



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2020-160

File No. SP-200001

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Special Permit SP-200001, Chase ATM at Riverdale Park Station, requesting a walk-up ATM use and amend the M-U-TC design standards to allow a reduction in the ground-floor transparency, in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on November 12, 2020, the Prince George's County Planning Board finds:

- 1. Location and site description:** The subject property is located within the area of 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 is located on Tax Map 42 in Grid C-2. The property is 1.53 acres and is known as Parcel D, recorded in the Prince George's County Land Records as Plat Book 247 Page 44. It is located in the Mixed-Use Town Center (M-U-TC) Zone at 4501 Van Buren Street, in the northeast quadrant of the intersection of 45th Street and Van Buren Street. The site is currently improved with 81,156 square feet of commercial retail uses, including eating and drinking establishments, a gym, brewery, and bank. The property is approximately 400 feet from US 1. The Automatic Teller Machine (ATM) will front on 45th Street, about 100 feet north of Van Buren Street, and is proposed to replace store front windows on the first floor level.
- 2. Previous Approvals:** The Town of Riverdale Park M-U-TC Zone Development Plan and corresponding M-U-TC Zone was approved by the Prince George's County Council on January 20, 2004, by Prince George's County Council Resolution CR-05-2004. The approved plan amends the May 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68* (Planning Area 68 Master Plan and SMA).

On February 2, 2012, the Prince George's County Planning Board recommended approval of rezoning 35.71 acres of the subject site from the One-Family Detached Residential (R-55) Zone to the M-U-TC Zone through Primary Amendment A-10018, with 27 conditions, dated July 12, 2012, and the Cafritz Property at Riverdale Park Town Center Development Plan. On July 12, 2012, the County Council, sitting as the District Council of Prince George's County, approved the rezoning of 35.71 acres, including the subject site, and amended the Town of Riverdale Park M-U-TC Zone Development Plan boundary to include the site. The District Council approved A-10018 (Zoning Ordinance No. 11-2012), subject to the 27 conditions.

The site is the subject of preliminary plan of subdivision (PPS) 4-13002, which was approved by the Planning Board on May 16, 2013 for the creation of 126 lots and 39 parcels for 168,200 square feet of commercial/retail, 22,000 square feet of office, a 120-room hotel, 126 single-family attached dwelling units, and 855 multifamily dwelling units, subject to 41 conditions (PGCPB Resolution No. 13-55).

On May 30, 2013, the Planning Board approved Detailed Site Plan DSP-13009 and Type 2 Tree Conservation Plan, TCP-2010-13 (PGCPB Resolution No. 13-63), as well as Special Permit SP-130002 (PGCPB Resolution No. 13-64) and Secondary Amendment SA-130001 (PGCPB Resolution No. 13-57). On September 30, 2013, District Council approved DSP-13009, subject to 16 conditions, and SA-130001, subject to 11 conditions. DSP-13009 has been amended 17 times since, all at the Planning Director level, except for DSP-13009-03, which the Planning Board approved in 2014, as well as SA-130001-01 (PGCPB Resolution No. 14-126) for freestanding signage. In addition, on July 25, 2020, the Planning Board approved DSP-13009-15, SP-130003, and SA-130001-02 (PGCPB Resolution No. 19-93) for construction of two multifamily buildings with a total of 632 units, including 195 age-restricted units, and 450 square feet of restaurant or retail use, to be located in a freestanding trolley car.

3. **Neighborhood and Surrounding Uses:** The general neighborhood is comprised of a mix of commercial and residential development. The site is surrounded by the following uses, all located in the M-U-TC Zone and part of the Riverdale Park Station Development:

North—	Woodberry Street, with single-family attached dwelling units and commercial uses beyond.
East—	46th Street and commercial uses beyond.
South-	Van Buren Street and commercial uses beyond.
West—	45th Street and commercial uses beyond.

4. **Request:** This application proposes to allow an ATM, which is a special permit use. The ATM will be located on the western façade of Building 4, on Parcel D, and a departure from the standards to decrease the ground floor transparency of the building is requested. The applicant has removed a ground floor window and inserted an ATM and proposes a projecting sign and canopy over the machine.

The applicant is requesting departures from the applicable M-U-TC Standards with this application. Detailed Site Plan, DSP-13009-18, to revise the building to include the ATM, was accepted on October 20, 2020 and is pending Planning Director approval, following the Planning Board's action on the subject SP.

The departure needed, and which the applicant has requested, is for Building Openings Standard 1 (page 54), to allow less than 60 percent transparency on the street-facing façade along 45th Street. The standard requiring a departure is as described in the applicant's most recent statement of justification (SOJ), received on October 9, 2020, incorporated by reference herein.

In order for the Planning Board to grant departures from the strict application of any standard or guideline approved in the development plan, the Planning Board must make the findings listed in Section 27-548.00.01(a)(2) of the Prince George's County Zoning Ordinance. The applicant's SOJ addresses the required findings.

5. **Master Plan Recommendation:** The Planning Area 68 Master Plan and SMA recommends public/quasi-public, Maryland-National Capital Park and Planning Commission park, and single-family detached land uses on the subject property.

In addition, the Planning Area 68 Master Plan and SMA makes the following recommendations that affect the subject property: The Residential Neighborhoods Infill Development recommendations state, "The following comments relate specifically to the Cafritz property: While zoned R-55, the property should be considered for a residential Comprehensive Design Zone, provided that the proposed development is compatible with surrounding residential communities and continues existing design and development patterns. Specifically, design of the development should incorporate a street pattern similar to that of the surrounding community, which has right-angle blocks and alleys. Brick should also be used on all units as the primary construction material. Special attention should be given to the development's frontage along US 1 to preserve the existing wooded image. A tree-save area should be provided and the units directly behind the tree-save area should front US 1." (page 16) In addition, Public Facilities Objective I states, "Identify appropriate sites for school facility construction. The park/school symbol on the Cafritz property located at US 1 and Albion Road in Riverdale has been retained. The site should be acquired as soon as possible. The size of this site allows it to be considered for a middle school." (page 47)

The Town of Riverdale Park M-U-TC Zone Development Plan (as amended by SA-130001 and SA-130001-01) states, under Access and Circulation Standard 7, "Pedestrian-accessed ATMs may be located on the front or side of the building along the street line. Vehicular oriented ATMs shall not be visible from Woodberry Street, 45th Street north of Van Buren, or Van Buren Street. The number of vehicle-oriented ATMs shall be less than the number of pedestrian-oriented ATMs on a building-by-building basis, and vehicle-oriented ATMs shall not be visible from primary streets." (page 7) The plan further states under Building Openings Standard 1, "Commercial facades at ground level facing a street shall be visually permeable (clear glass windows, doors, etc.) in such a way that pedestrians may view the interior and those inside the building may view the street. This is to be achieved through a minimum of 60 percent of the ground floor facade being constructed of transparent material (glass)." (page 15)

The design standards of the development plan apply to all new development and improvements on properties located within the M-U-TC Zone, unless otherwise noted, including buildings, additions, exterior renovations, new entrance and window treatments, signs, and fencing. Development that increases existing gross floor area by 15 percent or 7,500 square feet, whichever is smaller, shall subject the site to full review for compliance with the design standards. The ATM does not add square footage or floor area. However, the addition is subject to full compliance with the design standards for only the portions affected by the applicant's proposed improvements.

Section 27-239.02(a)(6)(B) of the Zoning Ordinance authorizes the Planning Board to grant a special permit in the M-U-TC Zone. The special permit use and site plan revision proposed with this application is not in conformance with the development plan design standards; therefore,

the applicant is seeking a departure from the applicable unmet standards, which were outlined above in this report.

6. Special Permit Findings:

Section 27-239.02(a)(6)(B) states:

- (B) The Planning Board may grant a Special Permit in the M-U-TC Zone if it finds that the site plan is in conformance with the approved Town Center Development Plan and its guidelines and specific criteria for the particular use. In the event a Special Permit is approved by the Planning Board, the approval is conditional upon the issuance of a building or use and occupancy permit by the Department of Environmental Resources, Permits and Review Division.**

Section 27-548.00.01(a)(2) states:

- (2) The Planning Board is authorized to allow departures from the strict application of any standard or guideline approved in a Town Center Development Plan in accordance with the procedures set forth in Section 27-239.01 and subject to the following findings:**

- (A) A specific parcel of land has exceptional narrowness, shallowness, or shape; exceptional topographic conditions; or other extraordinary situations or conditions;**

The minor nature of the request is an extraordinary situation, as the walk-up ATM use on the existing building will have very little effect on the surrounding development. The proposed location in the heart of the commercial area will provide convenient access to banking services for residents and consumers. The Planning Board concurs with the applicant's assessment that the importance of this convenient location for the use of the proposed ATM by Riverdale Park Station customers means this specific parcel of land has an extraordinary situation or condition that justifies the minor departure requested.

- (B) 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**

The strict application of the Town of Riverdale Park M-U-TC Zone Development Plan will result in several peculiar and unusual practical difficulties upon the applicant. The applicant has already constructed the ATM. Given the relatively minor changes proposed, strict compliance with the development standards would require removal of the ATM and would limit the public access to an ATM. The applicant's assessment that if an ATM is to effectively serve the patrons of commercial establishments, it must be conveniently located within a short

walking distance of those establishments, and that strict application of the development plan in this instance would result in peculiar and unusual practical difficulty and undue hardship upon the owner of the property.

(C) The departure will not substantially impair the intent, purpose, or integrity of the General Plan, Master Plan, or the Town Center Development Plan.

The ATM is a use permitted by special permit by the development plan. (page 70) The use location is ideal and fits within the envisioned commercial area, therefore it is a use that is compatible with the purpose of the plan. The enhancements to the building and site are attractive and appropriately scaled. The Planning Board concurs with the applicant's assessment that a reduction of 1.32 percent in the transparency along the western wall of Building 4 will not substantially impair the intent, purpose, or integrity of the General Plan, Master Plan, or the Town Center Development Plan.

Based on the preceding, the Planning Board finds that the required findings of Section 27-239.01 are met, and that the requested departures are therefore supportable.

7. **Recommendation of the Municipality:** The Planning Board did not receive comments or a recommendation from the Town of Riverdale Park or the Riverdale Park M-U-TC Committee.
8. **Further Planning Board Findings and Comments from Other Entities:** The following referrals were received and are incorporated herein by reference.
 - a. Community Planning Division, dated October 15, 2020 (Sams to Hurlbutt)
 - b. Environmental Planning Section, dated October 13, 2020 (Nickle to Hurlbutt)

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 approves the above-noted application, subject to the following conditions:

1. Prior to certification, the special permit site plan shall be revised, as follows:
 - a. Provide a site plan note quantifying the departure from the standards, including transparent material percentage of the ground-floor façade.
 - b. Provide architectural elevations with transparent material percentage of the ground-floor façade indicated.
 - c. The special permit plan set shall only include the plans pertinent to the departures approved, including the site plan and architectural elevations.

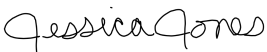
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the Circuit Court for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

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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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, November 12, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of November, 2020.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:JH:nz

APPROVED AS TO LEGAL SUFFICIENCY
David S. Warner /s/
M-NCPPC Legal Department
Date: November 10, 2020