

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 [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

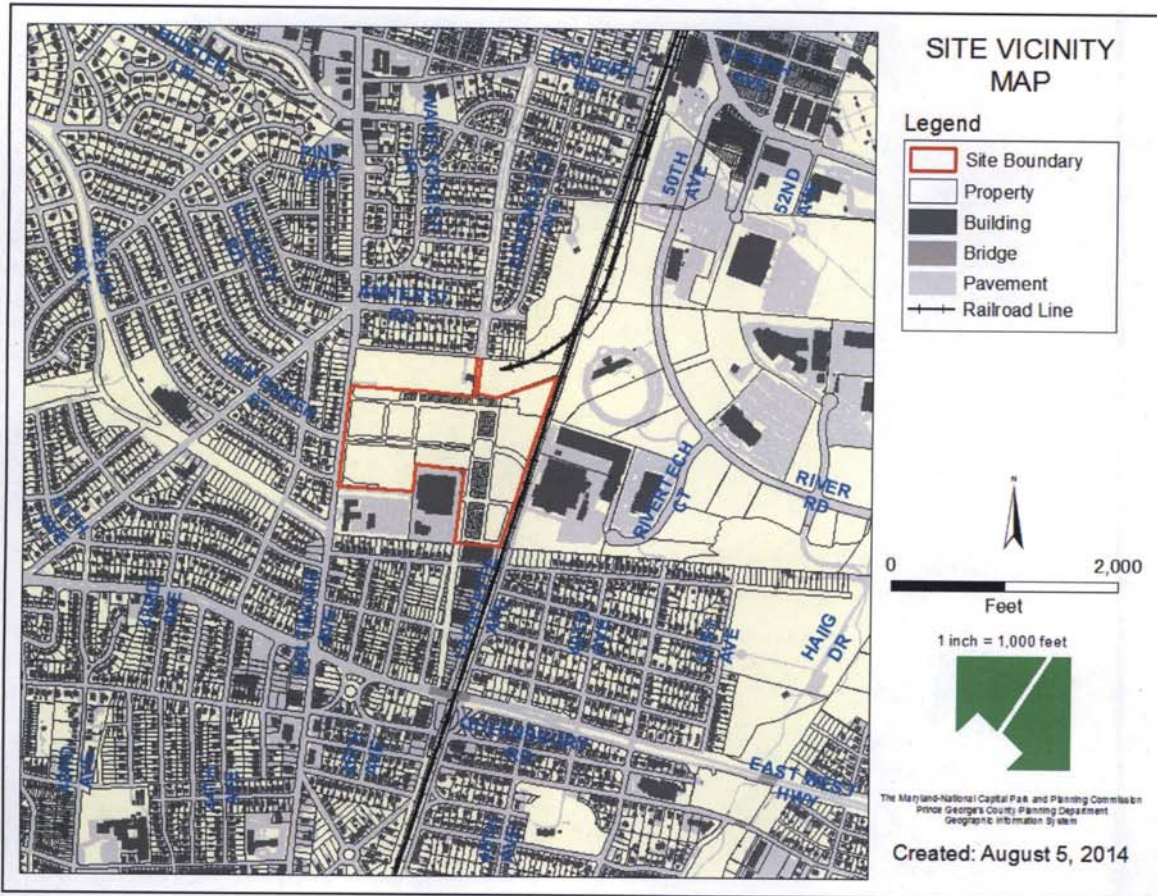
## Detailed Site Plan

**DSP-13009-03**

Application	General Data	
<b>Project Name:</b> Cafritz Property at Riverdale Park Parcels B and C  <b>Location:</b> Approximately 1,400 feet north of the intersection of Baltimore Avenue (US 1) and East-West Highway (MD 410), on the east side of Baltimore Avenue.  <b>Applicant/Address:</b> Calvert Tract, LLC 1828 L Street NW, Suite 703 Washington, DC 20036	Planning Board Hearing Date:	11/06/14
	Staff Report Date:	10/22/14
	Date Accepted:	10/06/14
	Plan Acreage:	37.73
	Zone:	M-U-TC
	Gross Floor Area:	N/A
	Lots:	N/A
	Parcels:	2
	Planning Area:	68
	Council District:	03
	Election District:	19
	Municipality:	Riverdale Park and College Park
	200-Scale Base Map:	208NE04

Purpose of Application	Notice Dates	
Detailed site plan for freestanding signage on Parcels B and C.	Informational Mailing	08/06/14
	Acceptance Mailing:	04/01/13
	Sign Posting Deadline:	10/07/14

<b>Staff Recommendation</b>		<b>Staff Reviewers:</b> Susan Lareuse, RLA <b>Phone Number:</b> 301-952-4277 <b>E-mail:</b> Susan.Lareuse@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-13009-03  
Cafritz Property at Riverdale Park

The Urban Design staff has reviewed the subject application and appropriate referral comments. The following evaluation and findings lead to a recommendation of APPROVAL with conditions as described in the Recommendation Section of this report.

EVALUATION

The detailed site plan application was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of Zoning Ordinance No. 11-2012, Primary Amendment to the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan*;
- b. The requirements of the 2012 *Cafritz Property at Riverdale Park Town Center Development Plan* as revised by proposed amendment SA-130001-01; and
- c. Referral comments.

FINDINGS

Based upon the analysis of the subject applications, the Urban Design staff recommends the following findings:

1. **Request:** The subject detailed site plan (DSP) application requests approval of three freestanding signs located on Parcel B (one sign on the north side of Van Buren Street) and Parcel C (two signs, one on the south side of Van Buren Street and one on the north side of Underwood Street).

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

<b>PROPOSED</b>	
Zone	M-U-TC (35.71 acres) R-55 (2.02 acres)
Use(s)	Commercial
Acreage	37.73
Parcels	2 (B and C)

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

4. **Overall Surrounding Uses:**

<b>North—</b>	Vacant property owned by the Washington Metropolitan Area Transit Authority (WMATA) in the R-55 Zone.
<b>East—</b>	CSX railroad tracks. Beyond the railroad tracks to the east is the Engineering Research Corporation (ERCO) Historic Site (68-022) located on land owned by the University of Maryland.
<b>South—</b>	A U.S. Postal Service facility in the R-55 Zone and the Riverdale Park town center in the M-U-TC Zone (of which this property is an extension).
<b>West—</b>	Baltimore Avenue (US 1), and beyond to the west are single-family detached dwellings in the R-55 Zone within the Town of University Park.

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

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

On September 30, 2013, the District Council AFFIRMED PGCPB Resolution No. 13-63, Detailed Site Plan DSP-13009, to approve with conditions a detailed site plan for a mixed-use development including 855 multifamily units, 126 townhouses, and approximately 187,277 square feet of commercial space distributed on 37.73 acres of land known as the Cafritz Property at Riverdale Park, pursuant to the Town Center Development Plan, located approximately 1,400

feet north of the intersection of Baltimore Avenue (US 1) and East-West Highway (MD 410), on the east side of Baltimore Avenue, in the Town of Riverdale Park, Council District 3, Planning Area 68, subject to 16 conditions of which the following pertains to signage:

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

Secondary Amendment SA-130001-01 is companion to this case and must be approved prior to the approval of this DSP.

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

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

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

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

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

b. **PARCEL C: Building 3**

**Parcel C:** Parcel C is located in the southwestern portion of the site and has frontage on Baltimore Avenue (US 1) and Van Buren Street. Parcel C is nearly square in shape. The front of the parcel is part of the gateway entrance feature along US 1. To the north is Van Buren Street and beyond is Parcel B with proposed Buildings 2A and 2B. To the east are the future hotel site and the existing U.S. Postal Service distribution center. To the south is the U.S. Armory site. A right-turn only entrance with appropriate traffic control and design features (per the Maryland State Highway Administration (SHA)) into Parcel C from US 1 northbound will accommodate access for both large trucks and passenger vehicles. The Parcel C was approved with development of 61,396 square feet of retail/office space within Building C. This multi-tenant building includes a grocery store as the main anchor (Whole Foods), a drive-through bank, and additional retail/office located on the second floor area.

**Signage:** Signage are proposed on Parcel C includes one sign located on the south side of the intersection of Van Buren and Baltimore Avenue (US 1), outside of the public utility easement (PUE), and is proposed to be built into an entrance feature. The feature is part of an entrance wall that is proposed as a brick feature and wrought-iron-like fencing with a steel trellis structure, very similar to the feature across Van Buren. This sign incorporates the community identification sign at the base as a single panel stating "Riverdale Park Station." This community identification sign is proposed to be fourteen feet in length and two feet in height. A second sign is located on the north side of the intersection of Baltimore Avenue (US 1) and Underwood Street outside of the public utility easement (PUE). A cast-stone sign panel with pin-mounted lettering is proposed to be set into the structure, is single-sided, and is shown as ten feet wide by four feet three inches in height, placed within a brick base. This sign sits approximately one and one-half to two feet above grade. The overall dimensions of the structure and sign are 14 feet wide and six feet high. The sign indicates that the "Whole Foods" lettering will be contained within the upper half of the sign board and three tenants will be advertised below that signage in horizontal bands. Lighting is proposed to up-light the sign from the base of the brick feature from a single point.

#### COMPLIANCE WITH EVALUATION CRITERIA

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

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

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

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

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

**Comment:** The plans have been sent to the Town of Riverdale Park for review by the M-U-TC Design Committee. As of the writing of this technical staff report, staff has not received formal comment from the committee on the plans. It is expected that the Town of Riverdale Park will provide comment prior to the Planning Board hearing.

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

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

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

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

8. **2004 Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan:** The applicant has asked for an amendment to the approved Town Center Development Plan in order to allow freestanding signage. That application is companion to this case and is scheduled to be heard on the same day, November 6, 2014. The recommendation for approval of this DSP is contingent on the approval of the Secondary Amendment request, SA-130001-01.
9. **Zoning Ordinance:** The DSP application for signage on Parcels B and C has been reviewed and is found to be in compliance with the requirements of the M-U-TC Zone and Airport Compatibility, Part 10B, of the Zoning Ordinance.
10. **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:

This application is located within the county's innovation corridor and is within a designated employment area. Employment areas are described as "areas commanding the highest concentrations of economic activity in four targeted industry clusters—healthcare and life sciences; business services; information, communication, and electronics; and the Federal Government." The innovation corridor is a prioritized employment area described by *Plan Prince George's 2035 Approved General Plan* as follows:

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



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

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

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

- b. **Prince George's County Police Department**—The Police Department provided comment on the subject application indicating that there are not CPTED related issues.
  - c. **Prince George's County Health Department**—The Health Department has not offered comments on the subject application, as of the writing of this report.
  - 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.
11. Staff recommends approval of the Detailed Site Plan for signage on Parcels B and C as the proposal has not effect on the previous finding that the plans represent a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

12. Staff recommends approval of the Detailed Site Plan for signage on Parcels B and C as the proposal has not effect on the previous finding that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5) of the County Code.

#### RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-13009-03.

This recommendation is premised on APPROVAL of Secondary Amendment SA-130001-01.

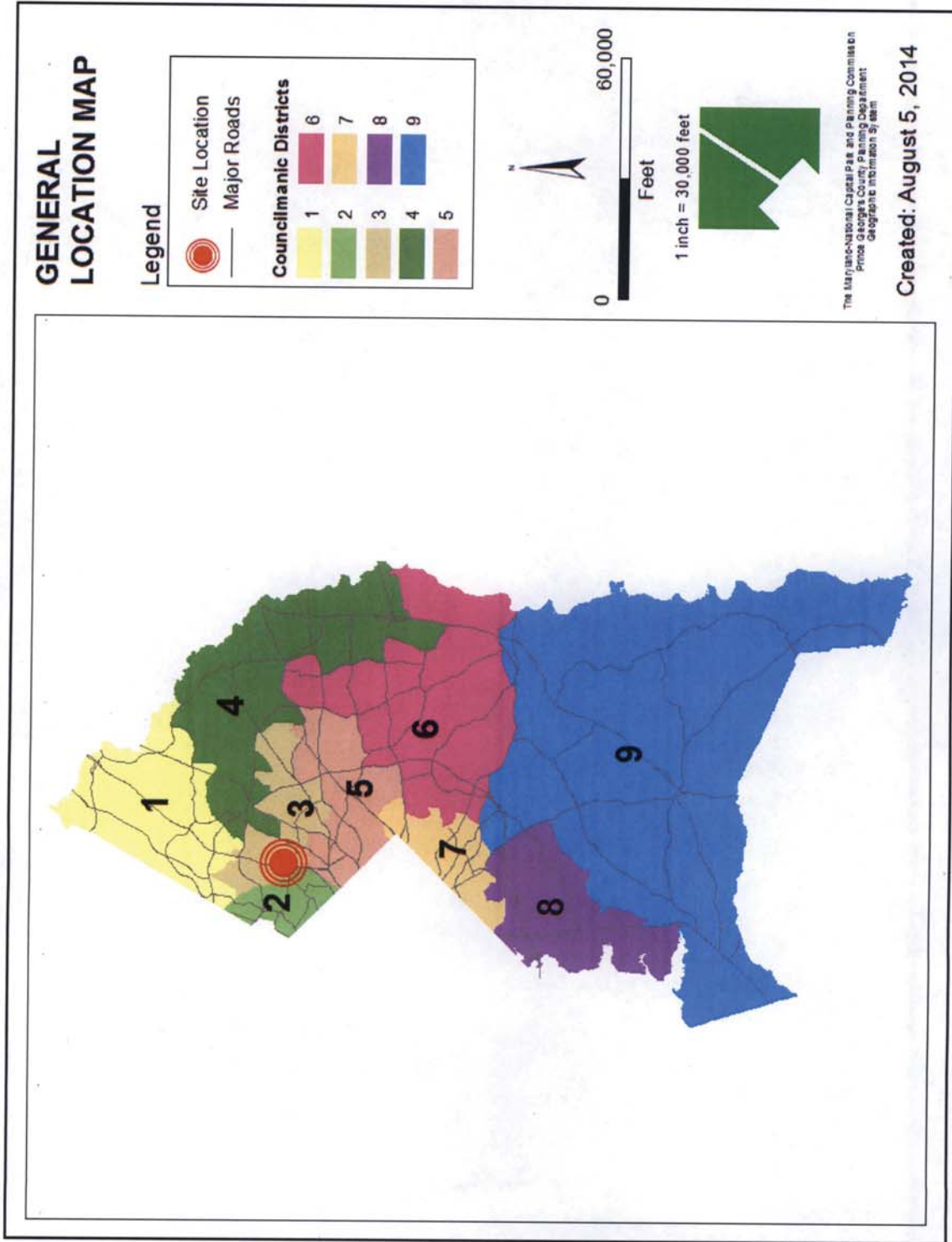
**ITEM:**

**CASE: DSP-13009-03**

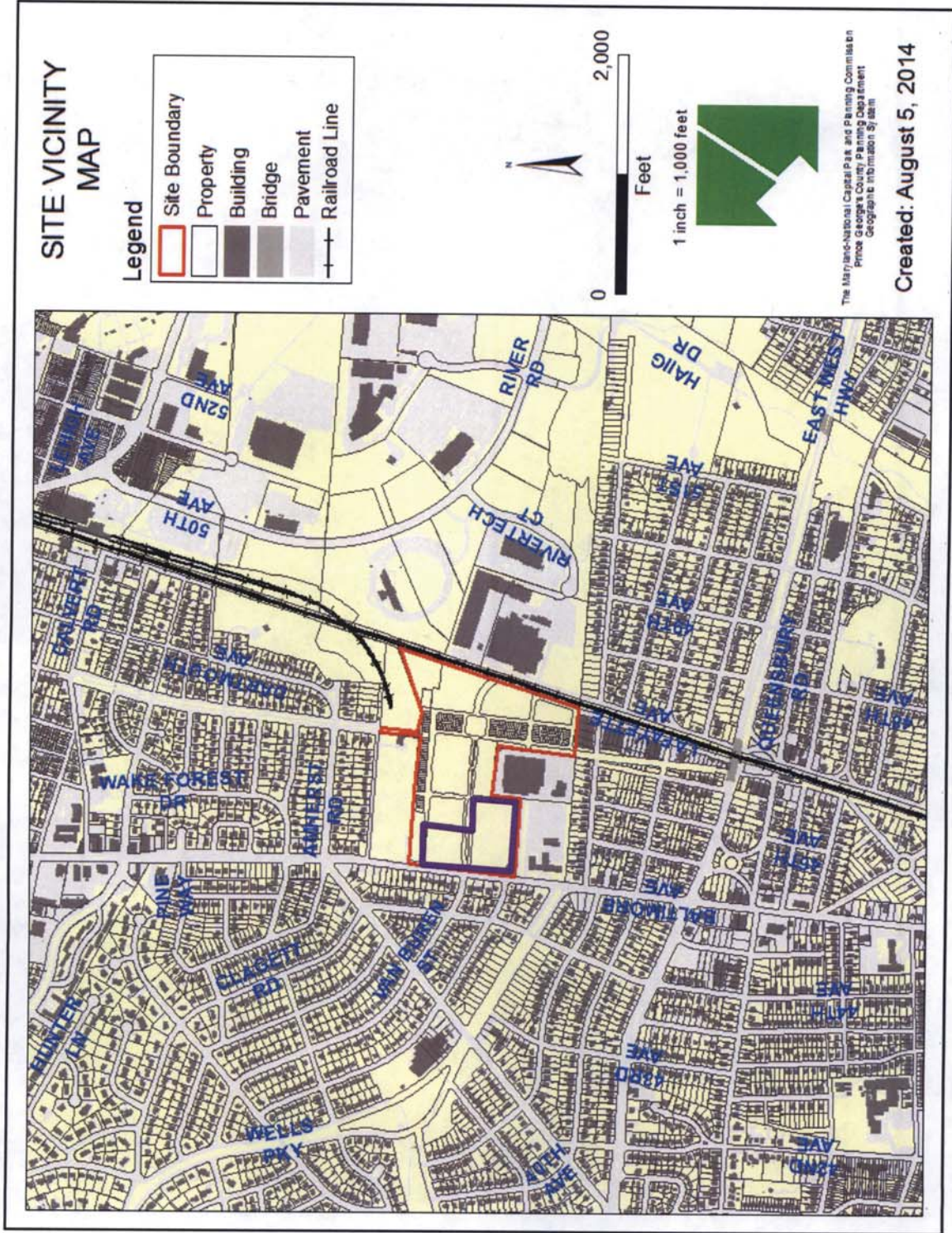
**CAFRITZ PROPERTY  
PARCELS B & C**



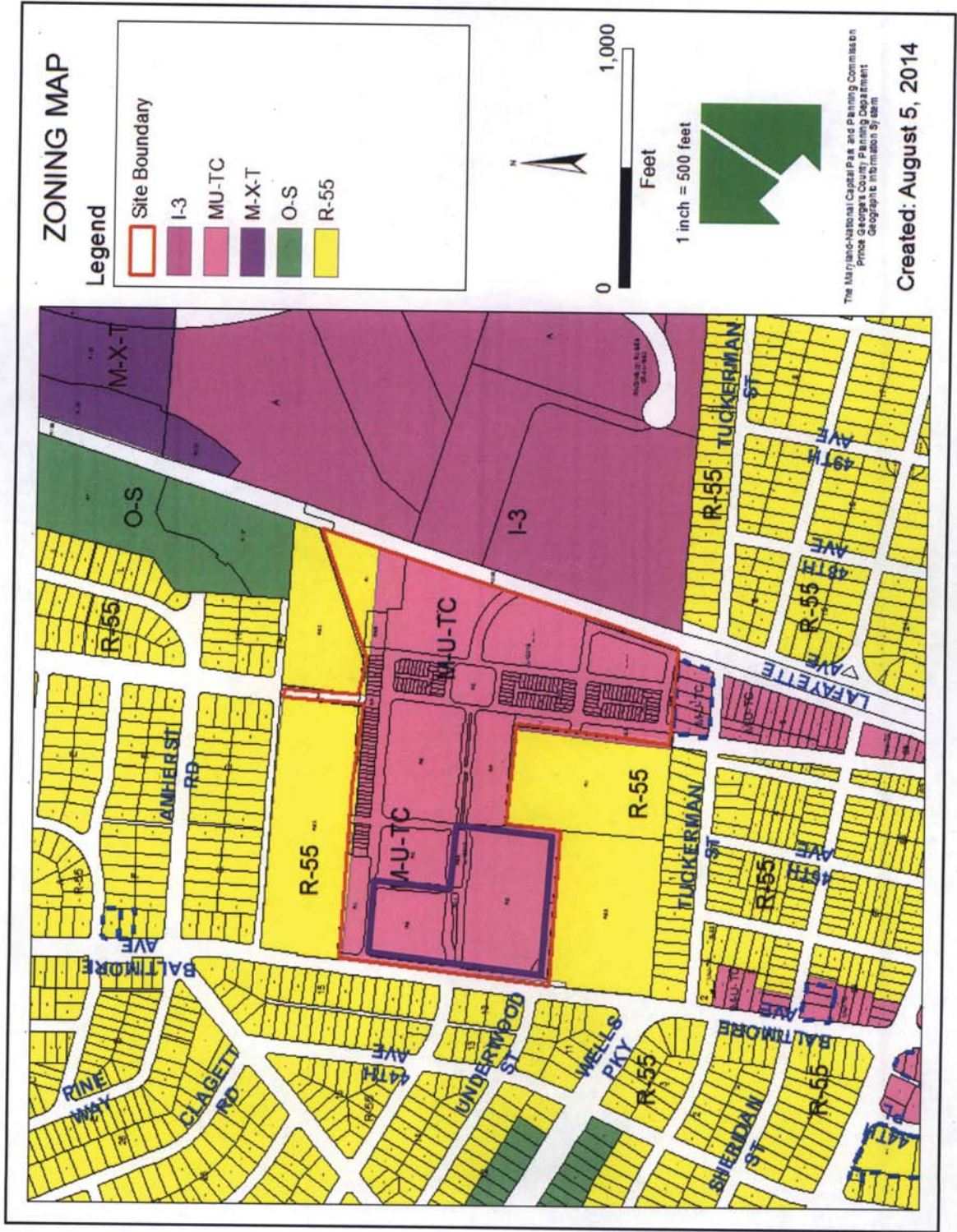
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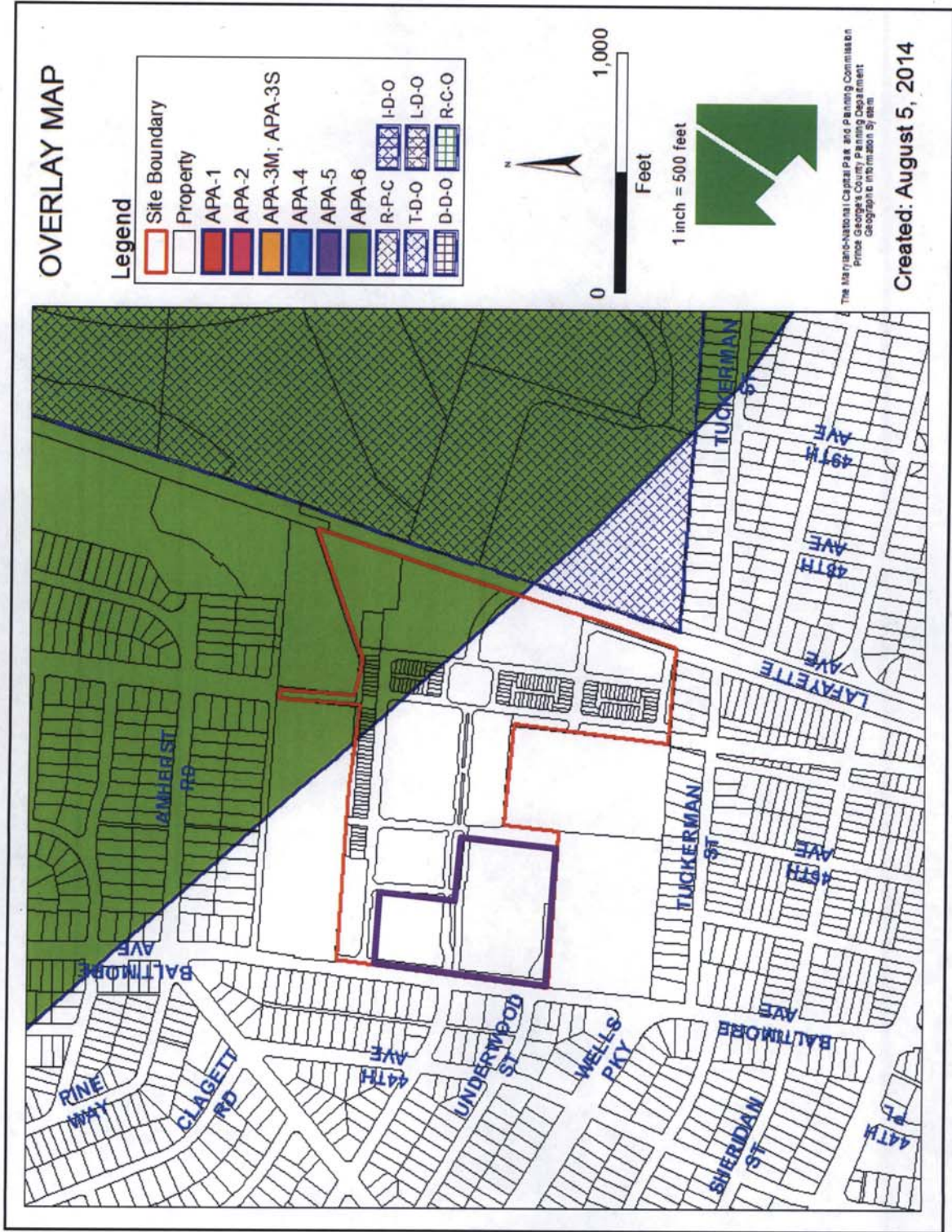
# SITE VICINITY MAP



# ZONING MAP



# OVERLAY MAP

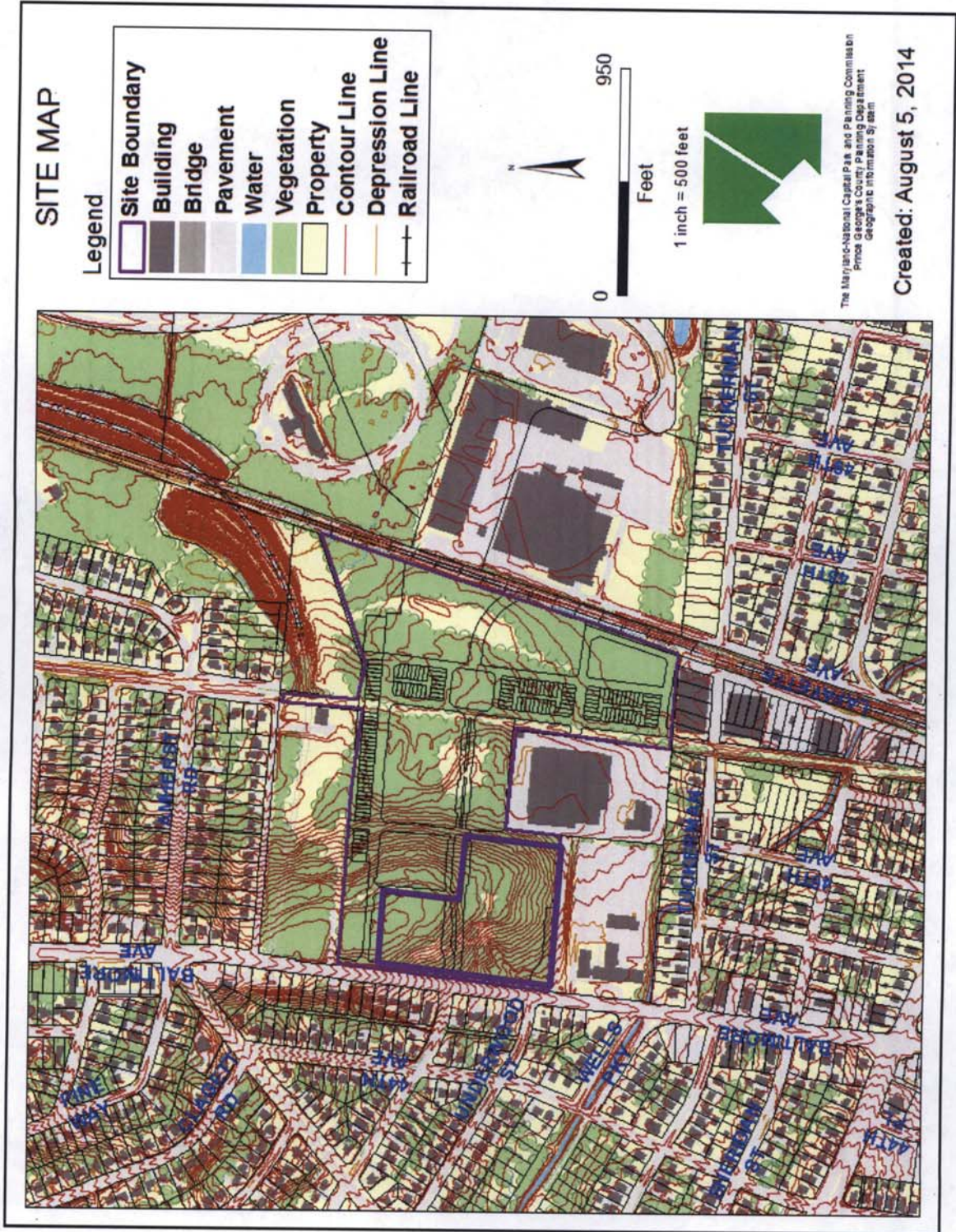


# AERIAL MAP

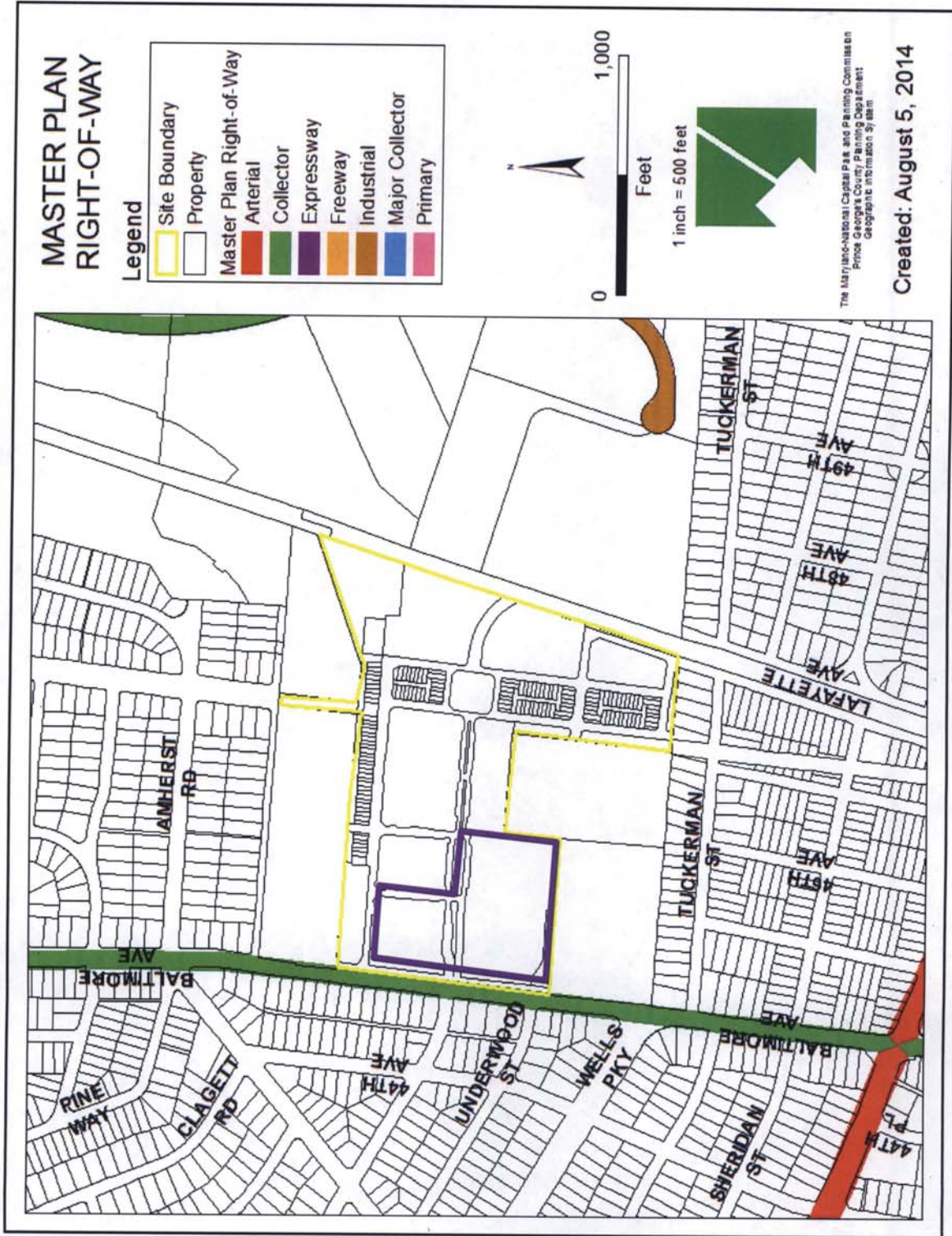




# SITE MAP



# MASTER PLAN RIGHT-OF-WAY MAP



# BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



# ILLUSTRATED SITE PLAN





# ENTRY WALL ELEVATIONS



CAFRTZ PROPERTY  
at RIVERCHASE PARK  
DETAILED SITE PLAN  
& SPECIAL PERMIT  
MUNICIPAL PARK, INC.



FAMILY ROBOTICS, INC.  
10000 RIVERCHASE PARK, SUITE 100  
DALLAS, TEXAS 75244  
TEL: 972.443.1111  
WWW.FAMILYROBOTICS.COM



SOM  
1000 RIVERCHASE PARK, SUITE 100  
DALLAS, TEXAS 75244  
TEL: 972.443.1111  
WWW.SOM.COM

NO.	DATE	DESCRIPTION
01	10/22/14	ISSUED FOR PERMIT
02	10/22/14	ISSUED FOR PERMIT
03	10/22/14	ISSUED FOR PERMIT
04	10/22/14	ISSUED FOR PERMIT

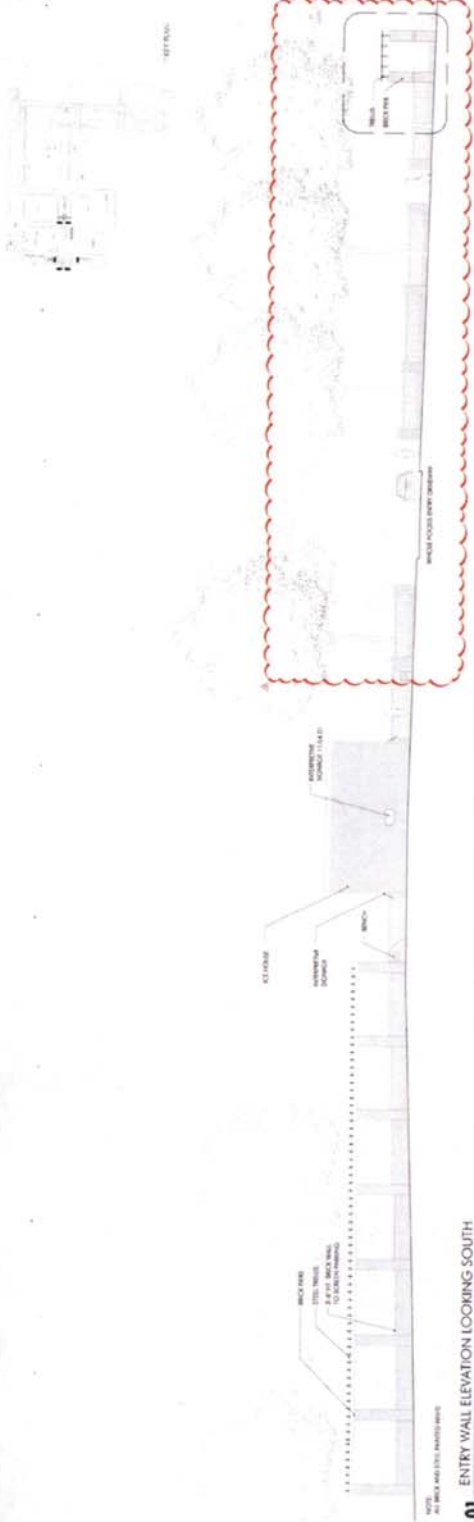
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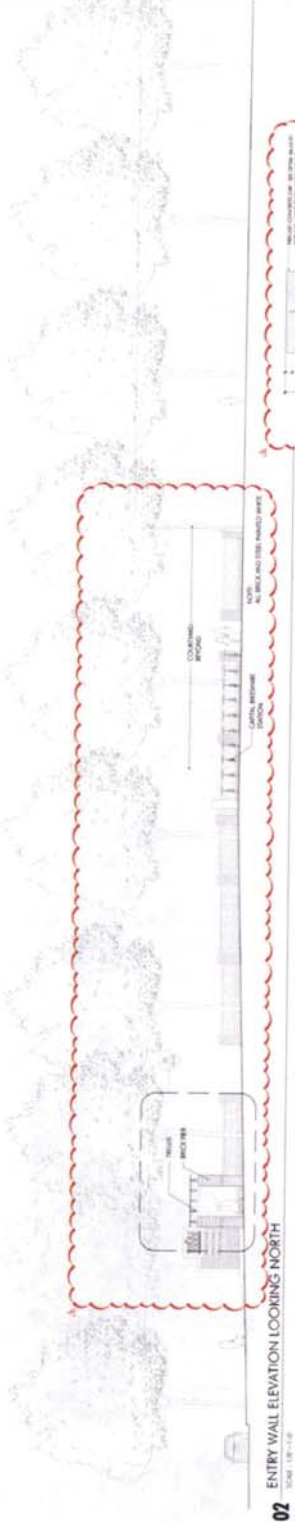
ELEVATIONS -  
Entry Walls



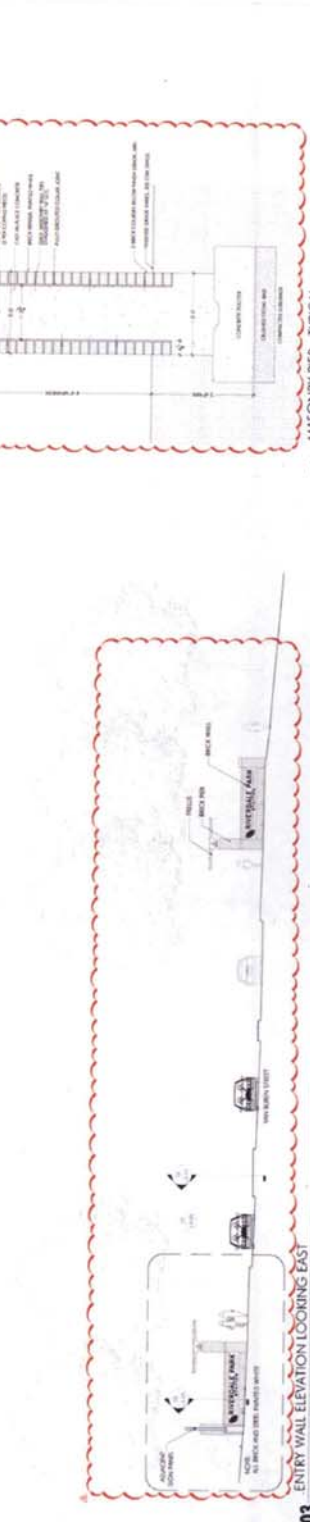
L3-04



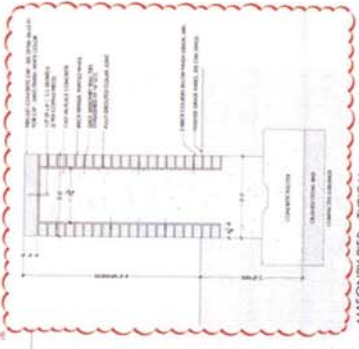
01 ENTRY WALL ELEVATION LOOKING SOUTH  
SCALE: 1/8" = 1'-0"



02 ENTRY WALL ELEVATION LOOKING NORTH  
SCALE: 1/8" = 1'-0"



03 ENTRY WALL ELEVATION LOOKING EAST  
SCALE: 1/8" = 1'-0"



04 MASONRY PIER - TYPICAL  
SCALE: 1/4" = 1'-0"

# ENTRY WALL ELEVATIONS

**CARTRIZ PROPERTY**  
at Riverdale Park

**DETAILED SITE PLAN & SPECIAL PERMIT**  
RIVERDALE PARK, MD

**SOLTESZ**  
ARCHITECTS

**MVA**  
MARTIN VANDERKAM ARCHITECTS

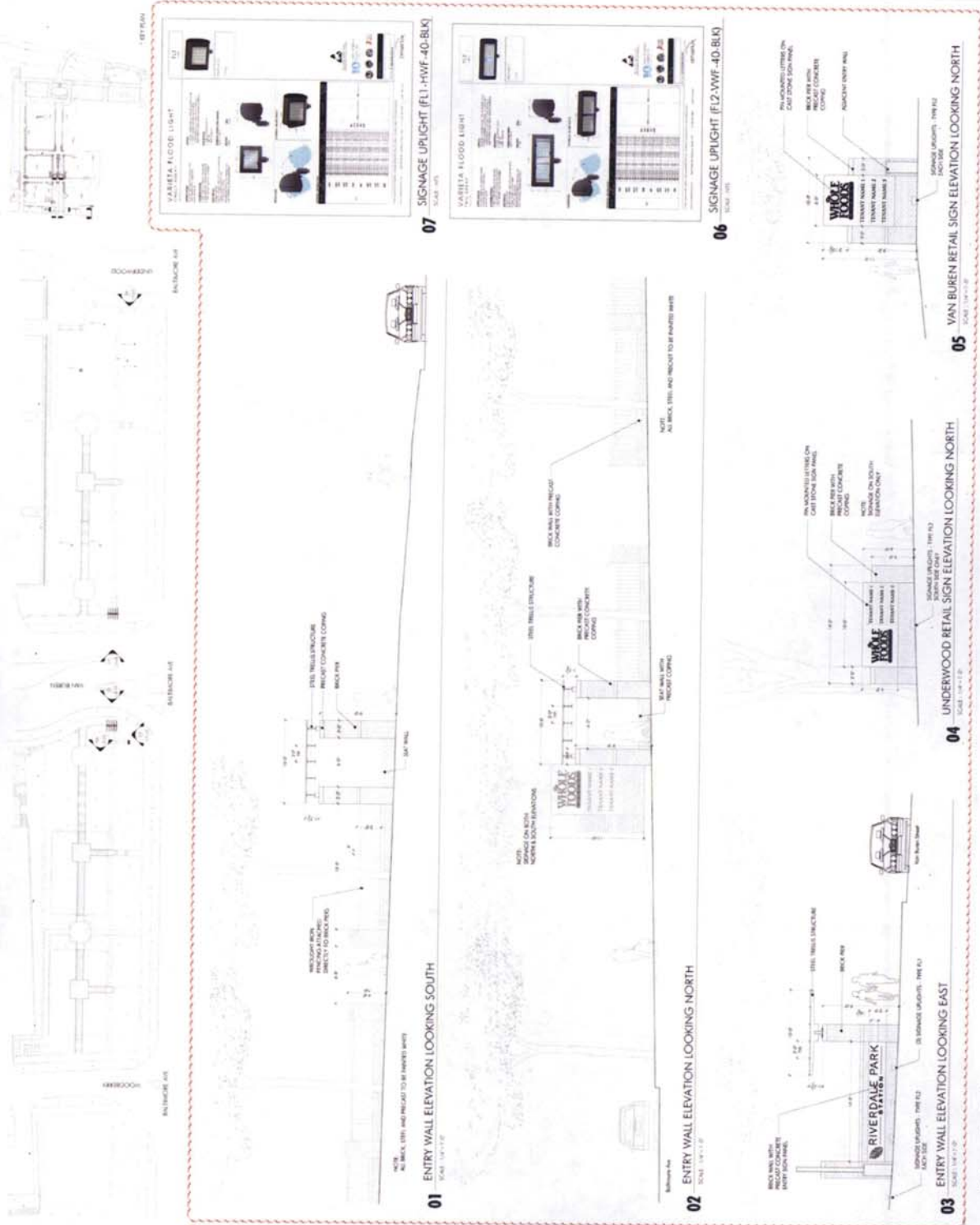
**FAKLER ROSSIGNOLE INC.**  
CONSTRUCTION MANAGEMENT

**SOM**  
STRUCTURAL OFFICES OF MARYLAND

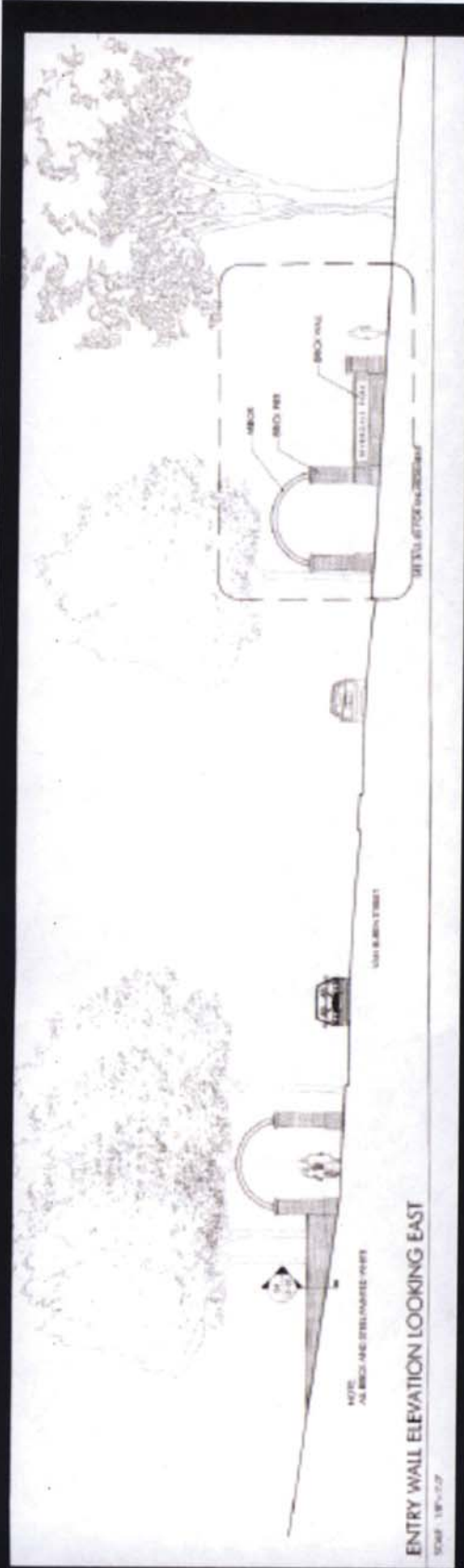
**PERMIT APPROVALS**

**ELEVATIONS - Entry Wall Enlargements**

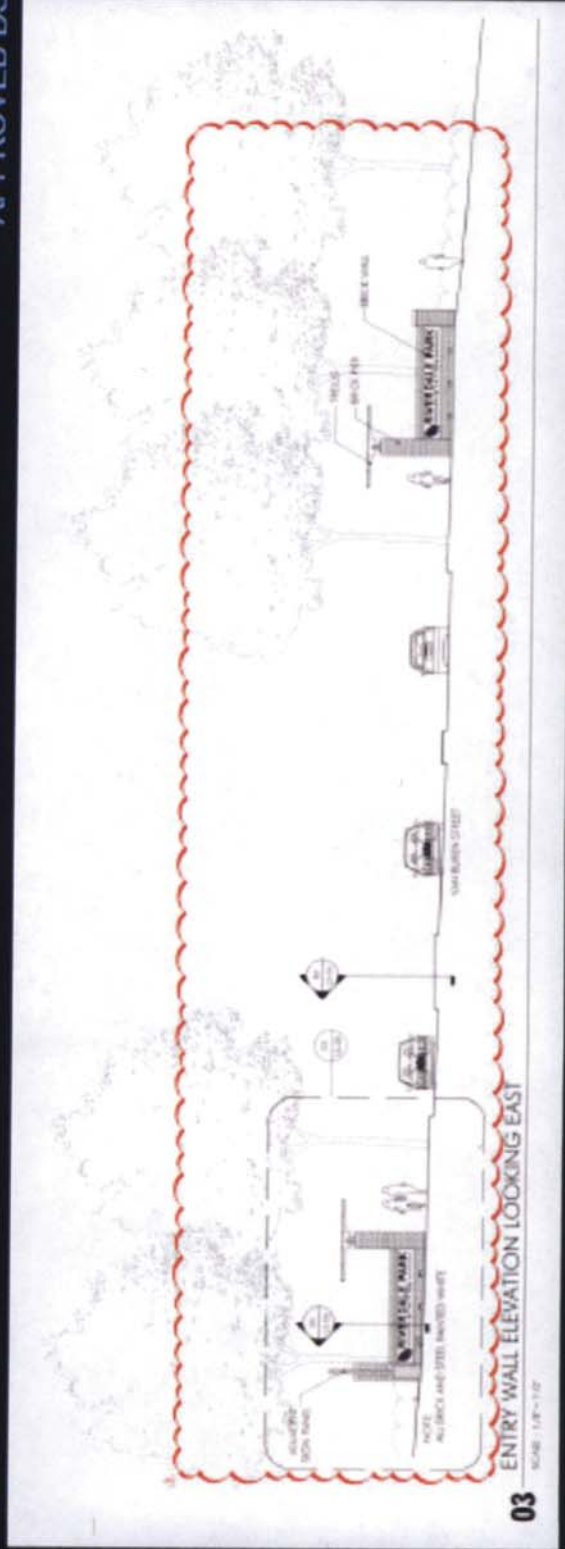
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# ENTRY WALL ELEVATION LOOKING EAST



APPROVED DSP



DSP - REVISION 03



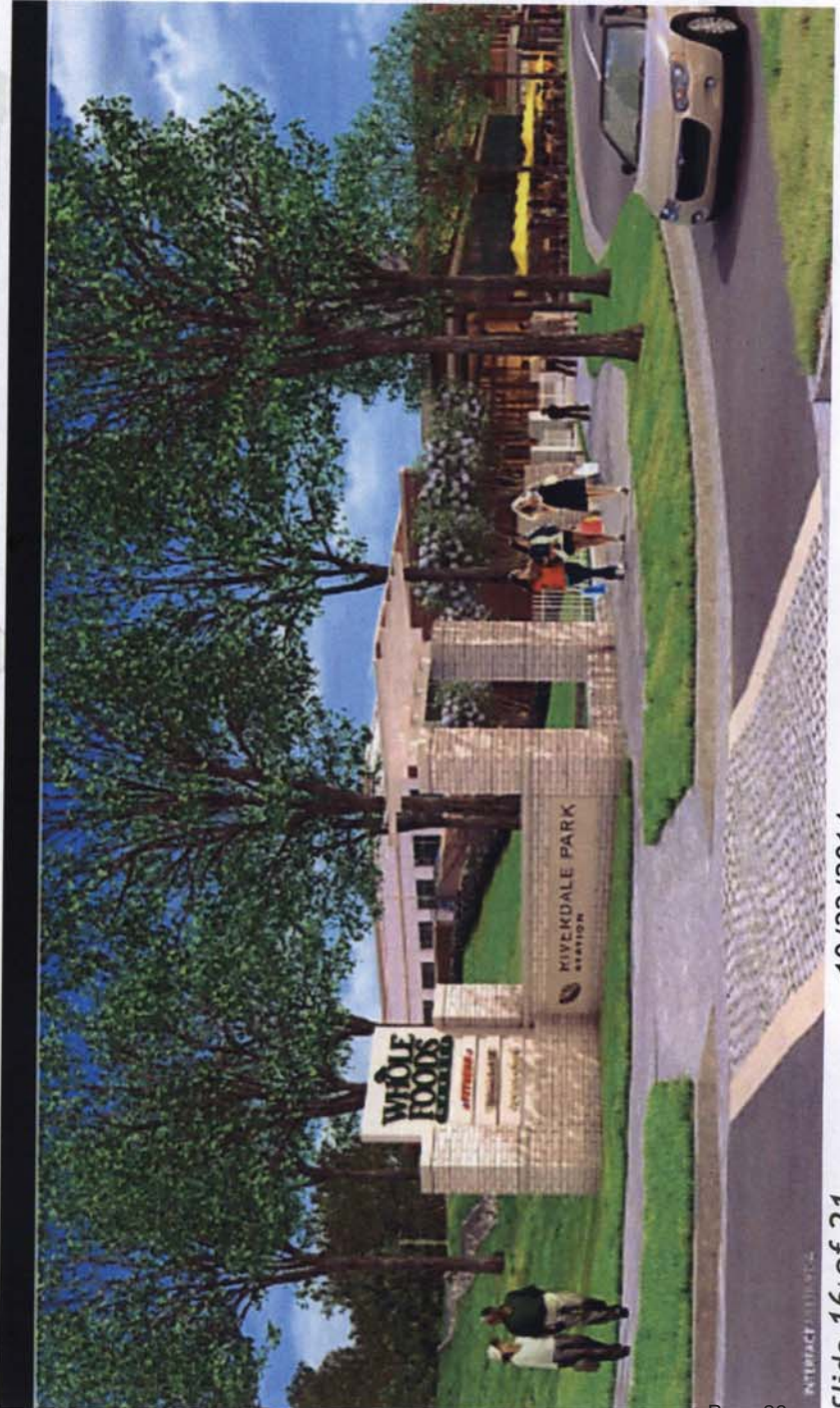
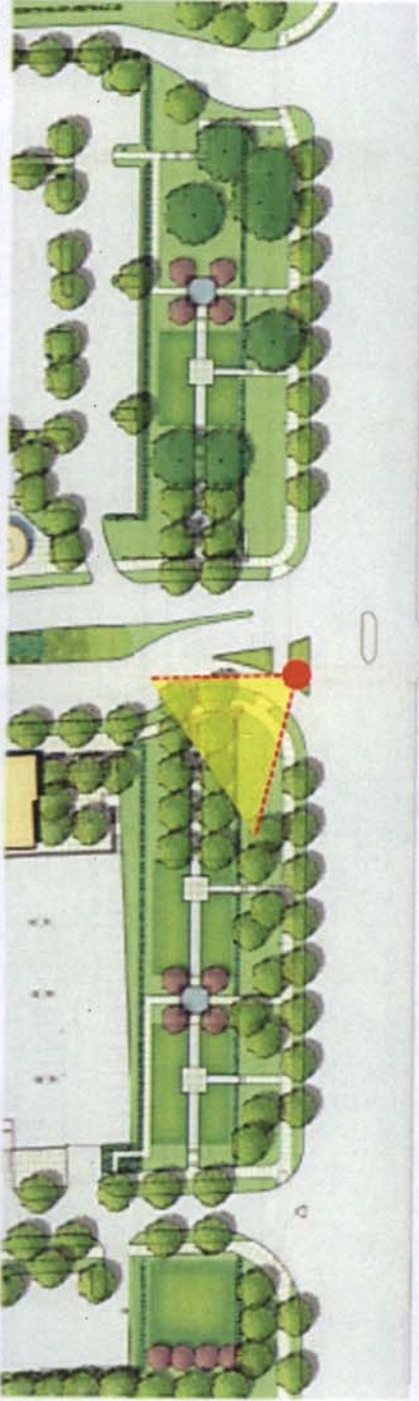
10/22/2014

Slide 14 of 21

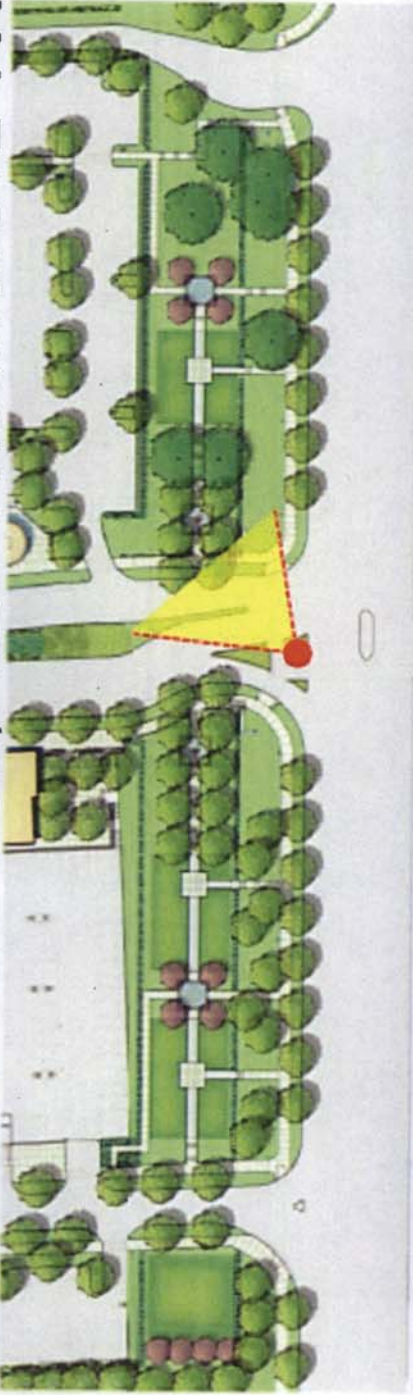




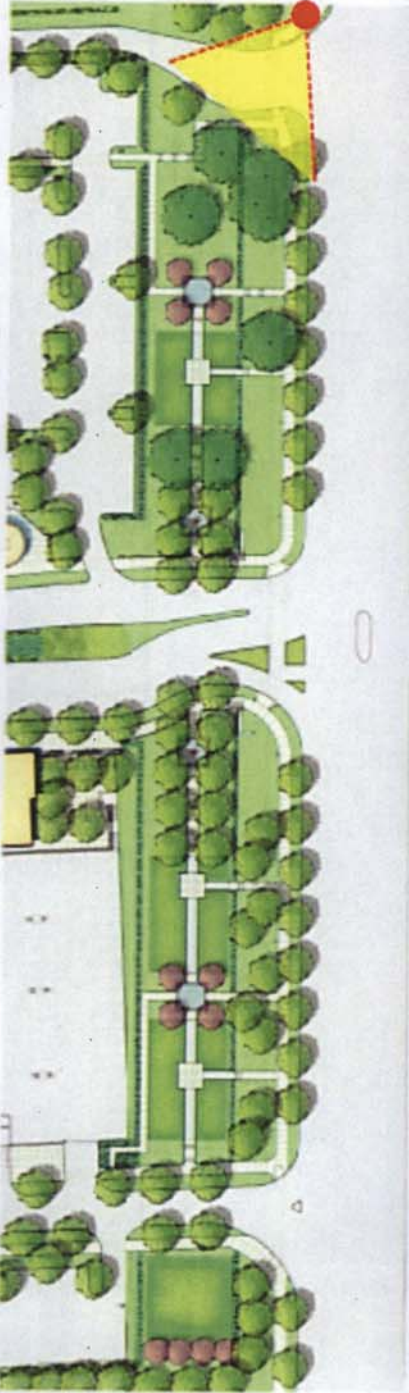
# MONUMENT SIGNAGE, VIEW FROM ROUTE 1 AND VAN BUREN



# MONUMENT SIGNAGE, VIEW FROM ROUTE 1 AND VAN BUREN



# MONUMENT SIGNAGE, VIEW FROM ROUTE 1 AND UNDERWOOD



# ENTRYWAY RENDERING



INTERFACE MULTIMEDIA



# ENTRYWAY RENDERING



# ENTRYWAY RENDERING



INTERFACE MILLIKEN



October 16, 2014

**MEMORANDUM**

TO: Susan Lareuse, RLA, Master Planner, Development Review Division  
 VIA: Teri Bond, Planning Supervisor, Community Planning Division  
 FROM: Chad Williams, LEED AP BD+C, Master Planner, Countywide Planning Division  
 SUBJECT: **DSP-13009/03 and SA-130001/01 Cafritz Property**

**DETERMINATIONS**

Findings of conformance to the master plan or general plan are not required with this application.

The northeast portion of the property subject to these applications is located under the traffic pattern for a small general aviation airport (College Park Airport) and is subject to Aviation Policy Area regulations in Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. In particular, the applicant should be made aware of height and purchaser notification requirements contained in these regulations. These applications are not within the Interim Land Use Control (ILUC) area.

**BACKGROUND**

Location: 1,500 feet north of the intersection of US 1 and East-West Highway on the east side of US 1  
Size: 37.37 acres  
Existing Uses: Cleared land under site development preparation and wooded land  
Proposal: The applicant proposes a revision to the 2004 Riverdale Park M-U-TC Development Plan (as amended by Zoning Ordinance No. 11-2012) and DSP-13009 to construct three monument signs.

**GENERAL PLAN, MASTER PLAN, AND SMA**

This application requires conformance with the applicable General or Master Plan. NO

**General Plan:** 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 as follows:

"Innovation Corridor: the second transformative Plan 2035 recommendation is designating parts of the City of College Park, the City of Greenbelt, the Town of Riverdale Park, the Town of Edmonston, the Town of Berwyn Heights, and areas along the US 1 corridor and around the University of Maryland, College Park and the Beltsville Agricultural Research Center (BARC) as the Innovation Corridor. This area has the highest concentrations of economic activity in our four targeted industry clusters (see Employment Areas on page 18) 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."

**Master/Sector Plan:** 2004 Approved Town of Riverdale Park Mixed-use Town Center Zone Development Plan as amended by Zoning Ordinance No. 11-2012.

Planning Area/

Community:

Planning Area 68/Riverdale Park

Land Use:

The revised Riverdale Park Town Center Development Plan recommends a mix of commercial/office, residential, future hotel, and public space land uses on the subject property.

Environmental:

Refer to the Environmental Planning Section referral for comments on the environmental infrastructure guidance contained in the 2005 Countywide Green Infrastructure Plan.

Historic Resources:

Adjacent to the subject property are the Riverdale Park (#68-004), University Park (#66,029), and Calvert Hills (#66-037) National Register historic districts to the south, west, and north respectively. The property to the east was the site of the now-demolished Engineering Research Corporation (ERCO) building, identified as a Prince George's County Historic Site (#66-022). Refer to the Historic Preservation Section referral for additional details.

Transportation:

The property fronts onto US 1 which is identified in the 2009 Approved Countywide Master Plan of Transportation as a four-lane collector road (C-209) with an 80-110 foot right-of-way between the Washington, D.C. line and Guilford Drive.

Public Facilities:

The subject property adjoins a National Guard armory and a USPS postal facility, both identified as "public/quasi-public" uses in the 1994 Approved Master Plan and Sectional Map Amendment for Planning Area 68.

Parks & Trails:

The Rhode Island Avenue Trolley Trail extends through the site from north to south. US 1 is planned for bike lanes and a sidepath.

**Aviation/ILUC:** The northeastern corner of the subject property is within Aviation Policy Area (APA) 6. See below for additional discussion.

**SMA/Zoning:** The District Council approval of A-10018 on July 12, 2012 rezoned approximately 35.71 acres on the subject property to the M-U-TC Zone and approved the amended Riverdale Park Town Center M-U-TC Development Plan. An additional 2.02 acres remains in the R-55 Zone as confirmed by the 1990 Sectional Map Amendment for Planning Areas 65, 66, and 67.

### **PLANNING ISSUES**

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

The northeastern portion of this application is located under the traffic pattern for a small general aviation airport (College Park Airport). This area is subject to Aviation Policy Area regulations adopted by CB-51-2002 (DR-2) as Sections 27-548.32 through 27-548.48 of the Zoning Ordinance. Specifically, the subject property is located in Aviation Policy Area (APA) 6. The APA regulations contain additional height requirements in Section 27-548.42 and purchaser notification requirements for property sales in Section 27-548.43 that are relevant to evaluation of this application. No building permit may be approved for a structure higher than 50 feet in APA-6 unless the applicant demonstrates compliance with FAR Part 77.

The application should also be referred to the Maryland Aviation Administration for information and comment:

Ashish J. Solanki, Director  
Office of Regional Aviation Assistance  
Maryland Aviation Administration  
PO Box 8766  
BWI Airport, MD 21240-0766

cc: Ivy A. Lewis, AICP, Division Chief, Community Planning Division  
Long-Range Agenda Notebook



**PRINCE GEORGE'S COUNTY  
POLICE DEPARTMENT**



**M E M O R A N D U M**

DATE: October 16, 2014

TO: Susan Lareuse, Urban Designer  
Urban Design Section  
Development Review Division

FROM: Corporal R. Kashe #2357  
Prince George's County Police Department  
Community Services Division

SUBJECT: **SA-130001/01 & DSP-13009/03**

After reviewing the plans reference the signs, there are no CPTED related issues.

**Cafritz Property at Riverdale Park  
Statement of Justification for Secondary Amendment  
SA-130001-01 and DSP-13009-03**

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."

The required findings for the approval of the above-described Secondary Amendment are as follows:

"Sec. 27-546.14. Amendments to Development Plan.

...

(b) Secondary amendments.

...

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

- (A) The requested secondary amendment is in compliance with the requirements for the approval of a Development Plan;
- (B) The requested secondary amendment is in conformance with the purposes of the M-U-TC Zone;

(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 approval of a Development Plan for the M-U-TC Zone requires the following findings, as set forth in Sec. 27-198.05 of the Zoning Ordinance:

“(A) The entire Map Amendment including the Development Plan, is in conformance with the purposes and other requirements of the M-U-TC Zone;

(B) Adequate attention has been paid to the recommendations of the Area Master Plans and the General Plan which are found to be applicable to property within the proposed M-U-TC Zone;

(C) An approved Master Plan recommends a mixed use town center zone or the area is demonstrated to be an older, substantially developed mixed-use community;

(D) The Town Center Development Plan will provide a flexible regulatory environment that will support redevelopment and development interests in the area and protect the character of the older mixed-use center; and

(E) The M-U-TC Zone boundaries are continuous with no land in a different zone remaining solely within the approved M-U-TC Zone boundaries.”

The purposes of the M-U-TC Zone are set forth in Sec. 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) 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."

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."

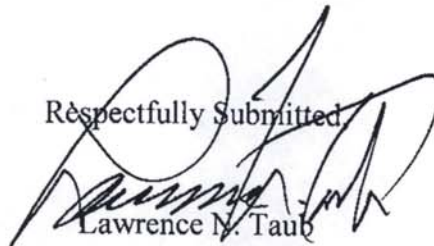
The proposed freestanding signs (as shown on the accompanying application for a Revision to the approved Detailed Site Plan) will, in fact, implement a positive and attractive identity for businesses and the town center as intended by the Development Plan, and they will thus be

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 applicant herein also submits that the proposed 03 Revision to Detailed Site Plan No. DSP-13009, showing the location of three (3) specific freestanding signs upon the Development, is also justified. The locations of these proposed signs - one each on the north and south side of Van Buren Street at the Route 1 entrance to the Development, and the third on the north side of Underwood Street at the Route 1 entrance - are appropriate locations for said signs. These locations are two of the main entry points into the development, and both are proximate to the main commercial portion of the Development. They will serve to appropriately identify both the Development itself, and some of the significant commercial establishments within the Development, and both are designed in a manner that is consistent with not only the character and quality of the Development as a whole, but also the buffer area along the Route 1 frontage in which the signs will be located. For these reasons, the applicant also requests that the proposed 03 Revision to Detailed Site Plan No. DSP-13009 to add these freestanding signs also be approved.

Respectfully Submitted,



Lawrence N. Taub  
Attorney for Applicant

Case No. DSP-13009 Cafritz Property  
at Riverdale Park

Applicant: Calvert Tract, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,  
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION,  
WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 13-63, to approve with conditions a detailed site plan for a mixed-use development including 855 multifamily units, 126 townhouses,<sup>1</sup> and approximately 187,277 square feet of commercial space distributed on 37.73 acres of land known as the Cafritz Property at Riverdale Park, pursuant to the Town Center Development Plan, located approximately 1,400 feet north of the intersection of Baltimore Avenue (US 1) and East-West Highway (MD 410), on the east side of Baltimore Avenue, in the Town of Riverdale Park, Council District 3, Planning Area 68, is AFFIRMED, subject to the District Council's original jurisdiction over DSP-13009 pursuant to §27-132(f)(1) and its authority to modify the decision of the Planning Board pursuant to 27-290(d) of the Zoning Ordinance.

As the basis for this action, the District Council, pursuant to §§ 27-132(f)(1), 27-290, and 27-281.01, of the Zoning Ordinance, states its findings and conclusions in Attachment A of this Order. The District Council also adopts and incorporates by reference as if fully stated herein, the findings and conclusions stated by the Planning Board in its Resolution, PGCPB No. 13-63, except as otherwise stated in Attachment A.

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<sup>1</sup> Pursuant to Condition 24 of this Order of Approval, herein, elimination of the seven (7) lots in the northeastern corner near the stormwater management pond adjacent to parcel "J" will reduce the total number of townhouses from 126 to 119 units.



**ATTACHMENT A**

## ORDER OF APPROVAL WITH CONDITIONS DSP-13009

## PROCEDURAL HISTORY, FINDINGS, CONCLUSIONS, AND CONDITIONS

**Procedural History**

This case involves the 2012 rezoning of 35.71± acres of vacant property from the R-55 Zone (One-Family Detached Residential) to the M-U-TC Zone (Mixed-Use Town Center) by the District Council in Zoning Ordinance No. 11-2012, which was appealed to the Circuit Court for Prince George's County. The Circuit Court recently affirmed Zoning Ordinance No. 11-2012.<sup>2</sup> Calvert Tract, LLC is the applicant. The subject property and the name of the project are known as the Cafritz Property, legally described as Parcel 81, Tax Map 42, Grid D-1. The Cafritz Property is located approximately 1,400 feet north of the intersections of Baltimore Avenue (MD 410), on the east side of Baltimore Avenue, and it is within the municipal boundaries of the Town of Riverdale Park and the City of College Park. The 2012 rezoning expanded the 2004 Town of Riverdale Park Mixed-Use Town Center Zone Development Plan to include the 35.71± acres of the Cafritz Property for proposed commercial and residential development. *See* Zoning Ordinance No. 11-2012, PGCPB Resolution No. 12-09.

This detailed site plan application (DSP-13009) requests approval of a mixed-use development including 855 multifamily units, 126 townhouses, and approximately 187,277

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<sup>2</sup> Several citizens opposed the rezoning of the Cafritz Property and filed timely petitions for judicial review in the Circuit Court, case numbers: CAL12-25136 and CAL12-25243 (consolidated). Pursuant to Md. Rule 7-205, the filing of a petition for judicial review does not stay the order or action of the administrative agency, *i.e.*, the District Council adoption of Zoning Ordinance 11-2012. On September 17, 2013, the Honorable Krystal Q. Alves, of the Circuit Court for Prince George's County, in a 20-page written opinion, AFFIRMED the 2012 rezoning of the Cafritz Property. *See Jason Amster, et. al and Dr. Carol S. Nezzo, et al., v. County Council*, (September 17, 2013, Cir. Ct., J. Alves). *See also* Prince George's County Code, Subtitle 27, §27-141, (20080-09 ed., as amended) (hereinafter "§ 27- \_\_\_") (The Council may take judicial notice of any evidence contained in the record of any earlier phase of the approval process relating to all or a portion of the same property, including the approval of a preliminary plat of subdivision).

square feet of commercial space.<sup>3</sup> On June 6, 2013, the Planning Board adopted PGCPB No. 13-63, which approved DSP-13009, subject to conditions.

On June 17, 2013, the District Council, pursuant to §27-290, elected to review DSP-13009.

On July 8, 2013, the Town of University Park (Town), the City of College Park, and certain citizens, Susan Dorn, *et al.*, (Citizens), pursuant to §27-290, filed appeals to the District Council in DSP-13009. All parties requested oral argument.

On September 9, 2013, the District Council, pursuant to §27-132, and the District Council Rules of Procedure, held oral arguments, and subsequently took this matter under advisement.

On September 23, 2013, the District Council, pursuant to §27-132, referred this item to staff to prepare an order of approval with conditions.

**Appeal Issues**

For clarity, the Council will restate each of the appeal issues raised by the Town, the City, and Citizens as they relate to DSP-13009, and respond accordingly.

- **The Town alleges that the proposed DSP-13009 fails to meet the requirements of Zoning Ordinance No. 11-2012.<sup>4</sup>**

- a. Condition 13 of A-10018 requires a “90-120 foot wide buffer” along the entire length of the property frontage on Baltimore Avenue. If the District Council intended to require only a minimum of 90 feet, exclusive of any required SHA right of way

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<sup>3</sup> The applicant also filed applications for a Special Permit (SP-130002), approved, and adopted by Planning Board on June 20, 2013 (Special Permits are governed by §27.239.02, and are reviewable only by the Planning Board), in PGCPB No. 13-64, a Secondary Amendment (SA-130001), approved, and adopted by Planning Board on June 6, 2013, in PGCPB No. 13-57, and a Preliminary Plan of Subdivision (4-13002), approved, and adopted by Planning Board on May 30, 2013 in PGCPB No. 13-55.

<sup>4</sup> The Town also repeats verbatim appellate issues in DSP-1300 in its appeal to Secondary Amendment 130001. Our responses here, in DSP-13009, shall apply with equal force and effect to the Town’s repetitive appellate issues in its appeal to Secondary Amendment 130001.

along Route 1 as is now provided in the DSP Planning Resolution Condition 1(a)17), it would have done so. Instead, it provided a required range to complement the overall plan for this area as a transition place. Limiting the buffer to 90 feet is not consistent with Condition 13.

**Response:** This appeal issue is without factual or legal merit. Condition 13 of Zoning Ordinance 11-2012, states: "Prior to approval of a detailed site plan, a 90-to-120-foot-wide buffer shall be provided along the entire length of the property frontage on Baltimore Avenue that incorporates retention of existing trees to the maximum extent practicable.

The authority to impose conditions on the approval of a zoning map amendment is expressly conferred upon the Council by the Regional District Act, Land Use Article, Md. Ann. Code, §22-214 (2012). We may adopt any reasonable requirements, safeguards, and conditions that 1) may be necessary to protect surrounding properties from adverse effects that might accrue from the zoning map amendment; or 2) would further enhance the coordinated, harmonious, and systematic development of the regional district. We find, based on our review of the record that the Applicant's proposed DSP-13009 incorporates a buffer that is consistent with Condition 13 of the rezoning approval for the rezoning of the subject property imposed by Zoning Ordinance No. 11-2012. The intention of the District Council in imposing Condition 13 of Zoning Ordinance No. 11-2012 is to ensure variation in the width of the buffer area in meeting the 90-foot minimum buffer. The buffer area along the Route 1 frontage is at all points at least 90 feet from the ultimate right-of-way for Route 1 to the western boundary of the parking lots, which includes potential deceleration lanes. As such, the Applicant has met and satisfied the mandatory 90-foot buffer requirement. (5/23/13 Tr.), (5/30/13 Tr.), PGCPB No. 13-63, Technical Staff Report, 5/9/13. The intention of the District Council in imposing the 90-120 foot variable buffer is to ensure variation in the width of the buffer while meeting the mandatory 90-foot buffer requirement. See *Lussier v. Md. Racing Comm'n*, 343 Md. 681, 696-97, 684 A.2d 804 (1996), *McCullough v. Wittner*, 314 Md. 602, 612, 552 A.2d 881 (1989) (An agency's interpretation of the statute that it administers will be given considerable weight).

b. Condition 16 of A-10018 has not been met by the wording adopted by the Planning Board in Condition 1(a)(9). The condition can be met by adopting the wording proposed by the City of College Park, as follows (also referenced on page 20 of the Resolution):

Prior to signature approval of the Detailed Site Plan, the Applicant shall apply and show results of LEED-ND Stage 1 review. If conditional approval is obtained, the Applicant shall employ every effort to obtain full LEED-ND certification and provide documentation of such. If conditional approval is not obtained, the Applicant shall make every effort to achieve U.S. Green Building Council (USGBC) LEED-Silver certification under LEED-NC and LEED Homes, or if available, equivalent standards for all buildings. Specifically the Applicant shall follow the process

below:

Prior to DSP certification, the Applicant shall:

- 1) Designate a LEED-accredited professional (“LEED-AP”) who is also a professional engineer or architect, as a member of their design team. The Applicant shall provide the name and contact information for the LEED AP to the City of College Park, the Towns of Riverdale Park and University Park and M-NCPPC.
- 2) Designate a representative from M-NCPPC and each municipality, who elects to participate, as a team member in the USGBC’s LEED Online system. These team members will have privileges to review the project status and monitor the progress of all documents submitted by the project team.

Prior to the issuance of the first use and occupancy permit, the Applicant shall provide documentation that the project has obtained the appropriate LEED certification. If certification has not been completed, the Applicant shall submit certification statements from their LEED-AP that confirms the project list of specific LEED credits will meet at least the minimum number of credits necessary to attain the appropriate LEED certification of LEED-ND, LEED-NC and/or LEED Homes.

**Response:** This appeal issue is without factual or legal merit. Condition 16 of Zoning Ordinance 11-2012 states: **“The applicant shall submit evidence of an application submittal to the U.S. Green Building Council (USGBC) under Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) for a Smart Location and Linkage (SLL) prerequisite review at the time of Preliminary Plan submission and provide the results for review prior to approval of the Preliminary Plan.** Upon GBCI/USGBC approval of SLL prerequisites, the applicant shall pursue and employ commercially reasonable efforts to obtain conditional approval of the plan under LEED-ND 2009 Stage 1 (pre-entitlement) approval. If based on pre-entitlement review, full certification through LEED-ND is not practicable, then the applicant shall at detailed site plan provide a LEED score card that demonstrates a minimum of silver certification for all new construction and that will be enforced through DSP review. If the LEED score card requirements cannot be enforced through the DSP review or other third-party certification acceptable to both the applicant and the Town of Riverdale Park and the Town of University Park (and pursued by the applicant at its expense), at minimum the applicant shall pursue silver certification under LEED-NC and LEED Homes, or if available, equivalent standards as determined at time of DSP by the Planning Board.” (Emphasis added.) Conditions imposed as part of rezoning, as is the case here, Zoning Ordinance 11-2012, may only be changed by the District Council. *See K.W. James Rochow, et al. v. Maryland National Capital Park and Planning Commission, et al.*, 151 Md. App. 558, 827 A.2d 927 (2003). And the condition remains in effect for so long as the property remains zoned in accordance with Zoning Ordinance 11-2012, and a building permit, use permit,

or subdivision plat may not be issued or approved for the property except in accordance with conditions set forth in Zoning Ordinance 11-2012. *See also* §22-214 of the Land Use Article, Md. Ann. Code (2012). The Town is not authorized by law to unilaterally propose, in an appeal, a change to a condition of rezoning by the District Council.<sup>5</sup>

The Planning Board's approval of DSP-13009 was conditional, and so is our approval of DSP-13009. That is, **prior to certification of the DSP**, the applicant is required to revise the plans or provide the specified documentation in Condition 1(a)(9) of PGCPB No. 13-63, which provides that the Applicant shall "submit evidence of conditional approval of the plan under leadership in energy and environment design (LEED-ND) 2009 Stage 1 (pre-entitlement) approval." (Emphasis added.)

Our review of the record shows that this condition required the applicant to submit evidence of an application to the USGBC for LEED-ND for a Smart Location and Linkage prerequisite review "at the time of Preliminary Plan submission and provide the results for review prior to approval of the Preliminary Plan." This, in our view, constitutes an issue that was ripe for resolution during consideration of an application for preliminary plan of subdivision, not during our review of DSP-13009. The only potential DSP-13009 issue involved the following language: "If based on pre-entitlement review, full certification through LEED-ND is not practicable, then the applicant shall at detailed site plan provide a LEED scorecard that demonstrates a minimum of silver certification for all new construction and that will be enforced through DSP review. If the LEED score card requirements cannot be enforced through the DSP review or other third-party certification acceptable to both the applicant and the Town of Riverdale Park and the Town of University Park (and pursued by the applicant at its expense), at minimum the applicant shall pursue silver certification under LEED-NC and LEED Homes, or if available, equivalent standards as determined at time of DSP by the Planning Board." An application was made for the LEED-ND, and the Applicant determined that, based on pre-entitlement review, full certification through LEED-ND was practicable. *See* PGCPB No. 13-55 (4-13002), Finding 16.<sup>6</sup> As such, there was no need to address any of the issues that could have been raised at DSP had it been determined that LEED-ND was "not practicable." This, therefore, is not a DSP issue.

We find no merit in this appeal issue because Condition 1(a)(9) of PGCPB No. 13-63 requires the Applicant, prior to certification of the DSP-13009, to "submit evidence of conditional approval of the plan under leadership in energy and environment design (LEED-ND)

<sup>5</sup> *See* §27-135. No request for reconsideration or amendment of condition was filed in Zoning Ordinance 11-2012.

<sup>6</sup> Finding 16 states: The applicant has submitted the U.S. Green Building Council (USGBC) LEED Certification Project Review Report for the Smart Location and Linkage (SLL) application under the provisions and requirements of the LEED-ND (Leadership in Energy and Environmental Design (LEED) for Neighborhood Development) rating system as required by this condition for the PPS. The LEED Certification Project Review Report states that under the SLL prerequisite standards, the Cafritz Property was approved for Development Program and Site Type (PIf1); Project Timeline (PIf2); and Project Location and Base Mapping (PIf3); and the Cafritz Property was awarded for Smart Location (SLLp1); Imperiled Species and Ecological Communities Conservation (SLLp2); Wetland and Water Body Conservation (SLLp3); Agricultural Land Conservation (SLLp4); and Floodplain Avoidance (SLLp5). *See* PGCPB No. 13-55 (4-13002).

2009 Stage 1 (pre-entitlement) approval,” which meets the intent and spirit of Condition 16 of Zoning Ordinance 11-2012.

Furthermore, conditions imposed as part of rezoning, as is the case here, Zoning Ordinance 11-2012, may only be changed by the District Council. *See K.W. James Rochow, et al. v. Maryland National Capital Park and Planning Commission, et al.*, 151 Md. App. 558, 827 A.2d 927 (2003). And the condition remains in effect for so long as the property remains zoned in accordance with Zoning Ordinance 11-2012, and a building permit, use permit, or subdivision plat may not be issued or approved for the property except in accordance with conditions set forth in Zoning Ordinance 11-2012. *See also* §22-214 of the Land Use Article, Md. Ann. Code (2012). The Town is not authorized by law to unilaterally propose, in an appeal, a change to a condition of rezoning by the District Council.

Notwithstanding, based on our review of the evidence in the administrative record, we find that certain portions of the proposed language supplied by the Town of University Park capture the intended objectives of Condition 16 of Zoning Ordinance No. 12-2012 as to Condition 1a (9), and incorporate those salient points accordingly within the Conditions of Approval, below.

c. Conditions 17, 18, and 19 of A-10018 have not been met. Condition 17 requires the submission of an acceptable Transportation Management Plan (“TMP”), Condition 18 required commitment to a private shuttle with certain headways and destinations, and Condition 19 required commitment to a circulator bus program, all by approval of the Preliminary Plan. These conditions were not satisfied by the Preliminary Plan hearing. The Town, Riverdale Park, College Park and the Applicant met and agreed upon the wording of an acceptable TMP, which included provisions concerning the circulator bus and the shuttle, and monitoring of the TMP, which was proffered to the Planning Board at the hearing. Instead, the Planning Board adopted conditions that extend these requirements to approval of final plat, with review by DPW&T and M-NCPPC staff only and no review by the Town or other municipalities. This action by the Planning Board overrides a specific requirement of Conditions 17, 18 and 19.

**Response:** Pursuant to §27-285(b)(1) of the Zoning Ordinance, the Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan. §27-285(b)(1). Pursuant to §27-290(d), upon review of a detailed site plan from the Planning Board, we shall affirm, reverse, or modify the decision of the Planning Board, or return the Detailed Site Plan to the Planning Board to take further testimony or reconsider its decision. In approving a Detailed Site Plan, it shall make the same findings which are required to be made by the Planning Board. We take judicial

notice of the fact that by letter dated May 6, 2013, to Chairman Hewlett, it was confirmed that the required TMP had been submitted to the M-NCPPC for the entire development, prior to approval of the preliminary plan of subdivision on May 30, 2013, in PGCPB No. 13-55.

We take further judicial notice of the fact that, since the time of filing of Application No. DSP-13009, the Town, as well as the other municipalities, withdrew its appeal as to the issues of the TMP and procedural failure of process. Nevertheless, we find persuasive the evidence concerning the agreement between the Town and applicant, and we further encourage applicant and DPW & T to pursue use of the TMP negotiated by the Town and applicant as the foundation for the TMP and ensure that the items in Condition 14 are addressed. We find that DSP-13009 represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

d. Condition 23 of A-10018 has not been met. This condition prohibits "clear-cutting or regrading any portion of the development until a detailed site plan for that portion of the site has been approved." The Resolution by the Planning Board recognizes in Condition 4 that Parcels K, L and M, which include the multi-family buildings, are not included in this DSP. Condition 4 states: "Prior to the issuance of building permits for Parcel K, L and M, a detailed site plan application for each such parcel shall be reviewed and approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance." However, in Condition 10(d), the Planning Board requires the Applicant to revise the plans to show the interim grading and landscaping proposed for Parcels K, L, M, and the portion of Parcel F where the future hotel is proposed. Allowing for interim grading for Parcels K, L and M authorizes clear cutting or re-grading on a portion of the development that is not included in a detailed site plan. The DSP does not cover the entire property, as is clear from Condition 4.

**Response:** We have reviewed the record and find this contention to be without merit. *See* (5/23/13 Tr.), (5/30/13 Tr.), PGCPB No. 13-63, Technical Staff Report, 5/9/13. Parcels K, L and M were never removed from the subject DSP, and were, in fact, included as part of the approval of that DSP. This is consistent with the Planning Board's approval of DSP Condition 10d. - had those parcels not been included within this DSP, the Board would not have had jurisdiction to impose such a condition. The Planning Board did not either expressly or by implication require that the parcels be removed from the DSP and the acreage adjusted accordingly-the acreage approved was the same as the acreage applied for. Furthermore, the area of those parcels continued to be included within the calculations for the entire subject property as to such issues as stormwater management and woodland conservation. This is similar to a common situation in which the Planning Board will consider a detailed site plan application for infrastructure only, with detailed site plans for the design and layout of the buildings upon those sites to be submitted

at a later date. We find that Parcels K, L, and M unquestionably remain included within DSP-13009.

e. Condition 25 of A-10018 has not been met at either the Preliminary Plan of Subdivision stage nor at the DSP stage, notwithstanding the information provided by Andres Gingles, Esq., on behalf of the Applicant with respect to the consent of the University of Maryland and CSX and public funding. With specific reference to the DSP, Condition 25(b) requires that "(If the manner of public funding is tax increment financing, or any other funding mechanism that requires the approval of the County Council or other government body or entity, the approval of the County Council and all other government bodies or entities must be obtained prior to the approval of any detailed site plan for the subject property." Preliminary Plan of Subdivision Condition 36(b) states: The applicant shall demonstrate that the approved funding mechanism committed by the applicant as part of Condition 25 (A-10018), stated above, has been fully established and has been authorized by the county and/or other governmental bodies." While the County Council has adopted CR-28-2013, which authorizes a Special Taxing District for a portion of the Property, Section 10-269 of the County Code requires additional legislative action to issue bonds to finance the infrastructure improvements, including the crossing, and to levy and impose the tax. There is no legislative determination that the tax to be imposed by the future legislative act is sufficient to pay for a bond that will finance those improvements. Further, the construction of the bridge is now required to demonstrate adequate public facilities. At this point, the Applicant does not control the land needed to comply with these requirements, so that the DSP is premised on something that has not occurred. The cost for the acquisition will affect the financing, which again points to the current inability to obtain governmental approval.

**Response:** Condition 25(b) of Zoning Ordinance 11-2012, states: "**Establish a funding mechanism using a combination of public and private funds, subject to any required governmental approval, which must be obtained prior to the first detailed site plan; establish a system of financial assurances, performance bonds or other security to ensure completion of construction and establish a timetable for construction, of the CSX Crossing in accordance with the Preliminary Plan.**" Condition 25(b) **does not** state, as the Town indicates, "(If the manner of public funding is tax increment financing, or any other funding mechanism that requires the approval of the County Council or other government body or entity, the approval of the County Council and all other government bodies or entities must be obtained prior to the approval of any detailed site plan for the subject property." The Town uses language from Condition 25 out of context. Regardless, the Applicant has satisfied Condition 25(b).



On May 4, 2013, the County Council adopted County Resolution 28-2013 (CR-28-2013), which concerned the Applicant's property. CR-28-2013 provides, in relevant part, as follows:

For the purpose of designating an area within Prince George's County, Maryland as a "special taxing district" as that term is used in Section 10-269 of the Prince George's County Code, as amended, and as that term is used in Section 9-1301 of Article 24 of the Annotated Code of Maryland, as amended, (collectively, the "Act"), such special taxing district to be located in the Town of Riverdale Park, Maryland and to be known as the "Calvert Tract Special Taxing District;" providing for, and determining, various matters in connection with the establishment of a special taxing district, creating a special fund with respect to the special taxing district; providing for the introduction of a future ordinance or ordinances to provide for the levy of a special tax in connection with such special taxing district; pledging proceeds of such special tax to be paid over to the special fund as provided in the Act; making certain findings and determinations with respect to the special fund and the use of such fund; providing that special obligation bonds may be issued from time to time pursuant to an ordinance or ordinances enacted in accordance with the Act and secured by the special fund; and generally relating to the Calvert Tract Special Taxing District.

**WHEREAS, the Owner plans to construct a mixed use development including retail, commercial, residential and office facilities, including, but not limited to, a crossing over the CSX railroad tracks adjacent to the Special Taxing District; and**

WHEREAS, such development will further economic development within the County and thus meet the public purposes contemplated by the Act; and

WHEREAS, the Owner has requested that the County issue its special obligation bonds in one or more issues or series to finance infrastructure improvements within or adjacent to the Special Taxing District, as permitted by the Act; and

WHEREAS, the Act authorizes the County to issue special obligation bonds from time to time for the purpose of providing funds to be used to fulfill one or more of the purposes of said Act; and

WHEREAS, the County will consider the introduction of an ordinance or ordinances to, among other things, provide for the

levy of a special tax on the real property within the Special Taxing District, and provide that the County will apply the revenues of the Special Tax and the proceeds of any special obligation bonds authorized by the ordinance or ordinances and issued under the Act to fund a portion of the costs of the infrastructure improvements...

See CR-28-2013 (Emphasis added.) We are persuaded by our adopted resolution alone that the Applicant has satisfied Condition 25(b). See *Lussier v. Md. Racing Comm'n*, 343 Md. 681, 696-97, 684 A.2d 804 (1996), *McCullough v. Wittner*, 314 Md. 602, 612, 552 A.2d 881 (1989) (An agency's interpretation of the statute that it administers will be given considerable weight). We also take judicial notice of the Applicant's May 6, 2013, letter, which fully described the proposed combination of public and private funding, including the Tax Increment Financing (TIF) District approved by Resolution of the Town of Riverdale Park for the subject property, as well as the County Council Resolution establishing a Special Taxing District for the subject property. Additionally, the two funding mechanisms-the TIF Resolution from Riverdale Park, and the Special Taxing District Resolution from the County Council were both approved prior to the DSP-13009, and in fact prior to the preliminary plan of subdivision. We are further persuaded by Condition 37 imposed in the preliminary plan of subdivision approval, which requires that, prior to approval of a building permit, the Applicant must demonstrate that the CSX crossing has been constructed, fully bonded and permitted for construction on an agreed upon timetable or otherwise incorporated in specific public facilities financing and implementation program as defined in Section 27-107.01(b)(186.1) of the Zoning Ordinance, as well as Section 24-124(a)(6) of the Subdivision regulations and per SHA, CSX DPWT requirements, or there is a proposal for such roads on an approved master plan and construction scheduled with 100 percent of funds allocated in the CCIP or SCTP.

- **The Town submits that it was legal error to not include the following conditions in the DSP:**

1. Prior to the issuance of the first grading permit, the Applicant, its heirs, successors and assigns shall demonstrate that the extension of the approved J-Crossing (Version J.3.300) over the CSX tracks to Rivertech Court with at least 36 feet of road pavement, five foot sidewalks and on-road bike lanes, plus a tow foot barrier (a) have been constructed, (b) fully bonded and permitted for construction with an agreed-upon time table for construction by the Applicant and/or the applicant's heirs, successors, or assigns, (c) otherwise incorporated in a specific public facilities financing and implementation program as defined in Section 27-107.01 (186.1) of the Zoning Ordinance or (d) there is incorporated within the adopted County Capital Improvements Program (CIP) or the current State Consolidated Transportation Program (CTP) with one hundred percent (100%) construction funding allocated during the six years. In addition the Applicant must submit for review and comment the completed, revised

funding plan for the CSX Crossing (Bridge) of the Office of the Executive, Prince George's County; the Office of the Mayor, Town of Riverdale Park; and the Office of the Mayor, Town of University Park, which shall be allowed 10 days to review and comment prior to the issuance of a grading permit. If no comment is received, the permit may be issued.

2. Prior to approval of the Detailed Site Plan, the applicant shall submit a draft easement for the protection and maintenance of the 90 to 120 foot wide buffer required by Condition 13 of Zoning Ordinance No. 11-2012 for Zoning Map Amendment A-10018 to the benefit of the Town of University Park and the Town of Riverdale Park. The easement for the protection and maintenance, which is subject to approval by the Town of University Park and Town of Riverdale Park, shall include language that sets forth the rights, responsibilities, and liabilities of the applicant and the applicant's heirs, successors, and/or assignees with respect to maintenance of the buffer, consistent with the requirements of the detailed site plan. The easement shall be reviewed and approved by the Planning Board and its designee.

3. Prior to approval of the final plat, the applicant, and the applicant's heirs, successors, and/or assignees, shall submit a fully executed easement for the protection and maintenance to the benefit of the Town of University Park and the Town of Riverdale Park for the entire buffer delineated on the approved detailed site plan. The liber/folio of the easement shall be reflected on the final plat prior to recordation.

4. Delete or relocate Lots 1-7 along Woodberry Street and create a common play area within this space with appropriate buffering and screening from Building 1.

**Response:** We find no merit in this appeal issue and request by the Town. The Town offers no legal reason or basis why it was error for Planning Board *not* to include the above conditions in DSP-13009. Nor does the Town offer its legal authority for imposing conditions in DSP-13009. Pursuant to §27-285(5), the Planning Board, in its review of a detailed site plan, shall approve, approve with modification, or disapprove the detailed site plan, and the word "approve" includes "approve with conditions, modifications, or amendments." *See* §27-108.01 (a)(10).

Regardless, the Town's proposed condition 1 is essentially a re-statement of preliminary plan of subdivision Condition 37e, with the exception that it requires that the various assurances occur prior to the first grading permit, as opposed to building permits, as designated in the preliminary plan of subdivision. Since this condition relates to the adequacy of public facilities, there was no need for this to occur prior to the first grading permit. *See* (5/30/13, Tr. 201).

Condition 37 imposed in the preliminary plan of subdivision approval, which requires that, prior to approval of a building permit, the Applicant must demonstrate that the CSX crossing has been constructed, fully bonded and permitted for construction on an agreed upon timetable or otherwise incorporated in specific public facilities financing and implementation program as defined in Section 27-107.01(b)(186.1) of the Zoning Ordinance, as well as Section 24-124(a)(6) of the Subdivision regulations and per SHA, CSX DPWT requirements, or there is a proposal for such roads on an approved master plan and construction scheduled with 100 percent of funds allocated in the CCIP or SCTP. The Town also requests that the Applicant submit for review and comment the “completed, revised funding plan for the CSX Crossing” to the County Executive and the Mayors of the Towns of Riverdale Park and University Park. To the extent that the public portion of the funding for this crossing will involve the Town of Riverdale Park through its TIF financing, and Prince George’s County in connection with the Special Taxing District and other mechanisms, the Office of the County Executive and the Town of Riverdale Park will be involved in the funding for this Crossing. The Town has provided no legal basis to persuade us why it should be involved in this process when it has proffered no public funding for this purpose. *See* (5/23/13 Tr.), (5/30/13 Tr.), PGCPB No. 13-63, Technical Staff Report, 5/9/13. Lastly, in finding that the language of Condition 27 of the preliminary plan of subdivision approval captures the intentions of the Council stated in Zoning Ordinance 11-2012 conditions as to the rezoning of the subject property, we further note that Condition 37 is more prescriptive and carries weight.

Nevertheless, we take administrative notice of all conditions imposed upon Applicant pursuant to its Preliminary Plan of Subdivision. As such, we further note that the conditions imposed as to the bridge and financing pursuant thereto exceed that of Zoning Ordinance 11-2012, and we support and emphasize compliance therewith.

Proposed condition 2 was rejected by the Town of Riverdale Park because it concluded that it was inappropriate and unnecessary. (5/30/13, Tr. 150-51). We also reject the Town’s proposed condition 2 and 3. The subject property, including this front buffer area is, of course, owned by the Applicant, and as with any private property, the owner is responsible for the appropriate maintenance of that property. The owner of this or any other private property cannot be required to cede control of the maintenance of this property to any other party. The property owner is ultimately responsible for the appropriate maintenance of this portion of the subject property, and if it is ever found to be in violation of any applicable code provisions from the Town of Riverdale Park or Prince George’s County, it would be subject to code enforcement through either of those jurisdictions – not the Town.

As to proposed condition 4, based on the evidence in the record, we agree that the discussion about the need for additional outdoor play space is with merit. The Planning Board also requested a “minimum of two additional outdoor multi-age playgrounds in condition 22a.” We also agree with Planning Board and the Town of Riverdale Park that Lots 1-7 along Woodberry Street is not the appropriate location. Accordingly, and pursuant to authority recited in §§ 27-102(a), 27-281, and 27-290 of the Zoning Ordinance, we find that the Applicant should remove the seven (7) lots in the northeastern corner near the stormwater management pond adjacent to parcel “J” to provide for appropriate play space as indicated in the SA and reflected in condition 22.

- **The Town also submits that the District Council should impose the following additional conditions:**

1. In order to insure that the obligations with respect to the CSX crossing are met, the District Council should require the following:
  - a. Prior to certification of plans, provide a profile, cross sections, architectural renderings and of the bridge crossing for review by Urban Design and the Town of University Park.
  - b. Prior to issuance of a grading permit, require proof of payment of \$50,000 to the University of Maryland by the Applicant.
  - c. Prior to first building permit, require that the Applicant demonstrate final approval of an agreement with the University of Maryland (including approval of the Board of Public Works) with respect to the transfer of the property required to land the bridge to the Applicant.
  - d. Prior to issuance of a grading permit, the Applicant must file and obtain approval for any required detailed site plan or mandatory referral for the property where the bridge will land.
2. The District Council should also require the following:
  - a. Prior to certification of plans, include a sheet that references all applicable conditions, including A-10018, the Preliminary Plan and Detailed Site Plan.
  - b. Prior to certification of plans, Applicant shall show on the plans the final disposition of the improvements required by SHA and the extent of the gateway feature. If a sidewalk is included in SHA improvements, there should be a showing that it meets ADA requirements.

**Response:** Based on the evidence in the record, we find that the Applicant has substantially complied with the conditions imposed by the rezoning of the subject property imposed by Zoning Ordinance No. 11-2012. However, in order to ensure compliance for the duration of the project, Applicant should provide or continue to provide pertinent documentation to appropriate agencies as set forth in the Conditions of Approval, below, and is further encouraged to share updates concerning the bridge and gateway features / buffer with the general public.

- **The basis for the City's reasons for appeal are as follows:**

1. The DSP should include dedication of Parcel H to the City of College Park and submission of detailed design plans of the Trolley Trail including landscaping and signage elements for review and approval by the City of College Park.

Parcel H contains 19,803 square feet and is located entirely in the City of College Park. The applicant proposes to construct a trolley trail through Parcel H to connect to the existing trolley trail to the north that is owned and maintained by the City of College Park within the historic Rhode Island Avenue right-of-way through the city limits. The city prefers to have jurisdiction over this segment of the right-of-way as well. The M-NCPPC Department of Parks and Recreation has expressed no objection to City of College Park ownership of Parcel H and the trail within it.

The City of College Park asked for conveyance of Parcel H in a letter dated May 15, 2013 to the Planning Board and during testimony at the Planning Board hearing on PPS 4-13002. The Planning Board did not express any objections to ownership of Parcel H by the City but indicated that the City of College Park should pursue the conveyance of this parcel to the City after it is dedicated to M-NCPPC. The City submits that this would create an unnecessary bureaucratic burden on the City and M-NCPPC when it could be done at the time of final plat by the applicant. The City of College Park should also have the right to review and comment on the detailed design plans for the trolley trail. Condition 1.a.(21) of PGCPB no. 13-63 simply provides a copy of the design plans for the trolley trail to the City without affording the City the opportunity to review, comment or approve the plans.

The City notes that Parcel H is omitted from the Parcel-by-Parcel Description included in Finding 6 of PGCPB No. 13-63.

**Response:** The allegations by the City generally amount to thoughtful requests lacking in substantive merit. While the Council is aware of the City's preference to have jurisdiction over the right-of-way within the City limits on Parcel H, we find that such a dedication is not required pursuant to the approval of a Detailed Site Plan application for development under Part 3, Division 9 of the Zoning Ordinance. Moreover, we also find, based on a review of the law in light of the record evidence that the requested guarantee to "review, comment, or approve the plans" is not contemplated within §27-280 of the Zoning Ordinance and is not required. Lastly, a review of the record reveals that the Planning Board, in adopting Condition 1.a.(21), and directing that a copy of the design plans for the trolley trail to the City, meets the prescriptions recited in §§ 27-102 and 27-281 of the Zoning Ordinance.

2. Condition 1.a.9 in the DSP is not sufficient to be in compliance with Condition 16 of A-10018 as approved in Zoning Ordinance No. 11-2012. The following condition would satisfy this requirement:

Prior to signature approval of the Detailed Site Plan, the Applicant shall apply and show results of LEED-ND Stage 1 review. If conditional approval is obtained, the Applicant shall employ every effort to obtain full LEED-ND certification and provide documentation of such. If conditional approval is not obtained, the Applicant shall make every effort to achieve U.S. Green Building Council (USGBC) LEED-Silver certification under LEED-NC and LEED Homes, or if available, equivalent standards for all buildings. Specifically the Applicant shall follow the process below:

A. Prior to DSP certification, the Applicant shall:

1) Designate a LEED-accredited professional ("LEED-AP") who is also a professional engineer or architect, as a member of their design team. The Applicant shall provide the name and contact information for the LEED AP to the City of College Park, the Towns of Riverdale Park and University Park and M-NCPPC.

2) Designate a representative from M-NCPPC and each municipality, who elects to participate, as a team member in the USGBC's LEED Online system. These team members will have privileges to review the project status and monitor the progress of all documents submitted by the project team.

B. Prior to the issuance of the first use and occupancy permit, the Applicant shall provide documentation that the project has obtained the appropriate LEED certification. If certification has not been completed, the Applicant shall submit certification statements from their LEED-AP that confirms the project list of specific LEED credits will meet at least the minimum number of credits necessary to attain the appropriate LEED certification of LEED-ND, LEED-NC and/or LEED Homes.

The language in the City's proposed condition is intended to reflect the next steps in the LEED-ND certification process and provide assurances that Condition # 16 of Zoning Ordinance No. 11-2012 in Case No. A-10018 is met.

Condition #16 states in part, "...the applicant shall pursue and employ commercially reasonable efforts to obtain conditional approval of the plan under LEED-ND 2009 Stage 1 (pre-entitlement) approval. If based on pre-entitlement review, full certification through LEED-ND is not practicable, then the applicant shall at detailed site plan provide a LEED scorecard that demonstrates a minimum of silver certification for all new

construction and that will be enforced through DSP review...” This condition language requires that a determination be made at the time of detailed site plan as to which certification path the applicant will follow based on the results of the USGBC pre-entitlement review. Because the applicant had not even applied for this review at time of detailed site plan, this determination could not be made. The Planning Board instead approved Condition #1.a.(9) in PGCPB No. 13-63 that requires the applicant to “Submit evidence of conditional approval of the plan under leadership in energy and environment design (LEED-ND) 2009 State 1 (pre-entitlement) approval prior to certification of the DSP.”

This condition stops short of requiring the applicant to obtain certification under any LEED program or any other equivalent standards and therefore does not fulfill the condition requirement of the zoning case. The City’s reading of the condition is that if the plan is eligible for LEED-ND certification, the applicant is required to pursue said certification, and if the plan is not eligible, the applicant is required to pursue silver certification under LEED-NC and LEED Homes or equivalent standards.

The City’s proposed condition language is similar to language previously adopted by the Planning Board in DSP-12034, PGCPB No. 13-36 so it is not without precedent. It established a process for the applicant to follow and enables appropriate parties to follow the progress of the USGBC review online. Most importantly, it makes clear that the ultimate goal is for the project to actually obtain certification under LEED-ND or another standard.

**Response:** See response above to Town of University Park appeal on these matters, found on pp. 4-6, herein.

3. In order to insure that the bikeshare station required to be shown on the DSP is actually built, the condition should include the following:

Prior to approval of the first building permit, the Applicant shall show a final location for the proposed bikeshare station (11 docks and 6 bikes) that measures 31 feet in length and 6 feet in width in the vicinity shown on the Preliminary Plan. If the Capital Bikeshare Program or similar program is operational or under contract for operation, the Applicant, its successors and assigns, shall pay the then prevailing cost, not to exceed \$45,000 to the



Administrator of the Bikeshare Program, or similar program, for the installation and 12-month operation of an 11 dock/6 bike station.

When a bike share is shown on the Detailed Site Plan located on Van Buren Street, funding for the station was not included in any condition adopted in the Preliminary Plan or Detailed Site Plan resolutions nor was it included in the applicant's Transportation Management Plan. The requested funding represents the current cost of purchasing and installing the equipment for one bikeshare station and the cost for operating the station for one year.

The City of College Park and the University of Maryland are in the process of entering into a contract with the Capital Bikeshare providers and intend to launch a nine-station system by January 1, 2014. The goal is to grow the bikeshare network to include other locations along Route 1 corridor and vicinity particularly new mixed-use development projects. Funding to expand the system in this way is needed and has readily been agreed to through conditions of approval by the developers of the following recent projects: The Varsity, M Square, Domain and Koon's Ford. This is a small, one-time cost for a project the size of Cafritz especially when the project will benefit from the enhanced transportation accessibility and connectivity that bikeshare will provide.

**Response:** Our review of the evidence contained in the record reveals no error of fact or law to supporting the reversal of the decision of the Planning Board embodied in PGCPB Res. No. 13-57. To that end, we find that the Applicant has substantially complied with the requirements imposed by §§ 27-102, 27-281, 27-283, and 27-290 of the Zoning Ordinance. However, we take all due notice of the concerns, including bikeshare, raised by the City and urge that resolution to these issues be made through an executed TMP, which will be developed by the Prince George's County Department of Public Works and Transportation, together with input from the Town of University Park, the City of College Park, and the Town of Riverdale Park.

**• Citizens allege that Planning Board committed the follow errors:**

1. The Planning Board did not postpone the hearing of the Detailed Site Plan on May 23, 2013, as required by Sec. 27-125.05. An enormous amount of new information was submitted both by the Applicant and by various government agencies well after the technical staff report had been completed on May 9, 2013, including specifically, but not limited to, the report of Mr. Faramarz Mokhtari from the County's Transportation Planning Section, regarding changes made by the Planning Board to the

Preliminary Plan of Subdivision on May 16, 2013. The Planning Board determined to proceed with its hearing May 23 regardless of the statutory mandate, and it also determined, after it commenced the hearing, which lasted several hours, to continue the hearing on May 30.

**Response:** This appeal issue has no factual or legal merit. Pursuant to §27-125.05, where the Planning Board is authorized to conduct a public hearing in a zoning or site plan case, the Planning Board shall send by first class mail a copy of the technical staff report to the applicant and all parties of record no less than two (2) weeks prior to the scheduled public hearing on the application. At the same time and in the same manner, the Planning Board shall send a copy of the technical staff report to every municipality located within one (1) mile of the property which is the subject of the application and to all civic associations registered with the Commission for the area which includes the property. **If new information is provided by the applicant or any governmental agency after the technical staff report is completed, any party of record shall be allowed a one (1) week postponement if such party so requests.** (Emphasis added.) First, based on our review of the hearing transcript, Citizens did not request a postponement. *See* (5/23/2013 Tr.). At the May 23, 2013, hearing, Suellen M. Ferguson, Esquire, on behalf of the Town and City, not Citizens, made a request for postponement pursuant to §27-125.05, which the Planning Board granted. Therefore, there was no violation of §27-125.05.

2. The Planning Board gave the public inadequate notice of the continued hearing. Before the Board's website was revised-on May 29-to show that the Detailed Site Plan hearing was on its agenda for May 30, a number of citizens had to call to ask whether the date of the hearing had been fixed and what its place was on the Planning Board's agenda. No other notice was afforded to persons who had signed up as Persons of Record, despite the fact that the Planning Board maintained on its Persons of Record spreadsheet both the email addresses and the phone numbers of all persons who had provided such contact information.

**Response:** The Citizens do not complain that they did not receive notice of the May 23, 2013, public hearing or the May 30, 2013 public hearing. Rather they complain that notice of the May 30, 2013, public hearing was inadequate. Pursuant to the Planning Board's Rules of Procedure, notice of all hearings held pursuant to its Rules shall be in accordance with provisions of the Zoning Ordinance and any public hearing may be recessed to an announced time and place or posted at the time and place of the original location for which original notice has been given. Thereafter, no further notice shall be necessary. *See* Prince George's County Planning Board Rules of Procedure, Sections 2 and 3, respectively. PGCPB Resolution No. 08-71, as amended May 8, 2008. We find that the Planning Board provided adequate notice of the May 30, 2013, public hearing. On May 23, 2013, the Planning Board, consistent with its own Rules of Procedure, recessed its public hearing and announced that the next hearing will be held on May 30, 2013, the place of the original location for which original notice had been given. (5/23/13 Tr.) While the parties of record may have been slightly inconvenienced, by rule, after the Planning Board recessed from the May 23, 2013, hearing, no further notice was necessary.

3. The Planning Board has failed to maintain a process sufficient to ensure that its online system of registration of Persons of Record in fact so captures all individuals who use such system. Among the citizens appealing this Detailed Site Plan are several who became aware that they were not so registered, despite their online registration; persons who appeared on May 30; persons who were alerted to the absence of their names from a list that was provided by Planning Board staff and who subsequently “successfully” registered (online or by fax); as well as persons who learned only after May 30 of their exclusion from the list of Persons of Record.

**Response:** This appeal has no factual or legal merit. Whether Planning Board failed to maintain a sufficient process to ensure that its online system of registration of Persons of Record in fact so captures all individuals who use such system is not legal error in approving a detailed site plan. Pursuant to §27-285(b)(1), the Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan. §27-285(b)(1). We find, after reviewing the record in this matter, that Planning Board committed no legal error in approving DSP-13009. *See* (5/23/13 Tr.), (5/30/13 Tr.), PGCPB No. 13-63, Technical Staff Report, 5/9/13. We would note, however, that a receipt indicating that the registration has been received is appropriate.

4. The Planning Board erred in granting approval of the Detailed Site Plan when it proceeded to a hearing without having a schematic map or drawing submitted by the Applicant within a timely public record showing in detail adequate (sic) for the Planning Board to make a determination or for the public to make informed comment or suggestion sufficient as to the width of streets and sidewalks, placement of parks, placement of streets, width of curbs, placement of the bridge, crossing of the bridge, and other details necessary to distinguish a Detailed Site Plan from one that is merely conceptual. Inadequacy of the submission is illustrated by the Planning Board’s nearly four single-spaced pages of 23 required revisions to the Detailed Site Plan. (See PGCPB No. 13-63 Resolution File No. DSP 13-009, pp.77-81). Similarly, the Planning Board erred by deferring the approval of the Transportation Management Plan, shuttle bus commitment and circulator bus program to approval at final plat. Such deferral failed to meet conditions 17, 18, 19 of the Zoning Ordinance.

**Response:** This appeal issue is without merit. Pursuant to §27-282(e), a detailed site plan shall include the following:

- (1) Location map, north arrow, and scale;

(2) Boundaries of the property, using bearings and distances (in feet); and either the subdivision lot and block, or liber and folio numbers;

(3) Zoning categories of the subject property and all adjacent properties;

(4) Locations and types of major improvements that are within fifty (50) feet of the subject property and all land uses on adjacent properties;

(5) An approved Natural Resource Inventory;

(6) Street names, right-of-way and pavement widths of existing streets and interchanges within and adjacent to the site;

(7) Existing rights-of-way and easements (such as railroad, utility, water, sewer, access, and storm drainage);

(8) Existing site and environmental features as shown on an approved NRI;

(9) A Type 2 Tree Conservation Plan prepared in conformance with Division 2 of Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual or a Standard Letter of Exemption;

(10) A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible;

(11) An approved stormwater management concept plan;

(12) Proposed system of internal streets including right-of-way widths;

(13) Proposed lot lines and the dimensions (including bearings and distances, in feet) and the area of each lot;

(14) Exact location and size of all buildings, structures, sidewalks, paved areas, parking lots (including striping) and designation of waste collection storage areas and the use of all buildings, structures, and land;

(15) Proposed grading, using one (1) or two (2) foot contour intervals, and any spot elevations that are necessary to describe high and low points, steps, retaining wall heights, and swales;

(16) A landscape plan prepared in accordance with the provisions of the Landscape Manual showing the exact location and description of all plants and other landscaping materials, including size (at time of planting), spacing, botanical and common names (including description of any plants that are not typical of the species), and planting method;

(17) Exact location, size, type, and layout of all recreation facilities;

(18) Exact location and type of such accessory facilities as paths, walks, walls, fences (including widths or height,

as appropriate), entrance features, and gateway signs (in accordance with Section 27-626 of this Subtitle);

(19) A detailed statement indicating the manner in which any land intended for public use, but not proposed to be in public ownership, will be held, owned, and maintained for the indicated purpose (including any proposed covenants or other documents);

(20) Description of the physical appearance of proposed buildings (where specifically required), through the use of architectural elevations of facades (seen from public areas), or through other illustrative drawings, photographs, or renderings deemed appropriate by the Planning Board; and

(21) Any other pertinent information.

Submittal of a detailed site plan does not require “schematic maps.” A “schematic map” is defined as the scale drawing that outlines the floor plan where scale models of basic elements can be placed for best and most effective positioning.<sup>7</sup> Regardless of this technicality however, our review of the record reveals that original DSP plans were submitted on March 28, 2013, a revised set of plans, with minor changes to labeling and lot/parcel lines, was submitted on April 18, 2013. Planning Board’s findings were based on a final revised set of plans submitted May 1<sup>st</sup> through the 6<sup>th</sup>, 2013. *See* (5/23/13 Tr.), (5/30/13 Tr.), PGCPB No. 13-63, Technical Staff Report, 5/9/13.

5. The Planning Board erred in approving the Detailed Site Plan when it did not require actual funding of the bridge by the Applicant as required in the Zoning Ordinance. There is no evidence in the record that the Applicant has in fact contributed to an escrow account or any other funding mechanism (sic) the required \$5 million dollars proffered by the Applicant to be contributed. Mr. Mokhtari’s report notes this oversight; the Planning Board did not take up that observation in its Resolution.

**Response:** This appeal issue is without factual or legal merit. Condition 25(b) of Zoning Ordinance 11-2012, states: **“Establish a funding mechanism using a combination of public and private funds, subject to any required governmental approval, which must be obtained prior to the first detailed site plan; establish a system of financial assurances, performance bonds or other security to ensure completion of construction and establish a timetable for construction, of the CSX Crossing in accordance with the Preliminary Plan.”** (Emphasis added.) On May 4, 2013, the County Council adopted County Resolution 28-2013 (CR-28-2013), which concerned the Applicant’s property. CR-28-2013 provides, in relevant part, as follows:

For the purpose of designating an area within Prince George’s County, Maryland as a “special taxing district” as that term is used

<sup>7</sup> *See* <http://thelawdictionary.org/schematic-plan/> (last visited September 28, 2013).

in Section 10-269 of the Prince George's County Code, as amended, and as that term is used in Section 9-1301 of Article 24 of the Annotated Code of Maryland, as amended, (collectively, the "Act"), such special taxing district to be located in the Town of Riverdale Park, Maryland and to be known as the "Calvert Tract Special Taxing District;" providing for, and determining, various matters in connection with the establishment of a special taxing district, creating a special fund with respect to the special taxing district; providing for the introduction of a future ordinance or ordinances to provide for the levy of a special tax in connection with such special taxing district; pledging proceeds of such special tax to be paid over to the special fund as provided in the Act; making certain findings and determinations with respect to the special fund and the use of such fund; providing that special obligation bonds may be issued from time to time pursuant to an ordinance or ordinances enacted in accordance with the Act and secured by the special fund; and generally relating to the Calvert Tract Special Taxing District.

**WHEREAS, the Owner plans to construct a mixed use development including retail, commercial, residential and office facilities, including, but not limited to, a crossing over the CSX railroad tracks adjacent to the Special Taxing District; and**

WHEREAS, such development will further economic development within the County and thus meet the public purposes contemplated by the Act; and

WHEREAS, the Owner has requested that the County issue its special obligation bonds in one or more issues or series to finance infrastructure improvements within or adjacent to the Special Taxing District, as permitted by the Act; and

WHEREAS, the Act authorizes the County to issue special obligation bonds from time to time for the purpose of providing funds to be used to fulfill one or more of the purposes of said Act; and

WHEREAS, the County will consider the introduction of an ordinance or ordinances to, among other things, provide for the levy of a special tax on the real property within the Special Taxing District, and provide that the County will apply the revenues of the Special Tax and the proceeds of any special obligation bonds authorized by the ordinance or ordinances and issued under the Act to fund a portion of the costs of the infrastructure improvements...

See CR-28-2013 (Emphasis added.) We are persuaded by our resolution alone that the Applicant has satisfied Condition 25(b), and that Planning Board did not commit legal error in its approval of DSP-13009. See *Lussier v. Md. Racing Comm'n*, 343 Md. 681, 696-97, 684 A.2d 804 (1996), *McCullough v. Wittner*, 314 Md. 602, 612, 552 A.2d 881 (1989) (An agency's interpretation of the statute that it administers will be given considerable weight). We also take judicial notice of the Applicant's May 6, 2013, letter which fully described the proposed combination of public and private funding, including the Tax Increment Financing (TIF) District approved by Resolution of the Town of Riverdale Park for the subject property, as well as the County Council Resolution establishing a Special Taxing District for the subject property. Additionally, the two funding mechanisms-the TIF Resolution from Riverdale Park, and the Special Taxing District Resolution from the County Council were both approved prior to the DSP-13009, and in fact prior to the preliminary plan of subdivision.

6. The Planning Board erred in granting approval of the Detailed Site Plan when it relied on conditional rather than actual approval by the University of Maryland concerning the CSX railroad crossing, as required under Condition 25d of the Ordinance. (See A-10018, Notice of Final Decision of the District Council, July 18, 2012, p. 17, and alluded to on p. 37 of the Resolution) Furthermore, as of May 30-and even as of the date of this writing-the actual "off-site land or right-of-way acquisition costs"-among other costs required to be identified in the same Condition of the Ordinance-have not been determined. Although that requirement was demanded with the Preliminary Plan of Subdivision, the incorrect assertion that a Zoning Ordinance condition has been met does not mean either that the condition is waived or that there is no longer a need to meet it completely before proceeding to the Detailed Site Plan.

**Response:** This appeal issue is premised on Citizens inaccurate and out of context use and restatement of Condition 25(d) of Zoning Ordinance 11-2012. Condition 25(d) is prefaced with: "**Prior to the approval of a Preliminary Plan of Subdivision (the "Preliminary Plan")**, the applicant shall do the following, subject to the opportunity for review and comment by Prince George's County, the Town of Riverdale Park, and the Town of University Park:" (Emphasis added.) Condition 25(d) states as follows: "Provide cost estimates for the design, permitting and construction of the CSX Crossing, including off-site land or right-of-way acquisition costs, if any." See Zoning Ordinance 11-2012, Condition 25. We also find that Condition 25(d) is not a prerequisite for approval of DSP-13009. Rather, based on our review of the record and our judicial notice of PGCPB No. 13-55 (4-13002), which approved and adopted the preliminary plan of subdivision in this matter, Planning Board found that the Applicant has satisfied Condition 25(d). See (5/23/13 Tr.), (5/30/13 Tr.), PGCPB No. 13-63, Technical Staff Report, 5/9/13, and PGCPB No. 13-55 (4-13002).

7. Planning Board erred in finding that the woodland conservation threshold had been met onsite. The burden is placed

rightly on the Applicant to show how such a threshold cannot be met, rather than on the Planning Board to make an apology for the Applicant's design. The record does not show that the Applicant designed the site in an attempt to meet the woodland conservation threshold, whether or not infill design is a challenge to such a threshold showing. Rather, it is the Applicant's own design that makes meeting the conservation threshold "challenging." The Planning Board's recitation disposing of the woodland conservation threshold is conclusory and without record support. (See Resolution, p.17) Additionally, the Planning Board erred by disregarding Condition 23 of the Zoning Ordinance which prohibits regarding until a detailed site plan has been approved for the specific portion to be re-graded. Despite the fact that the Resolution explicitly fails to include Parcels K, L and M of the property (presumably set aside for multi-family buildings), the Planning Board's Resolution, Condition 10(d), purports by its language to meet Condition 23, so as to show the interim grading those parcels.

**Response:** Citizens assertions with regard to woodland conservation are incorrect. The Woodland Conservation ordinance is drafted and interpreted within the context of the land use assigned to a particular property, not as an absolute objective. *See Lussier v. Md. Racing Comm'n*, 343 Md. 681, 696-97, 684 A.2d 804 (1996), *McCullough v. Wittner*, 314 Md. 602, 612, 552 A.2d 881 (1989) (An agency's interpretation of the statute that it administers will be given considerable weight). Since, as indicated within the Planning Board Resolution for DSP-13009, the M-U-TC zoning of the subject property allows for high-density residential and commercial uses-as evidenced by the nature of the Development Plan approved by the District Council as part of the Zoning Amendment-the Woodland Conservation ordinance was properly applied to the subject property by the Planning Board. The findings by Planning Board embodied an evaluation of this entire issue by the Environmental Planning Section, and is certainly not "conclusory and without record support." It was properly considered and evaluated within the context of the design goals of the M-U-TC Zone. As previously discussed, Parcels K, L and M were not removed from this DSP, and were included in the total acreage and calculations regarding Woodland Conservation and Stormwater Management for the entire site. *See* PGCPB No. 13-63 and Technical Staff Report, 5/9/13. Regarding compliance with Condition 23 of Zoning Ordinance 11-2013, Parcels K, L and M are included within DSP-13009. While the Planning Board Resolution does require an additional DSP for each of those parcels prior to the issuance of a building permit, those parcels remained as part of this DSP-13009. We find evidence of this in Condition No. 10d, which require interim grading upon those parcels.

8. The Planning Board erred in recognizing private, indoor fee-to-use recreation facilities as adequate public facilities for recreation. Furthermore, the Planning Board erred in not demanding "complete details" (such as size and type of facility) until certification of the plans, rather than at approval of the Detailed Site Plan. (See Resolution, pp. 79-80) Public comment



was made at the hearing suggesting a “pocket park” in the northwest corner of the property to be substituted for one or two townhomes (such townhomes requested to be eliminated by planning staff). To the best of our knowledge and belief, the Preliminary Plan approved by the Planning Board included such a park and thus the Resolution is in conflict with the adopted Preliminary Plan. Neither the public comment nor the planning staff suggestion was carried over into the Resolution. Public comment was made repeatedly requesting that a field sufficient for soccer or like athletic field be identified and dedicated on the property. No capture of such comment appeared in the Resolution.

**Response:** Based on the evidence in the record, we agree that the discussion about the need for additional outdoor play space is with merit. The Planning Board also requested a “minimum of two additional outdoor multi-age playgrounds in condition 22a.” We also agree with Planning Board and the Town of Riverdale Park that Lots 1-7 along Woodberry Street is not the appropriate location. Accordingly, and pursuant to authority recited in §§ 27-102(a), 27-281, and 27-290 of the Zoning Ordinance, we find that the Applicant should remove the seven (7) lots in the northeastern corner near the stormwater management pond adjacent to parcel “J” to provide for appropriate play space as indicated in the SA and reflected in Condition 22.

9. The Planning Board erred in failing to require appropriate input from the Historic Preservation Commission (HPC). Based on a prior plan of the project, the HPC concluded at its April 16, 2013 meeting, that there would be “no visual impact” on adjacent National Register Historic Districts. The DSP was (sic) this conclusion. However, the HPC did not take up the current access route’s impact on historical properties until a meeting that took place on May 21 (not May 22 as stated in the Planning Board documents). In no part of the HPC May 21 meeting was there any discussion of the *visual impact* of the new alignment. Furthermore, the Town of University Park and Riverdale Park are registered in the Maryland Historic Trust’s database as in the National Register of Historic Districts, and thus the National Park Service (NPS) has jurisdiction. At no time in the rezoning, PPS or DSP process has the NPS been consulted.

**Response:** This appeal issue is without factual or legal merit. Referral to HPC is required pursuant to §27-284. DSP-13009 was referred to the HPC. The HPC made the following findings and conclusions on DSP-13009:

At their April 16, 2013 meeting, the Historic Preservation Commission (HPC) reviewed the subject application in regard to its relationship to Archeological Site 18PR259 located on the

property; adjacent ERCO Historic Site (68-022); Riverdale Park (68-004), University Park (66-029), and Calvert Hills (66-037) National Register historic districts. After a detailed presentation of the application and discussion with the applicant, the HPC determined that elements of the DSP may require revisions that might not be available in time for review by the Planning Board. As a result, their recommended condition language below provides for additional review of these revisions before the certification of the detailed site plan, if these revisions are not available at the time of the Planning Board hearing. The HPC voted 6-0-1 (the Chairman voted "present") to forward the following findings, conclusions, and recommendations to the Planning Board for its review of Detailed Site Plan DSP-13009 Cafritz Property:

The HPC provided a summary of the background of the subject property and the affected historic sites and districts.

#### **HPC Findings**

(1) The subject DSP application provides for the development of residential, commercial, hotel, and office uses within the M-U-TC (Mixed-Use Town Center) Zone and based on a set of site-specific design guidelines. The proposed plans include up to 1,542,000 square feet of residential space (981 multi- and single-family dwelling units); up to 26,400 square feet of office space; up to 201,840 square feet of retail/flex space; and up to 145,080 square feet of hotel space within a network of streets that are extensions of the nearby grid established to the west in University Park and to the south in Riverdale Park.

(2) The subject DSP application, and the associated preliminary plan of subdivision, provides for the retention-in-place of the nineteenth century ice house, the property's most significant remaining historic and archeological feature. The subject application includes the ice house within a landscaped portion of the parking area associated with the proposed grocery store near the southwestern portion of the property. The application provides some conceptual details for the final form of the feature, but does not specifically address the design, materials and construction techniques to be used, or the number and content of interpretive measures to be installed. The applicant's Phase III mitigation plan should include these details and address preservation of the ice house in place, data recovery for the carriage barn site and the required interpretive measures.

(3) The illustrative plans for the proposed development indicate a number of the large, multi-story buildings on the property that may have a visual impact on the adjacent National Register Historic Districts.

(4) At the historic preservation commission meeting dated April 16, 2013, the HPC voiced concern about future access to the ice house for archeological investigation and the preservation of the materials inside the structure. The plans do not provide any details of how the structure will be ventilated. The HPC directed Planning Board to work with the applicant to finalize some of the details of the ice house feature before the review of the DSP by the Planning Board, if possible. These details include the establishment of a limit of disturbance (LOD) to safeguard the ice house during grading and construction, the establishment of an archeology easement, more detailed specifications for the design and construction of the ice house enclosure, and more precise character and location of interpretive signage.

#### **HPC Conclusions**

(1) A detailed site plan for interpretive signage and other public outreach measures focused on the history and significance of the MacAlpine property, the Calvert Homes development, the ERCO factory, and the historic trolley right-of-way, should be developed as part of the DSP process affecting the subject property. Because of the short time frame associated with the submittal of the subject application, the applicant has been unable to provide many of the details associated with the retention and interpretation of the ice house before review of the subject application by the Historic Preservation Commission (HPC). Therefore, the applicant should be required to submit specific details for the design elements to the Historic Preservation Commission for review before certification of the detailed site plan, so that these details and specifications can be included on the certified plans.

(2) The ERCO Historic Site (68-022) and its 13.71-acre environmental setting will be impacted by the bridge that will cross from the subject property over the CSX tracks and onto the University of Maryland property to the east. However, because the historic site is the subject of a Memorandum of Agreement between the University of Maryland and the Maryland Historical Trust providing ultimately for demolition, the impact of the railroad crossing should be considered de minimis. Archeological site 18PR258 will be impacted by the bridge that will cross from

the subject property over the CSX tracks and onto the University of Maryland property to the east.

(3) The applicant proposes the use of traditional and historicist design elements, materials, and details throughout much of the development. As such, to the extent that the taller buildings within the developing property may be visible from the adjacent National Register Historic Districts which are low-rise and residential in nature, the new development should have no negative visual impact on the historic districts.

Four of the five HPC recommended conditions are proposed to be included in the PPS report as recommended conditions and therefore, are not needed here. The single condition relevant to this application is included.

At their May 22, 2013 meeting, the Historic Preservation Commission (HPC) reviewed the subject application in regards to the revised alignment for the CSX railroad crossing (alignment "J") and the relocation of two multifamily buildings. Through a discussion, the HPC reaffirmed its conclusion that the ERCO Historic Site (#68-022) will be demolished through an agreement between the University of Maryland and the Maryland Historical Trust, regardless of the revised alignment of the railroad crossing and the relocation of two multifamily buildings within the developing property. As a result, the HPC voted (7-0-1, the Chair voted "present") to reaffirm, without revision, its findings, conclusions, and recommendations on the subject application.

See PGCPB No. 13-63, 27-29, Technical Staff Report, 5/9/13, 27-29. We are persuaded from our review of HPC's findings and conclusions that Planning Board obtained appropriate input from HPC prior to its approval of DSP-13009.

10. The introduction of new plans, maps, conditions and revisions weeks after the staff report and *during* the hearing made it difficult if not impossible for even the best informed members of the public to follow, let alone adequately comment and make meaningful suggestions as to what would be suitable for the property.

**Response:** Our review of the record does not support Citizens contention legally or factually. First, §27-125.05 states that if new information is provided **by the applicant or any governmental agency after the technical staff report is completed, any party of record shall be allowed a one (1) week postponement if such party so requests.** (Emphasis added.) Second, our review of the hearing transcripts reveals no such facts or request. *See* (5/23/2013 Tr.), (5/30/2013 Tr.). To the contrary, at the May 23, 2013, hearing, Suellen M. Ferguson,

Esquire, on behalf of the Town and City, not Citizens, made the request for postponement pursuant to §27-125.05, which the Planning Board granted. It would seem logical that if, at the May 30, 2013, hearing, new information was provided by the applicant or any governmental agency in violation of §27-125.05, Ms. Ferguson would have requested a postponement pursuant to §27-125.05. We found no such request was made, by any party of record, at the May 30, 2013, hearing. Therefore, there was no violation of §27-125.05.

### **Conditions of Approval**

Because the detailed design of land development significantly affects the health, safety, and welfare of the general public, and because regulation of land development through fixed standards can result in monotonous design and lower quality development, certain types of land development are best regulated by a combination of development standards and a discretionary review of a Detailed Site Plan. Some general purposes of a detailed site plan are to 1) provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan, 2) help fulfill the purposes of the zone in which the land is located, and 3) provide for development in accordance with the site design guidelines established in Division 9 (Site Plans) of the Zoning Ordinance. *See* §27-281.

With this statutory framework in mind, our original jurisdiction over DSP-13009 pursuant to §27-132(f)(1), and our authority to modify the decision of the Planning Board pursuant to 27-290(d), affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to certification of the DSP, the applicant shall revise the plans as follows or provide the specified documentation:
  - a. Revise the detailed site plan as follows:
    - (1) Revise the detailed site plan to be in conformance with Preliminary Plan of Subdivision No. 4-13002, as approved, and with secondary

amendments approved through Secondary Amendment Application No. SA130001. Prior to certification of plans, include a sheet that references all applicable conditions, including A-10018, the Preliminary Plan and Detailed Site Plan.

- (2) Provide details and specifications, subject to review and approval by the Historic Preservation Commission and The Maryland-National Capital Park and Planning Commission (M-NCPPC) staff archeologist for:
  - (a) The design and construction of the ice house feature to be retained to specifically address the techniques to be used to safeguard the archeological feature during construction; the design and materials of the exterior of the ice house and its roof, in order to ensure the long-term preservation of the feature and to ensure proper drainage and ventilation;
  - (b) The design, number, and location of interpretive signs to be erected and public outreach measures to be based on the findings of the archeological investigations; the interpretive measures shall also address the significance of the nearby ERCO factory, the Calvert Homes development, and the trolley that once ran through the subject property. Signage shall also address the site's history relating to the Plummer family and slave life, the MacAlpine Mansion, and the site's relationship to the University of Maryland.
- (3) Provide a plan note that indicates conformance to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
- (4) Provide a plan note that indicates the applicant's intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
- (5) Revise the plans so that the intersection of proposed Van Buren Street with Baltimore Avenue (US 1) is reconfigured employing the appropriate traffic controls and design features per Maryland State Highway Administration (SHA) standards that prohibit through movement between existing Van Buren Street west of Baltimore Avenue (US 1) and the proposed Van Buren Street.

- (6) Revise the plans to indicate high visibility, special treatment crosswalks similar to those installed in downtown College Park as well as pedestrian activated countdown signals at Van Buren Street and Baltimore Avenue (US 1). Crosswalks shall be provided across Van Buren Street on both east and west side of Route 1 and across Route 1 on the south and north side of Van Buren to connect all four corners of the intersection between Van Buren and Route 1. Details for the crosswalks and pedestrian signals shall be provided for the review of the Urban Design Section and subject to approval by SHA. Signage for bikes and pedestrians shall be provided to increase driver awareness.
- (7) Revise the plans so that the intersection of proposed Underwood Street with Baltimore Avenue (US 1) is reconfigured employing appropriate traffic controls and design features per SHA standards that limit vehicular access at this location to right-in-only from Baltimore Avenue (US 1).
- (7.b) A pedestrian refuge, as well as a landscaped median in the center lane on US 1 south and north of the intersection with Van Buren shall be employed to ensure pedestrian safety and visibility, subject to SHA approval and within the approved US 1 right-of-way of the preliminary plan.
- (8) A revised photometric plan showing a detail of full cut-off optics shall be submitted. The lighting intensity shall be revised as necessary to be consistent with the use of full cut-off optics.
- (9) Prior to signature approval of the Detailed Site Plan, the Applicant shall apply and show results of LEED-ND Stage 1 review. If conditional approval is obtained, the Applicant shall employ every effort to obtain full LEED-ND certification and provide documentation of such. Prior to DSP certification, the Applicant shall: (a) Designate a LEED-accredited professional ("LEED-AP") who is also a professional engineer or architect, as a member of their design team. The Applicant shall provide the name and contact information for the LEED AP to M-NCPPC; (b) Designate a representative from M-NCPPC, who elects to participate, as a team member in the USGBC's LEED Online system. This team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team; (c) Prior to the issuance of the first use and occupancy permit for the first multifamily building, the Applicant shall provide documentation that the project has obtained the

appropriate LEED-ND pre-certification. Documentation of final LEED-ND certification shall be provided to M-NCPPC.

- (10) Provide a cross section of the proposed Trolley Trail for approval by The MNCPPC Department of Parks and Recreation (DPR) and place on the plans. North South access across the property shall be provided to the greatest extent practicable even during site construction. A plan shall be submitted to M-NCPPC Department of Parks and Recreation (DPR) that maximizes trail access through the subject property prior to and after grading and during project construction until the trail is completed per Condition 2 below.
- (11) Revise the locations of the stop bar along Van Buren Street at Rhode Island Avenue west of the Trolley Trail crossing, unless modified by the Department of Public Works and Transportation (DPW&T).
- (12) The Trolley Trail shall be raised where it crosses the following: Van Buren Street; Woodberry Street; the alley north of Woodberry Street; and the driveway south of Building 6b; unless modified by the Department of Public Works and Transportation (DPW&T).
- (13) Provide for bicycle parking showing the location, number, and type of bicycle parking spaces consistent with the LEED-ND Bicycle Network and Storage Credit to be approved by the Transportation Planning Section.
- (14) Revise the plan to include Americans with Disabilities Act (ADA) curb cuts, ramps and special paving for crosswalks at all locations where sidewalks or trails intersect with on-site roadways. Details and specifications shall be added to the plans, unless modified by DPW&T.
- (15) Revise the landscape plan to identify all specimen trees to be preserved in accordance with the specimen tree variance request as approved with the PPS. Identify each specimen tree to be preserved by number.
- (16) Provide the location of the noise wall, with ten-foot clearance on all sides, and details and specifications, if the noise wall is required.
- (17) Demonstrate the minimum 90-foot depth requirement of the gateway entrance feature on Parcels A, B and C.



- (18) Provide details and specifications for all free-standing walls and retaining walls for review and approval by the Urban Design Section.
- (19) The general notes shall be revised to indicate the exact square footage of uses for each building, rather than a range of square footages. Remove any notation relating to a hotel use on the plans and/or general notes.
- (20) The median within Van Buren Street shall be planted with street trees and/or shrubs, with species and size to be reviewed and approved by the Urban Design Section.
- (21) Detailed design plans of the Trolley Trail including landscaping, screening and signage elements, shall be reviewed and approved by the Urban Design Section and the Department of Parks and Recreation (DPR), with referral to the appropriate public safety agency for its comments, and a copy provided to the City of College Park. Trees and shrubs shall be used heavily as practicable to buffer the Trolley Trail from the rear parking and loading of the U.S. Post Office building, and the Urban Design section shall review for compliance.
- (22) The stormwater management concept plan and detailed site plan shall be consistent in detail and design. A walking trail around the stormwater management pond north of the multifamily building shall be indicated on the plan and designs submitted to the Urban Design Section.
- (23) Prior to certification of the plans, the applicant shall submit the following information regarding private recreational facilities:
  - (a) Provide complete details, sizes, specifications, floorplans, and/or lists of all private indoor and outdoor recreational facilities on-site. These facilities shall be distributed among the residential areas on-site in order to provide convenient and safe recreational opportunities to all residents. They shall include a comprehensive approach to the design of the facilities considering recreational benefit to the targeted residents, year- round active recreational benefit, activities for all age groups, and shall include a minimum of two additional outdoor multi-age playground facilities of which one shall encourage imaginative play. At least one of these facilities shall be located on the seven (7) lots in the northeastern corner near

the stormwater management pond adjacent to parcel "J" and include an "imagination" style playground. All of these facilities shall be of high-quality design with the use of high-quality, low-maintenance materials, not including wood.

(b) Provide a schedule for the timing of the construction of all facilities. The outdoor facilities shall be completed, at a minimum, in phase with the surrounding development, whether it be roads or buildings, and the indoor facilities shall be completed no later than prior to the issuance of a use and occupancy permit for the related building.

(c) Provide information regarding all private on-site recreational facilities to be reviewed and approved by the Planning Board or its designee, and reflected on the final plan set.

(d) The plans shall be revised to conform to the Parks and Recreation Facilities Guidelines.

(24) Remove the seven (7) lots in the northeastern corner near the stormwater management pond adjacent to parcel "J" from the detailed site plan and preliminary plan as well as the alley behind and adjacent to the lots to provide for a connected space to the trail and open space around the stormwater management pond. These lots shall be designated for at least one multi-age playground facility that follows Parks and Recreation Facilities Guidelines and is in accordance with condition 23, above. As a result, a seven-unit reduction of the total number of townhouse units is necessary to reflect the elimination of the seven (7) lots. Accordingly, and in furtherance of the interest of the public safety, health, and welfare as set forth in §§ 27-102 and 27-281 of the Zoning Ordinance, the total number of townhouse units is hereby reduced from 126 units, as approved in PGCPB . No. 13-63, to a total of 119 townhouse units, as reflected in Footnote 1 of this Order of Approval, and as further reflected in Condition G of SA-130001.

b. Revise the Type 2 tree conservation plan (TCP2) as follows:

- (1) All specimen trees shall be survey located and accurately reflected on all plans.
- (2) Specimen trees 255, 281, 262, and 265 shall be evaluated by a certified arborist for construction tolerance based on the final site

conditions and include the following information: recommendations for treatment prior to, during, and after construction. Treatments may include options such as the placement of protection devices and signs, root pruning, crown pruning, fertilization, and watering. Details of all required treatments and protective devices shall be provided on the TCP2 and reviewed by environmental planning. Significant measures shall be made to preserve these specimen trees.

- (3) Revise the worksheet to show the correct fee-in-lieu factor of \$.90 per square foot, or change the worksheet to reflect off-site mitigation.

c. Revise the TCP2 and landscape plan as follows:

- (1) Revise the label on the TCP2 from "Trees" to "Existing Trees to be Preserved (See Landscape Plan)"
- (2) Demonstrate conformance to the requirement of ten percent tree canopy coverage, per the Development Plan.

2. Prior to issuance of the third building permit, the Rhode Island Avenue hiker/biker trail, and associated interpretive/commemorative features, shall be completed per the approved design plans and open to the public.

3. Prior to the issuance of the first grading permit, evidence shall be submitted that all pretreatment and protective devices for specimen trees 255, 281, 262 and 265 have been implemented.

4. Prior to the issuance of building permits for Parcels K, L and M, a detailed site plan application for each such parcel shall be reviewed and approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance.

5. Prior to the issuance of use and occupancy building permits for residential units protected from noise by the proposed noise wall, the wall shall be fully constructed on-site, if such a noise wall is required.

6. The plans shall be revised to conform to the Cafritz Property at Riverdale Park Town Center Development Plan, as modified by any approved secondary amendments. The MU-TC Guidelines Compliance Matrix ("Matrix"), dated May 5, 2013, shall serve as the instrument to guide the revisions to the plans at either time of certification or prior to building permit, as determined by the Urban Design Section. The Matrix shall be revised upon review to identify which outstanding guidelines and standards should be addressed at the time of certification of the DSP, and which should be reviewed before the issuance of a building permit for a specific building or parcel.

7. Prior to approval of a final use and occupancy permit for Parcel C, the applicant shall install the on-site commemorative/interpretive features for the ice house and complete other agreed-upon outreach and education measures.

8. Prior to issuance of the third building permit, multiple public artworks shall be incorporated into the greenway entrance feature along Baltimore Avenue (US 1).

9. Prior to approval of permits for construction of the bridge, the applicant shall submit the following to the Urban Design Section (M-NCPPC) for review of aesthetic and functional impacts, and to the Prince George's County Police Department for review of crime prevention through environmental design (CPTED) measures as follows:

- a. The elevations, profiles and cross sections of the bridge design with sufficient detailing to address the materials and design of retaining/abutment walls and or posts. All surfaces should be designed to limit graffiti.
- b. The plans shall be reviewed and comments provided in regard to proposed enclosures of space under the bridge, such as fencing or walls, lighting, and access control.

10. Prior to certification of the detailed site plan, the applicant shall revise the plans as follows or provide the specified documentation:

- a. Revise the plan to provide at least 59 feet of right-of-way dedication from the existing center line along the property's frontage with Baltimore Avenue (US 1) for the provision of standard travel lanes, standard center turn lanes, on-road bike lanes, and a meandering sidewalk / 8-10-foot multiuse path along US 1 within the proposed dedicated right-of-way for US 1.
- b. Revise the plans to provide for porous pavement in the surface parking compound areas to the extent that subsurface conditions are suitable in regards to percolation and structural support, as stated in the soils report.
- c. Indicate on the plans the lots and parcels that are the subject of Special Permit SP130002.
- d. Revise the plans to show the interim grading and landscaping proposed for Parcels K, L, M, and Parcel F. Landscaping for Parcel F shall include more significant features given its prominence in the subject property near the commercial activity.

- e. Revise the M-U-TC Guidelines Compliance Matrix to correspond to the lots, parcels, and building designations as shown on the approved detailed site plan.
- f. Revise the plans to show two additional exterior entries to Building 5, at least one of which shall be located on Woodberry Street
- g. Revise the plans to show and identify shrubs and trees to buffer and/or screen the CSX railroad tracks in the space available.
- h. Revise the plans to show street planting strips a minimum of six feet wide.
- i. Revise the plans to show the Baltimore Avenue (US 1) landscaping/pedestrian amenity strip with shade trees planted approximately 30 to 40 feet on center. The size of the trees to be planted shall be a minimum of 2.5- to 3-inch caliper, subject to Maryland State Highway Administration (SHA) approval.
- j. Provide a timetable with estimated dates for grading of the site and construction of buildings.
- k. Prior to issuance of a rough grading permit, a plan shall be submitted to the Urban Design Section (M-NCPPC), the Town of University Park to describe phasing of the grading of the property to maintain as much as possible of the mature tree canopy and other screening in the greenway entrance feature on Parcels A, B, and C, until such time as grading is required by construction activity on adjacent parcels.
- l. Revise the site plan to show the building height in feet for all buildings.
- m. Provide landscaping and shading trees 30 feet on-center along the southern edge of the parking lot along driveway access (Underwood Street) on Parcel C as approved by the Urban Design Section as designee of the Planning Board.
- n. Revise the location of the play area shown in the northeast corner of the Village Green to the northwest corner and provide for a unified play area with a low ornamental fence and multiple play equipment.

- o. Provide raised crosswalks at 47th Street at the Van Buren intersection to the Village Green to the adjacent multifamily parcels and provide speed table at western location of the CSX bridge at the Village Green, subject to DPW&T approval.

11. Prior to the release of any building permits for Buildings 6B, 7, 8, or 9, the applicant shall provide evidence of good faith efforts to work with the Town of Riverdale Park to establish and authorize a shared parking district pursuant to Article 21A of the County Code.

12. The applicant should participate in a regional economic partnership along the corridor with existing business groups in neighboring jurisdictions and proximate developments to the east and west to: enhance regional connections and overall economic vitality, support and help recruit small/local businesses, coordinate and co-promote programming of activities, exhibits, thematic events, etc., and help ensure mutual success.

13. Prior to signature approval, provide details and specifications of the proposed green roof technologies to be employed, at a minimum on buildings 4 and 6A, consistent with the approved stormwater concept plan.

14. The TDMD and TMP plans shall address bikeshare, as well as weekend and evening traffic in addition to conditions outlined in the preliminary plan of subdivision (PGCPB No. 13-55, 4-13002). Expansion (improving headways, as well as weekend and evening service of locally provided services such as Bus 17 (Route 1 Ride) shall be reviewed and considered a primary mechanism to address transportation needs identified in the TDMD or TMP.

15. The applicant shall continue an 8-10 foot meandering multi-use (bike and pedestrian) path roughly adjacent to Route 1 that is ADA compliant, subject to Maryland State Highway Administration (SHA) approval and right-of-way availability or permission of the property owner, north of the property on the WMATA parcel and south of the property on the National Guard property. The path north of the site shall connect at Albion Road and pass through the historic, existing, MacAlpine and Calvert columns, if feasible. South of the site decorative bollards on the east side of the path shall be used to replace barricades at National Guard facility, subject to National Guard consent and approval. The applicant shall not bear any cost to acquire right-of-way needed to comply with this 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.

*Susan Lakeuse*



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council  
(301) 952-3600

July 18, 2012

RE: A-10018 Cafritz Property  
Calvert Tract, LLC Applicant



*NOTICE OF FINAL DECISION  
OF THE DISTRICT COUNCIL*

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of Zoning Ordinance No. 11 - 2012 setting forth the action taken by the District Council in this case on July 12, 2012.

*CERTIFICATE OF SERVICE*

This is to certify that on July 18, 2012 this notice and attached Council order were mailed, postage prepaid, to all persons of record.

Redis C. Floyd  
Clerk of the Council

(10/97)





Case No.: A-10018

Applicant: Calvert Tract, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,  
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 11-2012

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, by approving a Mixed-Use Town Center (M-U-TC) Zone and an amendment to the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan*, subject to certain conditions, in accordance with Subtitle 27 of the Prince George's County Code.

WHEREAS, Application No. A-10018, as amended, was filed for property described as the Cafritz Property, about 35.71 acres, in the R-55 Zone, located approximately 1,400 feet north of the intersection of Baltimore Avenue (US 1) and East-West Highway (MD 410), on the east side of Baltimore Avenue, to rezone the property to the M-U-TC Zone by expanding the boundary of the Town of Riverdale Park M-U-TC Zone; and

WHEREAS, Application No. A-10018, as amended, was also filed to request an amendment to the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Development Plan*; and

WHEREAS, 35.71 acres of the subject property is located within the municipality of the Town of Riverdale Park; and

WHEREAS, the Town of Riverdale Park has recommended approval of the application, as amended; and

WHEREAS, the application, was reviewed by the Technical Staff of the Prince George's County Planning Board, which filed a report with recommendations; and

WHEREAS, the application was advertised and the property was posted prior to public hearings, in accordance with all requirement of law; and

WHEREAS, public hearings on the application were held before the Prince George's County Planning Board, which filed a recommendation of approval with conditions, as reflected in PGCPB Resolution No. 12-09, adopted February 16, 2012; and

WHEREAS, the Prince George's County Planning Board transmitted its recommendation of approval to rezone the property from One-Family Detached Residential (R-55) Zone to the M-U-TC Zone and to amend the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* to the District Council on February 21, 2012; and

WHEREAS, the application was advertised prior to public hearings, in accordance with all requirement of law; and

WHEREAS, public hearings on the application were also held before the District Council; and

WHEREAS, having reviewed the record in this case, the District Council has determined that Application No. A-10018, as amended, should be granted; and

WHEREAS, as the basis of this action, the District Council adopts as its findings and conclusions the recommendations of the Planning Board in PGCPB Resolution No. 12-09; and

WHEREAS, as the basis of this action, the District Council voted 7-2 to approve the application, as amended, that is in conflict with or contrary to the 1994 Approved Master Plan and Sectional Map Amendment for Planning Area 68.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland–Washington Regional District in Prince George’s County, Maryland is hereby amended by 1) rezoning the property which is the subject of Application No. A-10018, as amended, and 2) approving the proposed amendment to the 2004 *Approved Town of Riverdale Park Mixed–Use Town Center Zone Development Plan*.

SECTION 2. Application No. A-10018, as amended, is approved subject to the following conditions:

1. The Design Review Process set forth at pages 65-66 of the January 2004 approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan applies to the Cafritz Property with the following modifications:
  - a. Detailed site plan (DSP) approval, in accordance with Part 3, Division 9 of the Zoning Ordinance, shall be required prior to the approval of a special permit, final subdivision plat, the issuance of any permit, and concurrently with or after the approval of a special exception, for all new development and redevelopment on the property. Each application for a special permit, final subdivision plat, or other permit must be consistent with an approved detailed site plan for the site.
  - b. The detailed site plan and a special exception shall be in accordance with the Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan (2004), as amended by the subject application (as amended) where applicable and the site design guidelines of Part 3, Division 9, of the Zoning Ordinance. Development depicted on each detailed site plan must be in general conformance with Map 1: Concept Plan A or Concept Plan B, dated January 7, 2012, particularly with regard to site design and circulation, with the goal of creating a mixed-use community. Flexibility should be allowed in achieving this mixed-use community goal by allowing for a redistribution of the proposed maximum gross floor area of commercial uses throughout the site in order to encourage each phase of the development to include a mix of commercial and residential uses, including consideration of residential uses west of 46th Street and limited supporting retail uses near the intersection of Van Buren Street and Rhode Island Avenue.
  - c. All detailed site plans shall be referred to the Town of Riverdale Park for review by the M-U-TC Design Committee for all phases and types of development. The M-U-TC Committee is authorized to review detailed site plans as advisory to the Planning

Board and the Planning Director as designee of the Planning Board for staff level revisions.

- d. In a detailed site plan or special exception application, in order to grant departures from the strict application of the Guidelines, the Planning Board shall make the following findings:
    - (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic condition, or other extraordinary situation or condition;
    - (2) The strict application of the development plan will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and
    - (3) The departure will not substantially impair the intent, purpose, or integrity of the General Plan, Master Plan, or the town center development plan.
2. Prior to signature approval of the Development Plan the following revisions shall be made:
- a. Revise the general notes on Sheet 1 of 7 of the Plan Sheets to include the adjacent historic site and historic districts, provide the tax map, grid, and parcel number, and clearly indicate if the abandoned right-of-way is a part of the gross tract area.
  - b. Revise Sheet 3 of 7 of the Plan Sheets to label the right-of-way for ingress/egress for the post office from Baltimore Avenue (US 1), and that it was conveyed to the United States of America by quitclaim deed recorded in the Prince George's County Land Records in Liber 3624, Folio 948.
  - c. Revise the Plan Sheets to delineate the boundary of Aviation Policy Analysis Zone 6 and the municipal boundaries of the City of College Park and the Town of Riverdale Park.
  - d. Revise the Development Plan to include streetscape details as indicated on Gateway Park and Street Sections for Baltimore Avenue (US 1) that provide for a safe and attractive pedestrian zone.
  - e. Provide information and verify that the right-of-way extending north and south through Parcel 81 and the Washington Metropolitan Area Transit Authority (WMATA) property has, in fact, been abandoned and that the issue is settled and/or provide information of the disposition of that area of land, as appropriate.
  - f. Revise the Development Plan to conform to the amended boundary as reflected in the applicant's January 12, 2012 request.

- g. Revise Map 1: Concept Plan A and Concept Plan B and Maps 2 and 3 so that the townhouses front on streets, have ample front yards for tree plantings, and that the units are oriented so that the alleys are parallel to the roadways serving the fronts of the units.
- h. Revise the sign standards to reflect the level of detail provided in the 2004 *Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* and consolidated into one area of the Guidelines.
- i. Revise the Guidelines to add the following:
  - (1) Development that increases existing gross floor area (GFA) by 5 percent or 2,500 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.
  - (2) Gas stations may add a maximum of 30 feet to the build-to line in order to place a pump between the station and the sidewalk. The additional setback may not be used for customer parking, loading, or outdoor storage.
  - (3) All new gas stations shall have a maximum of two 18-foot-wide driveways.
  - (4) Gas stations should minimize the area of impermeable surface.
  - (5) Car repair businesses may have a maximum of two curb cuts that are a maximum width of ten feet each.
  - (6) Buildings shall occupy a minimum of 50 percent of the net lot area for each lot.
  - (7) The building façade shall occupy a minimum of 66 percent of the build-to-line for each lot.
  - (8) Drive-through windows are inconsistent with the pedestrian orientation of the town center and are strongly discouraged. Drive-through windows may only be considered if accessed by alleys and located on the rear of the property.
  - (9) Pedestrian-accessed ATMs may be located on the front or side of the building along a street line. Vehicular oriented ATMs shall not be visible from Woodberry Street, 45th Street north of Van Buren, or Van Buren Street.
  - (10) The maximum number of off-street parking spaces permitted for commercial (nonresidential) land-use type shall be equal to 80 percent of the minimum number of required off-street parking spaces in accordance with Section 27-

568(a) of the Zoning Ordinance. If structured parking is provided, this maximum number may be increased.

- (11) Car repair businesses may not store vehicles in front of or alongside the building, but may store cars inside or in the rear, with appropriate screening if adjacent to a residential use.
  - (12) Healthy trees shall be preserved within proposed green areas, landscape strips, streetscapes, and parking lots, where feasible. Where they cannot be preserved on-site, a professional arborist may transplant them to a new location on-site or within the Town of Riverdale Park, where feasible.
- j. Revise the Development Plan to combine blocks 6d and 6e into one block 6d.
3. Prior to acceptance of any application for a Preliminary Plan of Subdivision, the following information shall be provided:
- a. The Preliminary Plan shall reflect the unmitigated 65 dBA Ldn from noise generators.
  - b. The plan shall delineate the 300-foot lot depth from the right-of-way (CSX railroad tracks) for residential development in accordance with Section 24-121(a)(4) of the Subdivision Regulations. The preliminary plan may establish additional restrictions on the layout if it is determined that noise and vibration issues are associated with the railroad tracks.
  - c. The applicant shall provide information and verify that the right-of-way extending north and south through parcel 81 has, in fact, been abandoned and/or provide information of the disposition of that area of land, as appropriate.
  - d. Documents shall be provided so that the trail will be dedicated to public use within a maintenance easement or other suitable agreement.
  - e. Provide one east-west bicycle route through the site either along Van Buren Street or Woodbury Street, in order to accommodate east-west bicycle movement through the site, to the trolley trail, to the planned bicycle facilities along Baltimore Avenue (US 1), and across the CSX crossing.
  - f. The applicant shall provide a draft report detailing the Phase II archeology investigations.
  - g. The proposed cross sections, roadbeds, streetscape dimensions, and the use of medians shall be fully incorporated into the application of the preliminary plan so that the width and configuration of the streets can be reduced, yet adequate in design to address the traffic patterns within the development and vehicular and emergency

access. The use of public streets in accordance with the standards of the Department of Public Works and Transportation (DPW&T) shall also be considered to serve certain uses and to determine future maintenance of the transportation facilities, including a bridge over the CSX railroad.

4. When off-site parking is necessary to meet parking requirements, the applicant shall provide satisfactory documentation such as affidavits, leases, or other agreements to show that off-site parking is available permanently.
5. The Historic Preservation Commission shall review the preliminary plan of subdivision and any subsequent plans of development for their impact on identified archeological features, the impact of a potential vehicular access road on the Engineering Research Corporation (ERCO) Historic Site (#68-022), and the impact of proposed buildings visible from the ERCO historic site and the adjacent National Register historic districts, including recommendations as to the proposed location and options with respect to the bridge over the CSX railroad.
6. Prior to approval of any detailed site plan, the following shall be provided:
  - a. Plans indicating that the signalized intersection at Van Buren Street and Baltimore Avenue (US 1) shall include highly-visible and attractive pedestrian crosswalks, pedestrian signals, and other pedestrian or warning signage as appropriate, subject to State Highway Administration (SHA) approval.
  - b. The plans shall indicate that crosswalks providing appropriate pedestrian safety features are provided throughout the site.
  - c. The type, location, and number of bicycle parking and storage spaces shall be provided consistent with the LEED-ND Bicycle Network and Storage Credit (Smart Location and Linkage Credit 4). The number of the enclosed bicycle parking spaces at the multi-family units shall be a minimum of fifteen percent of the total number of bicycle spaces provided for residents at the multi-family units. Pedestrian walkways shall be free and clear of space designated for bicycle parking.
7. Prior to approval of a detailed site plan, the plans shall minimize the amount and location of surface parking lots and parking structures and their impacts on the pedestrian zone and streetscape environment. The surface parking lots located between the buildings and Baltimore Avenue, shall be mitigated with a building along Van Buren Street, a monument, a clock tower and landscaping in order to create a true gateway into the community and to provide an inviting entrance to pedestrians and vehicles alike, including creation of a "pedestrian oasis" in the middle of the block to improve pedestrian safety and mobility consistent with the Riverdale Park Gateway Park concept dated January 7, 2012.
8. Prior to any ground disturbance or the approval of any grading permits, if Phase III archeological mitigation is proposed, the applicant shall provide a final report detailing the



Phase II and Phase III investigations and ensure that all artifacts are curated in a proper manner.

9. Prior to final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I, Phase II, and Phase III archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission and the Maryland-National Capital Park and Planning Commission staff archeologist.
10. The Environmental Planning Section recommends the following conditions:
  - a. All future applications shall include a valid approved Natural Resources Inventory under the current environmental regulations that addresses the required information as outlined in the current Environmental Technical Manual.
  - b. At the time of Preliminary Plan, the Type 1 tree conservation plan shall demonstrate that the woodland conservation threshold has been met on-site to the fullest extent practicable. At a minimum, preservation shall be focused on the highest priority areas (Forest Stands 1 and 3).
  - c. At the time of preliminary plan, condition analysis shall be submitted for all specimen trees within Stands 1 and 3 that are outside any proposed woodland conservation area. Every effort shall be made to preserve the healthiest trees on-site.
  - d. Prior to approval of a special permit, special exception, detailed site plan, or grading permit, whichever is first, every effort shall be made to meet the ten percent tree canopy coverage requirement through the preservation of existing mature woodland, specimen trees and other large existing trees, and landscaping.
  - e. At the time of preliminary plan, a Phase I noise and vibration study shall be submitted. The study shall determine the location of the unmitigated 65 dBA Ldn noise contour for the adjacent CSX right-of-way, which includes at a minimum, the associated railroad noise and the whistle blower. The 65 dBA Ldn noise contour shall be shown on all future plans.
  - f. At the time of preliminary plan, a revised stormwater management concept plan shall be submitted. The proposed plan shall show the use of environmental site design techniques such as bioretention, infiltration, and green roofs. The concept shall be correctly reflected on the Type 1 tree conservation plan.
  - g. At the time of site plan or permit review, whichever is required first, the lighting plan for the subject property shall demonstrate the use of full cut-off optics to ensure that light intrusion into residential and woodland conservation areas is minimized. Details of all lighting fixtures, along with details and specifications that the proposed fixtures

are full cut-off optics, and a photometric plan showing proposed light levels at an intensity that minimizes light pollution shall be submitted for review.

### PROFERRED CONDITIONS

The applicant proffered the following conditions, which the Planning Board has reviewed and modified for purposes of clarification and enforcement purposes:

11. Revise the Guidelines as follows:
  - a. To page iii under Overall Design Principles, add the following bullet points to the list of bullet points:
    - (1) Low impact design principles shall be incorporated into the overall community design.
    - (2) Create a community that respects and supports equally all modes of transportation. The development will encourage pedestrian, bicycle, and public transit modes of transportation.
    - (3) Demonstrate design features for sustainability that address environmental health, air and water quality, energy efficiency, and carbon neutrality.
  - b. On page ii, insert at the end of the section Public Spaces the following language:
 

“Public spaces such as parks, plazas, and squares should promote activity, in front of buildings or public right-of-ways, and be focal points within the community.”
  - c. Page ii, in the first sentence of the second paragraph under Public Spaces, add “appropriate” between “all” and “intersecting”.
  - d. All standards from the 2004 Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan relating to gas stations and auto-repair should be reinserted into the standards.
  - e. On Page 5, remove Intent under building placement and streetscape, and add the following language:
 

Enhance the Town Center’s sense of place by developing a coherent identity through buildings that relate to the street and open spaces. Create buildings that frame the street and open spaces, and encourage close proximity of retail, offices, residential units, and services.

- f. On Page 7, under Services, Utilities, and Stormwater, replace #1 Standard to read as follows:
- All utility lines added during development shall be underground. All utility meters and access points shall be on the rear of the property. Utilities shall include, but are not limited to, electric, natural gas, fiber optic, cable television, telephone, water and sewer service.
- g. On Page 7, under Services, Utilities, and Stormwater, add the following to the last sentence of Intent: "sidewalks, open spaces, and MARC train."
- h. Page 7, under Services, Utilities, and Stormwater, add to the beginning of #6 under Standards: "All lot-level development shall".
- i. Strike Standard #11 from page 10, under Parking and Loading Design.
- j. On Page 11, under Lighting, change Standard #5 to add "and design" after "intensity."
- k. Page 11, under Landscaping, add "2004 Approved" before "Town" in the first sentence.
- l. Page 11, under Landscaping, to Standard #6 "Appendix B" add "of the 2004 Approved Town of Riverdale Park Mixed-Use Town Center Development Plan."
- m. Page 11, under landscaping, Standard #2, after "green areas" add "and where possible in parking areas."
- n. Page 12, Building Height, add a new Standard #4, to read as follows:
- Single-story buildings shall match or exceed the height of the adjacent buildings bases, and shall be not less than 20 feet in height. However, single-story buildings are discouraged.
- o. Page 14, Architecture, remove Standard #13.
- p. Page 13, Architecture, amend Standard #9 to remove "Townhomes" and replace with "Residences."
- q. Page 13, Architecture, Standard #5 add to the end of the first sentence the following language: "with exception of cementitious siding."
- r. Page 13, Architecture, Standard #5, after the new amendment above, strike the remaining language in the standard and replace it with the following language:

“Materials other than masonry, brick, wood, and clear glass may be approved if material samples are provided and examples of existing buildings that use such materials in the proposed way are submitted, and the M-U-TC Design Review Committee (in the review of the SP process) and the Planning Board (in the review of the DSP process) finds that it meets the Intent of this section.”

- s. Page 13 Architecture, Standard #6, remove “all” in first sentence, strike “surrounding” in first paragraph, strike C and strike E.
- t. Page 15, Building Openings, strike Standard #5 and replace with:
 

“Tinted and colored windows may not be used unless the M-U-TC Design Review Committee (in the review of the SP process) and the Planning Board (in the review of the DSP) finds that the windows meet the intent of this section.”
- u. Page 16, Signage, strike Standard #8.
- v. Page 16, Signage, move all standards (except 8) to page 10.
- w. Page 16, Signage, strike the Intent section.
- x. Page 16, Signage, include all old standards #8 and #10-19 not specific to historical core.
- y. Page 18, Landscaping and Pedestrian Amenity Zone, Standard #5, strike “as irrigation” and replace with “or absorption.”
- z. Page 20, Parks and Plazas, strike Standard 12 and replace with:
 

“Where possible, add continuous lines of habitat through the use and linkages of street trees, landscaping, parks, and yards.”
- aa. Page 7, Access and Circulation Standard #4, substitute with the following:
 

“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.
- bb. Page 7, Access and Circulation, Standard #2, change “windows” to “services”. Limit number of service lanes to two. Drive-through lanes for restaurants are prohibited.
- cc. Include provisions for loading dock requirements such that they are screened from the street and any adjacent residential development.

- dd. Page 7, Services, Utilities, and Stormwater Management, Standard #5 strike “should” in the first sentence and substitute the word “shall”.
  - ee. Pages 7 and 8, Services, Utilities, and Stormwater Management, Standard #6(1) substitute with the following:
    - “Lot-level Best Management Practices (BMP’s) that include green roofs, dispersion trenches, rain gardens, cisterns, rain barrels, pervious pavements, and/or other BMPs;”
  - ff. Page 10, Parking and Loading Design, add a new Standard #18 stating the following:
    - Parking pads on surface lots shall include permeable paving subject to a soil study identifying the top soils and subsoils and their appropriateness to support the use of porous pavement.
  - gg. Page 12, Building Height, substitute entirety of Standard #2 with the following:
    - “An additional two stories may be considered, not to exceed six stories.”
12. Prior to issuance of the third building permit, the Rhode Island Avenue hiker/biker trail portion of the right-of-way shall be completed and open to the public.
  13. Prior to approval of a detailed site plan, a 90-to-120-foot-wide buffer shall be provided along the entire length of the property frontage on Baltimore Avenue that incorporates retention of existing trees to the maximum extent practicable. This depth of buffer may be reduced north of Van Buren Street with approval by the Planning Board, provided the applicant submits evidence demonstrating that it submitted plans to the Town of University Park prior to the acceptance of the detailed site plan and the Town was afforded sufficient time to comment, and if it is determined to be a superior design solution, by providing berms, retaining walls, landscaping, or other screening of the parking lot from the residences to the west consistent with Parking Sections Exhibit dated January 7, 2012. In no event shall the buffer be less than 60 feet in width.
  14. Prior to acceptance of an application for a preliminary plan of subdivision, the following information shall be provided:
    - a. A revised Stormwater Management Concept Plan that designates the property as a new site and complies with the stormwater management provisions contained in CB-15-2011 (Subtitle 32) to provide more environmental site design to the maximum extent practicable, with the goal of no new impact on the tributary drainage into the northeast Branch of the Anacostia River. The proposed plan shall show the use of environmental site design technologies such as bio-retention, infiltration, and especially green roofs to the maximum extent practicable.

- b. The applicant shall provide evidence that copies of all stormwater submittals were provided to the Town of Riverdale Park, the Town of University Park, the City of Hyattsville and the City of College Park, 30 days prior to filing with DPW&T and notification of an invitation to all meetings between the applicant and DPW&T.
  - c. A Revised Traffic scoping agreement and Impact Study that:
    - (1) Accurately reflects the development proposal and anticipated phasing;
    - (2) Eliminates corridor averaging for all intersections included in the Study;
    - (3) Analyzes midday and Saturday (10:00 a.m. – 6:00 p.m.) traffic impacts;
    - (4) Analyzes all proposed connections, including the proposed CSX Crossing and Maryland Avenue;
    - (5) Analyzes the impact of the development on the intersections as specified in the scoping agreement and those in the July 27, 2011 study, as well as the evaluation of the existing prevailing conditions and traffic impact of the development on Queensbury Road, existing Maryland Avenue, Rhode Island Avenue south of Town Center, Lafayette Avenue, Natoli Place, River Road, and other roads as appropriate;
    - (6) Provides for vehicle trip reduction through measures including but not limited to rideshare, Zipcar (or similar) programs, bikeshare, enhanced transit service such as a shuttle and/or circulator bus, and the CSX crossing;
    - (7) Considers all future development and its effects on the corridor and intersections as identified in (c)(5) above for any projects that have an approved detailed site plan or preliminary plan of subdivision within the study area to include at a minimum the eastern portion of the 2004 approved M-U-TC Zone area; and
    - (8) Does not take a discount by redirecting existing traffic on East-West Highway that would not otherwise travel up Baltimore Avenue to the Cafritz Property.
15. After completion of construction and final inspection of on-site public roads, and upon request of the Town of Riverdale Park, such roads shall be dedicated and turned over to the Town, in such manner and subject to such reasonable terms and conditions as the Town may require, for public use. The determination as to which on-site roads will be public roads subject to dedication and turnover to the Town shall be determined at the time of Preliminary Plan of Subdivision.

16. The applicant shall submit evidence of an application submittal to the U.S. Green Building Council (USGBC) under Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) for a Smart Location and Linkage (SLL) prerequisite review at the time of Preliminary Plan submission and provide the results for review prior to approval of the Preliminary Plan. Upon GBCI/USGBC approval of SLL prerequisites, the applicant shall pursue and employ commercially reasonable efforts to obtain conditional approval of the plan under LEED-ND 2009 Stage 1 (pre-entitlement) approval. If based on pre-entitlement review, full certification through LEED-ND is not practicable, then the applicant shall at detailed site plan provide a LEED score card that demonstrates a minimum of silver certification for all new construction and that will be enforced through DSP review. If the LEED score card requirements cannot be enforced through the DSP review or other third-party certification acceptable to both the applicant and the Town of Riverdale Park and the Town of University Park (and pursued by the applicant at its expense), at minimum the applicant shall pursue silver certification under LEED-NC and LEED Homes, or if available, equivalent standards as determined at time of DSP by the Planning Board.
17. At the time of Preliminary Plan of Subdivision submission, the applicant shall submit a Transportation Management Plan ("TMP") for the entire development. The TMP shall include provisions to provide for the full funding of the TMP by the owners of the property. The TMP and funding obligations shall run with the land until such time as a Transportation Demand Management District ("TDMD") is established and includes the property. The TMP shall identify and establish a series of measures to achieve a maximally-efficient use of the adjacent transportation facilities. As the project is developed and occupied, modifications and additions to the TMP shall establish vehicle trip reduction goals with reporting and monitoring provisions subject to independent verification by DPW&T. Specifics of the TMP shall include the following elements referenced in the applicant's letter to Susan Lareuse dated November 15, 2011, pages 9-10, and car and bike share and residential and employee subsidies. The TMP shall also provide for a private shuttle to be provided as the applicant and the applicant's heirs, successors, and/or assignees' expense.
18. Prior to approval of a Preliminary Plan of Subdivision, the applicant shall provide a commitment to organize and achieve a private shuttle vehicle to and from the Prince George's Plaza Metro station and the College Park Metro station as necessary to achieve a 15-minute headway between 6:30 a.m. to 9:00 a.m. and 4:30 p.m. to 7:00 p.m., Monday through Friday. This requirement may be provided as part of the TMP and may be satisfied privately or by participating in one or a combination of existing or future adjacent public transportation services. Specifications and assurances for any shuttle service shall be provided prior to issuance of any use and occupancy permit. Service is to continue until there is a preferred alternative approved by the municipalities and the applicant may substitute an equivalent to the private shuttle service.
19. Prior to approval of the Preliminary Plan, the applicant shall provide details of its commitment to participate in a circulator bus program, whether as part of a TDMD or other effort, and shall contribute funds for this purpose.

20. Prior to approval of any DSP for the project, the applicant shall submit a traffic signal warrant study following the accepted methodology of DPW&T or the Maryland State Highway Administration (SHA) for the intersection of Baltimore Avenue and Van Buren Street with channelization as shown on Sheet 4 of the Development Plan. This analysis will examine both existing and total projected traffic volumes. If signals are deemed warranted by the appropriate agency, the applicant shall initiate a bond to secure the entire cost prior to the release of any building permits within the subject property and shall agree to install the signals as directed by DPW&T or the State Highway Administration. Further, subject to SHA approval, applicant shall install the traffic control devices as noted on the Development Plan (Pork Chop Islands) or as modified by SHA to direct traffic so that no traffic may directly access or egress the property across Baltimore Avenue along Van Buren Street. Both entrances and exits at Woodberry and Wells Parkway, respectively north and south of the Van Buren "gateway," must be right turn only in and out. Prior to the issuance of a grading permit, the applicant shall demonstrate that the State Highway Administration has preliminarily approved the installation of the traffic signal and other traffic control devices at Van Buren Street and Baltimore Avenue, subject to approval of the final construction plan and permit by SHA. If for any reason, including lack of warrants or SHA or other required governmental approval, the traffic signal and other traffic control devices described in this paragraph are not installed or cannot be installed at Van Buren and Baltimore Avenue, no permits may be issued.
21. Prior to approval of a detailed site plan the plans shall provide or demonstrate:
- a. After completion of construction of the first multi-family building in the project:
    - (1) At least 80 percent of the parking for the overall development ultimately will be in structured parking; and
    - (2) The maximum number of off-street surface parking spaces permitted for each nonresidential land use type shall be equal to 80 percent of the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance.
  - b. Design features for sustainability that address environmental health, air and water quality, energy efficiency, and carbon neutrality.
  - c. Termination of Van Buren Street at a building or enhanced park feature.
  - d. A soils study identifying the top soils and subsoils and their appropriateness to support the use of porous pavements.
22. Establish a trip cap of 548 AM new peak hour trips and 902 PM new peak hour trips for full build-out of the development that may be amended, but not increased at the time of Preliminary Plan. The trip cap will not include purely internal trips.



23. Prohibit clear-cutting or re-grading any portion of the development until a detailed site plan for that portion of the site has been approved.
24. Prior to the approval of the Preliminary Plan of Subdivision, the applicant shall do the following, subject to the opportunity for review and comment by the Town of Riverdale Park and the Town of University Park:
  - a. The Preliminary Plan shall show a roadway connection from the first phase of the development on the property to existing Maryland Avenue at the southern boundary of the property (the "Van Buren Extension").
  - b. Applicant shall make provisions at Preliminary Plan of Subdivision to construct, to at least a similar standard as the existing Maryland Avenue roadway to the immediate south of the property, an extension of Maryland Avenue from the southern boundary of the property to where the existing roadway ends north of Tuckerman Street (the "Maryland Avenue Extension"). Provided that right-of-way exists, construction of the Maryland Avenue Extension must be completed before Prince George's County issues the first use and occupancy permit for any retail, office or hotel use on the Property. No portion of any building on the Property may be used or occupied until construction of the Maryland Avenue Extension has been completed and opened for travel by public safety vehicles.
  - c. Prior to the issuance of use and occupancy permits for more than 100,000 square feet of commercial (retail, office or hotel) space and more than 100 residential dwelling units, the construction of the Van Buren Extension shall be complete as verified by the Town of Riverdale Park.
25. Prior to the approval of a Preliminary Plan of Subdivision (the "Preliminary Plan"), the applicant shall do the following, subject to the opportunity for review and comment by Prince George's County, the Town of Riverdale Park, and the Town of University Park:
  - a. The Preliminary Plan shall show a crossing over the adjacent CSX railroad tracks (the "CSX Crossing"). The "CSX Crossing" shall mean a bridge, raised roadway, underpass or any other type of way, including on-site and off-site approaches, for vehicles, bicycles and pedestrians to pass across the railroad right-of-way to travel between the subject property and lands to the east of the property with a connection to a public road.
  - b. Establish a funding mechanism using a combination of public and private funds, subject to any required governmental approval, which must be obtained prior to the first detailed site plan; establish a system of financial assurances, performance bonds or other security to ensure completion of construction and establish a timetable for construction, of the CSX Crossing in accordance with the Preliminary Plan.

- c. Provide letters from the CSX and University of Maryland (or the affected land owner), that recommend approval of the CSX Crossing as shown on the Preliminary Plan and identify the land or right-of-way acquisition cost, if any, necessary for the construction of the CSX Crossing on land owned by the University (or the affected land owner).
- d. Provide cost estimates for the design, permitting and construction of the CSX Crossing, including off-site land or right-of-way acquisition costs, if any.

Further, the applicant shall participate in the design, provision and acquisition of rights-of-way, permitting, funding and construction of the CSX Crossing, equal to half the complete costs, but not to exceed Five Million Dollars (\$5,000,000). The applicant, its successors and assigns, shall make all reasonable efforts to obtain public funding (federal, state, county, municipal) as necessary in addition to its CSX contribution to construct the CSX Crossing. Public funding may include all or a portion supported by tax increment financing as may be authorized in accordance with state and local laws. If the manner of public funding is tax increment financing, or any other funding mechanism that requires the approval of the County Council or other government body or entity, the approval of the County Council and all other government bodies or entities must be obtained prior to the approval of any detailed site plan for the subject property.

26. The implementation of the CSX Crossing shall be in accordance with the following:
  - a. Prior to the issuance of any permits for development on the property, the applicant (1) shall submit a roadway plan for the location and design of the CSX Crossing to CSX, or to AECOM or other agent designated by CSX, and to the University of Maryland (or the affected land owner), and (2) shall submit letters received from both of them that approve the construction of the CSX Crossing in accordance with the roadway plan, subject to approval and authorization of the final construction plan, and verification by the Prince George's County Department of Public Works and Transportation that the roadway plan meets the American Association of State Highway and Transportation Officials' (AASHTO) standards and is appropriate for construction of the CSX Crossing, and has been approved by CSX and the University of Maryland (or the affected land owner).
  - b. Prior to the issuance of building permits for more than 100,000 square feet of commercial (retail, office or hotel) space and more than 120 residential dwelling units, the applicant (1) shall have received all necessary permits and approvals for construction of the CSX Crossing, (2) shall have provided the Prince George's County Department of Public Works and Transportation with all approved financial assurances and performance security to ensure completion of construction of the CSX Crossing, and (3) shall have commenced construction of the CSX Crossing as verified by the Prince George's County Department of Public Works and Transportation.

- c. Prior to the issuance of use and occupancy permits for more than 100,000 square feet of commercial (retail, office or hotel) space and more than 120 residential dwelling units, the construction of the CSX Crossing shall be at least fifty percent complete as verified by the Prince George's County Department of Public Works and Transportation shall have verified that all approved financial assurances and performance security to ensure completion of construction of the crossing remain in full force and effect.
  - d. Prior to the issuance of building permits for more than 382 residential dwelling units, the CSX Crossing shall be open for use by public vehicular traffic as verified by the Prince George's County Department of Public Works and Transportation.
  - e. Applicant shall timely provide the Towns of Riverdale Park and University Park, the City of College Park, and the Prince George's County Department of Public Works and Transportation with copies of all submittals, notices, approvals and determinations made pursuant to this condition.
27. The applicant, the Town of Riverdale Park, and the Town of University Park will work together to petition the District Council to initiate and establish a Transportation Demand Management District ("TDMD") program under the Prince George's County Transportation Demand Management District Ordinance Subtitle 20A. Consideration should be given to establishing the boundaries of the TDMD to extend from Paint Branch Parkway to Queensbury Road. Once a TDMD is established, the applicant will provide financial support and the "TMP" will become part of the District and will be monitored by the Transportation Management Authority ("TMA"). The TDMD should provide for traffic reduction goals and periodic independent verification of monitoring whether the goals have been met, including restricting the maximum allowable density to a level that will generate average net additional daily vehicle trips on Baltimore Avenue that are not more than 20% above current levels, and net additional peak hour trips that are no more than 20% above current peak-hour vehicle trips at AM (06:00-09:00), mid-day (11:00-14:00), PM (16:00-19:00), and Saturday (10:00-18:00). These counts will be performed at a fixed location specified in the TDMD between East-West Highway and the southern entrance, and between Queens Chapel Road and the northern entrance, to the project and will be based upon traffic estimates that have been reviewed and determined to be reasonably accurate by the Transportation Planning Section of M-NCPPC. If the goals of the TDMD are not met, additional vehicle trip reduction measures to resolve the problem will be required pursuant to the requirements of Subtitle 20A.

#### CONSIDERATIONS:

- 1. Extending the Rhode Island Avenue Trolley Trail across the Washington Metropolitan Area Transit Authority (WMATA) property, connecting to the terminus of the existing trail at Albion Street and south to Tuckerman Avenue.

2. Establishing a parking district to promote shared parking within the Town of Riverdale Park town center and with the adjacent Armory with the cooperation of the United States.
3. Provide residential uses above commercial uses in order to create a vertical mix of uses.
4. Consistent with the spirit of the circulator bus, initiate or contribute to a Regional Economic Partnership along the Corridor with existing business groups in neighboring jurisdictions and proximate developments to the east and west to: enhance regional connections and overall economic vitality, support and help recruit small/local businesses, coordinate and co-promote programming of activities, exhibits, thematic events, etc., and help ensure mutual success.
5. Pursue with Riverdale Park a "Quiet Zone" for the CSX line at appropriate times, so long as it can be demonstrated to be safe.

ORDERED this 12<sup>th</sup> day of July, 2012, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Patterson, Toles and Turner.

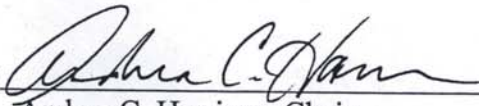
Opposed: Council Members Olson and Lehman.

Abstained:

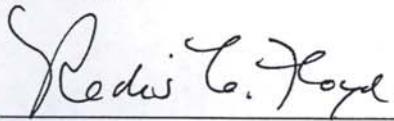
Absent:

Vote: 7-2

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON  
REGIONAL DISTRICT IN PRINCE GEORGE'S  
COUNTY, MARYLAND

BY:   
Andrea C. Harrison, Chair

ATTEST:

  
Redis C. Floyd  
Clerk of the Council

## Lareuse, Susan

---

**From:** Miriam Bader <[mbader@collegeparkmd.gov](mailto:mbader@collegeparkmd.gov)>  
**Sent:** Wednesday, October 22, 2014 2:27 PM  
**To:** Lareuse, Susan  
**Cc:** Lawrence N. Taub  
**Subject:** City of College Park-No Comment on Cafritz Sign Amendment

Susan,

The City of College Park Mayor and City Council met last night (October 21, 2014) for their Work Session. They reviewed Cafritz Sign amendment, SA-130001-01 and DSP-13009/03 and recommended no comment.

Miriam

Miriam H. Bader, AICP  
Senior Planner  
City of College Park  
Department of Planning, Community & Economic Development  
4500 Knox Road

College Park, MD 20740-3390

e-mail: [mbader@collegeparkmd.gov](mailto:mbader@collegeparkmd.gov)

[www.collegeparkmd.gov](http://www.collegeparkmd.gov)

Tel: 240-487-3542

Fax: 301-887-0558

**Lareuse, Susan**

---

**From:** Lareuse, Susan  
**Sent:** Tuesday, November 04, 2014 4:08 PM  
**To:** 'John Shoaff'  
**Cc:** Hewlett, Elizabeth; Bailey, Dorothy; Geraldo, Manuel; Washington, Shuanise; Borden, Debra; Jones, Jessica; Piret, Fern; Hirsch, Alan; Adams, Steven (Steven.Adams@ppd.mncppc.org); 'Itaub@omng.com'  
**Subject:** RE: Question on landscaping, storm water  
**Attachments:** Cafritz DSP-13009\_01.pdf; Cafritz DSP-13009\_02.pdf

Good afternoon Commissioner Shoaff:

After discussion with Counsel, I am responding to you as well as the other Commissioners in regard to your questions below. You are correct in noticing that the original design of the landscaping along the frontage of Route One has changed. The applicant has filed a number of revisions to the plans for minor changes that fall within the Planning Director level for review, one being the redesign of the frontage from a traditional Olmstedian design to a modernistic design patterned in Dan Kiley's tradition. This design was proposed by the applicant to highlight the sculpture within the linear park-like setting.

In regard to storm water management, the subject application for signage does not impact the proposal for storm water management. The Department of Permits, Inspections and Enforcement has jurisdiction over storm water management and controls that aspect of the site plan. Any changes to the DSP to accommodate DPIE's review has been done so that the DSP reflects the final design plans approved by that agency.

I have attached the entirety of the changes as were proposed by the applicant in the review of the 01 and 02 revisions to the DSP for background information. Please let me know if you need any additional information.

Thank you,

Susan

*Susan Holm Lareuse, RLA, ASLA*  
Urban Design Section  
Development Review Division  
Prince George's County Planning Department  
Maryland-National Capital Park and Planning Commission  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772  
301-952-4277  
301-952-3749 fax

**From:** John Shoaff [<mailto:jshoaff@gmail.com>]  
**Sent:** Tuesday, November 04, 2014 9:37 AM  
**To:** Lareuse, Susan  
**Subject:** Question on landscaping, storm water

Susan,

Am perusing materials for Thursday and slides in case file appear different from what I recall with original landscaping along Route 1. Have there been some changes? Can ask the applicant, but didn't want to catch off guard with the interest. Have also heard some chatter in the area here about storm water so may raise that as well. Welcome any background you might be able to provide. Feel free to run by Counsel if this might be viewed as Ex Parte, can always add to the record or hold for Thurs. Remains peculiar as rules of procedure appear to allow such inquiries. Thanks very much. Best,

John



**O'MALLEY, MILES, NYLEN & GILMORE, P.A.**  
Attorneys & Counselors at Law

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William M. Shipp  
Kate Pomper Pruitt

Nancy L. Slepicka  
Leonard L. Lucchi  
Stephanie P. Anderson

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(1989-2011)

Edward W. Nylan  
(1922-2010)

John D. Gilmore, Jr.  
(1921-1999)

July 7, 2014

Ms. Susan Lareuse  
M-NCPPC, Urban Design Division  
County Administration Building  
Upper Marlboro, MD 20772

Re: Proposed Limited Minor Amendments to DSP-13009 - 02  
Calvert Tract, LLC, Applicant

Dear Ms. Lareuse:

As you know, I represent Calvert Tract, LLC with regard to its development of the property that is the subject of Detailed Site Plan No. DSP-13009 ("DSP"). As my client is proceeding through the permit process for the construction of this development upon the subject property of the DSP, it has received certain comments from the Maryland State Highway Administration ("SHA") in connection with my client's application for a permanent access permit from the subject property onto U.S. Route 1. Certain of these SHA requirements have some minor impact upon the DSP, and we are, therefore, requesting the following limited minor amendments, to be collectively referred to as the "02 Revision":

1. The addition of a small bio-retention area in the northern portion of Gateway Park, north of Woodberry Street, and south of the northern property line of the subject property.
2. Slight enlargement of the currently approved bio-retention area south of Van Buren Street and north of Underwood Street; and
3. Minor adjustments to the property line at Van Buren Street and Route 1, in response to SHA changes in the configuration of the signal poles and pedestrian crossing controls.

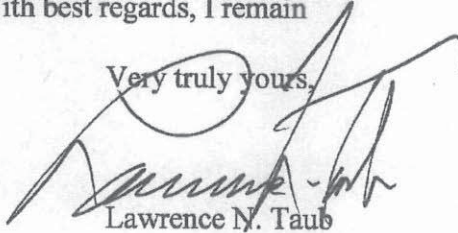
I submit that the above-described proposed revisions are limited in scope and nature; involve the redesign of a landscape plan; and also involve changes required by engineering necessity to grading, utilities, stormwater management, or related plan elements; which allow approval by the Planning Director as limited minor amendments to the DSP, pursuant to Section 27-289(c)(2)(D) and (F). I also request that posting of the property for the said limited minor

Susan Lareuse  
July 7, 2014  
Page 2

amendments be waived pursuant to Section 27-289(c)(6), since they are so limited in scope and nature that they will have no appreciable impact on adjacent properties.

For all of the above-stated reasons, I respectfully request approval by the Planning Director of the above-described proposed limited minor amendments, collectively referred to as Revision 02 to DSP-13009, and that posting of the subject property be waived for this request. Thank you for your kind attention to this matter. If you have any questions, or require additional information, please let me know. With best regards, I remain

Very truly yours,



Lawrence N. Taub

cc: Ms. Jane Cafritz  
Matthew Issembert, Esq.  
Mr. James Speyer  
Calvert Tract, LLC

Mr. Mark Regulinski  
Ms. Emily Billheimer  
Mr. Drew Makin  
SOM

Mr. Tim Davis  
Mr. Chris Valltos  
Soltesz

Mr. Jack Hollon  
Ms. Ameneh Amirhakimi  
M,V+A

Mr. Dennis Carmichael  
Mr. Doug Tipword  
Parker Rodriguez

Andre Gingles, Esq.  
Gingles, LLC

William Shipp, Esq.  
O'Malley, Miles, Nylan & Gilmore, PA

Susan Lareuse  
July 7, 2014  
Page 3

The Hon. Vernon Archer  
Mayor, Riverdale Park

Ms. Sara Imhulse  
Mr. Paul Mortensen  
Town of Riverdale Park

Mr. Alan Thompson  
Chairman, Riverdale Park M-U-TC Committee

# O'MALLEY, MILES, NYLEN & GILMORE, P.A.

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(1922-2010)

John D. Gilmore, Jr.  
(1921-1999)

May 9, 2014

Ms. Susan Lareuse  
M-NCPPC, Urban Design Section  
County Administration Building  
Upper Marlboro, MD 20772

Re: Proposed Limited Minor Amendments to DSP-13009  
Calvert Tract, LLC, Applicant

Dear Ms. Lareuse:

As you know, the Detailed Site Plan for the Cafritz Property at Riverdale Park, DSP-13009 (for Calvert Tract, LLC, Applicant) ("DSP"), was approved by the Prince George's District Council on October 3, 2013, and the DSP was certified thereafter. Since certification of the DSP and other applicable plans, the applicant has been continuing through the development and permit processes, and in doing so, it has been determined that several limited minor amendments to the above-referenced DSP will be requested. We respectfully submit that the proposed amendments, collectively submitted as the "01 Revision" and described below, can qualify under Section 27-289(c) as limited minor amendments of the DSP that can be approved by the Planning Director without a public hearing, and the approval of these amendments in that manner is hereby requested. We also respectfully submit that posting of the property for the requested amendments can and should be waived by the Planning Director for the reasons set forth below, and the waiver of posting for these proposed amendments is thus also requested. The proposed amendments are as follows:

- 1. Adjustment to the Van Buren Street Entrance Median (Parcel AA), Parcel B, and the Van Buren Street Right-Of-Way at Route 1:** The request is made to amend the DSP by reducing the size of the median at the intersection of Van Buren Street and Route 1 (Parcel AA) by 28 square feet, and the size of Parcel B by 210 square feet, with a consequent enlargement of the Van Buren Street right-of-way by 238 square feet. This minor adjustment results from the decision by the Maryland State Highway Administration to revise the channelization for the pedestrian island at this intersection, to allow for a more pedestrian-friendly crossing at this location.

Ms. Susan Lareuse  
M-NCPPC, Urban Design Section  
May 9, 2014  
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I respectfully submit that this proposed revision is so minor as to constitute a change "to any other plan element determined by the Planning Director to have minimal effect on the overall design, layout, quality or intent of the approved site plan." (Sec. 27-289(c)(2)(G)) Furthermore, the very small amendment proposed will have "no appreciable impact on adjacent property" (Sec. 27-289(c)(6)), and I thus respectfully submit that a waiver of the posting requirement is justified for this proposed amendment.

2. **Addition of Site Lighting:** All commercial parking lots upon the DSP will, of course, require lighting. This is a requirement that was established within the Approved Development Plan for the Town of Riverdale Park Mixed-Use Town Center Zone for the Cafritz Property at Riverdale Park (Revised, November 2013, per SA-13001), where the issue of lighting is discussed therein as an important issue of site design. Specifically, within the category of "Lighting," the following Development Standards are relevant:

3. Alleys, parking, dumpsters and service entrances **shall** be illuminated with shielded pedestrian-oriented lighting located no greater than 30' feet above ground level. (Emphasis added.)

4. Fixtures **shall** be located so that light does not spill from a parking lot or service area onto an adjacent residential property. (Emphasis added.)

5. All lighting **shall** be shielded and of an intensity and design that minimizes light pollution. (Emphasis added.)

6. Avoid illumination that creates glare on building walls, signs, sidewalks, and other items....

10. All light fixtures at streets, parking lots, parks, sidewalks and paths should be historical in character or designed to "fit" in the overall design of the community. Cobra type fixtures should be avoided."

In addition to the **requirement** that parking lots be illuminated ("Lighting", Development Standard 3), lighting of the commercial parking lots is also a significant element of Crime Prevention Through Environmental Design ("CPTED"), an important concept for consideration in site design. At a minimum, CPTED principles require adequate lighting of all commercial parking lots, as is proposed through this amendment. This proposed site lighting amendment, therefore, demonstrates lighting in compliance with all of the relevant Development Standards as described above, as well as general CPTED principles.

A Photometric Plan (Sheets L6-01 – L6-07) in connection with the request for this amendment is included within the set of plans submitted for this proposed 01 Revision. This Photometric Plan illustrates the location, height and design of the lighting fixtures proposed on all parking lots upon the Subject Property. As can be seen on this Plan, the

Ms. Susan Lareuse  
M-NCPPC, Urban Design Section  
May 9, 2014  
Page 3

light poles proposed upon the parking lot for Building 5 are to be 15 feet above grade; the light poles proposed for all of the other parking lots are to be 20 feet above grade.

I respectfully submit that the proposed site lighting of the parking lots, as shown on this proposed 01 Revision, will constitute a "redesign of parking or loading areas" (Sec. 27-289(c)(2)(C)), and also a revision to "any other plan element determined by the Planning Director to have minimal effect on the overall design, layout, quality or intent of the approved site plan" (Sec. 289(c)(2)(G)). Additionally, since the proposed lighting will be shielded, and cannot "spill from a parking lot or a service area onto an adjacent residential property" ("Lighting", Development Standard 4), this proposed revision will be "so limited in scope and nature that it will have no appreciable impact on adjacent property" (Sec. 27-289(c)(6)), and for this reason, we respectfully submit that a waiver of the posting requirement by the Planning Director for this proposed amendment is justified.

**3. Revision to the Landscape Plans Regarding Gateway Park:** Gateway Park is the "front yard" of the Cafritz Property, and serves as a buffer from Baltimore Avenue (Route 1) and University Park, on the west side of Baltimore Avenue. As envisioned in the DSP as certified, the park features the preservation of certain existing trees; an evergreen hedge and wall to screen parking areas; a series of sidewalks traversing the park through a broad sweep of lawn; benches; and pathway lights. The certified plan also indicated two potential sculpture locations. As the plan for Gateway Park has evolved, the notion of sculpture in the landscape has risen to become a defining element for the Cafritz family. To that end, the design has evolved into more of a sculpture garden, rather than a park that has sculpture. This distinction is subtle, but it has resulted in the transformation of the landscape design into a more formal statement of greenery, with a regular pattern and rhythm of plantings, pavements, and lighting.

At the same time, the design team received comments from the M-U-TC Committee, asking that the team create a more unified landscape concept for Gateway Park, incorporating the functions of bioretention basins into the overall composition, and adding more richness to the landscape. Taken together, those directives have been accommodated into a revised landscape plan. While revised in form, the program elements, and requirements for the park remain the same or better. The amended plan features the same trees to be preserved, the same evergreen hedge and wall at the western edge of the Whole Foods parking lot, a series of sidewalks traversing the park, benches, and pathway lighting. The amended plan, however, now also includes more trees, an additional evergreen hedge, more seating, and more potential sites for sculpture. The resulting concept provides a unique landscape setting for the appreciation of art, and also an elegant buffer for the project.

There is one specimen oak tree in the southern portion of Gateway Park that requires special attention for its preservation. To that end, the area around its critical root zone will remain undisturbed, with no paved walkways in this area. The ground plane around this tree will be planted in a dense mat of ornamental grasses, so that its appearance matches the character of the bioretention areas in the sculpture garden, with this tree becoming a living sculpture in its garden setting.

light poles proposed upon the parking lot for Building 5 are to be 15 feet above grade; the light poles proposed for all of the other parking lots are to be 20 feet above grade.

I respectfully submit that the proposed site lighting of the parking lots, as shown on this proposed 01 Revision, will constitute a "redesign of parking or loading areas" (Sec. 27-289(c)(2)(C)), and also a revision to "any other plan element determined by the Planning Director to have minimal effect on the overall design, layout, quality or intent of the approved site plan" (Sec. 289(c)(2)(G)). Additionally, since the proposed lighting will be shielded, and cannot "spill from a parking lot or a service area onto an adjacent residential property" ("Lighting", Development Standard 4), this proposed revision will be "so limited in scope and nature that it will have no appreciable impact on adjacent property" (Sec. 27-289(c)(6)), and for this reason, we respectfully submit that a waiver of the posting requirement by the Planning Director for this proposed amendment is justified.

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Ms. Susan Lareuse  
M-NCPPC, Urban Design Section  
May 9, 2014  
Page 4

I respectfully submit that this proposed amendment constitutes the “redesign of a landscape plan” (Sec. 27-289(c)(2)(D)), and also a revision to “any other plan element determined by the Planning Director to have minimal effect on the overall design, layout, quality, or intent of the approved site plan” (Sec. 27-289(c)(2)(G)). The proposed redesign is also “so limited in scope and nature that it will have no appreciable impact on adjacent property” (Sec. 27-289(c)(6)), and for this reason, I respectfully submit that a waiver of the posting requirement by the Planning Director for this proposed amendment is justified.

**4. Additional Pervious Paving to the Parking Lot for Building 3:** The certified DSP includes pervious paving in the parking lot for Building 3 (the Whole Foods parking lot). The area of pervious paving included the parking pads in this parking lot, but did not include the drive aisles. During the review of stormwater management with the County’s Department of Permitting, Inspections and Enforcement (DPIE), it was determined that additional pervious paving was needed to achieve environmental site design to the maximum extent possible (ESD to the MEP). The DSP is thus proposed to be amended to extend pervious paving to the drive aisles in this parking lot as well, with the following exceptions: (1) the easternmost aisle (closest to the store), given the high traffic volume anticipated on this particular aisle which cannot be reasonably accommodated by pervious paving; and (2) the westernmost aisle, since there is a public stormdrain in this location.

I respectfully submit that this proposed amendment constitutes “Changes required by engineering necessity to grading, utilities, stormwater management, or related plan elements” (Sec. 27-289(c)(2)(F)), and that it is “so limited in scope and nature that it will have no appreciable impact on adjacent property” (Sec. 27-289(c)(6)), thus justifying a waiver of the posting requirement by the Planning Director.

**5. Change in Design of Retaining Walls:** The certified DSP included two concrete retaining walls. The retaining wall along the north property line behind Building One, was shown on the certified DSP as a cast-in-place concrete retaining wall, which included steps in the top cap of the wall at locations along its length to make up grade as the wall height decreases. The specific concrete wall design required for installation is instead proposed to be a segmented concrete block retaining wall, which requires smaller and more numerous steps in the top cap as the wall height drops along its length. Additionally, the wall must be slightly longer than shown on the certified DSP.

I respectfully submit that this proposed amendment constitutes “Changes required by engineering necessity to grading, utilities, stormwater management, or related plan elements” (Sec. 27-289(c)(2)(F)), as well as “New or alternative architectural plans that are equal or superior to those originally approved, in terms of overall size and quality,” (Sec. 27-289(c)(2)(E)). The proposed change will not be very visible from adjacent property, and is “so limited in scope and nature that it will have no appreciable impact on adjacent property” (Sec. 27-289(c)(6)), thus justifying a waiver of the posting requirement by the Planning Director.



Ms. Susan Lareuse  
M-NCPPC, Urban Design Section  
May 9, 2014  
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Thank you for your kind attention to all of the above. If you have any questions, or require additional information, please let me know as soon as possible. With best regards, I remain

Very truly yours,

  
Lawrence N. Taub

cc: Ms. Jane Cafritz  
Matthew Issembert, Esq.  
Mr. James Speyer  
Calvert Tract, LLC

Mr. Mark Regulinski  
Mr. Rod Garrett  
SOM

Mr. Tim Davis  
Mr. Chris Valltos  
Soltesz

Mr. Jack Hollon  
Ms. Ameneh Amirhakimi  
M, V +A

Mr. Dennis Carmichael  
Mr. Doug Tipsword  
Parker Rodriguez

Andre Gingles, Esq.  
Gingles, LLC

William Shipp, Esq.  
O'Malley, Miles, Nysten & Gilmore, P.A.

The Hon. Vernon Archer  
Mayor, Town of Riverdale Park

Ms. Sara Imhulse  
Mr. Paul Mortensen  
Town of Riverdale Park

Ms. Susan Lareuse  
M-NCPPC, Urban Design Section  
May 9, 2014  
Page 6

Dr. Fern Piret  
Planning Director, M-NCPPC

Mr. Alan Hirsch  
Chief, Development Review Division, M-NCPPC

Mr. Steve Adams  
Chief, Urban Design Section, M-NCPPC

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## TOWN OF UNIVERSITY PARK

MAYOR  
Lenford C. Carey

COMMON COUNCIL  
Joe Thompson  
James C. Gekas  
Bradlee W. Hess  
Linda Verrill  
Heidi A. Sorensen  
Michael B. Cron  
Roy D. Alvarez

November 5, 2014

Honorable Elizabeth M. Hewlett  
Chairman  
Prince George's County Planning Board  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772

Re: Secondary Amendment SA-130001-01  
Detailed Site Plan DSP-13009-03  
Cafritz Property at Riverdale Park

Dear Chairman Hewlett:

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.

I will be present at the hearing to answer any questions you may have. Thank you for your consideration of the Town's position.

Very truly yours,



Lenford C. Carey, Mayor

\*Assuming that DSP-13009-03 is approved as proposed, future DSP amendments would allow only one additional commercial sign, to be placed in Parcel A.

cc: Susan Lareuse, Development Review Division; Lawrence N. Taub, Esq.



# Town of Riverdale Park

5008 Queensbury Road  
Riverdale Park, Maryland 20737

November 5, 2014

Honorable Elizabeth M. Hewlett, Chairman  
Prince George's County Planning Board  
County Administration Building – Room 4134  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772

Re: Cafritz Project DSP-13009-03 and SA-130001-01

Dear Chairman Hewlett and Members of the Planning Board:

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.

Sincerely,

Sara Imhulse  
Town Administrator



# Town of Riverdale Park

5008 Queensbury Road  
Riverdale Park, Maryland 20737

November 5, 2014

REC'D BY PGCPB ON 11-6-14  
ITEM # 10+11 CASE # SA-130001-01  
EXHIBIT # 1 - Town of Riverdale Park  
DSP-13009-03

Honorable Elizabeth M. Hewlett, Chairman  
Prince George's County Planning Board  
County Administration Building – Room 4134  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772

Re: Cafritz Project DSP-13009-03 and SA-130001-01

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

Sincerely,

A handwritten signature in cursive script that reads 'Sara Imhulse'.

Sara Imhulse  
Town Administrator



REC'D BY PGCPB ON 11-6-14  
EM # 10-11 CASE # SA-13001-01  
DSP-13009-03  
EXHIBIT # #1 Town of Univ. Park

# TOWN OF UNIVERSITY PARK

MAYOR  
Lenford C. Carey

COMMON COUNCIL  
Joe Thompson  
James C. Gekas  
Bradlee W. Hess  
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November 5, 2014

Honorable Elizabeth M. Hewlett  
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14741 Governor Oden Bowie Drive  
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Re: Secondary Amendment SA-130001-01  
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Cafritz Property at Riverdale Park

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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.
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- i. All future revisions to the Detailed Site Plan with respect to signage shall be referred for comment to the Town of University Park.

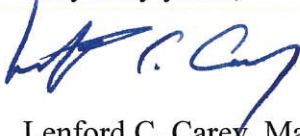
DSP-13009-03

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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.

I will be present at the hearing to answer any questions you may have. Thank you for your consideration of the Town's position.

Very truly yours,



Lenford C. Carey, Mayor

\*Assuming that DSP-13009-03 is approved as proposed, future DSP amendments would allow only one additional commercial sign, to be placed in Parcel A.

cc: Susan Lareuse, Development Review Division; Lawrence N. Taub, Esq.



REC'D BY PGCPB ON 11-6-14  
ITEM # 10+11 CASE # SA-13001-01  
DSP-13009-03  
EXHIBIT # Applicants Exhibit #1

**PROPOSED NEW CONDITION FOR DSP-13009-03**

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

November 6, 2014

Dear Chair Hewlitt,

I was not originally planning to testify in person, however, today I decided I must. It was too late to get the written testimony to you before your meeting. Anyway, it was nice to get away from home where it sounds like a bit worse than this video recording of it on my phone.

Yes, I live in University Park across from this development on 44<sup>th</sup> Avenue, not Route 1, Baltimore Avenue.

I am here to speak to two points – the color, material, and design of the signage and the number of signs. Let me assure you that I speak as a private citizen. As a citizen I do serve on the University Park Development Overview Committee which reviews and advises the Town Council. I participated in the decision making process of that committee for its recommendations to the Town Council and I testified before the Town Council, this past Monday as to my personal opinions and the opinions of some of my neighbors. I was there when they voted on the position they would take before the Planning Board.

First, I will speak to the subject of color, material and design. The Cafritz team and our town officials have often directed the citizens in University Park to the cafritz.pop website and its video for information when asking questions about the various design elements. I would point to this photo from location 0.52 on that video to explain why so many citizens are yet unaware that the signage is no longer a more traditional red brick design. During previous hearings, the applicant and the county planners emphasized the compatibility with the surrounding historic areas.

That said, the current proposal brought to our committee was for a painted surface. The paint would be white, or cream, or off white. No physical samples were included. I would like to submit into evidence the brick sample sent to me at my request for a concrete physical sample of the paint color, the paint color to be applied to brick, by the Cafritz team. No explanation was delivered with the sample. Are they now proposing to use this off white brick with no paint? I don't know. My effort to get information from Mr. Taub was not successful.

Thus I am here to submit this off white brick sample into the record. Also, I want to say that there is still an expectation of many citizens that the design, material and color is going to be like what is pictured in the video on their website. Thus I submit this video into the record or this photo copied from the video.

Regarding the second item, the number and amount of signage. I am in support of our county efforts to support transit area development, smart growth, and encouraging development that is more urban around our transit zones. Likewise I support the efforts to reduce signage. This development has not been planned to be a suburban development. Two commercial signs is more than enough along this short span of Route 1, Baltimore Avenue. Please consider allowing ONLY the two commercially oriented signs in just two parcels. Please deny allowing a commercially oriented sign in the third parcel.

This position on the signage is what five citizens in University Park heard the UP Town Council approve for their position to be taken today at their meeting on Monday, November 6, 2014.

Thank you.



Arlene Christiansen

6711 44<sup>th</sup> Avenu

University Park, MD 20782