

RESOLUTION

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 October 1, 2015, regarding Detailed Site Plan DSP-13031 for Beyond Restaurant, the Planning Board finds:

1. **Request:** The subject detailed site plan (DSP) proposes a renovation and expansion of an existing 18,905-square-foot building to include a multi-venue eating and drinking establishment and office use of 24,400 square feet. In one section of the building the applicant proposes a dinner theater.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	M-X-T/D-D-O/I-D-O	M-X-T/D-D-O/I-D-O
Use(s)	Vacant (previous Eating and Drinking Establishment and Nightclub)	Eating and Drinking Establishment/ Dinner Theater and Office
Gross Acreage	1.63	1.63
Total Gross Floor Area	18,905 sq. ft.	24,400 sq. ft.
Eating and Drinking	18,905 sq. ft.	23,600 sq. ft.
Ground Floor	18,905 sq. ft.	19,400 sq. ft.
Mezzanine	0 sq. ft.	4,200 sq. ft.
Roof Top Seating (Seasonal)	0 sq. ft.	3,000 sq. ft.
Office (Ground Floor)	0 sq. ft.	800 sq. ft.

**Floor Area Ratio (FAR) in the M-X-T Zone:**

Base Density	0.4 FAR
Total FAR Permitted	0.4 FAR
Total FAR Proposed:	0.36 FAR (based upon 1.54 net acres)

**Parking Data:**

**Parking Required per Part 11**

Dinner theatre and eating and drinking establishment, permitting music of any kind and patron dancing, with hours of operation that extend beyond 12:00 A.M. excluding adult entertainment.	<b>Spaces Required</b>
984 seats @ 1 space per 3 seats	328
Office – 800 sq. ft. @ 1 space / 250 square feet	+ 4
<b>Total Parking Required per Part 11</b>	<b>332</b>

**Exclusion of Parking Spaces for Legally Existing Uses -110 spaces\***

\* Section 27-584 of the Prince George’s County Zoning Ordinance excludes parking for legally existing uses that comply with the previous requirements for parking and loading areas (in effect at the time the use began). Because a portion of the building on the subject property has been used as an eating and drinking establishment prior to the establishment of requirements for parking in 1949, a portion of the required parking for the subject use is excluded. This number has been calculated to be 110 parking spaces based on previous permit approvals for the site.

**TOTAL Spaces Required per Part 11 minus Excluded Spaces 222 spaces**

**Parking Required per the Port Towns Sector Plan 156 spaces\*\***

\*\* Per the 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment* (Port Towns Sector Plan and SMA, page 198), the maximum number of parking spaces shall be equal to the minimum required by Section 27-568(a) of Part 11 of the Zoning Ordinance, and the minimum surface parking spaces shall be 80 percent of the maximum required parking spaces. Additionally, the sector plan allows a ten percent reduction in the number of spaces provided when an improved bus shelter is in the vicinity. The applicant is proposing to improve the two nearest bus stops, to the south along Annapolis Road (MD 450) and to the north along Baltimore Avenue (Alt. US 1). These two allowances result in a total reduction of 30 percent, which is 66 spaces (222 x 0.3). When subtracted from 222, this results in a total parking requirement per the Port Towns Sector Plan of 156 spaces.

**Parking Provided**

On-Site	86
of which Handicapped	(8)
of which Compact***	(38)
Off-Site Valet Parking (lot along 46th Street)	54
On-Street (along 46th Street)	6
Alley Parking for Limos, Taxi, Uber (along Shepherd Street)	10
<b>Total Provided</b>	<b>156 spaces</b>

\*\*\* The Port Towns development district standards state that compact parking spaces are not permitted in surface parking lots. The applicant requests an amendment of this standard.

Forgetting the small office use proposed for the moment, the proposed eating and drinking establishment use, at 984 seats, would ordinarily require 328 parking spaces, or one space per three seats. Section 27-584 of the Zoning Ordinance excludes 110 spaces because a portion of the building on the site existed prior to the establishment of off-street parking requirements, which brings the ratio to one space per four seats. Furthermore, the Port Towns Sector Plan allows for various reductions (in this case 30 percent) which bring the ratio to one space per six seats. A careful count of the parking shown on the proposed site plan reveals that the applicant is providing approximately one space per 6.3 seats. As shown, the off-site parking lot would have tandem subcompact spaces served by a substandard drive aisle.

In years past, based on permit applications submitted, the various owners/operators of the venues on the site have claimed parking arrangements with nearby property owners, some written and recorded, others verbal or “handshake” agreements of dubious merit that could be discontinued at any time. The applicant is not relying on such arrangements, since they are able, due to various exclusions and other types of reductions, to provide the amount of parking required by the Prince George’s County Code. The Board does not argue that the applicant is permitted to take advantage of these reductions; they are in place for just this type of proposal. The relaxation of parking standards in older areas of the County is a necessary incentive to bring about the compact redevelopment envisioned by the sector plan. Given that the few remaining nearby residences are now gone, it is unlikely that the parking needs of residents will be infringed upon. The Board would also note that the applicant and his corporate entities own additional parcels proximate to the site, and there are other under-utilized properties nearby which might be available should the need arise and if an arrangement can be reached. The applicant is providing the majority of the required parking for the site; however, as discussed further herein, the Board feels that the applicant’s proposal for valet parking is problematic.

Per the Port Towns Sector Plan (page 200), loading facilities are not required in any Port Towns Urban Design Character Area.

3. **Location:** The subject property is located on the east side of Baltimore Avenue (Alt. US 1), approximately 150 feet north of its intersection with Annapolis Road (MD 450). The site also has frontage on 46th Street to the east and on Shepherd Street, a paper street, to the south.
4. **Surrounding Uses:** The subject property is surrounded by a mix of industrial and commercial uses in the Mixed Use–Transportation Oriented (M-X-T) and Light Industrial (I-1) Zones, and is within the viewshed of historic properties. The site is bounded to the west by Baltimore Avenue (Alt. US 1); to the south by Shepherd Street, beyond which is a pawn shop in the M-X-T Zone; to the east by 46th Street; and to the north by sites with industrial and vehicle-related uses that were rezoned to the M-X-T Zone by the Port Towns Sector Plan and SMA. All of the adjacent and abutting properties are located within the Chesapeake Bay Critical Area Intense Development Overlay (I-D-O) Zone.

The subject property is within approximately 1,500 feet of four of the six County designated historic sites within the Town of Bladensburg: George Washington House/Indian Queen Tavern, 4302 Baltimore Avenue (National Register/69-005-02); St. Paul’s Baptist Church, 4107 47th Street (69-005-06); Hilleary-Magruder House, 4703 Annapolis Road, (National Register, 69-005-07) and Peace Cross, Annapolis Road and Alt. US 1 (69-005-16). Due the proximity of the adjacent historic sites, the property was reviewed by the Historic Preservation Section and the Historic Preservation Commission.

5. **Previous Approvals:** The subject property is known as Lots 1 and 2 of Frank Mace’s Subdivision recorded on September 8, 1937 (Plat BB 6-7) and Parts of Lots 13, 14, 17, and 18 of an unrecorded Plat of Bladensburg; and is described in Liber 34629 at Folio 159 and Liber 35363 at Folio 313 of the Prince George’s County Land Records.

The current building was constructed in 1941 after an earlier building on the site (c. 1937), which operated as the Del Rio Restaurant, was severely damaged by fire. After the fire, the building was enlarged and operated for many decades as the Crossroads, which became a prominent local restaurant, big band, country, blues, rock music, and burlesque venue frequented by locally and nationally notable performers. The site also had a separate addition which operated as a sit-down restaurant as well as a crab house until operations ceased in the mid-1990s. At that time, the venue’s focus turned to Caribbean food and music. The club operated off and on until operations at the property finally ceased altogether in 2013.

6. **Design Features:** The subject CP application proposes the extensive renovation and expansion of the existing building on the property to include eating and drinking establishment/dinner theatre of approximately 23,600 square feet. Other uses proposed for the property include limited office space (800 square feet). All visible exterior features of the current building will be subsumed within the proposed new construction.

The renovated building will have finished elevations on three sides, west, south and east. The north elevation will not display the finish materials and details of the other three, since it directly abuts existing buildings. The building will be composed of one-, two-, and three-story elements,

with one-story elements to the north and a larger main block to the south of two and three stories that include a slightly taller elevator tower near the southwest corner. The majority of the building will be two stories; there will be a seasonally-occupied roof atop this portion of the building that will be served by two three-story stair towers and the slightly taller elevator tower.

The proposed architectural style of the building represents the architect's effort to establish a contemporary identity for the new construction on the subject property. This approach was encouraged by both the Historic Preservation Section and the Historic Preservation Commission (HPC) based on a review of an initial proposal in September 2014. The application received specific comments from the HPC on the need to create a building that reflects both the time and place in which the project is proposed and the challenges of developing an architectural response that could be considered compatible with the project's context, a network of busy roads, and numerous industrial uses of little architectural interest, along with two designated historic sites of vastly different character.

The proposed design employs modern materials that include panelized metal, glazed brick, large expanses of glass, and projecting metal window and door hoods that serve both as shade screens and in some locations for the base for signage. The application includes a site and landscape plan that provides for limited on-site parking, outdoor seating, ornamental plantings, and signage.

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.

Ordinarily, development in the M-X-T Zone is subject to approval of a conceptual site plan (CSP), which sets site design guidelines pursuant to Section 27-274. However, because this site is within the Port Towns Sector Plan, the development district standards contained within the sector plan take the place of the CSP.

- a. Section 27-285(b)(2) of the Zoning Ordinance states the following:

**(2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).**

With respect to the requirement of the M-X-T Zone for the approval of a CSP, the sector plan (page 152) states that "the DDOZ and the Development District Standards meet the purposes of and requirements for a conceptual site plan as set forth in Sections 27-272 and 27-273, thereby serving as the conceptual site plan for properties zoned M-X-T within the development district and satisfying the requirements of Section 27-547(d)."

- b. The subject application is in conformance with the requirements of Section 27-546(d)(1) of the Zoning Ordinance, which requires findings in addition to the findings required for the Planning Board to approve a DSP, as follows:

(d) **In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:**

(1) **The proposed development is in conformance with the purposes and other provisions of this Division;**

The purposes of the M-X-T Zone as stated in Section 27-542(a) include the following:

(a) **The purposes of the M-X-T Zone are:**

(1) **To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, and major transit stops, so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

The applicant is proposing to substantially improve the subject property through the renovation of what is now a hodgepodge of buildings and structures cobbled together through the years, some without the benefit of building permits. The subject property has been the site of various entertainment venues for more than 70 years, and is now showing its age and is in need of amelioration. The Crossroads was well-named; it sits at a major intersection of several Maryland and U.S. highways and is a gateway into both the Town of Bladensburg and Prince George's County. A new building with landscaping, curbs, and stormwater management controls, among other sorely-needed improvements, will serve to enhance this area of the County. It is reasonable to assume that the establishment of the proposed restaurant and dinner theater complex would result in additional revenue and employment opportunities for the citizens of Prince George's County.

(2) **To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial,**

**recreational, open space, employment, and institutional uses;**

The site is located in the Port Towns Waterfront Character Area, which is primarily comprised of industrial and commercial uses. The goal for this area is to enhance the walkability of the Port Towns waterfront by creating a framework for high-quality, mixed-use, pedestrian-oriented development incorporating human-scale buildings and an attractive streetscape that emphasizes the Anacostia River. A Development District Overlay (D-D-O) Zone is superimposed over this area to ensure that the development of the land meets the sector plan's vision, objectives, and goals. The applicant is proposing a mixed use of commercial retail (an eating and drinking establishment) and a separate, albeit small, office space. The proposed development meets most of the design standards contained in the sector plan; where it does not, the applicant is seeking amendments, which are discussed later in this report. In a memorandum dated February 13, 2015, the Community Planning Division (M-NCPPC) concluded that the application generally conforms to the mixed-use land use recommendations of the Port Towns Sector Plan and SMA.

- (3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**

This neighborhood has tremendous potential given its location along the river. The applicant's proposal to transform what is essentially a collection of vacant buildings and hastily constructed additions into a modern eating, drinking, and entertainment establishment is an important step towards revitalization of the Anacostia waterfront area, specifically and the Town of Bladensburg, in general. The proposed architecture and choice of building materials will set the bar appropriately high for the potential future redevelopment of nearby sites this proposal will hopefully encourage.

**(4) To promote the effective and optimum use of transit and other major transportation systems;**

This neighborhood has long been dominated by auto-related businesses and other light-industrial uses, which have traditionally not been transit-oriented. The applicant is proffering to build bus shelters at the two nearest transit stops. Although the hours of bus transit are limited, particularly late at night and on the weekends, there are buses running along Annapolis Road (MD 450) after 11:00 p.m. on weekdays and after 10:00 p.m. on Saturdays.

**(5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**

The proposed use will be open long after the other light industrial and service-commercial uses which predominate in the surrounding neighborhood close for business. It will be available for workers and visitors in the area. There are no residences remaining in the immediate neighborhood. There are residential areas within walking or riding distance in all directions. The applicant is providing bicycle racks for the use of bike riders.

**(6) To encourage diverse land uses which blend together harmoniously;**

The applicant is proposing a single building which will house several different uses. Although the ultimate tenant for the office space is as yet unknown, as shown, it will blend seamlessly with the restaurant use.

**(7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;**

The proposal demonstrates that architecture and site design will create an attractive and distinctive visual identity for the project. Although small, the office



component of the development is well integrated into the plan.

- (8) To promote optimum land planning with greater efficiency through the use of economies of scale and savings in energy beyond the scope of single-purpose projects;**

As multiple uses/users are envisioned adjacent to the site and have been considered in the evaluation of the proposal, cost and energy savings will be realized with the subject proposal. The two uses proposed are integrated within the same building.

- (9) To permit a flexible response to the market; and**

The subject application, with a mix of uses including a restaurant, dinner theater, and offices, will allow the applicant to respond to the market with more flexibility.

- (10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.**

The applicant has been afforded freedom of architectural design to provide an exemplary architectural style to the building. The single building has been designed with interesting and objectively-attractive architectural features to promote a sense of place, and utilize materials and finishes that, although nontraditional, reinforce a sense of quality and permanence. The HPC has made suggestions that were adopted by the applicant to help ensure that the building does not overwhelm the historic flavor of the nearby historic sites.

- (2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The subject property was placed in the M-X-T Zone through the 2009 Port Towns Sector Plan and SMA. Further discussion of the proposed development's conformance with the sector plan is in Finding 8 below.

- (3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The site layout has been designed to have an outward orientation that fronts three of the four sides, west (Alt. US 1), south (Shepherd Street), and east (46th Street). The proposed building is well designed with high-quality materials and incorporates attractive amenities to serve the residents of the development. The project may serve as a catalyst for future community improvements and development within the Port Towns Waterfront Character Area.

- (4) The proposed development is compatible with existing and proposed development in the vicinity;**

The subject site is bordered to the north by an existing industrial use (auto repair and heating, ventilation, and air conditioning (HVAC) contractor), to the south by a pawn shop, and to the east by a mix of auto repair and contractor uses. The subject site incorporates landscaping that will create a transition from industrial uses along 46th Street. The proposal is compatible with the existing and proposed development in the vicinity.

- (5) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The subject proposal conforms to this requirement. If approved with conditions, the DSP will reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability.

- (6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

The development is not staged.

**(7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

Pedestrian access remains a concern in this area, but is improving. The subject section of Baltimore Avenue (Alt. US 1) is recommended to be reconfigured in the area sector plan (page 65). There are no current Maryland State Highway Administration (SHA) plans to reconfigure the road network in this location.

SHA has constructed sidewalks and completed pavement improvements to the area roads, including new brick and concrete sidewalks along the subject property frontage that extend to the north of the subject property to Tanglewood Drive. The existing sidewalk improvements along Alt. US 1 that were recently completed by SHA appear to be adequate for the proposed use. These sidewalks are a minimum of five feet in width (the sector plan recommends that they be a minimum of six feet in width).

The applicant proposes new eight-foot-wide walkways on 46th Street and also surrounding the perimeter of the property. These proposed sidewalks appear to be adequate. Accessible ramps should be shown on the DSP at all locations where the sidewalk crosses a vehicle entry on 46th Street. At least one lead-in sidewalk with accessible ramps should be provided at each vehicle access location from 46th Street to the site's parking area. Striped crosswalks should be painted through the parking area from the lead-in sidewalk to the proposed structure, if feasible. Sidewalk and seating areas surrounding the proposed structure appear to be adequate.

Annapolis Road (MD 450) was recently improved in this area with new concrete sidewalks, new accessible curb and gutter, and pedestrian countdown signals (east of the CSX tracks and several blocks away from the subject property). The new curb and gutter, accessible ramps, new sidewalks, and new asphalt paving on MD 450 were completed in time for the state-sponsored "Star Spangled 200" celebration at the Bladensburg Waterfront Park.

The nearest pedestrian crossings are located at the intersection of Upshur Street and Alt. US 1, and at 48th Street and MD 450. Pedestrian activated crossing signals are located at the 48th Street and MD 450 intersection. Upshur Street is not signalized. M-NCPPC has worked recently with SHA on pedestrian crossing locations for events at the Bladensburg Waterfront Park. The intersection of 46th Street and MD 450, across from the Bladensburg Waterfront Park entrance, is not signalized. Curb and gutter improvements at the intersection of 46th Street and MD 450 that were completed by SHA do not provide access across MD 450.

The area sector plan recommends that a pedestrian-friendly “main street” be constructed on MD 450 beginning at 46th Street and extending to 51st Street in Bladensburg. At this time, the Town of Bladensburg is working with SHA on a coordinated set of projects for MD 450 in the main street area, including Washington Suburban Sanitary Commission (WSSC) improvements and a separate “green street” project. The area sector plan recommends improved streets and pedestrian crossing locations within the vicinity of the subject property. Pedestrian activated crosswalk and countdown signal location studies may be conducted by SHA in this area to determine future road crossing needs.

Bicycle lanes are recommended for Alt. US 1 in the area sector plan. The State of Maryland has not constructed the bike lanes on Alt. US 1 at this time. The state has implemented “BIKES MAY USE FULL LANE” signage on Alt. US 1. SHA has constructed bicycle signage and other bicycle-related improvements on other area roads, including a marked bikeway on MD 450. The subject site is close to the major trail system of the Anacostia River. There are numerous bicyclists in the area, and the trail system is currently being expanded to connect to the District of Columbia. Bicycle parking is not required by zoning or subdivision ordinances, or the sector plan, but is being provided. The applicant proposes bicycle parking spaces located close to the main entrance of the proposed building. The proposed bicycle parking appears to be adequate.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

The uses proposed are not usually ones that would generate pedestrian activities and gathering spaces on-site, *per se*. That being said, the applicant is proposing areas for outdoor dining, both at ground level and on the rooftop. There is a wide stamped concrete sidewalk along the perimeter of the building which is overhung by awnings. Appropriate lighting is being provided both on the building and within the parking lot, as evidenced by a submitted photometric plan.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the**

**adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The DSP is not subject to this requirement.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant...**

In a memorandum dated May 29, 2015, the Transportation Planning Section (M-NCPPC) made the following findings:

In the M-X-T Zone, according to the “Transportation Review Guidelines, Part 1” (Guidelines), in cases where an adequacy finding has never been made for a site, the Transportation Planning Section should review recent traffic data as a means of making a finding.

The applicant submitted a recent traffic count for the unsignalized intersection of MD 450 and 46th Street. The Guidelines state that, if any movement within an unsignalized intersection has a delay exceeding 50.0 seconds, volumes on the minor street approaches should be computed. The delay exceeds 50.0 seconds on the southbound approach at the critical intersection. If the peak-hour volumes on the minor approach to the intersection are 100 or fewer, the intersection is deemed to operate acceptably. This is the case for the intersection of MD 450 and 46th Street. No further analysis is required.

Baltimore Avenue (Alt. US 1) is designated as a collector in the Port Towns Sector Plan and SMA. It is listed in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) with a variable width right-of-way. On the site plan, 46th Street is shown with an ultimate right-of-way of 60 feet. The property line along 46th Street is 15 feet from the centerline of the roadway, with an existing right-of-way of 30 feet. A

proposed eight-foot-wide sidewalk along 46th Street is shown on the applicant's property. The adjacent 46th Street is depicted as an urban primary residential road (DPW&T Road Standard 100.06) on the site plan. This street is shown in the Port Towns Sector Plan as a neighborhood street Type 2 (NST-2), with a build-to-line (BTL) of 66 feet. The Prince George's County Department of Public Works and Transportation (DPW&T) will not maintain any areas beyond the back-of-curb or beyond the travel lanes of NSTs. NSTs were developed for street spaces within the Port Towns development district.

Baltimore Avenue (Alt. US 1) is shown in the Port Towns Sector Plan as a NST-3, with a BTL of 56 feet. The streetscape standards are not being met with this proposal. The applicant states that "It would be unduly burdensome, and in most instances, practically impossible to conform to all of the streetscape standards at this property."

The site plan shows right-of-way dedication in the southeast corner of the property that includes the recently constructed sidewalk. There is also a note that the existing wrought iron fence in this area will be relocated. There should be no structures, parking, signage, etc. within the right-of-way of Alt. US 1 per Section 27-259(a)(1) of the Zoning Ordinance.

The entrance on Alt. US 1 will be right-in/right-out. The two entrances on 46th Street will be two-way. A concrete loading pad shown near the northern entrance on 46th Street is acceptable. Overall, on-site parking and circulation is adequate. Although an eight-foot-wide sidewalk is shown on 46th Street, no sidewalk is proposed on the 15-foot alley (Shepherd Street). Three pedestrian access points are shown in the proposed landscaping area along Shepherd Street. The applicant is proposing two bus shelters.

Based on the above analysis, the Transportation Planning Section has determined that, from the standpoint of transportation, this plan is acceptable and meets the finding required for a DSP as described in Section 27-285, and that the development will be adequately served within a reasonable period of time with existing public facilities and the improvements to the right-of-way (ROW) proposed by the applicant.

- c. The subject application is in conformance with the requirements of Section 27-547 of the Zoning Ordinance, which governs uses in mixed-use zones.
  - (1) Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone, as follows:

**Section 27-547(d)**

**(d) At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:**

- (1) Retail businesses;**
- (2) Office, research, or industrial uses;**
- (3) Dwellings, hotel, or motel.**

As stated in the Port Towns Sector Plan (page 152), the sector plan serves as the conceptual site for the development and satisfies the requirements of Section 27-547. The DSP demonstrates that a mix of uses will ultimately be present in the development. Of the three use categories, the subject site proposes retail, business, and office uses.

d. Section 27-548, M-X-T Zone regulations, establishes additional standards for the development in this zone. The relevant requirements of Section 27-548 are as follows:

**(a) Maximum floor area ratio (FAR):**

- (1) Without the use of the optional method of development--0.40 FAR;  
and**
- (2) With the use of the optional method of development--8.0 FAR**

The application proposes a floor area ratio (FAR) of 0.36, as demonstrated by the chart below. This FAR is within the amount permitted by the Zoning Ordinance without the use of the optional method of development.

