that the interceptor does not interfere with sewer locations but still provide adequate size for what we need.

