

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 November 6, 2014, regarding Detailed Site Plan DSP-13009-03 for Cafritz Property at Riverdale Park, Parcels B and C, the Planning Board finds:

1. **Request:** The subject detailed site plan (DSP-13009-03) application requests approval of three freestanding signs located on Parcel B (one sign on the north side of Van Buren Street) and Parcel C (two signs, one on the south side of Van Buren Street and one on the north side of Underwood Street). Companion to this case is SA-130001-01, of which the Planning Board incorporated all the testimony into the subject record.

2. **Development Data Summary:** The following information relates to the overall plan encompassing the DSP:

APPROVED

Zone	M-U-TC (35.71 acres)
	R-55 (2.02 acres)
Use(s)	Commercial
Acresage	37.73
Parcels	2 (B and C)

3. **Location:** The property is located approximately 1,400 feet north of the intersection of Baltimore Avenue (US 1) and East-West Highway (MD 410), on the east side of Baltimore Avenue. The property is mostly located in the Town of Riverdale Park, Council District 3, Planning Area 68. A small portion (2.02 acres) in the northeast lies in the One-Family Detached Residential (R-55) Zone within the City of College Park. This application pertains to Parcels B and C for the purpose of incorporating freestanding signage on those parcels, which are wholly within the M-U-TC Zone.

4. **Overall Surrounding Uses:**

North— Vacant property owned by the Washington Metropolitan Area Transit Authority (WMATA) in the R-55 Zone.

East— CSX railroad tracks. Beyond the railroad tracks to the east is the Engineering Research Corporation (ERCO) Historic Site (68-022) located on land owned by the University of Maryland.

- South—** A U.S. Postal Service facility in the R-55 Zone and the Riverdale Park town center in the M-U-TC Zone (of which this property is an extension).
- West—** Baltimore Avenue (US 1), and beyond to the west are single-family detached dwellings in the R-55 Zone within the Town of University Park.

5. **Previous Approvals:** The 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (Town of Riverdale Park M-U-TC Zone Development Plan) and corresponding M-U-TC Zone were approved by the Prince George's County Council on January 20, 2004 by Council Resolution CR-05-2004. The approved plan amends the 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68*.

On July 12, 2012, the County Council, sitting as the District Council of Prince George's County, approved the rezoning of 35.71 acres of the subject site from R-55 to M-U-TC zoning and amended the Town of Riverdale Park M-U-TC Zone Development Plan (2004) boundary to include the site. The District Council approved Primary Amendment A-10018 (Zoning Ordinance No. 11-2012) subject to the 27 conditions approved by the Planning Board.

On September 30, 2013, the District Council affirmed PGCPB Resolution No. 13-63, Detailed Site Plan DSP-13009, to approve with conditions a detailed site plan for a mixed-use development including 855 multifamily units, 126 townhouses, and approximately 187,277 square feet of commercial space distributed on 37.73 acres of land known as the Cafritz Property at Riverdale Park, pursuant to the Town Center Development Plan, located approximately 1,400 feet north of the intersection of Baltimore Avenue (US 1) and East-West Highway (MD 410), on the east side of Baltimore Avenue, in the Town of Riverdale Park, Council District 3, Planning Area 68, subject to 16 conditions of which the following pertains to signage:

16. **Monument signs as described in the Detailed Site Plan submittal require a secondary amendment. Signage is governed by the 2012 Cafritz Property at Riverdale Park Town Center Development Plan, *Design Standards / Site Design*, "Signage," Paragraph 5, which states, in pertinent part, that "[u]nique neon signs, internally lit signs, and signs with moving parts or blinking lights may only approved for creative value that enhances the town center in areas outside of the historic core." Because the applicant's proposed signage was submitted as part of DSP-13009; and not through a secondary amendment as contemplated by the Development Plan, we reverse, and deny the Planning Board's approval of monument signs as part of DSP-13009. All monument signs must follow the Development Plan guidelines or seek a secondary amendment.**

Secondary Amendment SA-130001-01 is companion to this case and was approved by the Planning Board prior to the approval of this DSP.

6. **Parcel-By-Parcel Description:** The following is a parcel-by-parcel description of the development as approved under the original detailed site plan.

a. **PARCEL B: Building 2A and 2B**

Parcel B: Parcel B is located in the central western portion of the site and has frontage on Baltimore Avenue (US 1), proposed Woodberry Street, 45th Street, and Van Buren Street. The front of the parcel is part of the gateway entrance feature along US 1. To the north is Woodberry Street and beyond is Parcel A with proposed Building 1. The DSP for Parcel B was approved with development of 7,402 square feet of retail space within Building 2A and 22,600 square feet of retail/office space within Building 2B. Both buildings (2A and 2B) will contain multiple tenants. Associated with this development is a parking garage which is partially buried on the west and northwest, surrounded on the east by proposed Building 2B, and partially screened by proposed Building 2A on the south side. In addition, a plaza is proposed along Van Buren Street, flanked on the east by Building 2A, on the north by the parking garage, and on the west by a retaining wall. The plaza will contain bicycle racks and perhaps a bikeshare station. The plaza provides a connection to Van Buren Street from both levels of the parking garage.

Signage: Signage on Parcel B is located on the north side of the intersection of Van Buren and Baltimore Avenue (US 1), outside of the public utility easement (PUE), and is proposed to be built into an entrance feature. A cast-stone sign panel with pin-mounted lettering is part of an entrance wall that is proposed as a brick feature embellished with wrought-iron-like fencing and a steel trellis structure. The commercial sign is proposed to be set into the structure, is double sided and shown as eight feet by six feet in size. This advertising sign sits approximately two and one-half to three feet above grade, upon a brick wall and surrounded by brick piers.

The sign indicates that the lettering will be contained within the upper half of the sign board and three tenants will be advertised below in horizontal bands. In addition to the advertising sign, the entrance feature also incorporates a community identification sign at its base as a single panel stating "Riverdale Park Station." Lighting is proposed to up-light the sign from the base of the brick feature from a single point.

b. **PARCEL C: Building 3**

Parcel C: Parcel C is located in the southwestern portion of the site and has frontage on Baltimore Avenue (US 1) and Van Buren Street. Parcel C is nearly square in shape. The front of the parcel is part of the gateway entrance feature along US 1. To the north is Van Buren Street and beyond is Parcel B with proposed Buildings 2A and 2B. To the east are the future hotel site and the existing U.S. Postal Service distribution center. To the south is the U.S. Armory site. A right-turn only entrance with appropriate traffic control and design features (per the Maryland State Highway Administration (SHA)) into Parcel C from US 1 northbound will accommodate access for both large trucks and passenger

vehicles. Parcel C was approved with development of 61,396 square feet of retail/office space within Building C. This multi-tenant building includes a grocery store as the main anchor (Whole Foods), a drive-through bank, and additional retail/office located on the second floor area.

Signage: Signage proposed on Parcel C includes a community identification sign (directional) located on the south side of the intersection of Van Buren and Baltimore Avenue (US 1), within the public utility easement (PUE), and is proposed to be built as an entrance feature. The feature is part of an entrance wall that is proposed as a brick feature and wrought-iron-like fencing with a steel trellis structure, very similar to the feature across Van Buren. This sign incorporates the community identification sign at the base as a single panel stating "Riverdale Park Station." This community identification sign is proposed to be fourteen feet in length and two feet in height.

At the Planning Board hearing the applicant proposed that the Planning Board adopt a condition relating to the adjustment of the final plat so that the public utility easement could be changed so that the footing of the proposed entrance feature would be outside of the public utility easement. The proposed wording of the condition proposed by the applicant is as follows:

"Prior to signature approval, the applicant shall demonstrate to the Planning Board or its designee either that the Public Utility Easement has been adjusted such that the sign to be located on the south side of Van Buren Street will be located entirely outside of the PUE, or that it has obtained the approval of all affected utilities to locate said sign within the PUE."

A second commercial sign is located on the north side of the intersection of Baltimore Avenue (US 1) and Underwood Street outside of the public utility easement (PUE). A cast-stone sign panel with pin-mounted lettering is proposed to be set into the structure, is single-sided, and is shown as ten feet wide by four feet three inches in height, placed within a brick base. This sign sits approximately one and one-half to two feet above grade. The overall dimensions of the structure and sign are 14 feet wide and six feet high. The sign indicates that the lettering will be contained within the upper half of the sign board and three tenants will be advertised beside that signage in horizontal bands. Lighting is proposed to up-light the sign from the base of the brick feature from a single point.

7. **Zoning Ordinance No. 11-2012:** On July 12, 2012, the District Council approved an ordinance to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, by approving a Primary Amendment to the 2004 Town of Riverdale Park M-U-TC Zone Development Plan, subject to 27 conditions and 5 considerations. Of the conditions and considerations attached to the rezoning, none pertain to the development of freestanding signage, but the following warrant discussion:

1. The Design Review Process set forth at pages 65-66 of the January 2004 approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan applies to the Cafritz Property with the following modifications:

- a. Detailed site plan (DSP) approval, in accordance with Part 3, Division 9 of the Zoning Ordinance, shall be required prior to the approval of a special permit, final subdivision plat, the issuance of any permit, and concurrently with or after the approval of a special exception, for all new development and redevelopment on the property. Each application for a special permit, final subdivision plat, or other permit must be consistent with an approved detailed site plan for the site.**

This application for the DSP revision is being reviewed in accordance with Part 3, Division 9, of the Prince George's County Zoning Ordinance for signage prior to the approval of signs.

- c. All detailed site plans shall be referred to the Town of Riverdale Park for review by the M-U-TC Design Committee for all phases and types of development. The M-U-TC Committee is authorized to review detailed site plans as advisory to the Planning Board and the Planning Director as designee of the Planning Board for staff level revisions.**

The plans were sent to the Town of Riverdale Park for review by the M-U-TC Design Committee. The Town of Riverdale Park provided a recommendation to their Town Council, who testified at the Planning Board hearing as outlined in Finding No. 10(d).

- d. In a detailed site plan or special exception application, in order to grant departures from the strict application of the Guidelines, the Planning Board shall make the following findings:**
- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic condition, or other extraordinary situation or condition;**
 - (2) The strict application of the development plan will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**
 - (3) The departure will not substantially impair the intent, purpose, or integrity of the General Plan, Master Plan, or the town center development plan.**

The applicant has not submitted any request for departure from the strict application of the Development Plan Guidelines. The Secondary Amendment is the appropriate mechanism to allow free standing signage, as required under Condition 16 of Detailed Site Plan DSP-13009, a companion case to this case Secondary Amendment SA-130001-01. The departure findings cannot be applied, since the project is the subject of plans that created the parcels of land and clearly were not designed such that they exhibit any extraordinary situation or condition, nor do they have exceptional topographic conditions.

13. **Prior to approval of a detailed site plan, a 90-to-120-foot-wide buffer shall be provided along the entire length of the property frontage on Baltimore Avenue that incorporates retention of existing trees to the maximum extent practicable. This depth of buffer may be reduced north of Van Buren Street with approval by the Planning Board, provided the applicant submits evidence demonstrating that it submitted plans to the Town of University Park prior to the acceptance of the detailed site plan and the Town was afforded sufficient time to comment, and if it is determined to be a superior design solution, by providing berms, retaining walls, landscaping, or other screening of the parking lot from the residences to the west consistent with Parking Sections Exhibit dated January 7, 2012. In no event shall the buffer be less than 60 feet in width.**

The revision to the DSP for freestanding signage has incorporated some of the signage into the freestanding wall system on the plans, and does not impact the width of the buffer.

8. **2004 Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan:** The applicant has asked for an amendment to the approved Town Center Development Plan in order to allow freestanding signage. That application is companion to this case and is scheduled to be heard on the same day, November 6, 2014. The recommendation for approval of this DSP is contingent on the approval of the Secondary Amendment request, SA-130001-01.
9. **Zoning Ordinance:** The DSP application for signage on Parcels B and C has been reviewed and is found to be in compliance with the requirements of the M-U-TC Zone and Airport Compatibility, Part 10B, of the Zoning Ordinance.
10. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The comments are summarized as follows:
 - a. **Community Planning**—The Planning Board considered the following analysis and summarized comments for the application:

This application is located within the county's innovation corridor and is within a designated employment area. Employment areas are described as "areas commanding the highest concentrations of economic activity in four targeted industry clusters—healthcare and life sciences; business services; information,

communication, and electronics; and the Federal Government.” The innovation corridor is a prioritized employment area described by *Plan Prince George's 2035 Approved General Plan* as follows:

Innovation Corridor: The second transformative Plan Prince George’s 2035 recommendation is designating parts of the City of College Park, the City of Greenbelt, the Town of Riverdale Park, the Town of Edmonston, the Town of Berwyn Heights, and areas along the US 1 Corridor and around the University of Maryland, College Park and the Beltsville Agricultural Research Center (BARC) as the Innovation Corridor.

This area has the highest concentrations of economic activity in our four targeted industry clusters and has the greatest potential to catalyze future job growth, research, and innovation in the near- to mid-term. This area is well positioned to capitalize on the synergies that derive from businesses, research institutions, and incubators locating in close proximity to one another and on existing and planned transportation investment, such as the Purple Line.

The development program approved for the site consists of a mix of retail, office, residential, and recreational land uses and is in conformance with the overall vision, goals, policies, and strategies of both the county's *Plan Prince George's 2035 Approved General Plan* and the Riverdale Park Mixed-Use Town Center Development Plan. There are no general plan or master plan issues with this application.

The northeastern portion of this application is located under the traffic pattern for a small general aviation airport (College Park Airport). This area is subject to Aviation Policy Area regulations adopted by CB-51-2002 (DR-2) as Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. Specifically, the subject property is located in Aviation Policy Area (APA) 6. The APA regulations contain additional height requirements in Section 27-548.42 of the Zoning Ordinance and purchaser notification requirements for property sales in Section 27-548.43 that are relevant to evaluation of this application. No building permit may be approved for a structure higher than 50 feet in APA-6 unless the applicant demonstrates compliance with FAR Part 77; however, none of the free standing signs are over 50 feet in height.

- b. **Prince George’s County Police Department**—The Police Department provided comment on the subject application indicating that there are not CPTED related issues.
- c. **Prince George’s County Health Department**—The Health Department was sent a referral but has not offered comments on the subject application.

- d. **Town of Riverdale Park**—In letter dated November 5, 2014 to Elizabeth M. Hewlett, Chairman of the Prince George's Planning Board from Sara Imhulse, Town Administrator of Riverdale Park, the Town provided the following comments:

"The Riverdale Park Town Council voted at a legislative meeting on Monday, November 3, 2014, to provide the Planning Board with the following comments on DSP-13009-03 and SA-130001-01:

"The Town is concerned about the broad nature of the proposed secondary amendment and recommends that it be amended to limit freestanding signs and signage in Riverdale Park Station in the following ways:

- "1. Freestanding signs shall only be allowed in the parcels along Baltimore Avenue.
- "2. The total number of signs in the parcels along Baltimore Avenue shall be limited to one commercially-oriented sign per parcel abutting Baltimore Avenue; non-commercial community entrance feature signs should not be limited in the same way.
- "3. The allowed freestanding signs shall be limited to twelve feet in height above ground.
- "4. Only externally-lit freestanding signs shall be allowed, with standards similar to those in Standards 5 and 9 for lighting, on Page 11 of the existing Cafritz Property Design Standard Guidelines.
- "5. Each freestanding sign panel shall not exceed fifty square feet in area.
- "6. Pole-mounted freestanding signs shall remain prohibited throughout the zone.
- "7. All freestanding signs in the parcels along Baltimore Avenue shall be monument signs and have a similar set of materials, scale, and character to those presented in DSP 13009-03, so as to present a cohesive whole.

"The Town fully expects the site and signs to be well-maintained as provided through the original Detailed Site Plan and Secondary Amendment process."

The Planning Board considered the Town of Riverdale Park's recommendation and adopted their recommendations.

- e. **Town of University Park**— In letter dated November 5, 2014 to Elizabeth M. Hewlett, Chairman of the Prince George's Planning Board from Lenford C. Carey, Mayor, the Town provided the following comments relating to the DSP:

"This letter is sent on behalf of the Town of University Park to present its formal position concerning the application of Calvert Tract, LLC, for Secondary Amendment SA-130001-01 and DSP-13009-03, for the Cafritz Property at Riverdale Park. The Town Council voted on November 3, 2014 to support the SA-130001-01 with conditions and DSP-13009-03 with conditions. Specifically, the Council voted to support the following:

"The Council supports the secondary amendment of the Cafritz Property at Riverdale Park Town Center Development Plan ("Plan") under Section 25-546.14 of the County Zoning Code, provided certain conditions are included. These are:

"DSP-13009-03

"The proposed revision includes installation of three freestanding signs, one a commercial sign in Parcel B on the north side of Van Buren Street at the intersection with Route 1, the second a community identification sign in Parcel C on the south side of Van Buren at this intersection, and the third a commercial sign in Parcel C on the north side of Underwood at its intersection with Route 1. The Council supports DSP-13009-03 with conditions. Specifically, the Council voted to support the following:

"The two commercial and one directional information signs approved in the DSP shall be consistent with the dimensions, elevation, placement, and entryway renderings contained in the document labeled Planning Department, Cafritz Property, Parcels B and C, dated October 24, 2014, which is part of the staff recommended approval. The brick color to be used should be off-white with a matte surface."

The Planning Board considered the Town of University Park's recommendations in conjunction with the Town of Riverdale Park and adopted the recommendations relating to the detailed site plan.

- f. **City of College Park**—The City of College Park responded that they had no comment on the application.
 - g. **City of Hyattsville**—The City of Hyattsville did not offer comments on the subject application.
 - h. **Town of Edmonston**—The Town of Edmonston did not offer comments on the subject application.
- 11. The Planning Board's approval of the Detailed Site Plan for signage on Parcels B and C represent a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
 - 12. The Planning Board's approval of the Detailed Site Plan for signage on Parcels B and C no effect on the previous finding 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) of the County Code.

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-13009-03, subject to the following conditions:

1. Prior to signature approval, the applicant shall demonstrate to the Planning Board or its designee either that the Public Utility Easement (PUE) has been adjusted such that the sign to be located on the south side of Van Buren Street will be located entirely outside of the PUE, or that it has obtained the approval of all affected utilities to locate said sign within the PUE.
2. All freestanding signs in the parcels along Baltimore Avenue shall be monument signs and have a similar set of materials, scale, and character to those presented in DSP 13009-03, so as to present a cohesive whole.
3. The two commercial and one directional information signs approved in the DSP shall be consistent with the dimensions, elevation, placement, and entryway renderings labelled and set forth in the Powerpoint Presentation shown at the Planning Board hearing on November 6, 2014. The brick color to be used should be off-white with a matte surface, and not painted.
4. All future revisions to the Detailed Site Plan with respect to non-directional freestanding signage shall be referred for comment to the Town of University Park.

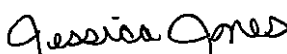
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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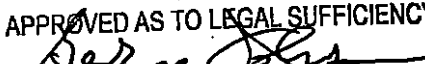
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Shoaff, with Commissioners Geraldo, Shoaff, Bailey and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, November 6, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of December 2014.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:SL:arj

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 11/14/14