

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 Secondary Amendment SA-130001-01 for Cafritz Property at Riverdale Park Town Center Development Plan, the Planning Board finds:

1. **Request:** The applicant requests approval of a Secondary Amendment (SA-130001-01) revision to the signage standards within the 2012 *Cafritz Property at Riverdale Park Town Center Development Plan* (Development Plan) for the purpose of amending the development district standards on freestanding signage for the property.
2. **Requirements of the Zoning Ordinance:** The revisions to the 2012 *Cafritz Property at Riverdale Park Town Center Development Plan* (Development Plan) apply to the entire 37.73-acres. The request conforms to the requirements for amendments to development plans per Section 27-546.14 (b) for Secondary Amendments, of the Prince George's County Zoning Ordinance.
3. **Section 27-546.14(b)(6)** of the Zoning Ordinance references Planning Board procedures for a requested secondary amendment. The procedure is the same as a conceptual site plan, but limited to Section 27-276(a)(1), (3), (4), (5), (6); Section 27-276(c)(1), (2); and Section 27-276(d). The following is extracted from the Zoning Ordinance, but the term [*Secondary Amendment*] is added for the reader's clarity.

Section 27-276 Planning Board Procedures

(a) General

- (1) **Prior to approval of any preliminary plan of subdivision or Detailed Site Plan, or the issuance of any grading, building, or use and occupancy permit, for the development or use of any land for which a Conceptual Site Plan [*Secondary Amendment*] is required, the applicant shall obtain approval of a Conceptual Site Plan [*Secondary Amendment*] from the Planning Board.**

The companion case application for DSP-13009-03 is predicated on the approval of this proposed secondary amendment. The Planning Board took action on the Secondary Amendment SA-130001-01 and the companion Detailed Site Plan and approved them on November 6, 2014, after review and testimony was heard.

- (3) **The Planning Board shall give due consideration to all comments received from other agencies.**

Notification letters and copies of the secondary amendments were transmitted to several Prince George's County agencies for review and comment prior to the public hearing and the information was presented at the public hearing and duly noted.

- (4) **The Planning Board shall only consider the Plan at a regularly scheduled meeting after a duly advertised public hearing.**

Public hearing notice signs were posted within the M-U-TC and R-55 (One-Family Detached Residential) Zone boundary on October 7, 2014, as evidenced by the sign posting affidavit.

- (5) **The Planning Board shall approve, approve with modification, or disapprove the Conceptual Site Plan [*Secondary Amendment*], and shall state its reasons for the action.**

The application for the secondary amendments was presented to the Planning Board by staff and the staff recommended approval of the application on November 6, 2014.

- (6) **The Planning Board's decision shall be embodied in a resolution adopted at a regularly scheduled public meeting, a copy of which shall be sent to all persons of record (in the Conceptual Site Plan [*Secondary Amendment*] approval process) and the District Council.**

The Planning Board's decision on the application is embodied in this resolution and the resolution will be sent to all persons of record and the District Council.

(c) **Time limits for action**

- (1) **The Planning Board shall take action on the Conceptual Site Plan [*Secondary Amendment*] within seventy (70) days of its submittal. The month of August and the period between and inclusive of December 20 and January 3 shall not be included in calculating this seventy (70) day period.**

The secondary amendment application was accepted on October 6, 2014 and was reviewed acted upon by the Planning Board on November 6, 2014, which is 31 days from the acceptance date.

- (2) If no action is taken within seventy (70) days, the Conceptual Site Plan shall be deemed to have been approved. The applicant may (in writing) waive the seventy (70) day requirement to provide for some longer specified review period.

The Planning Board's 70-day limit to take action on this secondary amendment application was complied with in the review of this application.

(d) Notification of applicant

- (1) If a Conceptual Site Plan [*Secondary Amendment*] is not approved, the Planning Board shall notify the applicant (in writing), stating what changes are required for approval.

The Planning Board approved the application.

4. Section 27-280 Appeal of the Planning Board's Decision

- (a) The Planning Board's decision on a Conceptual Site Plan or amendment of the Development District Standards for an approved Development District Overlay Zone may be appealed to the District Council upon petition by any person of record. The petition shall specify the error which is claimed to have been committed by the Planning Board and shall also specify those portions of the record relied upon to support the error alleged. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice.
- (b) The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) calendar days after receiving this notice, the Planning Board shall transmit to the District Council a copy of the Conceptual Site Plan, all written evidence and materials submitted for consideration by the Planning Board, a transcript of the public hearing on the Plan, and any additional information or explanatory material deemed appropriate.
- (c) The District Council shall schedule a public hearing on the appeal or review.
- (d) Within sixty (60) days after the close of the Council's hearing, the Council shall affirm, reverse, or modify the decision of the Planning Board, or return the Conceptual Site Plan to the Planning Board to take further testimony or reconsider its decision. Where the Council approves a Conceptual Site Plan, it shall make the same findings which are required to be made by the Planning Board. If the Council fails to act within the specified time, the Planning Board's decision is automatically

affirmed.

- (e) **The Council shall give its decision in writing, stating the reasons for its action. Copies of the decision shall be sent to the all persons of record, and the Planning Board.**

This section of the Zoning Ordinance outlines the procedure for review by the District Council if a person of record appeals the Planning Board's decision on the application, or if the District Council votes to review the decision within 30 days after the Planning Board's decision.

5. **Request for Secondary Amendment:** The applicant submitted the following request for a secondary amendment to the Cafritz Property at Riverdale Park Town Center Development Plan, and the following is the applicant's justification statement for the secondary amendment:

"This request for a Secondary Amendment to a Development Plan is set forth in, and legally permitted by Sec. 27-546.14 of the Prince George's County Zoning Ordinance, and is in connection, and part of, the Detailed Site Plan and for the development of the property known as the Cafritz Property at Riverdale Park (the 'Development'), with this application being noted as DSP-13009/03 and SP-130002/01.

"Within the Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan for the Cafritz Property at Riverdale Park ('Development Plan'), within the section entitled 'Signage', under No. 2 states as follows:

"2. Commercial signs shall be building mounted only. Freestanding signs shall not be allowed, unless they provide directional information marking the way to parking, historic sites, maps of the area, and other amenities. In these cases, such signage may only be provided in coordination with the Town of Riverdale Park and other applicable agencies and may not include commercial or product information.

"The following amendment to this Standard is proposed as follows:

"2. Commercial signs shall generally be building-mounted, but freestanding signs shall be permitted to provide identification of the development and/or certain businesses within the development, as well as directional information marking the way to parking, historic sites, maps of the area, and other amenities. In the case of freestanding signs for directional information, said signage may only be provided in coordination with the Town of Riverdale Park and other applicable agencies."

Applicant's Justification:

"Given the above-described findings for approval of the M-U-TC Zone, as well as the purposes of the M-U-TC Zone, the requested Secondary Amendment is justified for the

following reasons. The Development, as approved through Zoning Map Amendment No. A-10018, Preliminary Plan of Subdivision No. 4-13002, Detailed Site Plan No. DSP-13009 (including all approved revisions to date), Special Permit No. SP-130002, and Secondary Amendment No. SA-130001, is a community that will include 119 townhouses, 855 multifamily units (a portion of which will require additional detailed site plan approval), approximately 186,676 square feet of commercial space, and a hotel (that will require approval of a special exception). As can be seen from the above-referenced approvals, as well as the approval of the Development Plan, this is intended to be a cohesive and coordinated community, with a significant amount of commercial space. Allowing freestanding signs at appropriate locations will, among other things, assure that the Development will successfully 'ensure a mix of compatible uses that compliments (sic) concentrations of retail and service uses...'; 'provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment', 'encourage compatible development...that will enhance the Town Center', and 'provide a flexible regulatory environment that will support redevelopment and development interests in the area....' Freestanding signs at appropriate locations will not only help to emphasize the identity and cohesive nature of the Development as a whole, but also help to identify the existence of significant commercial establishments within the Development. The identification of such businesses within the Development is often a requirement of such businesses, which will not locate within developments such as this without this type of signage. The existence of freestanding signs at appropriate locations within the Development, therefore, is not only helpful to establish the character of the Development and the location of significant commercial establishments within the Development, but is actually crucial to the commercial success of the Development.

"It is also important to note the 'Intent' of the 'Signage' section of the Development Plan, which states as follows:

"Encourage a positive and attractive identity for businesses and the town center and make the street more interesting for pedestrians. Allow creative commercial expression and visual variety without creating clutter or overwhelming streetscape.

"The proposed freestanding signs (as shown on the accompanying application for a Revision to the approved Detailed Site Plan) will, in fact, implement a positive and attractive identity for businesses and the town center as intended by the Development Plan, and they will thus be consistent with the intent of the signage element of the Development Plan. Quite frankly, a development of the size and scope such as that which has been previously approved for this Development could not be successful without allowing certain freestanding signs, as proposed through this application, as well as the proposed 03 Revision to DSP-13009.

"For all of the above-stated reasons, the applicant herein submits that proposed Secondary Amendment that would allow freestanding signs at specified locations within the

Development is in compliance with the requirements for the approval of the Development Plan, is in conformance with the purposes of the M-U-TC Zone, and fulfills the original intent of the signage element of the Development Plan, and for these reasons, requests that it be approved.”

The Planning Board considered the applicant’s request and approved the following language as an amendment to the originally approved language contained within the 2012 *Cafritz Property at Riverdale Park Town Center Development Plan* (Development Plan):

Commercial signs shall generally be building-mounted, but freestanding signs shall be permitted to provide identification of the development and/or certain businesses within the development, as well as directional information marking the way to parking, historic sites, maps of the area, and other amenities. In the case of freestanding signs for directional information, said signage may only be provided in coordination with the Town of Riverdale Park and other applicable agencies.

6. Section 27-546.14 (b) (7) of the Zoning Ordinance states:

(7) The Planning Board may only approve a requested secondary amendment of a Development Plan if it make the following findings:

(A) The requested secondary amendment is in compliance with the requirements for the approval of a Development Plan;

The approval of this secondary amendment to the Development Plan requires compliance with the original approval of the Development Plan, A-10008, which does not have any prohibition of freestanding signage in the conditions of approval. Planning Board finds that the secondary amendment is consistent with the requirements of the Development Plan as was determined in the original rezoning of the property in the Primary Amendment. This secondary amendment is needed to provide for a reasonable regulatory framework to allow for freestanding signage to ensure the success of the commercial development in the future.

(B) The requested secondary amendment is in conformance with the purposes of the M-U-TC Zone;

The purposes of the M-U-TC Zone are set forth in Section 27-546.09(a) of the Zoning Ordinance, as follows:

(1) To create with the community a development framework that can capitalize on the existing fabric of the County’s older commercial/mixed use centers and corridors.

- (2) To promote reinvestment in, and the appropriate redevelopment of, older commercial areas, to create attractive and distinctive community centers for shopping, socializing, entertaining, living, and to promote economic vitality.
- (3) To promote the preservation and adaptive reuse of selected buildings in older commercial areas.
- (4) To ensure a mix of compatible uses which compliments (sic) concentrations of retail and service uses, including institutional uses, encourages pedestrian activity, and promotes shared parking.
- (5) To provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment.
- (6) To establish a flexible regulatory framework, based upon community input, to encourage compatible development and redevelopment, including shared parking facilities that will enhance the Town Center.
- (7) To preserve and promote those distinctive physical characteristics that are identified by the community as essential to the community's identity, including building character, special landmarks, small parks and other gathering places, and wide sidewalks.

The Planning Board finds that the secondary amendment is in conformance with the purposes of the M-U-TC Zone because this change will continue to provide a development framework that can capitalize on the existing fabric of the county's older commercial/mixed-use centers and corridors. The freestanding signage will promote investment in the commercial core of the community. This secondary amendment will allow signage to draw customers into the development and contribute to the realization of the center for shopping, socializing, entertaining, living, and to promote economic vitality. This secondary amendment will not detract from the sense of history of the larger community through limited freestanding signage and will not impact the older historic portion of the town center, which is not affected by this Development Plan. The secondary amendment does not detract from the intent of the Development Plan to ensure a mix of compatible and complementary uses, and to create a concentration of retail, service, and institutional uses, that encourages pedestrian activity, and promotes shared parking and a vibrant 24-hour environment. The approval of this amendment will create a flexible regulatory framework based upon community input that encourages compatible development. Further, the secondary amendment will not have an impact on the previous finding in the review of the original Development Plan that it will preserve and promote those distinctive physical characteristics that are considered by the community to be

essential to its identity, including building character, special landmarks, small parks and other gathering places, and wide sidewalks.

- (C) **The original intent of the Development Plan element or mandatory requirement being amended is still fulfilled with the approval of the requested secondary amendment.**

The purpose of the modifications to the Development Plan through the approval of the proposed secondary amendment is consistent with the intent of the Development Plan that amended the Town of Riverdale Park M-U-TC Zone Development Plan. Additionally, Section 27-546.13 of the Zoning Ordinance states the following:

- (a)(2) **The Development Plan shall consider the evolution of development regulations and the existing development character and create more appropriate standards and development guidelines that will encourage investment that supports the purposes of the zone.**

This secondary amendment is a result of the evolution of the overall project as it moves through the development review process in response to market forces. The language above recognizes that the Development Plan will evolve in this process and that it needs to be a flexible regulatory tool. This secondary amendment recognizes the need for freestanding signage for purposes of advertisement of the proposed commercial uses within the development, and does not vary greatly from the original concept plans.

7. **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. **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* (Plan Prince George's 2035) 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 Baltimore Avenue (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 Plan Prince George's 2035 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 (APA) regulations adopted by County Council Bill 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 APA-6. The APA regulations contain additional height requirements in Section 27-548.42 and purchaser notification requirements for property sales in Section 27-548.43 that are relevant to the 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 Federal Aviation Regulations (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 no crime prevention through environmental design (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:

"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:

"SA-13-0001-01

"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:

- "a. Freestanding commercial signs shall only be allowed in the parcels fronting on Baltimore Avenue, currently referenced as Parcels A, B and C.
- "b. The total number of commercial signs in the parcels along Baltimore Avenue shall be limited to one sign per parcel, for a total of three.
- "c. The current language in Standard 2 within the Plan in the section entitled "Signage" concerning freestanding signs with directional information marking the way to parking, historic sites, maps of the areas, and other amenities, not to include commercial or product information, to be provided in coordination with the Town of Riverdale Park and other applicable agencies, should be retained and not amended.
- "d. The allowed commercial freestanding signs shall be limited to twelve feet in height above ground.
- "e. Only externally-lit freestanding signs shall be allowed, and shall conform to Standards 5 and 9, in the section entitled "Signage" in the Plan.
- "f. Each freestanding sign panel shall not exceed fifty square feet in area.
- "g. Pole-mounted freestanding signs shall remain prohibited throughout the zone.
- "h. 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.
- "i. All future revisions to the Detailed Site Plan with respect to signage shall be referred for comment to the Town of University Park.

"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 recommendation in conjunction with the Town of Riverdale Park and adopted conditions applying to the secondary amendment as modified.

- 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 has not offered comments on the subject application.
 - h. **Town of Edmonston**—The Town of Edmonston has not offered comments on the subject application.
8. The original DSP-13009 for the case was reviewed and approved by the District Council (Order affirming the Planning Board’s decision) and their decision included the following condition:
- 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.**

This secondary amendment request directly relates to the condition above and follows the process set forth by the District Council in their directions to the applicant regarding the process.

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 Secondary Amendment SA-130001-01 to Signage Standard No. 2 as follows:

Commercial signs shall generally be building-mounted, but freestanding signs shall be permitted to provide identification of the development and/or certain businesses within the development, as well as directional information marking the way to parking, historic sites,

maps of the area, and other amenities. In the case of freestanding signs for directional information, said signage may only be provided in coordination with the Town of Riverdale Park and other applicable agencies.

Subject to the following conditions:

1. Freestanding commercial signs shall only be allowed in the parcels fronting on Baltimore Avenue, currently referenced as Parcels A, B and C.
2. The total number of commercial signs in the parcels along Baltimore Avenue shall be limited to one sign per parcel, for a total of three.
3. The allowed commercial freestanding signs shall be limited to twelve feet in height above ground.
4. Only externally-lit freestanding signs shall be allowed, and shall conform to Standards 5 and 9, in the section entitled "Signage" in the Plan.
5. Each freestanding sign panel shall not exceed fifty square feet in area.
6. Pole-mounted freestanding signs shall remain prohibited throughout the zone.

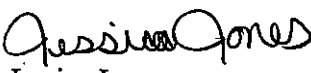
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Shoaff, seconded by Commissioner Geraldo, with Commissioners Shoaff, Geraldo, 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.

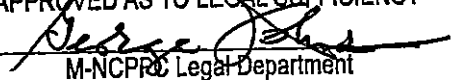
Adopted by the Prince George's County Planning Board this 4th day of December 2014.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:SL:arj

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPRC Legal Department

Date 11 / 13 / 14