

Case No.: DSP-11017  
Hyattsville Subway Sandwich Shop  
(Amendment of Conditions)

Applicants: Punam Singh/  
Jagjot Singh Khandpur, Esq.

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

ORDER OF REMAND

IT IS ORDERED, that DSP-11017, a request for amendment of conditions of the detailed site plan for the Hyattsville Subway Sandwich Shop, located on the western side of Baltimore Avenue (US 1), approximately 790 feet south of its intersection with Farragut Street in Hyattsville, Maryland, in Councilmanic District 2, is hereby REMANDED to the Zoning Hearing Examiner.

1. The Applicants sought approval of a Detailed Site Plan for a 1,400-square-foot Subway Sandwich Shop, on property described as approximately 6,367 square feet of land in the Gateway Arts District Development District Overlay Zone ("DDOZ") and the M-U-I (Mixed Use-Infill) Zone, on the western side of Baltimore Avenue (US 1), approximately 790 feet south of its intersection with Farragut Street in Hyattsville, Maryland.

2. By Resolution dated November 1, 2012, the Planning Board approved DSP-11017 with Conditions (PGCPB No. 12-98).

3. On February 12, 2013, the District Council issued an Order affirming the Planning Board Decision with the same conditions recommended by the Planning Board:

1. Prior to signature approval of this detailed site plan, the following revisions shall be made to the plans and additional specified documentation submitted:
  - a. Add the deed reference "Liber 32700 at Folio 237" to the plan notes.

- b. Add the underlying property information to the plan drawing.
- c. Add the material label of “stucco” to the yellow-colored portions of the front façade elevation drawing, if it is to remain an architectural material for the project.
- d. Revise the parking schedule as follows:
  - (1) To reflect that the total number of parking spaces required is 8 (1 per 3 seats) for the 18 seats provided, and two for the 80 square feet of gross floor area (excluding any area used exclusively for storage or patron seating, and any exterior patron service area).
- e. The proposed outdoor lighting shall be evaluated for full cut-off optics fixtures to ensure that off-site light intrusion into adjacent and environmentally-sensitive areas designated by the 2005 Approved Countywide Green Infrastructure Plan is minimized, and so that sky glow does not increase as a result of this development.
- f. A minimum of five bicycle parking spaces shall be provided at a location convenient to the building entrance. The location and number of spaces (bicycle racks) shall be approved by the Urban Design Section and trails coordinator.
- g. The streetscape and sidewalk treatment along the subject site’s frontage of Baltimore Avenue (US 1) shall be consistent in form and materials to the existing improvements immediately to the north of the subject site along the EYA development’s frontage of US 1.
- h. The surface material for the sidewalk shall be continued across the site’s ingress/egress point along Baltimore Avenue (US 1), or a high-visibility crosswalk shall be provided at this location.
- i. The applicant shall revise the landscape plan for the project to make it congruent to the detailed site plan for the case in all respects except that the landscape plan will provide landscaping in addition to all other information on the detailed site plan. Both plans shall be clearly legible. The Urban Design Section, as designee of the Planning Board, shall ensure that the plans are consistent with each other and both are clearly legible.
- j. The handicapped parking space shall be dimensioned as 16 feet by 19 feet.

- k. The dumpster detail shall be revised to indicate face brick to match the color of the brick to be utilized on the first story of the building as the external sheathing architectural material.
- l. General Note 4 on the detailed site plan shall be corrected to indicate that the proposed building height is 20 feet, 1 inch as indicated within the building footprint and by the submitted building elevations.
- m. General Note 6 on the detailed site plan shall be revised to indicate the square footage of the landscaped area on the site as green area, not "0 square feet" as is currently indicated.
- n. General Note 7 shall be revised to reflect the actual lot coverage of the site, not 6.367 or 100 percent.
- o. The limits of disturbance shall be indicated on the detailed site and landscape plans and General Note 8 shall be corrected if and as necessary if the disturbed area varies from the 4,750 square feet currently indicated in General Note 8 on both the detailed site and landscape plans.
- p. General Note 11 on the detailed site and landscape plans shall be revised to read:  
  

"Property dimensions depicted hereon compiled and computed from land records data."
- q. The statement that "This site is not subject to any previous approvals" shall be removed from the detailed site plan as the site is subject to approval of a plat recorded in plat book A-18.
- r. General Note 12 of the detailed site and landscape plans that refer to "this survey" shall be removed as the subject documents are not surveys.
- s. The applicant shall revise the architecture for the project as follows:
  - (1) Storefront glass shall comprise a minimum of 6 percent of the front façade.
  - (2) The front elevation shall be revised to provide brick as per the applicant's exhibit, except to provide brick below and on the sides of the front windows. Both side and rear elevations shall be

revised to provide brick instead of EIFS on all surfaces up to the line labeled "Roof Elevation." All brick shall be of one color, and all of the pilasters shown on the applicant's exhibit shall be retained as visual accents by protruding from the surrounding brick surfaces no less than one inch. The side elevation labeled as #2 on the applicant's exhibit shall be revised to reduce the height of the window and awning to be consistent with the height of the window and awning on the rear façade. All windows and doors shall have green canvas canopies. Final design of the façades shall be approved by the Planning Board or its designee.

- (3) The stucco "crown" shall be embellished to add dentil molding.
- (4) The internally-lit sign shall be replaced with a wooden painted sign, lit by a gooseneck spotlight.
- (5) The dumpster enclosure shall be sheathed in red brick and the gates of the enclosure shall be of a green, non-wood, low sheen durable material. The color shall match that of the canvas awnings of the front façade.
- (6) The window proposed on the north side of the proposed structure shall indicate that the window is non-operable.

Final design of the architectural improvements to the proposed building shall be approved by the Planning Board or its designee.

- t. The applicant shall add a general note to the plans stating that: "The applicant intends to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediments Control."
- 2. The maximum number of seats in the Subway Sandwich Shop shall be no more than 18.

4. By letter dated June 7, 2017, the Clerk of the Council notified the Office of the Zoning Hearing Examiner of the Applicant's request to amend Condition 1(k).

5. The Zoning Hearing Examiner, after hearings held on June 7, 2017 and August 14, 2017, recommended that Condition 1(k) be revised to allow a mixture of wood fencing in lieu of a total brick exposure as follows:

- k. The dumpster detail shall be revised to indicate that board-on-board wood similar to that used in the fencing around the adjacent EYA property be utilized and that the gates of the dumpster enclosure be of a durable, low-sheen, non-wood, green composite material to match the canvas awnings of the front façade.

Condition 1(s)(5) could be deleted in its entirety since it would be incorporated in the new condition 1(k). All remaining conditions of approval shall remain in full force and effect. Note 20 of the certified Detailed Site Plan (DSP-11017/SP-11002) should be revised in the same manner as (k), above, and submitted to the Planning Board or its designee for review and approval.

6. The District Council elected to make the final decision on November 13, 2017 and oral argument was scheduled on February 26, 2018.

7. Before the commencement of oral argument, the Applicant requested a remand to the Examiner, which was granted.

8. On remand, the Examiner shall reopen the evidentiary record to allow the Applicant to introduce, among other things, a revised site plan.

9. On remand, the Examiner shall render a new or revised disposition pursuant to the requirements of the Zoning Ordinance and the Land Use Article.

ORDERED this 12th day of March, 2018, by the following vote:

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

Opposed:

Abstained:

Absent: Council Members Franklin and Harrison.

Vote: 7-0.

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

By: \_\_\_\_\_  
Dannielle M. Glaros

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council