	<b>Square footage</b>
Total Building GFA:	24,400
Net Site Area:	67,371
<b>FAR</b>	<b>0.36</b>

- (b) **The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.**

The proposed uses will be located within one building.

- (d) **Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

While M-X-T-zoned sites are generally required to comply with the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), the Port Towns Sector Plan states that the development district standards replace all those contained in the Landscape Manual.

- (g) **Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

This requirement is met.

- e. Section 27-574 of the Zoning Ordinance is overridden by the Port Towns Sector Plan development district standards for parking, and provides parking minimums and maximums. The applicant requests an amendment from the parking standards contained in the sector plan to allow for compact spaces. For additional discussion of the parking requirements, see Finding 8.

8. **The 2009 Approved Port Towns Sector Plan and Sectional Map Amendment:** The 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment* defines long-range land use and development policies, detailed zoning changes, design standards, and a D-D-O Zone for a new Port Towns destination center focused on the Anacostia waterfront that links the four Port Towns of Bladensburg, Colmar Manor, Cottage City, and Edmonston. The land use concept of the sector plan divides the area into six character areas for the purpose of providing a framework to achieve a vertical mixed-use development that promotes pedestrianism, linking the port towns together to form a recognizable place. The subject site is within the Port Towns Waterfront Character Area. The goal of the Port Towns Waterfront Character Area is to enhance the walkability of the Port Towns waterfront by creating a framework for high-quality, mixed-use, pedestrian-oriented development incorporating human-scale building and an attractive streetscape that emphasizes the Anacostia River.

Section 27-548.25(b) of the Zoning Ordinance requires that the Planning Board find that the site plan meets applicable development district standards. Per the Port Towns Sector Plan Applicability section (page 151), new development must show compliance with *pertinent*



*(emphasis added)* character area development standards. The subject application for a building renovation and expansion does not require adherence to all development district standards, as the site is fully developed and the building siting and development district standards associated with the building siting and location are not pertinent. Additionally, per the Port Towns Sector Plan (page 151), development that increases the gross floor area (GFA) of an existing building of more than ten percent must show compliance with the pertinent character area standards.

The development district standards are organized into multiple categories, including Street Type Specifications, Streetscape Standards, Squares and Civic Greens, Tree Lists, Building Envelope Standards, Kenilworth Avenue (MD 201), Architectural Standards, and Parking and Loading Standards. The Kenilworth Avenue standards are not applicable to the subject DSP because this DSP does not have any frontage on Kenilworth Avenue.

The DSP meets the development standards, with the exception of the development district standards for which the applicant has requested an amendment. In order to allow the plan to deviate from the development district standards, the Planning Board must find that the alternative development district standards will benefit the development and the development district, and will not substantially impair implementation of the sector plan. The following development district standards warrant discussion and include amendments from which the applicant has requested relief:

- a. **Street Type Specifications (page 160)**—The area of development of this DSP has direct frontage on the northbound lanes of Baltimore Avenue (Alt. US 1), 46th Street, and Shepherd Street (an undefined paper street which has the appearance of a continuation of the parking lots for the subject property and uses to the south).

Northbound Alt. US 1 is defined in the sector plan (page 162) as a NST-3, with a BTL of 56 feet. This BTL is defined as 56 feet from the building face on one side of the road to the building face on the other side of the road, or 28 feet from the centerline of the right-of-way to the building face on each side. The typical cross section for the NST-2 street type, as shown on page 164 of the sector plan, requires two ten-foot-wide travel lanes with two eight-foot-wide parallel parking aisles on either side. Either side of the road would then have an 11- to 13-foot-wide pedestrian area. It should be remembered that the opposite side of Alt. US 1 is not likely to be developed, as it is the Bladensburg Balloon Gardens Historic Park. The applicant is proposing to dedicate a portion of the site shown as future right-of-way in the southwest corner of the property. As discussed previously, the existing sidewalk improvements along Alt. US 1 that were recently completed by SHA are a minimum of five feet in width (the sector plan recommends that they be a minimum of six feet in width). The applicant is proposing a 50-foot long street wall along the BTL along the northwest frontage of the site. The Planning Board agreed with the applicant and approved the amendment.

The sector plan defines 46th Street as a NST-2, with a BTL of 66 feet. This BTL is defined as 66 feet from the building face on one side of the road to the building face on the other side of the road, or 33 feet from the centerline of the right-of-way to the building face on each side. The typical cross section for the NST-2 street type, as shown on page 164 of the sector plan, requires two ten-foot-wide travel lanes with two seven-foot-wide parallel parking aisles on either side. Either side of the road would then have an 11- to 13-foot-wide pedestrian area. The applicant is showing appropriate roadway dedication along 46th Street to accommodate this street section. Because the applicant is renovating the existing building on the site, the BTL is not being met. The Planning Board agreed with the applicant and approved the amendment.

Shepherd Street is not defined in the sector plan and is not noted in the ‘Street Type Specification’ requirement. The site plan shows it as a one-way “alley” conveying traffic to the west onto the northbound lanes of Alt. US 1. This access onto Alt. US 1 will need to be coordinated with and gain the approval of the Maryland State Highway Commission. The applicant is showing parking for taxis, limos, and ride-sharing services along Shepherd Street.

The Planning Board believes that the applicant is making a reasonable attempt to meet the intent of the street improvements called for in the ‘Street Type Specifications.’ They are hampered in this case by the fact that they have existing development they are renovating and the need to maximize on-site parking. It is not feasible to condition the DSP to be revised to show these streetscape improvements, as the exact design could greatly impact the site layout and would have to be reviewed and accepted by the various public agencies which own the rights-of-way.

- b. **Streetscape Standards (page 168)**—The Planning Board’s analysis on the plan’s conformity to and the amendments that the applicant has requested within this section are as follows:

#### **Street Trees**

- 4. At planting, street trees shall be at least three inches in diameter (at six feet above grade) and at least ten feet in overall height. (in part)**

There is no space to plant along Alt. US 1 as shown in the streetscape standards, as the travel lane, curb, and sidewalk take up the space. The applicant does have existing trees and shrubs just inside the property line and is proposing to extensively landscape several areas between the property line and the building, including a pocket of landscaping in an outside dining area. The applicant is proposing extensive landscaping including street trees along 46th Street and along the frontage of Shepherd Street. This amendment is acceptable and required per the approved landscape plan.

### Streetscape Elements

1. **Street lights shall be installed on both sides of streets along the street tree alignment line and unless otherwise designated on the urban design concept plan, at intervals of not more than 80 feet, measured parallel to the street.**
2. **Street lights shall be between 9 and 16 feet above ground in height. At the time of development, the developer is responsible for the installation of street lights on each side of the street-space being developed.**

The above two requirements are not applicable because both Alt. US 1 and 46th Street have existing street lights.

3. **At the time of development, the developer is required to install sidewalks as illustrated in the Street Type Specifications Section.**

The applicant proposes to use the existing five-foot-wide sidewalk along Alt. US 1 and a new eight-foot-wide sidewalk along 46th Street to fulfill this standard requirement. The existing location and width of the sidewalk along Alt. US 1 is in alignment with the adjacent properties to the north. This requirement is shown on the site plan.

4. **Sidewalks not otherwise designated in the urban design concept plan or Street Type Specifications Section shall be a minimum of six feet wide and be constructed to meet all county (and ADA) specifications.**

The new sidewalk along Alt. US 1 is only five feet wide. This amendment is acceptable, as the existing location and width of the sidewalk is in alignment with the sidewalks to the north. The sidewalks along 46th Street are proposed to be eight feet in width. The Planning Board agreed with the applicant and approved this amendment.

- c. **Squares and Civic Greens**—These standards are not applicable to this DSP, as there are not any squares, civic greens, or plazas proposed or required by the sector plan for the new development area of the subject property.

The applicant is proposing several large pockets of landscaping between the property line along Alt. US 1 and the front of the building.

- d. **Tree Lists**—The new street trees along 46th Street are listed as acceptable tree types.

- e. **Building Envelope Standards**—All new development within the Port Towns D-D-O Zone must conform to a list of building envelope standards on pages 172 and 173 of the sector plan. The amendments that the applicant has requested within this section are as follows:

#### **Façade Composition**

2. **Each façade composition shall include a functioning street entry door. This requirement may be satisfied through the use of liner shops for large floor-plate buildings. Individual infill projects on lots with frontage of less than 100 feet are exempted from the overall façade composition requirement, but shall still include a functioning street entry.**

The site plan shows entries along each of the building façades facing a street. While they do not open directly to the street (since the existing building to be renovated is setback from the BTL), they do provide more than adequate access. The Planning Board agreed with the applicant and approved this amendment.

#### **Siting**

1. **The building façade shall be built to the BTL within 30 feet of a block corner.**

The proposed building does not comply with this standard due to the location of the existing building to be renovated and the need to maximize parking. This amendment is acceptable, as it allows the applicant to create a vibrant use as called for in the sector plan through the renovation of an otherwise vacant structure.

2. **A street wall shall be required along any BTL frontage that is not otherwise occupied by a building. The street wall shall be located not more than eight inches behind the BTL.**

The proposed building does not sit at the BTL along either street frontage since this is a renovation of a building which has existed for many decades. The applicant is proposing approximately 50 feet of street wall along Alt. US 1 from the northwest corner to the south. This requested amendment is acceptable because it makes an effort to address the BTL requirement within the context of an existing building, as opposed to new development.

8. **The parking setback line is 30 feet behind the BTL unless otherwise indicated on the character area urban design plan. Vehicle parking shall be located behind the parking setback line, except where parking is provided**

**below grade, on-street, or otherwise indicated on PTDDP character area preferred urban design plans.**

The proposed parking lot is primarily along 46th Street and away from Alt. US 1, as it has been for many decades. Because this is a through lot, it would not be possible to redesign the site to meet this standard. This requested amendment is acceptable because it allows for the renovation of a vacant building and maximizes the number of on-site parking spaces.

### **Elements**

- 4. No part of any building except overhanging eaves, awnings, balconies, bay windows, stoops, and shopfronts as specified by the code may project beyond the BTL.**

There are no projections into the BTL, therefore, no amendment is needed.

Based on the urban design plan on page 154 of the sector plan, this specific development site is subject to the general building envelope standards (pp. 174–177). The amendments that the applicant has requested within these sections are as follows:

### **General Building Envelope Standards for Height**

**Buildings shall be at least four stories in height, but no greater than ten\* stories in height.**

**\*The deviation for this property, as labeled on the urban design plan on page 157, permits a maximum height of five stories.**

The proposed building does not comply with the required minimum four-story height requirement. The applicant is proposing a multi-story building which is variably one, two, or three stories in height. However, the two tallest parts of the structure, the stairwells and the elevator tower, are 34 and 39 feet in height, respectively. The building height decreases to one story as it moves north on Alt. US 1 towards Upshur Street. The building height increases as it moves south towards Peace Cross and the riverfront. Given the one-story building which forms the nucleus of this renovation, the requested amendment is acceptable because it makes a concerted effort to bring to fruition the implementation of the vibrant mixed-use development envisioned in the sector plan.

### **Street Wall Height**

**A Street wall not less than six feet in height or greater than 12 feet in height shall be required along any BTL frontage that is not otherwise occupied by a building on the lot.**

The proposed street wall along Alt. US 1 is six feet in height, but is not continuous around the perimeter of the site where the street wall is provided, therefore, the proposed street wall meets the requirement.

### **General Building Envelope Standards for Siting**

#### **Street Façade**

- 1. On each lot the building façade shall be built to the BTL for at least 75 percent of the BTL length.**

The proposed site layout does not meet this standard because the applicant is renovating an existing building, the location of which has been relatively unchanged for many decades. The Planning Board agreed with the applicant and approved the amendment.

### **General Building Envelope Standards for Elements**

#### **Fenestration**

- 1. Blank lengths of wall exceeding 20 linear feet are prohibited on all BTLs.**

There are no blank lengths of wall exceeding 20 linear feet, therefore, no amendment is needed.

- 2. Ground story façade fenestration shall comprise between 40 and 90 percent of the façade.**

The ground story façade fenestration exceeds 40 percent.

#### **Street Walls**

**One vehicle entry gate no wider than 20 feet and one pedestrian entry gate no wider than five feet shall be permitted within any required street wall.**

There are no vehicle entry or pedestrian entry gates within the street wall along Alt. US 1. The applicant has provided a pedestrian entry gate just south of the street wall to allow access.

f. **Architectural Standards**

**Awnings/Overhangs**

1. **Awnings shall project a minimum of six feet and overhangs shall have a minimum of ten feet clear height above the sidewalk.**

Canvas awnings are shown in several places along the perimeter of the building, with projections ranging from three to six feet, at a height of seven to nine feet. These standards for width and height seem more applicable to new structures built up to the street line, where the awnings would overhang the sidewalk. Because the applicant is rehabbing the existing building, rather than constructing a new building, this type of conformity along the street frontage is less critical, in the Planning Board's opinion. The Board approved this amendment.

**Signage**

1. **Wall signs are permitted within the area between the second story floor and the first floor ceiling, within a horizontal band not to exceed two feet in height. In no case may this band be higher than 18 feet or lower than 12 feet above the adjacent sidewalk.**
2. **Letters may not exceed 18 inches in height or width and three inches in relief. Signs may not come closer than two feet to an adjacent common lot line.**
3. **Prohibited Signs: Billboards, free-standing pole signs, monument signs, and marquees, any kind of animation, roof signs, and signs painted on the exterior walls of buildings are prohibited. No internally lit, flashing, traveling, animated, or intermittent lighting may be on the exterior of any building whether such lighting is of temporary or long-term duration. Portable or wheeled signs and advertising devices located outside any building shall not be permitted, pursuant to County regulations.**

The applicant has worked with the Development Review Division and made significant changes to the signage in terms of color, size, and placement of the signs. The lettering size conforms to the standards, but the placement of the tower sign does not. The Planning Board supports the signage submitted here as appropriate for the use, while being an overall upgrade to the area. The applicant is proposing two building-mounted signs, one on each side of the elevator tower facing west (towards Alt. US 1) and south (towards Shepherd Street and MD 450). A third sign, projecting from the southeast corner of the building would be visible along 46th Street. All signage is shown on the architectural elevations and dimensioned appropriately. The Planning Board approved the amendment.

- g. **Parking and Loading Standards:** The DSP meets all of the applicable standards within this section, with the exception of one. The sector plan does not allow for compact parking spaces, whereas the applicant is proposing 38 such spaces on the site plan. In this instance where parking is such an overriding concern, the Planning Board believes that this amendment is not only justified, but essential. The Board approved this amendment.

### **Summary of Amendments**

In summary, the applicant has requested numerous amendments from the applicable development district standards for the subject development, and one departure to allow for valet parking. These amendments, as discussed above, meet the required findings of benefiting the development and the development district, and not substantially impairing the implementation of the sector plan. They are primarily the result of the applicant's desire to renovate the existing building on the site rather than build a new structure. The applicant has made an effort to conform and thus meet the mixed-use pedestrian-friendly land use vision established by the sector plan. It is a balancing act which must weigh conformity with opportunity. The sector plan is clear that an entertainment development for this property is the preferred use for the site. Approval of this proposed development, while requiring a departure from some of the standards and goals established in the sector plan, will allow for development in accordance with the site-specific goals and strategies of the plan. However, the Planning Board cannot recommend approval of the valet parking for the reasons stated in the following section of this report.

### **9. Departure from Design Standards Request**

Neither the applicable D-D-O Zone or the Zoning Ordinance contains standards for valet parking lots or parking space size (other than to prohibit the use of compact spaces), but does allow for off-site parking within 700 feet of the proposed use. The DSP proposes a 54-space valet parking lot with drive aisles of 19 feet and tandem space sizes of 7 feet by 16 feet, in contrast to the standard 22-foot drive aisle and 9.5 feet by 19 feet spaces required by the Zoning Ordinance. The applicant seeks departures from these requirements per Section 27-548.25(e), which does not require separate applications for such departures, but requires that the Planning Board find that the departure conforms to all of the applicable development district standards. The applicant reasons that valet parking lots, controlled by a valet service, can park cars more efficiently in smaller spaces than can the general public. While the Planning Board agrees that this is the case, they cannot recommend this or any other development which relies, in part, on valet parking.

Valet service is a recognized tool to maximize parking which would contribute to the development district vision of a concentrated mixed-use development in this area. However, it requires more than just a cursory review via a departure request in a DSP application. A review of nearby jurisdictions with long histories of valet parking reveals that it is a heavily regulated business with codified standards: licenses, permits, proof of liability insurance and clean driving records, and other requirements and reviews believed necessary to protect patrons, adjoining property owners, and the general public. Currently, the County has no such review and approval process in place and the Board is unwilling to set a precedent through the review of this application. While the



reduced size of the drive aisle and parking spaces would maximize parking availability, the Planning Board did not approve these departures.

Section 27-574 states:

- (c) **Notwithstanding the provisions of Section 27-573(a), required off-street parking spaces may be provided on a lot other than the lot on which the mixed use development is located, provided:**
  - (1) **The other lot is used in accordance with the requirements of the zone in which it is located; and**
  - (2) **The Planning Board determines that the other lot is convenient to the mixed use development, taking into account the location of the lot, the uses to be served, the safety of persons using it and any other considerations.**

The application indicates that the applicant is proposing one parking compound as a valet parking area. These areas are within 200 feet of the subject property. Information is needed to determine if this proposed parking area provides parking for other uses associated with the properties, and if not, then the parking could be available in these locations. However, the issue of safety is of concern because there is no sidewalk along 46th Street, which could make the journey from the off-site parking area to the subject site unsafe. The Planning Board recommends that the applicant provide a walkway along 46th street in order to provide for safe pedestrian passage and provide evidence of approval for the sidewalk from the DPT&T or other authorizing agency, and the plans be adjusted to demonstrate this walkway prior to signature approval of the plans. Design of the walkway should be provided, as determined appropriate by the authorizing agency. Further, a legal arrangement should be submitted prior to the issuance of the building permit indicating that the parking will be permanently available for use by the restaurant.

- 10. **2010 Prince George's County Landscape Manual:** The subject application is not subject to the 2010 *Prince George's County Landscape Manual* as the Port Towns Sector Plan (page 152) states that "the development district standards replace all those contained in the Zoning Ordinance and Landscape Manual." Discussion of the DSP's conformance with the landscape-related development district standards is in Finding 8 above.
- 11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is not subject to the Woodland and Wildlife Habitat Conservation Ordinance because the entire site is within the Chesapeake Bay Critical Area (CBCA).
- 12. **Prince George's County Tree Canopy Coverage Ordinance:** The Tree Canopy Coverage Ordinance became effective on September 1, 2010. Since the entire subject property is located within the CBCA, it is exempt from the Tree Canopy Coverage Ordinance in accordance with Section 25-127(b)(1)(E) of the County Code.

13. **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. **Town of Bladensburg**—In a letter dated June 8, 2015, Mayor Walter Lee James Jr. expresses the Town of Bladensburg’s support for this application as presented. The Town hosted several community meetings where the application was discussed. The Town believes that the applicant’s proposal is in harmony with the Waterfront Character Area as a family-friendly planned entertainment destination that will enhance the Port Towns’ visibility. They also view the proposal as a “green” business attraction that will hopefully accelerate additional mixed-use infill in the Peace Cross area. Additionally, they recognize it as an important opportunity for job creation for residents and internship opportunities for Bladensburg High School’s Culinary Arts Program. At the Planning Board hearing on October 1, 2015, the Town of Bladensburg reiterated their support and offered to work with the applicant to supply additional municipal parking for the use.
- b. **Maryland State Highway Administration (SHA)**—In a referral dated July 24, 2014, SHA offers comments on the applicant’s trip generation report. They conclude that the project will not require a traffic impact study for their review, but remind the applicant that a plan review and subsequent SHA Access Permit will be required for any work within the SHA right-of-way and also as a condition to grant access onto a state road (in this case, Baltimore Avenue (Alt. US 1)).
- c. **Environmental Planning Section**—

**Site Description**

This 1.63-acre property is in the M-X-T/I-D-O Zones and is located at 4103 Baltimore Avenue. The site contains no critical area 100-foot primary or secondary buffer areas, FEMA 100-year floodplain, streams, wetlands, or woodlands. No scenic or historic roads are affected by this proposal. There are no significant nearby transportation-related noise sources, and the proposed improvements are not expected to be a noise generator. Annapolis Road (MD 450) is located over 150 feet away from the site. The site is not located within a Sensitive Species Protection Review Area nor does it have state or federal rare, threatened or endangered species within the boundary area. This site is located entirely with the network gap designation of the Green Infrastructure Network. The web soil survey indicates that the site is comprised of Urban land-Zekiah complex and Zekiah –Urban land complex soil types.

**Variances**

This application does not require a CBCA variance request for the proposed development.

**Chesapeake Bay Critical Area Commission (CAC) Review**

In a memorandum dated May, 11, 2015, the CAC expressed that the proposed development will address the ten percent pollutant removal requirement by a reduction in impervious surface. They state that the project does not raise any critical area concerns.

**Department of Permitting, Inspections and Enforcement (DPIE) Review**

A copy of the approved Stormwater Management Concept Plan and Letter (39257-2013-00) dated March 27, 2014 were submitted with the subject application. The concept plan appears to show stormwater being directed to nine new on-site infiltration trenches and ultimately conveyed to a County stormdrain system. According to the approval letter, no quantity or quality control is required. The conservation plan is consistent with the concept plan.

A final review of the ten percent CBCA worksheet has been completed by DPIE and was found to be correct in showing the existing and proposed conditions for pollutant removal at the Baltimore Avenue (Alt. US 1) site.

**National Resource Conservation Service (NRCS) Review**

At this time, no comments have been received by the NRCS concerning this case.

**Environmental Review**

- (1) The plan labeled as a “Conservation Plan – Beyond Restaurant Existing Building Renovations” contains information such as existing conditions, stormwater management, and landscape because these requirements are needed as part of the overall conservation plan for this site.

There is no maximum for CBCA lot coverage (also known previously as “impervious surfaces”) within the I-D-O Zone. This application proposes to remove existing impervious areas and replace them with landscape areas. Currently, the site contains 68,898 square feet of impervious surface and, with this application, the new impervious area will be 60,084 square feet. A reduction of 9,853 square feet of impervious surface is proposed.

No woodlands or regulated environmental features will be impacted as part of this application. A single general note concerning the surrounding historic structures is the only technical revision to the conservation plan that is required.

- (2) The subject site has an approved Natural Resources Inventory Equivalence Letter (NRI-182-13) dated December 31, 2013 that was included with the application package. The site does not contain any woodlands or regulated environmental features. The existing conditions of the site are correctly shown on the conservation plan.

- (3) A Chesapeake Bay Conservation and Planting Agreement is required to be recorded for development of the site. Review of the Conservation and Planting Agreement falls under the purview of DPW&T; however, recordation of this document is the responsibility of the property owner.
- d. **Historic Preservation Commission (HPC)**—In a memorandum dated March 23, 2015, the HPC offered recommendations on the subject applications. The HPC’s review of DSP-13031 on March 17, 2015 was focused on the currently proposed architecture for the project, other aspects of the project had been presented to the HPC on two previous occasions through briefings held on September 16, 2014 and November 18, 2014. At the March 17, 2014 meeting, the HPC reviewed a set of site plans, landscape plans and architectural elevations, as well as a 3-D presentation on the project’s massing that employed the scaled and detailed scaled elevation drawings.

### **Findings**

- (1) The subject property is within approximately 1,500 feet of four of the six County designated historic sites within the Town of Bladensburg: George Washington House/Indian Queen Tavern, 4302 Baltimore Avenue (National Register/ 69-005-02); St. Paul’s Baptist Church, 4107 47th Street (69-005-06); Hilleary-Magruder House, 4703 Annapolis Road, (National Register, 69-005-07); and Peace Cross, Annapolis Road and Route 1 (69-005-16). Both the George Washington House (c. 1760) and the Hilleary-Magruder House (c.1742) date to the middle of the eighteenth century, St Paul’s Baptist Church was begun in 1818 and enlarged c. 1908, and Peace Cross was constructed from 1919–1925. In addition, the subject property is located across the street from Bladensburg Balloon Park, operated by M-NCPPC, a site that commemorates the first documented unmanned balloon ascension in America, which occurred nearby on June 17, 1784. Both the George Washington House and Peace Cross historic sites are adjacent and visible from the subject property.
- (2) The subject property is part of Lots 13, 14, 17, and 18 in the Town of Bladensburg. These lots were improved with dwellings by 1787. The 1798 Federal Direct Tax records describe the improvements on each of the lots in the Town of Bladensburg. Adam Craig owned and occupied part of Lot 14, which contained a framed dwelling house, a framed kitchen, and an old meat house. The other portion of Lot 14 was owned by Alexander Hamilton of Piscataway and was occupied by Thomas Dick and Company. That portion of Lot 14 contained a single-story framed dwelling house and a framed stable. Lot 13 was divided among two owners: Anthony and John Kennedy of Baltimore and the heirs of William Sydebotham. The portion owned by Anthony and John Kennedy was occupied by Walter Scott and contained a two-story framed dwelling house, a single-story framed house, a log kitchen, and a framed stable. The part of Lot 13 owned by the heirs of William Sydebotham was occupied by Richard Cramphin

and contained a two-story stone dwelling house, an adjoining single-story framed house, and a framed stable.

The 1878 Hopkins Map indicates that there were several buildings on Lots 13 and 14 and the western portions of Lots 17 and 18. The western portion of Lot 13 contained buildings owned by Mrs. Fowler and N.C. Stephens. The northwestern portion of Lot 14 was owned by Mrs. Helen Rothstein and the southwest corner was the location of a drug store operated by Daniel and Norval Barron. The southeastern portion of Lot 14 was occupied a "Colored M.E. (Methodist Episcopal) Church." A dwelling was located in the northern portion of Lot 18 on the west side of 46th Street and the southern portion contained a jail.

As stated above, the Del Rio Restaurant was built on the subject property in 1937 and was replaced with the Crossroads in 1941 after a fire in the former structure. The 1940 Franklin Atlas shows that the remaining portions of the subject property contained dwellings and other outbuildings. The Colored M.E. Church and the jail shown on the 1878 Hopkins Map had been demolished. A dwelling remained on the east side of the subject property until the 1980s. That area was then paved for the expansion of the parking lot for the Crossroads.

- (3) Although archeological investigations cannot be required through the DSP process, the applicant should be aware that the remains of earlier buildings may lie below the paved areas on the subject property. Excavations by SHA in the parking lot on the north side of the George Washington House (located to the northwest of the subject property) revealed brick and stone foundations of earlier buildings and a brick-lined well below the asphalt.
- (4) The subject DSP application proposes the extensive renovation of the existing building on the property to include a multi-venue eating and drinking establishment of approximately 24,997 square feet. Other uses proposed for the property include limited office space and the use of some of the entertainment venue space for church services. All visible exterior features of the current building will be subsumed within the proposed new construction.

The new building will have finished elevations on three sides, west, south and east. The north elevation will not display the finish materials and details of the other three. The building will be composed of one-, two-, and three-story elements with one-story elements to the north and a larger main block to the south of two and three stories that include a slightly taller elevator tower near the southwest corner. The majority of the building will be two stories; there will be a seasonally occupied roof atop this portion of the building that will be served by two three-story stair towers and the slightly taller elevator tower.

- (5) The proposed architectural style of the building represents the architect's effort to establish a contemporary identity for the new construction on the subject property. This approach was encouraged by both Historic Preservation staff and the HPC based on a review of an initial proposal in September 2014. The application received specific comments from the HPC on the need create a building that reflects both the time and place in which the project is proposed and the challenges of developing an architectural response that could be considered compatible with the project's context, a network of busy roads, and numerous industrial uses of little architectural interest, along with two designated historic sites of vastly different character.

The proposed design employs modern materials that include panelized metal, glazed brick, large expanses of glass, and projecting metal window and door hoods that serve both as shade screens and in some locations for the base for signage. The application includes a site and landscape plan that provides for limited on-site parking, outdoor seating, ornamental plantings, and signage. Nevertheless, a considerable amount of the parking required for the proposed project must be provided off-site.

- (6) The applicant has provided plans for both site lighting and signage. The HPC considered the impacts of these proposed features on the adjacent historic sites, and the degree to which the proposed plans may provide lighting which is too extensive, harsh, or not focused sufficiently within the developing property. The HPC determined that the precise character of the proposed lighting fixtures and the exact materials, colors, and lighting of proposed signage should be addressed further to ensure compatibility with the other design elements of the project and to minimize impacts on the adjacent historic sites.
- (7) At the March 17, 2015 meeting, the HPC received a presentation from staff which included the introduction testimony from two individuals, Dr. John Carlson and Alicia C. Melendez, opposing the project as incompatible with the adjacent historic sites and the intent of the Port Towns Sector Plan and SMA. Ms. Melendez presented her testimony in person and asked that two documents including the Port Towns Sector Plan and SMA and an associated charrette document, Port Towns Sector Plan and Sectional Map Amendment, Presentation of Progress to Date, June 8, 2008, be entered into the record in support of her testimony. Dr. Carlson was not present, but his testimony was reviewed by the HPC. Also present at the meeting and representing the applicant was Traci R. Scudder, Esquire, and Dr. Raj-Barr, the project architect.

Staff explained the applicant's materials board and requested comments from the HPC on the color schemes proposed for the building. All proposed schemes included the use of gray metal panels; several brick colors were proposed. At the

Planning Board hearing on October 1, 2015, staff from the HPC stated that either green or burgundy glazed tile would be acceptable.

### **Conclusions**

- (1) The redevelopment of the subject property will have a direct visual impact on the two adjacent historic sites. Significant aspects of the design, materials, site planning, landscape features, proposed signage, and lighting for the property will be directly visible from the George Washington House and Peace Cross.
- (2) The applicant has worked closely with staff to develop a design that is respectful of the adjacent historic sites, distinguishable from them, and a visual asset for the community that speaks to the time in which it would be constructed. However, a number of details such as the lighting plan, the design of light fixtures to be used, and the exact character of the signage should be resolved in favor of designs that are compatible with the contemporary nature of the proposed architecture.

The submitted plans indicate the possible use of historicist, Victorian-inspired lamps, and an antique signage font that appear incompatible with the proposed architecture. The applicant should revise these details to include only light fixtures of contemporary design, and lighting for the project should be limited to a monochromatic scheme based on white light. In addition, the signage plans should be revised to provide for a more contemporary and more readable font for the project's signature signage elements. If a blade sign is to be used, it should be of a design and color scheme compatible with the other details of the signage plan, and not introduce another color to the project palette.

- (3) In the opinion of the HPC, the current design represents a significant improvement over the concept presented to the HPC on September 16, 2014. Assuming that all renditions of the proposed design would employ panelized metal in a gray hue, the HPC voiced a preference for the green glazed brick option to be used as the second material.

### **Recommendations**

Historic Preservation staff recommended that the Planning Board approve DSP-13031 as generally compatible with the character of the adjacent historic sites, George Washington House/Indian Queen Tavern (69-005-02) and Peace Cross (69-005-16) with the following conditions:

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

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

- (2) The proposed signage plans for DSP-13031, Beyond Restaurant, should be revised to limit signage and lettering for the project to two colors, i.e., a single background color and another different lettering color for all signature sign opportunities, and that a suitably contemporary font be employed that is compatible with the architectural character of the building. If individual businesses within the project require other lettering or color schemes, those should be limited to the same background color throughout and a single different lettering color and/or font.
  - (3) Based on the materials board provided to the HPC on March 17, 2015, the HPC expressed a preference for the green glazed brick option for the masonry elements of the building. At the At the Planning Board hearing on October 1, 2015, staff of the HPC stated that burgundy glaze would also be acceptable.
- e. **Prince George's County Police Department**—In a memorandum dated June, 18, 2014, the Police Department expressed concerns that the trees in the parking lot landscape islands could possibly interfere with the lighting, resulting in dark areas in the parking lot. The applicant responded by proposing to up-light the trees to compensate for any reduction in illumination.
  - f. **Prince George's County Fire/EMS Department**—In a memorandum dated June 22, 2014, the Fire/EMS Department provided standard comments regarding road widths, the location of fire hydrants, and other applicable fire prevention regulations. The site plan is in general compliance with the applicable regulations.
  - g. **Permit Review Section**—Comments on the site plan regarding various technical revisions, loading standards, and signage and suggested revisions have either been addressed by the applicant, or incorporated into conditions of approval.
  - h. **Prince George's County Department of Parks and Recreation (DPR)**—DPR had no comment on the DSP since this is a commercial development.
  - i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated April 22, 2015, DPIE provided standard comments regarding right-of-way dedication, frontage improvement, sidewalks, street trees and lighting, storm drainage facilities and systems, traffic impact, and soil investigation.

DPIE notes that the site is in the County floodplain, which, at a base flood elevation of 19.5 feet, is higher than FEMA floodplain. However, they explain that there is a levee along the nearby Anacostia River which protects this property from flooding. Therefore, they conclude that no floodplain study or waiver is needed.



In addition, DPIE found that the DSP is consistent with approved Stormwater Management Concept Plan (39257-2013-00) dated March 17, 2014.

14. Per Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, 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.**

There are no regulated environmental features found on the subject property; therefore, no preservation or restoration is necessary.

15. **Hours of Operation**—At the October 1, 2015 public hearing, the applicant proffered hours of operation of 11:00 a.m. to 12:00 midnight Sunday through Wednesday and 11:00 a.m. to 2:00 a.m. Thursday through Saturday. The Planning board accepted this proffer and will inform County permitting agencies of their desire and intent to hold the applicant to those hours.

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 APPROVED the Detailed Site Plan, DSP-13031, subject to the following conditions:

A. APPROVAL of the alternative development district standards for:

1. **Street Type Specifications**—For relief from the requirements for the location of the building along northbound Alt. US 1 and 46th Street.
2. **Streetscape Standards, Street Trees No. (4)**—To provide relief from the street tree requirements along Alt. US 1 because there isn't room for the trees due to right of way improvements.
3. **Streetscape Elements No. (4)**—To allow a reduction in the sidewalk width from six feet to five feet along Alt. US 1 as existing within the SHA right-of-way.
4. **Building Envelope Standards—Façade Composition, No. 2** - To allow the absence of a functioning street door due to the existing building setback.
5. **Building Envelope Standards—Siting as follows:**  
**No. 1**—To allow relief from the requirement of the building within 30 feet of a block corner due to the location of the existing building.

**No. 2**—To allow relief from the requirement of a street wall where the building does not exist along the frontage.

**No. 8**—To allow relief from the parking setback line.

6. **General Building Envelope Standards for Height**—To reduce the building height requirement from 4 to 1–3 stories.
  7. **General Building Envelope Standards for Siting—Street Facade No. (1)**—To allow relief from the BTL.
  8. **Architectural Standards—Signage**—For relief from the placement of signs.
  9. **Architectural Standards—Awnings**—For relief from awning standards.
  10. **Parking and loading**—To allow compact parking space sizes due to the shortage of parking for the overall development.
- B. DISAPPROVAL of the requested Departure from Design Standards to allow valet parking and instead require the applicant conform to Section 27-574(c).
- C. APPROVAL of Detailed Site Plan DSP-13031, Beyond Restaurant, subject to the following conditions:
1. Prior to certification of the detailed site plan (DSP), the following revisions shall be made or information be submitted:
    - a. General Note 18 shall be corrected to switch the Free Hope Baptist Church (Historic Site 69-005-06) with the George Washington House (Historic Site 69-005-02) as having an impeded view from the site.
    - b. References to the applicant’s address shall be corrected from “Dr. Beane’s” to “Dr. Beans.”
    - c. References to “Shephard Street” shall be corrected to “Shepherd Street.”
    - d. The proposed valet parking lot shall be redesigned to be an off-site parking compound in accordance with the requirements of Section 27-574(c) compact-sized (8 feet wide by 16.5 feet long) parking spaces. The resulting decrease in the number of parking spaces shall be reflected in a corresponding decrease in seats.
    - e. Provide a floor plan indicating the number of seats for the restaurant and dinner theatre with separate parking calculations for each.

- f. In the event that the Maryland State Highway Administration (SHA) denies access to Baltimore Avenue (Alt. US 1) from the site or from Shepherd Street, the applicant shall demonstrate how affected service vehicles can be accommodated.
  - g. Provide notes on the plans in accordance with the Prince George's County Health Department's recommendations by adding notes to the plans as follows:
    - (1) Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
    - (2) Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
  - h. The applicant shall provide a walkway along 46th Street in order to provide safe passage between the site and the off-site parking lot. Final design and approval of the walkway by the Town of Bladensburg, the Prince George's County Department of Public Works and Transportation (DPW&T), or other authorizing agency shall be submitted prior to signature approval of the plans.
2. To ensure compatibility with the historic character of the surrounding area, prior to certification of the detailed site plan (DSP), the following revisions shall be made:
- a. The proposed plans for DSP-13031, Beyond Restaurant, should be revised to ensure that the property is not overly illuminated, employs a uniform, monochromatic lighting scheme that is not too harsh or intrusive, and that full cut-off optics are provided to limit the impact of the project on the adjacent historic sites. Lighting fixtures should be contemporary and compatible with the project's overall design and no historicist fixtures should be used.
  - b. The proposed signage plans for the DSP-13031, Beyond Restaurant, should be revised to limit signage and lettering for the project to two colors, i.e., a single background color and another different lettering color for all signature sign opportunities, and that a suitably contemporary font be employed that is compatible with the architectural character of the building. If individual businesses within the project require other lettering or color schemes, those should be limited to the same background color throughout and a single different lettering color and/or font.
  - c. The green or burgundy glazed brick option for the masonry elements of the building shall be used.

3. Prior to issuance of the building permit, the applicant shall submit evidence of a legal arrangement to ensure that the off-site parking will be permanently available for use by the restaurant.
4. There shall be no outdoor live entertainment.
5. The applicant shall work with the Town of Bladensburg to assess the feasibility of providing a walkway within the right-of-way of Shepherd Street.

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 Bailey, with Commissioners Washington, Bailey, Geraldo, Shoaff, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 1, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of October 2015.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator