

Case No. SP 02034/04

Applicant: Diversified Sports Concepts, LLC
(Brian Mitchell's Crab Café –
Capital Commerce Park)

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

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 06-184, to approve, with conditions, a detailed site plan, SP 02034/04, for construction of a 15,000 square foot sit-down restaurant, on approximately 1.8 acres of land in the I-3 Zone, in the northwestern quadrant of the intersection of Arena Drive and Landover Road, Upper Marlboro, is hereby:

AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to signature approval, the applicant shall provide the following additional materials or make the indicated revisions to the plans:
 - a. Notes shall be added to the plans stating the following:
 - (i) "Any breaking and entering, thefts or vandalism at the construction site shall be reported immediately upon the knowledge of such crimes. Construction equipment/trailers shall be in a central location and fenced. Subsequent to any breaking or entering, the developer or builder shall be required to fully alarm all points of access (windows and doors) to the construction office/trailers), and implement any reasonable crime prevention measures recommended by the Police Department to help prevent future occurrences."
 - (ii) All appliances, electrical fixtures, carpeting, plumbing fixtures, and cabinets shall be stored in secured construction trailers or in secured buildings.
 - (iii) Applicant shall install specific up-to-date security hardware such as adequate deadbolt locks for the subject restaurant.

- b. Applicant shall include a schedule for Section 4.2 (b) of the Landscape Manual, Commercial and Industrial Landscaped Strip Requirements in the I-3 Zone, on the landscape plan demonstrating compliance with its requirements. Such schedule and landscape plan shall be reviewed and approved by Urban Design staff as designee of the Planning Board.
- c. Indicate the number of stories in the general notes.
- d. Dimension the handicapped parking spaces.
- e. Correct the number of seats in the restaurant from 268 to 228 and amend the parking schedule accordingly.
- f. Submit an overall site plan that demonstrates per Section 27-471 (a) (l) (i) that the minimum area of the Planned Employment/Industrial Park is 25 acres.
- g. If the dumpster is to be located externally to the building, a wholly enclosed dumpster pad shall be indicated on the plans, constructed of masonry material, consistent with the exterior of the building.
- h. Add the legal description for the subject property to the landscape plan.
- i. Add a note to the plans stating that the signage on the site shall be limited to the wall signage on the front elevation of the subject building.
- j. Applicant shall provide an eight-foot-wide sidewalk along the subject site's entire frontage of Arena Drive, with the public right-of-way, unless modified by DPW&T.
- k. Applicant shall provide a standard sidewalk along the subject site's entire frontage of the existing private drive.
- l. A note shall be added to the plans stating that all on-site lighting shall employ cut-off light fixtures.
- m. Operation of the restaurant shall not begin before 11:00 a.m. or end after 11:00 p.m.
- n. The applicant must post the parking lot, on all sides of the restaurant, with signs indicating clearly that parking on-site is for restaurant patrons only and not for persons attending events off-site.

Ordered this 31st, day of October, 2006, by the following vote:

In Favor: Council Members Dernoga, Bland, Dean, Exum, Hendershot, Knotts and Peters

Opposed:

Abstained:

Absent: Council Members Campos and Harrington

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: _____
Thomas E. Dernoga, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council