



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: Staff reports can be accessed at <https://www.mncppc.org/883/Watch-Meetings>

Detailed Site Plan

Chesapeake Bay Critical Area Conservation Plan

Special Permit

Seafood Subs & Sides

DSP-21025

CP-21004

SP-210002

REQUEST	STAFF RECOMMENDATION
Proposed arts café on the ground level of an existing single-family dwelling. The upper floor will remain as a dwelling unit.	With the conditions recommended herein: <ul style="list-style-type: none">• Approval of Detailed Site Plan DSP-21025• Approval of Chesapeake Bay Critical Area Conservation Plan CP-21004• Approval of Special Permit SP-210002

Location: At the intersection of Wallace Road and Rhode Island Avenue.	
Gross Acreage:	0.1269
Zone:	NAC
Prior Zone:	M-U-I/D-D-O
Reviewed per prior Zoning Ordinance:	Section 27-1903
Dwelling Units:	1
Gross Floor Area:	1,330 sq. ft.
Planning Area:	68
Council District:	02
Municipality:	North Brentwood
Applicant/Address: Seafood Subs & Sides, LLC 4514 Rhode Island Avenue North Brentwood, MD 20722	
Staff Reviewer: Todd Price Phone Number: 301-952-3994 Email: Todd.Price@ppd.mncppc.org	



Planning Board Date:	10/19/2023
Planning Board Action Limit:	10/23/2023
Staff Report Date:	10/04/2023
Date Accepted:	07/14/2023
Informational Mailing:	01/19/2023
Acceptance Mailing:	07/05/2023
Sign Posting Deadline:	09/19/2023

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

Table of Contents

EVALUATION CRITERIA	3
FINDINGS	4
1. Request	4
2. Development Data Summary	4
3. Location	4
4. Surrounding Uses	4
5. Previous Approvals.....	5
6. Design Features	5
COMPLIANCE WITH EVALUATION CRITERIA	6
7. Chesapeake Bay Critical Area (CBCA) Ordinance.....	6
8. Prince George’s County Zoning Ordinance.....	7
9. 2004 Gateway Arts District Approved Sector Plan and Sectional Map Amendment.....	9
10. 2010 Prince George’s County Landscape Manual	11
11. 2010 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance.....	11
12. Prince George’s County Tree Canopy Coverage Ordinance.....	11
13. Referral Comments	11
16. Community Feedback	15
RECOMMENDATION	15

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-21025
 Chesapeake Bay Critical Area Conservation Plan CP-21004
 Special Permit SP-210002
 Seafood Subs & Sides

The Urban Design staff has completed the review of the detailed site plan, conservation plan, special permit, and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

EVALUATION CRITERIA

This property is within the Neighborhood Activity Center (NAC) Zone; however, this application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1903 of the Zoning Ordinance, which allows an application for a project to be reviewed and approved under the prior Zoning Ordinance. A pre-application conference with the applicant was held on May 22, 2023.

Chesapeake Bay Critical Area Conservation Plan CP-21004 was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Chesapeake Bay Critical Area Intense Development Overlay (I-D-O) Zone.

Detailed Site Plan DSP-21025 and Special Permit SP-210002 were reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the prior Prince George's County Zoning Ordinance.
- b. The requirements of the Development District Overlay (D-D-O) Zone standards of the 2004 *Gateway Arts District Approved Sector Plan and Sectional Map Amendment* for the Neighborhood Arts and Production Character Area.
- c. The requirements of the 2010 *Prince George's County Landscape Manual*.
- d. The requirements of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.

- e. The requirements of the Prince George's County Tree Canopy Coverage Ordinance.
- f. Referral comments.

FINDINGS

Based upon the analysis of the subject detailed site plan, conservation plan, and special permit, the Urban Design staff recommend the following findings:

1. **Request:** The subject application is for approval of a detailed site plan (DSP), Chesapeake Bay Critical Area conservation plan (CP), and special permit (SP) for a proposed 12 seat café on the ground level of an existing single-family detached dwelling. The upper floor of the existing dwelling will remain as a dwelling unit. There is an existing concrete parking area that was constructed by a prior owner circa 2000, without a permit or CP. The proposed application makes no additions or modifications to the existing dwelling, apart from adding Americans with Disabilities Act compliant access to the building and business signage. The proposed application will remove part of the existing concrete pad and add new stormwater management (SWM) measures and landscaping.

2. Development Data Summary:

	EXISTING	PROPOSED
Zone(s)	NAC	Prior M-U-I/D-D-O
Use(s)	Residential	Mixed
Acreage	0.1269	0.1269
Net tract area	0.1269	0.1269
Area within existing 100-year floodplain	0	0
Number of lots	1	1
Minimum lot area (square feet)	N/A	N/A
Parking spaces required*	4	4

Note: *The parking space requirement is based on dwelling units (1 space per unit) and proposed seats for the café (1 space per 3 seats). Based on one dwelling unit and 12 proposed seats, the requirement is 5 spaces. However, per the 2004 *Gateway Arts District Approved Sector Plan and Sectional Map Amendment* (sector plan) standards, 80 percent of the required parking spaces are allowed, which would lower the requirement to 4 spaces. The applicant has provided four parking spaces.

3. **Location:** The property is located at 4514 Rhode Island Avenue, in the Town of North Brentwood, Maryland, at the intersection of Rhode Island Avenue and Wallace Road. The property is within Planning Area 68 and Council District 2.
4. **Surrounding Uses:** The subject property is located at the southwest intersection of Rhode Island Avenue and Wallace Road. North and south of the subject property are vacant properties with a mix of residential and commercial uses beyond. To the east, beyond Rhode Island Avenue, are commercial uses in the Neighborhood Activity Center (NAC) Zone.

West of the subject property are residential uses in the NAC Zone, and beyond in the Residential Single-Family 65 Zone.

5. **Previous Approvals:** A Natural Resources Inventory Plan (NRI-049-13) was approved on April 4, 2013. The property is currently subject to NRI-049-13-01, which was approved on September 30, 2021. A SWM Concept Plan, 42831-2021-0, was approved on January 7, 2022. There are no other approvals for this property.
6. **Design Features:** The subject site is improved with an existing two-story, single-family detached dwelling that was constructed in the early 1900s and has a gross floor area of approximately 1,330 square feet. A portion of the property is within the Chesapeake Bay Critical Area Intense Development Overlay (I-D-O) Zone. As previously discussed, there is an existing concrete parking area that was constructed by a prior owner circa 2000, without a permit or CP. The parking area consists of four parking spaces and is further discussed in Finding 9 below.

The sector plan superimposed the Development District Overlay (D-D-O) Zone on the subject property, placing the property in the Neighborhood Arts and Production (NAP) Character Area.



Signage

The applicant included a signage detail with this DSP. The painted 4-foot by 8-foot, 32-square-foot, flat mounted plywood panel sign will be mounted to the northeast façade which faces Wallace Road. The sign's trim and color scheme will complement the existing building's trim and colors. The 32-square-foot total area conforms to the 50-square-foot maximum, as regulated by Section 27-613(c)(3)(D) of the prior Prince George's County Zoning Ordinance. No other signage is proposed with this application.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Chesapeake Bay Critical Area (CBCA) Ordinance:** The site is partially located within the I-D-O Zone; therefore, the site is subject to the CBCA regulations. The purposes of the I-D-O Zone, as outlined in Section 27-548.13 of the prior Zoning Ordinance, are to accommodate existing residential, commercial, or industrial land uses within the CBCA; to promote new residential, commercial, and industrial land uses in accordance with development intensity limits designated for the I-D-O Zone in this Subtitle; to conserve and enhance fish, wildlife, and plant habitats; and to improve the quality of runoff that enters the tributary streams of the Chesapeake Bay from developed areas. The regulations concerning the impervious surface ratio, density, slopes, and other provisions for new development in the I-D-O Zone are contained in Subtitle 5B of the Prince George's County Code, as follows:

Section 5B-113. – Intense Development Overlay (I-D-O) Zones.

- (e) **Development standards. The following development standards must be demonstrated within the I-D-O Zone:**

- (1) **For redevelopment plans, opportunities to reduce impacts on water quality generated by existing development shall be analyzed;**

The DSP and CP result in a reduction of the total area of impervious surface. SWM is provided using best management practices (BMPs), including a rain garden and rain barrels. The effects of these efforts on water quality are analyzed with the 10 percent pollutant reduction worksheet included on the plans.

- (2) **Urban Best Management Practices (BMPs) for stormwater treatment shall be considered and, where appropriate, implemented as part of all plans for development and redevelopment;**

The DSP and CP utilize BMPs and have an approved SWM Concept Plan, 42831-2021-0, which was approved on January 7, 2022, and expires on January 7, 2025.

- (3) **Stormwater shall be addressed in accordance with the following provisions:**

- (A) **Development or redevelopment projects shall use technologies as required by applicable ordinances in order to minimize adverse impacts to water quality caused by stormwater.**

- (B) **In the case of redevelopment, if these technologies do not reduce pollutant loadings measured by use of the keystone pollutant method by at least 10 percent below the level of pollution on the site prior to redevelopment, then offsets shall be provided. Guidance for compliance with this requirement is provided in the Critical Area 10% Rule Guidance Manual – Fall 2003 and as may be subsequently amended.**

- (C) **In the case of new development, offsets shall be used if they reduce pollutant loadings by at least 10 percent of the pre-development levels. Guidance for compliance with this requirement is provided in the Maryland Chesapeake and Atlantic Coastal Bays Critical Area 10% Rule Guidance – Fall 2003 and as may be subsequently amended.**
- (D) **Offsets may be provided either on or off site, provided that water quality benefits are equivalent, that the benefits are obtained within the same watershed, and that the benefits can be determined through the use of modeling, monitoring, or other computation of mitigation measures. Guidance regarding offsets is provided in the Maryland Chesapeake and Atlantic Coastal Bays Critical Area 10% Rule Guidance–Fall 2003.**

BMPs have been used to address water quality. However, despite an approved SWM concept plan from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), the 10 percent pollutant reduction worksheet indicates that the pollutant removal requirement is not met through the BMPs. The worksheet shows the BMPs reduce pollution by 4.8 percent. In a footnote on the worksheet, the applicant proposes meeting the remaining 5.2 percent shortfall by the on-site planting of 5 trees and 16 shrubs. A condition will be added below to further address this issue with DPIE.

- (4) **There is no Critical Area lot coverage maximum in the I-D-O, however, where practicable, permeable areas shall be established in vegetation, and whenever possible, redevelopment shall reduce existing levels of pollution.**

The proposed plan reduces the amount of impervious coverage. All permeability areas will be vegetated to the maximum extent possible. A Chesapeake Bay Conservation and Planting Agreement will be added as a condition below, to ensure the planting and maintenance of all proposed landscaping.

- (5) **Areas of public access to the shoreline, such as foot paths, scenic drives, and other public recreational facilities, should be maintained and, if possible, encouraged to be established within the I-D-O.**

This criterion does not apply, as the property does not include public access to a shoreline or public recreational facilities.

Staff recommend approval of Conservation Plan CP-21004.

- 8. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the prior Mixed Use–Infill (M-U-I) and D-D-O Zones and the site plan design guidelines of the Zoning Ordinance.

- a. The subject application is in conformance with the requirements of Section 27-546.17 of the prior Zoning Ordinance. Both the eating and drinking establishment without a drive-through use and the dwelling unit within a building containing a commercial use are permitted. However, the D-D-O Zone standards in the NAP Character Area require that “Cafes, for table and/or bar service of tea, coffee, other beverages and food” are permitted with a SP and require a DSP.
- b. Section 27-239.02(6), Special Permits, of the prior Zoning Ordinance, prescribes the following required finding for approval of a SP:

(C) The Planning Board may grant a Special Permit in other zones, as provided in the use tables, if it finds:

- (i) The site plan generally conforms with design guidelines in an approved Master Plan or other applicable plan; and**
- (ii) The site plan shows that the proposed use will not be incompatible with adjacent properties because of building or site design.**

This application is subject to the D-D-O Zone standards in the sector plan. The sector plan seeks to:

- 1. Facilitate the development, redevelopment, and renovation of small businesses compatible with the surrounding neighborhood, but discourage stores whose primary goods include beer, wine, cigarettes, and lottery tickets.
- 2. To encourage neighborhood and convenience services and retail establishments within easy walking distance of residences.
- 3. To offer opportunities for residential and artist studio spaces above ground-level retail.
- 4. To provide design, landscaping, and screening methods to mitigate the impact of neighborhood commercial uses on the traditional residential neighborhoods.

The proposed arts café is in harmony with the surrounding mix of residential and commercial uses, as it will maintain its single-family dwelling character while offering services within walking distance of said uses. The café will also maintain residential space above ground level. The proposed use has adequate off-street parking, landscaping, and lighting. Also, the use has been designed to mitigate impacts on neighboring residential uses. Parking is designed towards Rhode Island Avenue, and lighting will be directed so as not to encroach on neighboring residential uses. Existing fencing and proposed landscaping will further mitigate impacts. As such, staff find that the proposed arts café use is compatible with the goals of the D-D-O Zone standards.

- c. Section 27-548.25, Site Plan Approval, of the prior Zoning Ordinance, gives the following additional considerations for sites in development districts:

(b) In approving the Detailed Site Plan, the Planning Board shall find that the site plan meets applicable Development District Standards.

Staff find that the DSP conforms to all applicable development district standards. This is discussed further in Finding 9 below.

9. **2004 Gateway Arts District Approved Sector Plan and Sectional Map Amendment:** The subject property is within the NAP Character Area of the Gateway Arts District D-D-O Zone.

This DSP is exempt from the development district standards per Exemption 9(a) of the sector plan which states:

9. Miscellaneous. The following are exempt from the development district standards and DSP review, if the existing or proposed use is permitted:

a. Permits for alteration or rehabilitation, with no increase of the existing gross floor area, including existing porches or decks.

This application proposes no alteration, rehabilitation, or increase in gross floor area. However, as required in the sector plan, uses that are permitted with a SP require a DSP. A café in the NAP character area requires a SP and a DSP.

The applicable D-D-O Zone standards for the NAP character area are as follows:

Parking and Loading

3. **Parking for a residential and live/work use shall be a minimum of 1 and a maximum of 2 on-site spaces per unit. If additional parking is provided, it shall be structured.**
6. **If a parking district(s) is established in the Arts District or individual municipality, the number of off-street surface parking spaces, for uses with at least 35,000 SF of GFA, other than artist studio, residential and live/work shall not exceed 80 percent of the number of off-street parking spaces required by Section 27-568(a) of the Zoning Ordinance. If additional parking is provided, it shall be structured. Required parking may be on or off site but shall be located within on-quarter mile of the development site. This section's requirements shall apply to all developments under 35,000 SF of GFA.**

This development is under 35,000 square feet of gross floor area. The required parking for the proposed uses is one space for the dwelling unit and one space for every three seats in the café. The café proposes 12 seats which would require 4 spaces. The combined total would be five spaces. However, per the parking requirements set forth in Part 11 of the sector plan, only 80 percent of the parking

spaces are required, which lowers the overall requirement to 4 spaces. This DSP proposes four spaces, which staff find acceptable.

Siting and Access

- 4. Parking shall not be located between the sidewalk or street and the building.**

Parking is located to the side of the building and is accessed from Wallace Road.

Fencing, Walls, Screening, and Buffering

- 1. Opaque walls and fences, with the exception of required screening, shall not exceed four feet in height. Non-opaque fences shall not exceed six feet in height.**

The existing fencing on the subject property is exempt from this requirement per Exemption 9(a) of the sector plan.

Dumpsters, Services, Utilities, Outdoor Storage, and Stormwater

- 1. New techniques and methods of collecting and treating stormwater should be used as they emerge, such as micromanagement described in the current version of the design manual.**

The proposed SWM meets these standards as discussed previously in Finding 7.

Lighting

- 2. Illumination shall be provided for main entrances, passageways, parking lots, recycling areas, service entrances and areas, alleys, pathways, and plazas.**

The proposed and existing lighting shown on the DSP meets this requirement.

- 4. Fixtures should be located and shielded so that light does not spill from a parking lot onto an adjacent one-family residential property or into residential building windows.**

Proposed and existing light fixtures are mounted on the building and are directed away from adjacent residential property.

Landscaping

- 2. Shade trees with a minimum of 2 ½ to 3-inch caliper shall be provided at the rate of one shade tree per every 5,000 square feet of the gross site area.**

Two proposed shade trees are provided for the subject property's 5,526 square feet of area.

3. **Parking lots shall be planted with a minimum of one shade tree per every ten spaces in the provided corners, bump-outs, or islands, from above or at the ground level.**

The applicant proposes a total of four parking spaces, and as a result, will be required to provide one shade tree to meet this requirement. The applicant proposes two shade trees and will meet this requirement as proposed.

Signage

4. **Sign locations should be incorporated into the overall architectural design of the building.**

The proposed flat-mounted sign will complement the existing building's color.

