



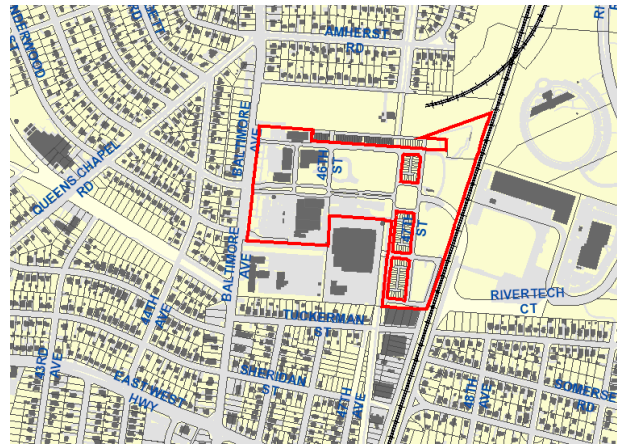
The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Secondary Amendment to Development Plan SA-130001-03 Cafritz Property at Riverdale Park (Station Food Hall)

REQUEST	STAFF RECOMMENDATION
To amend the Table of Uses to permit food hall use in the 2012 Cafritz Property at Riverdale Park Town Center Development Plan.	APPROVAL

Location: In the northwest quadrant of the intersection of Van Buren Street and 45th Street.	
Gross Acreage:	37.37
Zone:	M-U-TC
Dwelling Units:	0
Gross Floor Area:	0
Planning Area:	68
Council District:	03
Election District:	09
Municipality:	N/A
200-Scale Base Map:	208NE04
Applicant/Address: CT Building 4, LLC 2101 L Street NW, Suite 700 Washington, DC 20037	
Staff Reviewer: Tom Sievers Phone Number: 301-952-3994 Email: Thomas.Sievers@ppd.mncppc.org	



Planning Board Date:	02/10/2022
Planning Board Action Limit:	03/17/2022
Staff Report Date:	01/26/2022
Date Accepted:	01/06/2022
Informational Mailing:	12/06/2021
Acceptance Mailing:	01/10/2022
Sign Posting Deadline:	01/11/2022

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.....	3
BACKGROUND.....	3
REQUEST	4
1. Request for Secondary Amendment.....	4
FINDINGS	4
2. Requirements of the Zoning Ordinance	4
3. Referral Comments	11
RECOMMENDATION	11

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Secondary Amendment SA-130001-03
Cafritz Property at Riverdale Park Town Center Development Plan

The Zoning staff has reviewed the subject application and appropriate referral comments. The following evaluation and findings lead to a recommendation of APPROVAL as described in the Recommendation section of this report.

EVALUATION

The secondary amendment application was reviewed and evaluated for compliance with the following criteria:

- a. The requirements for a Secondary Amendment in Section 27-546.14 of the Prince George's County Zoning Ordinance.
- b. The requirements of the 2012 *Cafritz Property at Riverdale Park Town Center Development Plan*.
- c. Referral comments.

BACKGROUND

The subject site is a 35.71-acre development known as Riverdale Park Station. The site consists of parcels and lots platted in the Prince George's County Land Records in plats titled "Riverdale Park Station" and recorded in Plat Book MMB 239 pages 94–99, plat Book MMB 240 page 88, Plat Book SJH 241 page 99, Plat Book SJH 247 pages 44–46, and plat Book SJH 249 page 15. The subject site is located in the Mixed-Use Town Center (M-U-TC) Zone.

This property is subject to Preliminary Plan of Subdivision (PPS) 4-13002, which was approved by the Prince George's County Planning Board on May 13, 2013 (PGCPB Resolution No. 13-55) for a larger tract of land, which includes 2.02 acres in the One-Family Detached Residential (R-55) Zone. PPS 4-13002 approved 39 parcels and 126 lots for development of 190,200 square feet of commercial use, a 120-room hotel, and 981 dwelling units on the overall 37.73-acre site. Per Condition 34 of PGCPB Resolution No. 13-55, development on the subject site shall be limited to the mix of allowed uses and the intensity that will generate no more than 482 AM and 794 PM weekday, 767 mid-day, and 1,019 Saturday peak-hour vehicle trips during any stage of development. The area subject to 4-13002 and zoned R-55 has been platted as open space Parcel H and part of stormwater management Parcel I. Thus, the trip cap established with 4-13002 is

applicable to development in the area of the subject site zoned M-U-TC. This secondary amendment application has no impact on the approved PPS; all development must continue to comply with the capacity established with the PPS.

REQUEST

1. **Request for Secondary Amendment:** To amend the Table of Uses to permit a food hall use in the 2012 *Cafritz Property at Riverdale Park Town Center Development Plan* (Development Plan).

FINDINGS

Based upon the analysis of this subject Secondary Amendment request (SA-130001-03), and in connection with, and as part of, the detailed site plan application, DSP-13009-18, for development of the property known as the Cafritz Property at Riverdale Park, the Zoning staff recommends the following findings:

Secondary Amendment Zoning Ordinance Compliance and Findings:

2. **Requirements of the Zoning Ordinance:** The revisions to the previous development plan apply to the entire 37.73 acres. The request described below conforms to the requirements for amendments to development plans, per Section 27-546.14 of the Prince George's County Zoning Ordinance, which states the following:

Section 27-546.14 Amendments to Development Plan

(a) Primary amendments.

- (1) **All primary amendments of approved Development Plans shall be made in accordance with the provisions for initial approval of the Plan.**
- (2) **Primary amendments are any changes to the boundary of the approved Development Plan.**

(b) Secondary amendments.

- (1) **Secondary amendments are any amendments other than an amendment made pursuant to Section 27-546.14(a).**

The applicant has submitted a request to amend the previous development plan, which is proposed to be modified by amending the Table of Uses for the M-U-TC-zoned portion of the Cafritz property, to allow food halls as a use permitted by right. The proposed amendment to the previous development plan has been requested by the applicant, CT Building 4 LLC, in order to amend the Table of Uses on the property located approximately 1,400 feet north of the intersection of US 1 (Baltimore Avenue) and MD 410 (East-West Highway) on the east side of Baltimore Avenue. This amendment does not

propose to change the M-U-TC Zone boundary, nor does it propose any exterior improvements of any kind; therefore, the request meets the definition of a secondary amendment, per Section 27-546.14(b)(1), above.

- (2) An application for an amendment of an approved Development Plan, other than an amendment pursuant to Subsection (a), may be submitted to the Planning Board by any owner (or authorized representative) of property within the M-U-TC Zone, a municipality within which the zone is located, the Planning Board, or the District Council and shall be processed in accordance with the following regulations.**

The application has been submitted by CT Building 4 LLC, the owner of the property, and as indicated by the signature on the application, represented by Calvin Cafritz, Manager.

- (3) All applications shall be typed, except for signatures, submitted in triplicate, and shall include the following information (see attached application):**

- (A) The name, address, and telephone number of the applicant, and an indication of the applicant's status as contract purchaser, agent, or owner;**

The application has been submitted appropriately by the applicant/owner, who is listed as:

CT Building 4 LLC
1828 L Street NW, Suite 703
Washington, DC 20036

- (B) The street address of the property owned within the Development Plan; name of any municipality the property is in; name and number of the Election District the property is in;**

The overall property has a street address of 6667 Baltimore Avenue, Riverdale, Maryland, 20737. The property is located within the Town of Riverdale Park, the City of College Park, and Election District 19.

- (C) A statement enumerating each requested change and its effect upon the remainder of development in the approved Development Plan;**

The applicant provided one statement enumerating the requested amendment and claims that the amendment will not have an effect on the remaining portion of the development.

- (D) The name, address, and signature of each owner of record of the property. Applications for property owned by a corporation shall be signed by an officer empowered to act for the corporation;**

The limited liability corporation is owned by Calvin Cafritz who has signed the application.

- (E) The name, address, and telephone number of the correspondent;**

The correspondent is listed in the application as:

Lawrence N. Taub
O'Malley, Miles, Nylen & Gilmore, P.A.
11785 Beltsville Drive, 10th Floor
Calverton, MD 20705
(301) 572-3274

- (F) A statement of justification in support of the request. The statement shall set forth the legal basis by which the requested amendment can be approved and a description of the existing components of the Development Plan and proposed changes thereto. This statement may be accompanied by three (3) copies of any material which (in the applicant's opinion) is necessary to clarify the typewritten statement. This additional material, if not foldable, shall be not larger than eighteen (18) by twenty-four (24) inches;**

The applicant has submitted a statement of justification for the requested amendment, which is included in the findings below.

- (G) The proposed amendment to be appended to or incorporated into the Development Plan;**

The proposed secondary amendment is as described in the enumerated statement of the request, as referenced above. The Planning Board's decision on the requested secondary amendment will be incorporated into the previous development plan.

- (H) A signed certificate stating that the applicant, on or before the date of filing such application, sent by certified mail a copy of the application for an amendment and all accompanying documents to each municipality in which any portion of the property which is the subject of the application is located, and each municipality located within one (1) mile of the property which is the subject of the application. The certificate shall specifically identify each municipality to which the application was mailed and the date it was mailed.**

Included in the secondary amendment application is a Certificate of Mailing certifying that Lawrence N. Taub, Esquire, sent by certified mail, a copy of the application for the originally submitted amendments and all accompanying documents to each of the municipalities listed below on November 5, 2021:

- Town of Riverdale Park
- Town of University Park
- City of College Park
- City of Hyattsville
- Town of Edmonston

- (4) Upon completing an application, the applicant shall pay to the Planning Board a fee to help defray the costs related to processing the application. A reduction in the fee may be permitted by the Planning Board if it finds that payment of the full amount will cause an undue hardship upon the applicant.**

An application filing fee was not assessed for this secondary amendment application, as fees for secondary amendments are not specified within Section 27-125.02, Fee Regulations, of the Zoning Ordinance, or within the Planning Board's established schedule of fees.

- (5) In addition to the filing fee, a fee of Thirty Dollars (\$30.00) shall be paid for the posting of each public notice sign to be posted by the Planning Board. No part of a fee shall be refunded or waived, unless the Planning Board determines that one of the following applies:**

- (A) The fee was paid by mistake, and the applicant has requested (in writing) a refund.**
- (B) The application is withdrawn prior to posting the sign. In this case the entire sign posting fee shall be refunded.**

A fee of \$30.00 was paid for each public notice sign posted to advertise the public hearing.

- (6) The District Council may, by Resolution, initiate a secondary amendment to an approved Development Plan, including, but not limited to:**
- (A) An amendment proposal to repeal any requirement within the M-U-TC Development Plan, for an M-U-TC Zone within one-half mile of an existing Metro station, for review of development applications by a M-U-TC Design Review Committee; or**
 - (B) An amendment proposal to incorporate a requirement within the M-U-TC Development Plan, for an M-U-TC Zone within one-half mile of an existing Metro station, to authorize, by motion,**

an election to review by the District Council as to any proposal for development within the respective M-U-TC Zone Development Plan.

This requirement is understood by the applicant.

- (7) The Planning Board shall review the requested secondary amendment for compliance with this Section and shall follow the same procedure required for the Conceptual Site Plan approval as found in Sections 27-276(a)(1), (3), (4), (5), (6); 27-276(c)(1), (2); and 27-276(d). Review by the District Council shall follow the procedures in Section 27-280.**

The Planning Board will review the application for the proposed secondary amendment on February 10, 2022, at a regularly scheduled public hearing. Proceeding the secondary amendment approval, the applicant shall obtain approval of a conceptual site plan (CSP) from the Planning Board, prior to approval of any PPS, DSP, or the issuance of any grading, building, or use and occupancy permit for development of land for which a CSP is required.

- (8) 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 previous development plan requires compliance with the original approval of the Development Plan, Zoning Map Amendment A-10018. Staff finds that the secondary amendment is consistent with the requirements of the proposed development plan, as was determined in the original rezoning of the property in the primary amendment and recommends that the use of a food hall be permitted by-right in the M-U-TC Zone. The food hall use is in compliance with the original approval because it would have been treated as a restaurant use. However, in 2020 the Prince George's County Council adopted Prince George's County Council Bill CB-70-2020, a text amendment that created the food hall use for a specific property, and in so doing did not consider that it would prohibit food halls in the Riverdale M-U-TC. This secondary amendment adds the use to the zone, making the use table consistent with the original approval of A-10018. A food hall, like a restaurant or other gathering place will attract patrons to the area while also helping add a variety of activities to create a sense of place through the mixture of commercial residential uses.

- (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.**

The subject application seeks to amend the Table of Uses allowed in the Riverdale Park Town Center Development Plan to allow food halls as a use permitted by right in the M-U-TC Zone. Staff agrees the use will be complementary to the existing commercial uses and that it will enhance the diversity and availability of eating and drinking establishments within Riverdale Park and the surrounding communities.

- (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.**

A food hall allows for a mixture of an eating and drinking establishment under one roof that will serve as a distinctive focal point and gathering place in the community.

- (3) To promote the preservation and adaptive reuse of selected buildings in older commercial areas.**

This finding was made through the approval of A-10018. The proposed amendment of the subject application will not negate this finding.

- (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.**

A food hall will offer a collection of eating and drinking establishments under a single roof, which will provide a range of compatible dining options to residents and patrons of Riverdale Park. Such an establishment will promote walkability as a community landmark and gathering place. It will also promote the use of shared parking and pedestrian activity.

- (5) To provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment.**

A food hall is a unique use that will add to the existing combination of retail and restaurant uses within the Development Plan, which will encourage a safe and vibrant 24-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.**

The subject property was rezoned M-U-TC in 2012 through A-10018, and as part of the approval, the County Council adopted the previous development plan to regulate development thereon.

- (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 application solely requests the approval of a new use to be permitted by right and will have no impact upon the physical characteristics of the community.

- (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 previous development plan, through the approval of the proposed secondary amendment is consistent with the intent of the original development plan that amended the Town of Riverdale Park M-U-TC Zone Development Plan. This application only seeks to amend the Table of Uses to allow a food hall in the M-U-TC Zone, as a use permitted by-right. The goal of the previous development plan is "To create a human-scale town center through attractive development that creates a sense of place and supports commercial and residential vitality." (*County Council of Prince George's County, Maryland, sitting as the District Council, Zoning Ordinance No. 11-2012, July 12, 2012, Revised December 4, 2014, per SA-130001-01, Cafritz Property at Riverdale Park, Based on Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan, January 2004, p. iii.*). The addition of a food hall as a permitted use will enhance the overall intent of the previous development plan by allowing a creative and attractive space for patrons to access a variety of dining options under one roof. Such an offering further underscores the intent of the previous development plan by promoting walkability from the surrounding community and serving as a landmark in the area, thus promoting the commercial and residential vitality.

3. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:

a. **Community Planning Division**—The Community Planning Division provided the following summarized comments for the application:

Community Planning Division staff finds that, pursuant to Sections 27-546.14(b)(8)(A), 27-546.14(b)(8)(B), and 27-546.14(b)(8)(C), pertaining to approval of a secondary amendment in an M-U-TC Zone, the requested secondary amendment is in compliance with the requirements for approval of a development plan, is in conformance with the purposes of the M-U-TC Zone, and the original intent of the development plan is fulfilled. The addition of a food hall as a permitted use is found to conform to the goal of the Cafritz M-U-TC Development Plan, which is “To create a human-scale town center through attractive development that creates a sense of place and supports commercial and residential vitality.”

b. **Prince George’s County Police Department**—At the time of the writing of this technical staff report, the Police Department has not offered comments on the subject application.

c. **Prince George’s County Health Department**—At the time of the writing of this technical staff report, the Health Department has not offered comments on the subject application.

d. **Town of Riverdale Park**—At the time of the writing of this technical staff report, the Town of Riverdale Park has not offered comments on the subject application.

e. **Town of University Park**—At the time of the writing of this technical staff report, the Town of University Park has not offered comments on the subject application.

f. **City of College Park**—At the time of the writing of this technical staff report, the City of College Park has not offered comments on the subject application.

g. **City of Hyattsville**—At the time of the writing of this technical staff report, the City of Hyattsville has not offered comments on the subject application.

h. **Town of Edmonston**—At the time of the writing of this technical staff report, the Town of Edmonston has not offered comments on the subject application.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Zoning staff recommends that the Planning Board adopt the findings of this report and recommends that the Planning Board APPROVE Secondary Amendment SA-130001-03.