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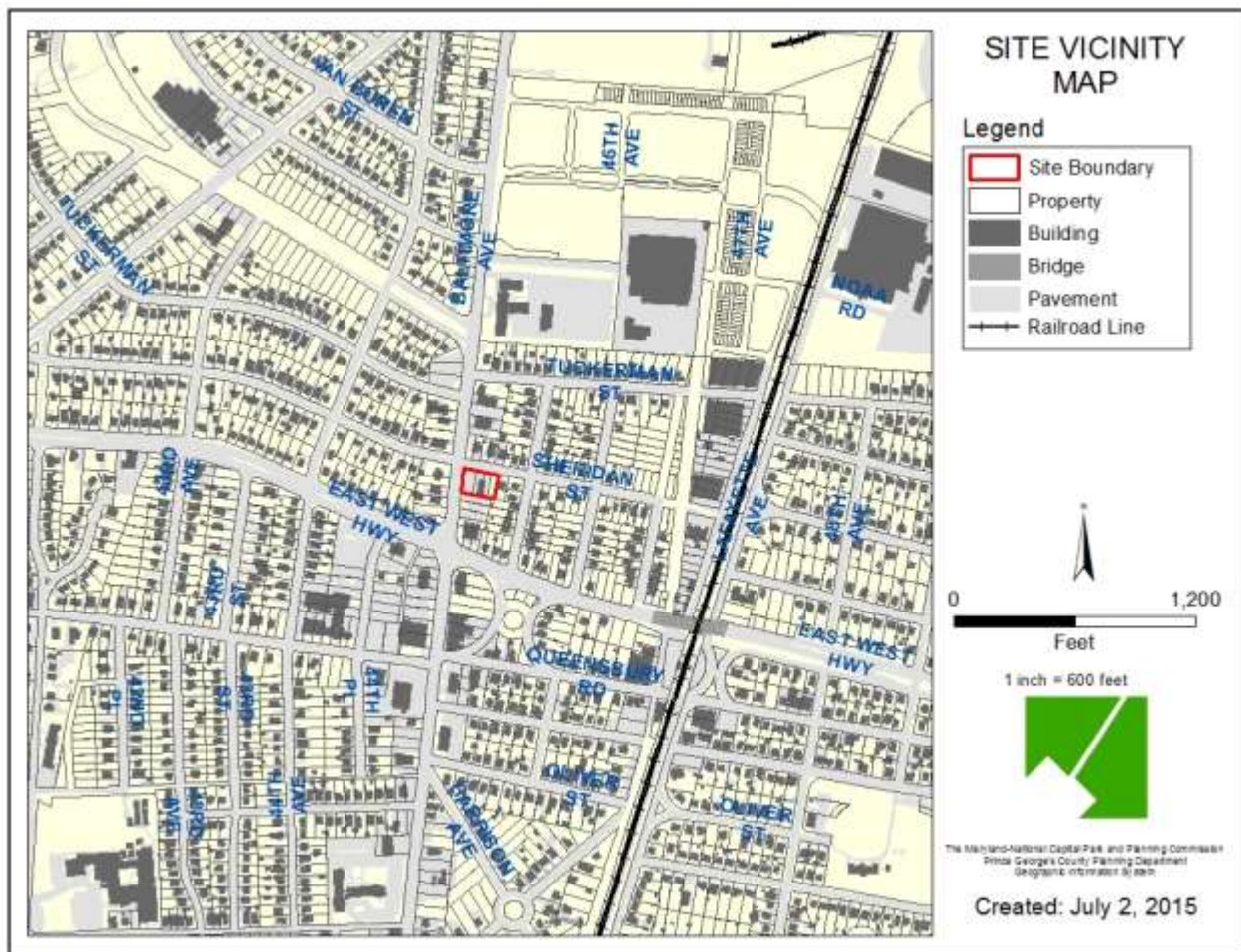
## Special Permit

## SP-150003

Application	General Data	
<b>Project Name:</b> 7-Eleven (Riverdale Park)  <b>Location:</b> East side of Baltimore Avenue (US 1) in the southeast quadrant of its intersection with Sheridan Street.  <b>Applicant/Address:</b> 7-Eleven, Inc. 1722 Routh Street, Suite 1000 Dallas, TX 75201  <b>Property Owner:</b> Friedman Properties, LLC. 10705 Goldwood Court Potomac, MD 20854	Planning Board Hearing Date:	09/10/15
	Staff Report Date:	07/15/15
	Date Accepted:	05/19/15
	Planning Board Action Limit:	Waived
	Plan Acreage:	0.47
	Zone:	M-U-TC
	Gross Floor Area:	2,152 sq. ft.
	Lots:	4
	Parcels:	N/A
	Planning Area:	68
	Council District:	03
	Election District	19
	Municipality:	Riverdale Park
	200-Scale Base Map:	207NE04

Purpose of Application	Notice Dates	
Per the Applicant's request at the July 30, 2015 Planning Board hearing, this case was continued to the Planning Board hearing date of September 10, 2015.  Special permit for a food and beverage store and a departure from the building design standards for percentage of building openings on the front and side elevations located in the Riverdale Park M-U-TC Zone.	Informational Mailing	02/16/15
	Acceptance Mailing:	05/15/15
	Sign Posting Deadline:	06/30/15

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Taslima Alam <b>Phone Number:</b> 301-952-4976 <b>E-mail:</b> Taslima.Alam@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT:**

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Supervisor, Zoning Review Section, Development Review Division

FROM: Taslima Alam, Senior Planner, Zoning Review Section, Development Review Division

SUBJECT: **Special Permit Application No. SP-150003  
7-Eleven (Riverdale Park)**

REQUEST: **Special permit for a food and beverage store and a departure from the building design standards for percentage of building openings on the front and side elevations located in the Riverdale Park M-U-TC Zone.**

RECOMMENDATION: **APPROVAL, with conditions**

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NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date of July 30, 2015. The Planning Board also encourages all interested persons to request to become a person of record for this application.

Requests to become a person of record should be made in writing and addressed to The Maryland-National Capital Park and Planning Commission, Development Review Division, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please call 301-952-3530 for additional information.

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## FINDINGS

- A. **Location and Field Inspection:** The 0.473-acre property is located in the Riverdale Park Mixed Use Town Center (M-U-TC) Zone, at 6315 Baltimore Avenue, in the southeast corner of the intersection of Baltimore Avenue (US 1) and Sheridan Street. The site is improved with a commercial building that was last used as a medical office, which was originally a gas station. The majority of the site area is covered with asphalt paving, which is currently being used as a parking lot that is poorly maintained. The property is screened and buffered from the adjacent commercial use by an existing natural wooded area located along the southern property line.

B. **History:**

- 1966–1983—** The property was developed and was used as gas station from 1966 until 1983. At that time, the property was zoned Local Commercial, Existing (C-1).
- January 1984—** Building Permit 2641-83-CU was issued by the Prince George’s County Department of Environmental Resources for internal modification and a change in use from a gas station to a medical office (dentist).
- 1994—** The 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68* (Planning Area 68 Master Plan and SMA) placed the subject property in the Commercial Office (C-O) Zone.
- January 2004—** *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (Riverdale Park M-U-TC Development Plan) classified this property in the M-U-TC Zone.
- October 2014—** The applicant initially filed a development application with the Riverdale Park M-U-TC Local Design Review Committee (Riverdale Park LDRC) to convert the existing building on the subject property from a medical office use (dentist) to a food and beverage store (7-Eleven), which is a permitted use in the zone. The proposal included renovation of the existing building by enclosing an existing open alcove and adding a five-foot by six-foot (30 square feet) building addition, from the original 275 square feet. The applicant also proposed to close one curb cut along Baltimore Avenue (US 1); to repair and re-stripe the parking lot; to improve the exterior elevations; and to add landscaping. The Riverdale Park LDRC, based on the plans at the time, determined that the applicant’s proposal exceeded the 15 percent threshold for increase to the existing gross floor area (GFA) for the building, making the plan subject to all of the design guidelines contained in the Riverdale Park M-U-TC Development Plan. Subsequently, the 30-square-foot addition was also removed from the plan. That reduction of GFA made them subject to only a few of the design guidelines.
- December 3, 2014—** The Riverdale Park LDRC voted to recommend denial of the application based on the apparent lack of compliance with more than a dozen mandatory design standards in the M-U-TC Development Plan.

The applicant further summarized the basis for the recommendation of denial as follows: the Riverdale Park LDRC determined that based on the information provided at the time (1) the proposed increase of the existing GFA of the building exceeded 15 percent and (2) the site plan did not address/satisfy all of the design standards of the Development Plan. (See staff's Attachment A).

**June 10, 2015—**

The Riverdale Park LDRC re-reviewed the special permit application based on a revised site plan submitted by the applicant. At the meeting, the Riverdale Park LDRC discussed a few particular issues with regards to the revised site plan. During the discussion, the committee expressed its disappointment with the overall design quality of the proposed building. No motion was made for approval/disapproval to the revised plan; rather, the Riverdale Park LDRC advised its chair, Mr. Alan K. Thompson, to direct the Committee's concerns to Mayor Archer and the Town Council of Riverdale Park to explicitly address the following points (all standard/page number references refer to the M-U-TC Development Plan):

- The need to verify, after completion of the project, compliance with the less than 15 percent increase in the GFA threshold.
- The need to verify the definition of "adjacent" as it applies to Standard 5 on page 36.
- The need to verify compliance with the window requirements of Standard 1 on page 54 regarding the frontage on US 1.
- The need to verify compliance with the window requirements of Standard 10 on page 55 regarding the wall facing Sheridan Street. (For details see staff's Attachment B, memorandum dated June 16, 2015).

**July 6, 2015—**

The Mayor and Town Council of Riverdale Park recommended denial of the application for the reasons detailed in the attached resolution entitled "Town of Riverdale Park, Maryland Resolution 2015-R-11." However, staff provided the following brief overview below as reasons for denial:

- Late submission of the modified statement of justification;
- Unclear as to whether the applicant exceeds 15 percent gross floor area increase;
- Stormwater management which pertains to ground disturbances given the proximity of the parcel to Wells Run and the town's primary stormwater management control system;

- Does not meet the goal of the M-U-TC Development Plan as follows:
  - **To create a human-scale town center through attractive development that creates a sense of place and supports commercial and residential vitality.**  
(page 26)
  - **To create a human-scale town center through attractive development that creates a sense of place and supports commercial and residential vitality.**  
(page 28)
- The site plan does not satisfy building design Standards 1 and 10 on pages 54 and 55, respectively, and massing changes on page 48 of the Development Plan and many other community concerns; and
- A number of other community issues listed on pages 5–7 of the resolution.

C. **Master Plan Recommendation:** This subject property is located in the Existing Communities policy area of the Prince George’s County Growth Policy Map of the *Plan Prince George’s 2035 Approved General Plan* (Plan Prince George’s 2035). The vision for established communities is to have context-sensitive infill and low- to medium-density development.

The application is located within the boundary of the Riverdale Park M-U-TC Development Plan, which classified the property in the M-U-TC Zone. The purposes of the M-U-TC Zone are to:

- Provide for a mix of commercial and limited residential uses which establish a safe, vibrant, 24-hour environment; designed to promote appropriate redevelopment of, and the preservation and adaptive reuse of, selected buildings in older commercial areas;
- Establish a flexible regulatory framework, based on community input, to encourage compatible development and redevelopment;
- Mandate approval of a development plan at the time of zoning approval that includes minimum and maximum development standards and guidelines, in both written and graphic form, to guide and promote local revitalization efforts; and
- Provide for legally existing buildings to be expanded or altered, and existing uses for which valid permits have been issued to be considered permitted uses, and eliminating nonconforming building and use regulations for the same.

This application conforms to the M-U-TC land use recommendations of the Development Plan because the proposed food and beverage store is a permitted use. The proposal implements the purpose to promote reinvestment in an older commercial area and it proposes to renovate an older building that takes advantage of a flexible regulatory framework to enhance the town center. The proposed renovation and construction of the 7-Eleven conforms to the intent and policies of the Planning Area 68 Master Plan and SMA. In addition, the applicant meets most of the applicable standards of the Development Plan, with the exception of two design standards (Standard 1 on

page 54 and Standard 10 on page 55) for which the applicant must gain approval from the Prince George's County Planning Board. Additionally, the applicant had proffered to meet a number of other design standards that are otherwise not required due to the limited review for compliance with the Development Plan.

- D. **Request:** The applicant is seeking approval of a special permit to appeal the determination of the Riverdale Park LDRC who denied a development application for a proposed food and beverage store (7-Eleven). The Riverdale Park LDRC denied the application because the applicant cannot meet certain site design standards contained in the Town of Riverdale Park M-U-TC Development Plan, which the Committee believes are applicable. The special permit process is the only vehicle by which the applicant can receive departures from these standards.

The applicant is proposing to renovate and convert the existing 1,716-square-foot medical office building into a 7-Eleven store and to slightly increase the GFA by enclosing the existing 236-square-foot open alcove area into the building, for a total of 1,952 square feet. The improvements on the site include closure of one curb cut along Baltimore Avenue (US 1), repairing and re-striping the existing parking lot, enclosing an open alcove at the northwest corner of the building, renovating the exterior elevations including roof and walls, and adding landscaping and a grass inlet to the site to significantly decrease the impervious area on the property. The central issue in this case is whether the applicant's proposal results in an increase of 15 percent or more of the existing GFA of the building, and whether the applicant meets all of the required design standards of the Development Plan.

- E. **Surrounding Uses:** The site is surrounded by the following uses:

North—	Sheridan Street and single-family detached dwelling units in the M-U-TC Zone and One-Family Detached Residential (R-55) Zone.
East—	Single-family dwelling units in the R-55 Zone.
South—	The J.D. Williams Office building and parking in the M-U-TC Zone.
West—	Baltimore Avenue (US 1), beyond which are single-family dwelling units in the R-55 Zone.

- F. **Special Permit Findings:** Section 27-239.02(a)(6)(B) of the Prince George's County Zoning Ordinance states that "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 any 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 (DER), Permits and Review Division."

The Riverdale Park M-U-TC Development Plan sets forth guidelines for all development in the town center as follows:

**The design standards replace requirements that are set forth in the Zoning Ordinance and the *Landscape Manual*. These standards set requirements for site, building, and public space design, including build-to lines, fencing, buffers, landscaping, parking, streetscape, building height, massing and openings, signage, lighting, stormwater management, parks, and plazas.**

**Development that increases existing gross floor area (GFA) by 15 percent or 7,500 square feet, whichever is smaller, shall subject the site to full review for compliance with the design standards. Lesser changes to the site, and additions to single-family residential dwellings, shall not subject the entire site to review for compliance, *only the portion impacted by the improvement. (emphasis added) (Page 28)***

Proposed Building Area Calculation

Existing GFA	1,716 sq. ft.
Proposed GFA	236 sq. ft.
Total new GFA	1,952 sq. ft.
Percentage of area increase	$236 / 1,716 = 13.75\%$

The applicant is proposing approximately 13.75 percent of GFA increase. Therefore, pursuant to the Applicability Section of the Development Plan, this application is subject to lesser review for compliance with the development/design standards, and is exempt from the Building Placement and Streetscape Section because the applicant's increase in GFA is less than 15 percent. Only a portion impacted by the improvements will be reviewed for conformance with the applicable M-U-TC standards (i.e. the enclosure of the alcove).

Since the increments of the GFA are located around the existing building, most of the M-U-TC standards are not relevant to this development. The applicable M-U-TC design standards for the proposed application are discussed in Finding H below.

Staff noted that, according to Maryland State Assessment and Taxation data, the existing building is 1,730 square feet, which is 14 square feet more than the applicant's boundary and the topographic survey, also known as the ALTA Survey. Even with the difference in square footage, the increase in GFA is still below 15 percent.

**G. Recommendation of the Municipality:**

**Riverdale Park M-U-TC Local Design Review Committee (Riverdale Park LDRC)**—On December 9, 2014, the Riverdale Park LDRC reviewed the application for the use and voted unanimously to disapprove the application because they believed the GFA increase of the project to be greater than 15 percent, so standards of building placement, setback, lot coverage, and other substantial design standard nonconformance issues not related to the GFA trigger were not met, as detailed in the written motion and evaluation template attached.

**Comment:** Following this decision, the applicant submitted a revised set of plans that is largely improved from what was originally submitted. Based on a review of the revised plans, the Riverdale Park LDRC still had concerns and forwarded the concerns to the Mayor and the Town Council of River Dale Park on June 16, 2015.

**Town of Riverdale Park**—By Resolution 2015-R-11 dated July 6, 2015, the Mayor and Town Council of Riverdale Park also recommended denial of the application for the reasons detailed on the attached resolution entitled "Town of Riverdale Park, Maryland Resolution 2015-R-11."



H. **Design Standards of the 2004 Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan:** As previously stated, the applicant is only subject to a partial review for compliance with the design standards which have been listed and evaluated by staff. The applicant has also requested a departure from two of the design standards contained in the plan, which have also been evaluated by staff for conformance to the required findings. The applicable M-U-TC standards are discussed below:

1. **Service Utilities and Stormwater Management, Standards 1–5 (page 38)**—These standards require the utility line to be located in the rear of the property for a lot smaller than two acres; the dumpsters to be located on the side or rear of the building; heating, ventilation, and air conditioning (HVAC) units to be located beside, behind, or on top of a building; do not allow window HVAC units on façades facing streets; and finally, use micromanagement water treatment systems for all new buildings.

**Comment:** These standards have been met. According to the applicant’s statement of justification, the site has no utility lines or poles along the frontage of the subject property. The utility line that will serve the property comes from off-site and across Sheridan Street to the back, ultimately connecting to the back of the building.

The applicant is proposing a trash dumpster on the site with an enclosure. The design of the enclosure matches that of the proposed building elevation in terms of color and materials.

No window HVAC is proposed. The applicant is proposing all HVAC equipment to be located on the roof behind a parapet wall on all four sides of the building to ensure attractive screening from the street and to also buffer any noise caused by the HVAC unit.

2. **Parking and Loading, Standards 1, 2, and 8 (page 39)**—The standards permit a maximum number of off-street surface parking spaces for each land use to be equal to 80 percent of the minimum number of off-street parking spaces; and permits the minimum number of required off-street parking spaces for each use to be reduced to 50 percent in accordance with Section 27-568(a) of the Zoning Ordinance. In addition, a loading space shall be provided that meets the need of the proposed development without unreasonably interrupting traffic flow.

**Comment:** These standards have been met. A minimum of six parking spaces and a maximum of 11 parking spaces are allowed on the site. The site plan shows ten parking spaces being provided, including one parking space for the physically-handicapped. One loading space is proposed near the north side of the building that will not interfere with on-site circulation or pedestrian movement. Although screening of the loading space is not a standard of the M-U-TC Development Plan, the applicant is proposing to provide landscaping around the loading space to create a more aesthetically healthy environment and to soften the view of the loading from adjacent Sheridan Street.

**Parking and Loading, Standards 5 and 15 (pages 40 and 41)**—These standards require that the tree-to-parking-space ratio be one shade tree per ten spaces, and the loading area shall be attractive and well-maintained.

**Comment:** These standards have been met. The site is providing three shade trees, which is two more than required. As mentioned above, the plan proposes new landscaping along Sheridan Street which will act as a buffer between the building and public right-of-way.

3. **Signage, Standards 1–5 (page 42) and Standards 1, 2, 6, 7, 8, 10, 11, 13, 15, 18, and 19 (pages 56–57)**—The site plan shows several existing signs, such as bus stop signs, along the site’s frontages. Two new building-mounted business identification signs are shown on the building elevations fronting Baltimore Avenue (US 1) and Sheridan Street. The signs are different sizes. The building-mounted signs fronting Sheridan Street measure approximately 22.8 square feet and the one fronting US 1 measures approximately 48.58 square feet. However, since the letters of the signs are individual channel letters mounted directly on the architectural face of the building, with no other decorative wall work, the actual faces of these letters constitutes the sign measurement calculation; therefore, the spaces between the letters shall not be considered part of the sign. For this reason, the square footage of the sign area is reduced by fifty percent. Therefore, the text portion only measures to be approximately 11.4 square feet and 24.29 square feet, respectively. The two proposed building-mounted signs satisfy the signage requirements.
4. **Lighting, Standards 1–8 (page 43)**—The applicant is providing sufficient lighting on the site. The architectural elevations designate some building-mounted lighting on the front façade facing Baltimore Avenue (US 1), located above the proposed building sign and on the side elevations facing Sheridan Street. The store front includes a glass entryway with a larger canopy and glass windows, all of which will be illuminated at night from the interior to give a “glow” effect that will further indirectly illuminate the eight-foot-wide sidewalk in front of the building. The site plan demonstrates that the parking and dumpster area will be illuminated with LED shield lighting. Lighting on poles will be no greater than 14 feet above ground level. Throughout the entire project, there is uniformity among all of the proposed lighting elements.

A photometric study has been provided with this application which includes foot candle measurements on-site and at the property line. According to the referral comments from the Urban Design Section dated June 22, 2015, lighting proposed in general meets the lighting requirements. However, no luminaire cut sheets have been provided. All lighting fixtures should be full cut-off luminaires.
5. **Landscaping, Standards 1–6 (page 44)**—The proposed landscape plan shows landscaping that greatly improves the site image. As mentioned above, the tree-to-parking space ratio, which is one shade tree per ten parking spaces, has been met. New landscaping of shrubs and evergreen trees has also been proposed throughout the site and at the corner of Baltimore Avenue (US 1) and Sheridan Street as recommended by the Urban Design Section in their memorandum dated June 22, 2015. The Urban Design Section further stated that the shrubs should be regularly maintained to not obstruct the sight view triangle at the intersection. All various landscaping proposed on the site will be installed and maintained in accordance with the requirements of the Riverdale Park M-U-TC Development Plan.
6. **Architecture Standards (pages 47-50) and Building Opening Standards (pages 54 and 55)**—The site plan provides four new elevations of the existing building for the proposed 7-Eleven store which, in general, is in conformance with the building design standards, except Building Openings Standards 1 and 10 regarding the percentage of windows on the front and side elevations. The building elevations are designed in

three-part composition and are finished with a combination of brick and split-face concrete masonry units (CMUs) for the two main elevations, and painted and split-face CMUs for the two interior elevations. The renovation of the existing building greatly improves the area.

In accordance with Standard 1 on page 54 regarding the wall facing Baltimore Avenue (US 1), a commercial façade 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 façade being constructed of transparent materials (glass). Per Standard 10 on page 55 regarding the wall facing Sheridan Street, walls facing public streets or to the rear shall have windows that occupy at least 40 percent of the wall area.

The applicant is providing 26 percent windows, including one faux window (3.76 percent) and some real windows on the front façade of the building (302.32 square feet of glass plus 52.18 square feet of faux window, for a total of 355.5 square feet or 26 percent). Only ten percent of faux window (one window) is provided on the side elevation fronting Sheridan Street. Both of the windows will be identical to the actual windows next to the main entrance to the store. Standards 1 and 10 are not satisfied per the M-U-TC Development Plan standard. The applicant is unable to provide 37.76 percent of the required 60 percent window opening on the front façade facing Baltimore Avenue (US 1) and the entire 40 percent window opening requirement facing Sheridan Street. Therefore, the applicant is requesting a departure of 37.76 percent of the required window opening on the front façade and 40 percent of the required window opening on the side elevation from the building design standards pursuant to Section 27-548.00.01(a) of the Zoning Ordinance.

As mentioned before, this application is subject to lesser review for compliance with the development/design standards and is exempt from the Building Placement and Streetscape section. Nevertheless, in an effort to respond to the various comments received from the Riverdale Park LDRC, the applicant in good faith revised the site and architectural elevations that are largely improved from what was originally submitted. The plan addressed the Riverdale Park LDRC's concerns as much as possible by preferring to meet some of the non-applicable standards of the Riverdale Park M-U-TC Development Plan. The applicant has gone the extra mile to address other design principles that include creating a comfortable pedestrian environment and an attractive streetscape by providing bike racks, a pedestrian patio with a seating area for pedestrian activity, and connectivity with the nearby residential neighborhood are included to the site. Moreover, an eight-foot-wide pedestrian walkway along the front of the building which will include ADA-compliant ramps is being proposed on the site plan. This sidewalk will connect to the sidewalk along Baltimore Avenue (US 1) and Sheridan Street to encourage a pedestrian-friendly environment. To further reduce the impervious surface area that currently exists on-site, additional trees, shrubs, and grass inlet were added to the site and around the newly proposed patio by removing the existing concrete on-site.

In all, it is clear that the applicant is creating a comfortable pedestrian environment and an attractive streetscape that currently does not exist on the subject property. Indeed, the property is currently devoid of any attributes that contribute to the town center. The overall improvement of the site will create a sense of place on a property that is currently old, outdated, and unattractive.

I. **Required Findings:** Section 27-548.00.01(a) of the Zoning Ordinance states:

- (1) **A Special Permit may be permitted by the Planning Board, in accordance with the provisions of Section 27-239.02.**
- (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;**

**Comment:** The subject property is 0.473 acres (20,605 square feet) and is bounded by public rights-of-way on two sides. The site is a compilation of several substandard lots combined by record plat in 1904, which predates the zoning regulations. The existing building is a uniquely-small one-story commercial building that was established 50 years ago in a traditional residential neighborhood-like setting. This property is developed on all four sides and has existing 15 to 24 percent slopes along the north, east, and south sides. In this case, the applicant is seeking to renovate an existing commercial building with a minor increase in GFA that, once improved, will enhance the appearance the building and its impact on the town center. Providing a large amount of windows is not practical and should not be applied to a one-story convenience store building. Staff believes that the amount of windows, 60 percent window opening on the front façade and 40 percent windows on the wall facing the street, recommended in the Riverdale Park M-U-TC Development Plan is geared more toward new multi-story commercial buildings with mixed uses that is built to the property line and against the sidewalk. The use of an existing small commercial building where the applicant is not proposing a significant increase in GFA, or demolishing the existing building to build a large new building with multi-use, is itself an extraordinary situation for not being able to comply with the standard of the building opening requirement.

- (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**

**Comment:** The applicant stated that the strict application of the Development Plan cannot be achieved because it will detrimentally impact the interior layout of the store and will potentially negatively impact the nearby residential development that faces Sheridan Street. The applicant further states that, due to the size of the building, it is impossible to provide 60 percent transparent glass windows along the front façade facing Baltimore Avenue (US 1) and 40 percent actual widows along the side elevation facing Sheridan Street. The applicant contends that requiring such standards will not produce an aesthetically pleasing building design and will comprise the functionality of the store, which may negatively impact the building structure.

Furthermore, the applicant stated the words “commercial façades at ground level,” which applies to a building with more than one level and more than one use. Therefore, the applicant believes that strictly applying a standard that is not otherwise intended for a development like this one-story building with one use creates practical difficulties. Strict

application would require the vast majority of these windows to be “black-out” in order to ensure that mechanical equipment and other less attractive features or walls are not visible from outside.

The applicant further contends that the purpose and intent of the Development Plan is to be flexible and allow the applicant alternatives to strict application of all of the design standards. To this purpose, the applicant is proposing a workable solution to the very practical problem regarding the window standards and the inherent conflict with the interior layout. As a compromise, and to meet the spirit and intent of these design standards, the applicant is proposing a total of two faux windows (one along the US 1 and one along the Sheridan Street façade) that will match the actual windows proposed on the building. The applicant contends that these solutions may solve many problems while addressing the development standards, which should be applied with an eye towards flexibility. The faux windows will serve two functions. First, they seek to respond to the standard by addressing the spirit of the standard. Second, they ensure that the peculiar and unusual difficulties are not created regarding the interior layout of the applicant’s store. When flexibly applying the design standards, the Planning Board should guard against negatively and irreparably damaging commercial businesses by dictating internal floor design through exterior development standards. This is true especially given the intent of the Development Plan, which articulates and requires flexibility when applying the standards which, in this case, will result in a design that responds to the spirit and purpose of the standard while ensuring that the commercial business can operate in a manner that will ensure its viability.

Based on the applicant’s justification, staff believes that the strict application of the Development Plan standard would result in an unusual practical difficulty to comply with the window standards without allowing the applicant alternatives to the Development Plan as proposed. The design requirements can only be met if the site is entirely razed and a new large multi-story building is constructed.

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

**Comment:** The departures will not substantially impair the integrity of the M-U-TC Development Plan. The intended purpose of the M-U-TC Zone is “to be flexible and allow the applicant alternatives to strict application of all of the design standards when developing in accordance with the goal, design principles, and intent statements of the development plan.” (emphasis added). The same is true regarding the Development Plan itself, as it is intended to “*create a flexible framework for reviewing and approving future development in the M-U-TC Zone,*” and its purpose is to “*establish a flexible regulatory framework...to encourage...redevelopment...*” Sections 27-546.13(a)(1) and 27-546.09(a)(6) of the Zoning Ordinance (emphasis added). With these purposes and general guidelines in mind, the proposed development and the requested departure do not substantially impair the goals of the Development Plan, instead, it significantly improves an old and outdated commercial property that was originally constructed in the mid-1960s as a gas station with a significant amount of impervious area.

- J. **Parking Requirements:** The Town of Riverdale Park M-U-TC Development Plan contains parking standards which differ from those contained in the Zoning Ordinance, having both a maximum (80 percent or 11 spaces) and minimum (50 percent or 6 spaces) number of parking spaces based on what is required by Section 11. The applicant’s site plan note indicates a

maximum 80 percent, or 10 spaces. This note should to be corrected on the site plan to 11 spaces. The applicant is providing ten parking spaces. The parking requirement has been met.

- K. **Tree Canopy Coverage:** The Prince George's County Tree Canopy Coverage Ordinance became effective on September 1, 2010. The subject property is located in the M-U-TC Zone, and proposes the addition of approximately 246 square feet of GFA. The plans should indicate the limit of disturbance for the property, which includes areas for grading. If the disturbance including the addition is more than 5,000 square feet, the tree canopy coverage (TCC) requirements are triggered in accordance with Section 25-128(b) of the Prince George's County Code. The application should provide the area of disturbance to determine if the application is exempt from the TCC requirements.

L. **Referral Summary:**

1. **Permit Review Section**—In a memorandum dated June 15, 2015, the Permit Review Section asked whether the site plan specifies the actual use of the abutting properties rather than labeling them as residential and commercial.

**Comment:** The actual uses of the adjacent properties are specifically mentioned on the statement of justification. However, actual adjacent uses and zones need to be shown on the site plan as conditioned.

2. **Urban Design Section**—In a memorandum dated June 22, 2015, the Urban Design Section recommended approval of the special permit with conditions as included in this report.
3. **Community Planning Division**—In a memorandum dated June 29, 2015, the Community Planning Division stated that they do not have any concerns.
4. **Transportation Planning Section**—In a memorandum dated June 25, 2015, the Transportation Planning Section stated that the ultimate right-of-way of 34 feet from centerline should be reflected on the site plan along Baltimore Avenue (US 1). The applicant addressed this on the revised site plan.

## CONCLUSION

The Planning Board may grant departures from the standards contained in the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* through the special permit process. Based on the submitted site plan, justification statement, and other submitted materials, this site is not in full conformance with the Development Plan standards. However, it is important to keep in mind that this proposal is essentially requesting to renovate an existing 50-year-old building with a modern store, upgraded landscaping, streetscape improvements including a bike rack, pedestrian patio with seating area, and an eight-foot-wide pedestrian walkway along the front of the building which will include ADA-compliant ramps, and will connect to the sidewalk along Baltimore Ave (US 1) and Sheridan Street. Staff believes that the requested departure is justified. Therefore, staff recommends APPROVAL of Special Permit Application No. SP-150003, subject to the following condition:

1. Prior to certification of the special permit, the site plan shall be revised as follows:
  - a. Show all of the dimensions of the building footprint, including the dimension of the indentations on the east and west elevations in accordance with the ALTA Survey and field measurements to ensure that the exact size of the alcove and building are correct.
  - b. Add a general note on the site plan indicating the existing use.
  - c. Correct the parking note: Maximum parking required is eleven (11) spaces.
  - d. Correct the maximum formula calculation for parking (80% of 1 space/150 SF for the first 3,000 SF = 11).
  - e. Provide cut sheets for the lighting fixtures.
  - f. Provide a site plan note indicating that all lighting fixtures are full cut-off luminaires.
  - g. Provide the limit of disturbance on the plans to determine if the project is subject to the tree canopy coverage requirements.
  - h. Provide window calculation data on the architectural elevation sheet for the percentage of faux windows and real windows.
  - i. Show the actual uses and zone of the adjacent properties on the site plan.