9. **Sign area shall not exceed the regulations of Section 27-613(c), (f), and 27-107.01 of the Zoning Ordinance.**

Section 27-613(c)(3)(D) limits the maximum sign area to 50 square feet. The proposed 4-foot by 8-foot, flat-mounted sign, as shown on the plans, is 32 square feet.

10. **2010 Prince George's County Landscape Manual:** The site plan is not subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The development district standards contained in the sector plan replace all those contained in the Landscape Manual.
11. **2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property contains less than 10,000 square feet of woodland on-site and has no previous tree conservation plan approvals. A Standard Letter of Exemption (S-184-2021) from the WCO was issued for this site and expires on September 29, 2023. At the time of the writing of this technical staff report, the woodland conservation exemption letter was valid. Prior to certification of the DSP, a valid exemption letter is required.
12. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, of the County Code requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties that are zoned M-U-I are required to provide a minimum of 10 percent of the gross tract area in TCC. According to the TCC schedule, the site is 0.1269 acre, resulting in a TCC requirement of 553 square feet. The schedule shows that the requirement will be met on-site through proposed landscaping.
13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Historic Preservation**—In a memorandum dated August 3, 2023 (Stabler to Price), the Historic Preservation Section stated that the subject property does not contain and is not adjacent to any designated Prince George's County historic sites or

resources. Historic Preservation Section staff recommend approval of DSP-21025, SP-210002, and CP-21004, for Seafood Subs and Sides, with no conditions.

- b. **Community Planning**—In a memorandum dated September 14, 2023 (Selvakumar to Price), the Community Planning Division found that the application conforms to the goals of the sector plan and cited no issues.
- c. **Transportation Planning**—In a memorandum dated September 18, 2023, the Transportation Planning Section found that the application meets the criteria for a DSP, as outlined in Section 27-283 of the prior Zoning Ordinance, along with a SP, as outlined in Section 27-239.02. The Transportation Planning Section determined that this plan is acceptable.
- d. **Subdivision**—In a memorandum dated August 30, 2023, the Subdivision Section found that the subject property was exempt from a preliminary plan of subdivision, as the property is the subject of a final plat approved prior to October 27, 1970, and the proposed development is an addition to a development in existence prior to January 1, 1990, and does not exceed 5,000 square feet of gross floor area. The Subdivision Section did note that all bearings and distances must be clearly shown on the site plan and must be consistent with the legal description, or permits will be placed on hold until the plans are corrected. There were no recommended conditions of approval.
- e. **Environmental Planning**—In a memorandum dated September 21, 2023 (Juba to Price), the Environmental Planning Section recommended approval of DSP-21025, SP-210002, and CP-21004 with the following comments regarding the subject application:

Background

The following applications and associated plans have been reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resources Inventory Number	Authority	Status	Action Date	Resolution Number
N/A	NRI-049-13-01 (NRI-EL)	Staff	Approved	9/30/2021	N/A
N/A	S-184-2021	Staff	Approved	9/21/2021	N/A
SP-210002	NA	Planning Board	Pending	Pending	Pending
DSP-21025	NA	Planning Board	Pending	Pending	Pending
CP-21004	NA	Planning Board	Pending	Pending	Pending

Proposed Activity

The current application is for the construction of a proposed arts café on the ground level of an existing single-family dwelling, with the upper floor to remain as a dwelling unit.

The current zoning for the site is NAC; however, the applicant has opted to apply the zoning standards to this application that were in effect prior to April 1, 2022, for the M-U-I Zone.

A portion of the site is also mapped within the I-D-O Zone of the CBCA.

Environmental Review

Natural Resources Inventory

The subject site has an approved Natural Resource Inventory Equivalency Letter (NRI-042-2019-01) dated September 30, 2021, which was included with the application package.

Woodland Conservation (Applicable to Area Outside of CBCA Only)

The site is exempt from the provisions of the WCO because the property contains less than 10,000 square feet of woodland and has no previous tree conservation plan approvals. Prior to certification of the DSP, a valid exemption letter is required.

Preservation of Regulated Environmental Features/Primary Management Area

For the area located outside of the CBCA only

Section 27-285(b)(4) of the prior Zoning Ordinance requires the following finding: "The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5)."

No regulated environmental features (REF) exist on-site; therefore, none will be impacted by the proposed development.

Chesapeake Bay Critical Area Commission Review

No comments were received from the CBCA Commission regarding this application.

Chesapeake Bay Critical Area Conservation Plan

One site plan was submitted for the DSP, CP, and SP. The required information such as existing and proposed conditions, lot coverage calculations, and proposed landscape planting information was included in this set of plans. Since much of the site was previously developed without permits, the lot coverage calculations have included both the previously built but not permitted structures and all proposed structures with this application to validate them.

The overall lot coverage for the site will increase; however, there is no maximum for CBCA lot coverage requirement within the I-D-O Zone. Similarly, there is also no minimum allowable lot coverage for the underlying M-U-I Zone. The lot coverage proposed is 65.2 percent based on CBCA lot coverage calculations, and 52.6 percent based on Zoning Ordinance lot coverage calculations.

Ten Percent Pollution Reduction Calculations

The 10 percent pollutant reduction calculations demonstrating that the post-development impervious area of the site will result in at least a 10 percent reduction in pollutant run-off from the site are required for projects in the I-D-O Zone. The calculations are shown on the CP but demonstrate that the requirement has not been fully met with this design. The calculations on the plans show a pollution requirement of 0.095 pounds per year of total phosphorous removal; however, only 0.044 pounds per year are being proposed using a rain garden and rain barrels. It was noted that DPIE did not mention the 10 percent requirement for final design on their SWM approval letter (42831-2021-00) and the calculations were not shown on the associated plans. These calculations are usually also included on the SWM concept plan or conditioned to be included on the technical SWM plan by DPIE.

Chesapeake Bay Conservation and Planting Agreement

A Chesapeake Bay Conservation and Planting Agreement will be required to be executed and recorded prior to certification approval for development of the site.

Chesapeake Bay Conservation Easement

A conservation easement will not be required for this site. The site does not contain any woodland that is to remain.

Stormwater Management

An approved SWM Concept Letter and Plan (42831-2021-00) was submitted with this application, which expires on January 7, 2025. Within the area of this application, the approved SWM concept plan shows the use of one rain garden and five rain barrels.

- f. **Prince George's County Fire/EMS Department**—In an email dated July 17, 2023 (Reilly to Price), the Fire/EMS Department offered no comments.
- g. **Prince George's County Department of Permitting, Inspections, and Enforcement (DPIE)**—In a memorandum dated July 18, 2023 (Branch to Price), DPIE commented that the subject property is served via public water and sewer facilities.
- h. **Prince George's County Police Department**—As of the writing of this technical staff report, the Police Department did not provide comments.
- i. **Prince George's County Health Department**—In a memorandum dated July 20, 2023 (Adepoju to Price), the Health Department offered five comments and recommendations that have been included herein by reference.
- j. **Washington Suburban Sanitary Commission (WSSC)**—As of the writing of this technical staff report, WSSC did not provide comments.
- k. **Town of North Brentwood**—As of the writing of this technical staff report, the Town of North Brentwood did not provide comments.

14. Based on the foregoing analysis, and as required by Section 27-285(b) of the prior Zoning Ordinance, the DSP represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code, without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
15. As required by Section 27-285(b)(4), the Prince George's County Planning Board should also find that the REFs on a site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the prior Prince George's County Subdivision Regulations. No REFs exist on the subject site; therefore, this finding is not applicable.
16. **Community Feedback:** As of the writing of this technical staff report, Planning staff have not received any community feedback regarding this application.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommend that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-21025, Chesapeake Bay Critical Area Conservation Plan CP-21004, and Special Permit SP-210002, for Seafood Subs & Sides, subject to the following conditions:

1. Prior to certificate approval of Detailed Site Plan DSP-21025, Chesapeake Bay Critical Area Conservation Plan CP-21004, and Special Permit SP-210002, the applicant shall delete the proposed dimensions from the "Conservation Plan – Existing Conditions Plan" sheet.
2. Prior to certification of the conservation plan, the applicant shall execute and record a Chesapeake Bay Conservation and Planting Agreement. The agreement shall be reviewed by the County prior to recordation. The applicant shall provide a copy of the recorded agreement to the Maryland-National Capital Park and Planning Commission, and the liber/folio shall be shown below the conservation plan approval block.
3. Prior to certification of the conservation plan, the applicant shall work with the Prince George's County Department of Permitting, Inspections and Enforcement and demonstrate how the 10 percent reduction in pollutant run-off from the site will be fully met.
4. Prior to certification of the detailed site plan, a valid Prince George's County Woodland and Wildlife Habitat Conservation Ordinance exemption letter is required.