

March 9, 2021



Jessrite Development, LLC
7700 Old Branch Avenue
Clinton, MD 20735

Re: Notification of Planning Board Action on
Detailed Site Plan DSP-18043
Bruster's Real Ice Cream

Dear Applicant:

This is to advise you that, on **February 18, 2021**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-290, the Planning Board's decision will become final 30 calendar days after the date of this final notice of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Henry Zhang 3/5/2021
Reviewer

Attachment: PGCPB Resolution No. **2021-17**

cc: Donna J. Brown, Clerk of the County Council
Persons of Record

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on January 28, 2021, regarding Detailed Site Plan DSP-18043 for Bruster’s Real Ice Cream, the Planning Board finds:

- 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:

	EXISTING	APPROVED
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:

Use	Description	Minimum Required*	Maximum Allowed**	Total Provided***
Eating and Drinking Establishment (Excluding drive-through service) 1,256 sq. ft. 12 seats	1 space/ 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	12
Total Parking				12

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 this resolution, 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 the Planning Board requires 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 this resolution 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. As approved with conditions, the subject application conforms to all of the recommendations and requirements, except for those from which the applicant has requested an amendment. In areas where the Planning Board approves that the amendments, the Planning Board 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, the Planning Board approves 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. The Planning Board approves this modification request to allow the existing building to remain.

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.

The Planning Board 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, the Planning Board approves 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.

The Planning Board finds 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, approves 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. The Planning Board 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, the Planning Board approves 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, the Planning Board approves 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.

The Planning Board has reviewed the application and finds that it meets the requirements of the D-D-O Zone, except for the amendments that the Planning Board approves, 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 as follows:

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. The Planning Board finds 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 this resolution, 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. Further Planning Board Findings and Comments from Other Entities: The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

a. **Historic Preservation**—The Planning Board adopts, herein by reference, a memorandum dated November 9, 2020 (Stabler and Smith to Zhang), which 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**—The Planning Board adopts, herein by reference, a memorandum dated December 21, 2020 (Byrd to Zhang), which 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**—The Planning Board adopts, herein by reference, a memorandum dated December 29, 2020 (Gupta to Zhang), which 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 Planning Board imposes one condition of approval that has been included in this resolution.
- d. **Transportation Planning**—The Planning Board adopts, herein by reference, a memorandum dated December 28, 2020 (Ryan to Zhang), which offered the following summarized comments:

The Planning Board 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. The Planning Board requires 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. The Planning Board also requires 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.

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 Planning Board 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 Planning Board approves this DSP with conditions that have been included in this resolution.

- e. **Permit Review**—The Planning Board adopts, herein by reference, a memorandum dated December 28, 2020 (Bartlett to Zhang), which 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 this resolution.
 - f. **Environmental Planning**—The Planning Board adopts, herein by reference, an email dated November 24, 2020, (Schneider to Burke), which indicated that 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 preparation of this resolution, DPIE did not offer comments on the subject application.
 - h. **Prince George’s County Police Department**—At the time of the preparation of this resolution, the Police Department did not offer comments on the subject application.
 - i. **Prince George’s County Health Department**—At the time of the preparation of this resolution, no comments regarding the subject DSP were received 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 this resolution 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 preparation of this resolution, 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).**

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 approved, 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.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George’s County Code, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein 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*.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council of Prince George’s County within thirty (30) days following the final notice of the Planning Board’s decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Doerner and Hewlett voting in favor of the motion, and with Commissioner Bailey temporarily absent at its regular meeting held on Thursday, January 28, 2021, in Upper Marlboro, Maryland.

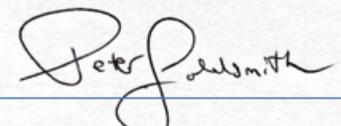
Adopted by the Prince George's County Planning Board this 18th day of February 2021.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:HZ:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: January 29, 2021