

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed SP-060003 requesting a special permit for certain modifications to a site plan in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on June 14, 2007, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject site is a vacant .85-acre parcel. It is located at the southeast corner of Baltimore Avenue (US 1) and East-West Highway (MD 410) in Riverdale Park, Maryland. This site is located in Planning Area 68 and Council District 3. No environmental features are found on the site.

The site is surrounded by the following uses:

North: Across East-West Highway, Commercial uses in the M-U-T-C Zone.

South: Commercial uses in the M-U-T-C Zone.

East: Across Beale, Vacant property in the M-U-T-C Zone.

West: Across Baltimore Avenue, McDonald's in the M-U-T-C Zone

- B. **History:** The subject property was zoned C-S-C as of the 1994 *Sectional Map Amendment for Planning Area 68*. The owner of the property entered into an agreement with the Mayor and Council of Riverdale Park for the development of an Eckerd on site around the time the M-U-T-C was being developed. The *2004 Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* rezoned the property M-U-T-C. The Development Plan did not provide a specific building recommendation for the development of the site due to the understanding that the Eckerd would be constructed. For reasons unrelated to design, Eckerd later withdrew from the site.

Wachovia Bank now seeks to build a financial center on the site. The proposed design of the property does not conform to the design guidelines of the plan. According to the applicant, the Riverdale Park Mixed-Use Town Center Zoning Review Committee had voted to deny the proposed application on April 5, 2006. The method of appeal set forth in the Development Plan directs the applicant to apply for a departure through the special permit process.

During the Planning Board Meeting on April 12, 2007, the applicant requested an indefinite continuance to modify the application. The Board granted the request. The applicant submitted additional information and revisions and requested a new hearing date on May 31, 2007. On May 10, 2007, a notice for the new hearing date was mailed to all parties of record. However, the date did not allow for adherence to the 30-day sign posting requirement when a case is continued indefinitely. As a result of the error, staff

rescheduled the hearing date to June 14, 2007, to allow for public notification in accordance with the 30-day sign posting requirement. On May 17, 2007, a corrected notice was mailed to all parties of record. On May 15, 2007, a sign was posted on the property notifying the public of the new hearing date. The Mayor and Council for the Town of Riverdale Park support the application due to revisions to the proposed plan that was presented on June 6, 2007.

C. **Master Plan Recommendation:** The *2004 Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* rezoned the property M-U-T-C. The M-U-T-C Zone:

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

The plan contains recommendations for future development within the town center and locally tailored design standards for new and infill development. These standards replace the existing development standards contained in the Prince George's County Zoning Ordinance. Along Baltimore Avenue and in the older industrial area north of the town's historic core, larger scale redevelopment projects are recommended. Design standards for new development for these parts of the town center promote pedestrian-scale development by requiring, in part, an enhanced streetscape and improved architectural design.

The plan contains an inventory of the design and type of existing uses and street right-of-way widths. The design guidelines build upon that variety in directing future development. It acknowledges Baltimore Avenue (US 1), Queensbury Road and Rhode Island Avenue as the major roads serving the town center. The Baltimore Avenue (US 1) concept (as shown on Map 4) proposes a street with a wide sidewalk, an attractive streetscape, and bike lanes to create a functional and vibrant town center. Buildings will be sited closer to the street, adjacent to wider sidewalks that will be separated from vehicular traffic by a minimum eight-foot-wide strip containing street trees, landscaping, and pedestrian amenities. The new build-to-line mimics traditional development patterns and permits a larger building envelope because the setback and landscaped front

bufferyard are no longer required. Within this area the following is required:

- Sidewalk – unobstructed seven-foot-wide walkway adjacent to the street wall
- Landscaping/Pedestrian Amenity Strip – includes street trees and landscaping, and space for the placement of amenities such as benches, post office boxes, and pedestrian-oriented lights.

The 2002 General Plan places the site within the Developed Tier. The vision for the developed tier is a network of sustainable transit supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The vision for Centers is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.

- D. **Request:** The operation of a bank is a permitted use at this site. It should be noted that, while the application was filed as a special permit application, the applicant's request is for a departure from the design requirements of the Riverdale Park Mixed-Use Town Center (M-U-T-C) Development Plan. As specified in the plan, in order for the Planning Board to grant departures from the strict application of any standard or guideline approved in the development plan, the Planning Board must make the findings listed in Section 27-548.00.01(a) (2). Because this type of departure does not have a designation in the Zoning Ordinance, it is filed in accordance with the procedures set forth in Section 27.239.01 for Special Permits.

The applicant plans to develop a two-story building with five bank drive-through lanes and 41 parking spaces. The applicant is requesting a departure from the strict application of the requirements concerning the following: building placement, parking and loading, and access and circulation. There is a list of standards within each of these areas to be reviewed in further detail below

- E. **Special Permit Findings: Section 27-239.02(a)(9) and Section 27-548.00.01:**

The Approved Riverdale Park M-U-T-C Development Plan provides that, "If a development plan is recommended for denial, or approval with conditions that an applicant is not in agreement with, the applicant may appeal that decision to the Prince George's County Planning Board through the Special Permit Process". In the statement of justification, the applicant has addressed Section 27-239.03 which states, "The Planning Board may grant a special permit in the M-U-T-C Zone if it finds that the site plan is in conformance with the approved Town Center Development Plan and its guidelines and specific criteria for the particular use". This is not a required finding for this application. The site plan is not in conformance with the approved plan. This is why the request is for a departure. To clarify the issue, it should be noted that the application is filed using special permit procedures and not special permit findings. As provided in Section 27-548.00.01, in order for the Planning Board to grant a departure from the strict application of any standard or guideline approved in the M-U-T-C, it shall make the following findings:

27-548.00.01(a)(2)(A): A specific parcel of land has exceptional narrowness, shallowness, or shape; exceptional topographic conditions; or other extraordinary situations or conditions;

The specific parcel of land does not have exceptional narrowness, shallowness, or shape or topographic conditions. However, the specific parcel of land is affected by extraordinary situations. The parcel has a major water trunk line running diagonally through the property. The easement for this water line does not allow development constructed on top of it. This must be noted on the site plan. Additionally, there are right-of-way and setback issues. The plan acknowledges and recommends a revised lane configuration for Baltimore Avenue (US 1). A four-lane roadway with turning lanes at selected intersections is recommended. The plan also includes slightly wider travel lanes and a five-foot-wide bike lane. Since the recommended lane configuration could possibly require road widening in the future, a projected face-of-curb was calculated from which new development would measure build-to-lines. The plan provided a table to be used until the SHA had adopted a new plan.

The Planning Board understands that because of additional SHA requirements due to the EYA development, buildings on the property would need to be setback even further than anticipated. In a memo dated February 12, 2007, Transportation Planning staff provided that while dedication of rights-of-way is not required as part of this application, the submitted plan shows additional rights-of-way for US 1 and MD 410, which when needed will be dedicated to the Maryland State Highway Administration (MD-SHA). Without these additional rights of way dedications, the SHA and the applicant of the EYA development in the City of Hyattsville could not construct the required and needed intersection improvements, which would improve traffic operation at this highly congested intersection. The SHA insists that access from Baltimore Avenue (US 1) to the property be located as far from MD 410 as possible.

27-548.00.01(a)(2)(B): The strict application of the Development Plan will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

The strict application of the Development Plan will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property, because the right-of-way and access requirements of the State Highway Administration (SHA) would require a redesign of the property regarding the building placement.

27-548.00.01(a)(2)(C): The departure will not substantially impair the intent, purpose, or integrity of the General Plan, Master Plan, or the Town Center Development Plan.

With the recommended conditions and necessary revisions, the request will not substantially impair the intent, purpose, or integrity of the Town Center Development Plan.

- F. **Parking Regulations:** The applicant seeks to provide additional parking above the maximum allowed for the property. The maximum number of spaces allowed for this site is 23. The applicant seeks to provide 41 spaces. The lot will be used after hours by adjacent businesses for overflow parking. The Town of Riverdale Park has submitted a letter (June 6, 2007) in support of the additional parking.

- G. ***Landscape Manual Requirements:*** According to the Urban Design section, instead of being governed by the requirements of the Zoning Ordinance and Landscape Manual, the project would be subject to the Riverdale Park Town Center Development Plan requirements regarding purposes, landscaping and screening, uses, regulations and development plan. As noted above, landscaping and buffering requirements are set by the individual approval rather than the Landscape Manual. The applicant has revised the landscape plan to address concerns of the Urban Design Section.
- I. The applicant has revised the site plan to address the issues raised by the staff and the Planning Board. The Board further finds that given the desire for a more pedestrian oriented commercial area, the number of drive-through lanes for the bank should be limited to no more than three lanes.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and grants APPROVAL of the above-noted application, subject to the following conditions:

1. The applicant shall revise the site plan and submit it for review by staff prior to certificate of approval of the plans as follows:
 - a. Reduce the number of drive-through lanes to three.
 - b. Note the water trunk line.
 - c. Indicate the area of the building.
 - d. The dimension of the proposed accessible parking spaces must be provided in the parking schedule
2. The applicant shall submit evidence for staff review prior to certificate of approval of an agreement with the town to provide after-hours public parking consisting of no less than 22 parking spaces. If there is no agreement and changes to the parking design showing conformance to the design standard are necessary, these revisions shall be made on the site plan and submitted for staff review prior to certificate of approval.
3. The applicant shall revise the landscape plan and submit it for review by staff prior to certificate of approval of the plans as follows:
 - a. In accordance with changes to the drive-through lanes, the landscape and sidewalks along West Beale Circle shall be revised.
 - b. Widen the planting area along West Beale Circle to a minimum of 8 feet.
4. Prior to the certificate of approval of the plan, the applicant shall demonstrate evidence of the dedication agreement with the Maryland State Highway Administration; and when

deemed needed by the MD-SHA, the applicant shall agree and dedicate additional rights-of-way designated on the submitted plan as “dedication area upon demand” along the property’s frontage on US 1 and MD 410.

5. The applicant shall provide sign detail to the mayor of the Town of Riverdale Park for review of its design prior to the issuance of a sign permit.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire, Eley, Vaughns and Parker voting in favor of the motion, at its regular meeting held on Thursday, June 14, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of July 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator