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

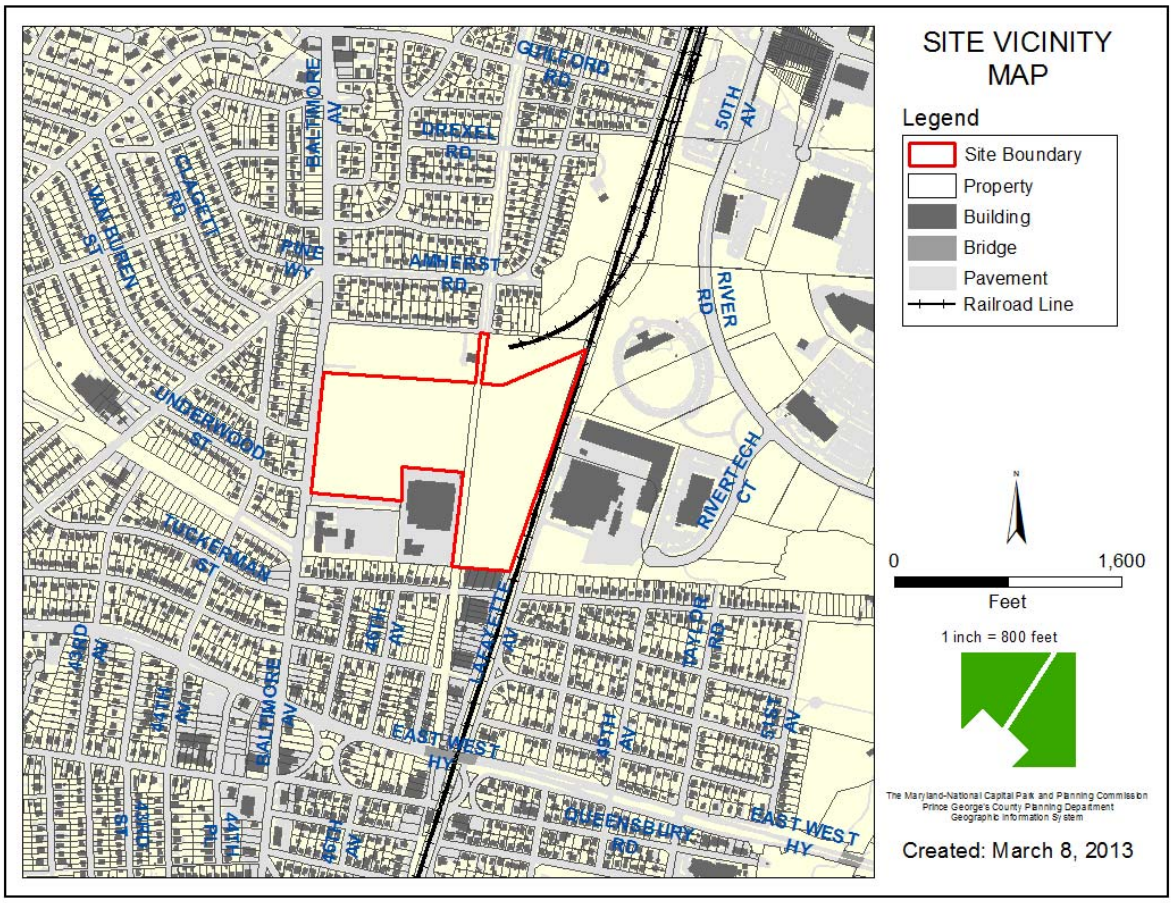
Note: *Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.*

Secondary Amendment SA-130001

Application	**General Data**	
Project Name: Cafritz Property at Riverdale Park Town Center Development Plan July 12, 2012	Planning Board Hearing Date:	05/23/13
	Staff Report Date:	05/08/13
	Date Accepted:	04/01/13
Location: 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.	Plan Acreage:	35.71
	Zone:	M-U-TC
	Lots:	126
	Parcels:	39
Applicant/Address: Calvert Tract, LLC. 1666 Connecticut Avenue NW, Suite 250 Washington, DC 20009	Planning Area:	68
	Tier:	Developed
	Council District:	03
Property Owner: Same as applicant	Election District	19
	Municipality:	Riverdale Park
	200-Scale Base Map:	208NE04

Purpose of Application	**Notice Dates**	
Secondary Amendments to the Approved Cafritz Property at Riverdale Park Town Center Development Plan dated July 12, 2012.	Certificate of Mailing:	04/02/13
	Sign Posting Deadline:	04/23/13

Staff Recommendation			**Staff Reviewer:** Susan Lareuse **Phone Number:** 301-952-4277 **E-mail:** Susan.Lareuse@ppd.mncppc.org
APPROVAL	**APPROVAL WITH CONDITIONS**	**DISAPPROVAL**	**DISCUSSION**
	X		


SITE VICINITY MAP
Legend
Site Boundary
Property
Building
Bridge
Pavement
Railroad Line
0
1,600
Feet
1 inch = 800 feet
The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Geographic Information System
Created: March 8, 2013
GUILFORD RD
DREXEL RD
AMHERST RD
RIVER RD
50TH AV
BALTIMORE AV
CLAGETT RD
VAN BUREN ST
PINE HY
UNDERWOOD ST
TUCKERMAN ST
RIVERTECH CT
TAYLOR RD
EAST WEST HY
QUEENSBURY RD
45TH AV
46TH AV
47TH AV
48TH AV
49TH AV
51ST AV
52ND AV
53RD AV
54TH AV
55TH AV

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

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

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

EVALUATION

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

a. The requirements for a Secondary Amendment in Section 27-546.14;

b. The requirements of the Cafritz Property at Riverdale Park Town Center Development Plan, dated July 12, 2012; and

c. Referral comments.

FINDINGS

Based upon the analysis of the subject secondary amendment request, and in connection with, and as part of, the Detailed Site Plan (DSP) and Special Permit (SP) applications for development of the property known as the Cafritz Property at Riverdale Park, being application numbers DSP-13009 and SP-130002, the Urban Design staff recommends the following findings:

Secondary Amendment

Zoning Ordinance Compliance and Findings:

1. **Requirements of the Zoning Ordinance:** The revisions to the Cafritz Property at Riverdale Park Town Center Development Plan described below conform to the requirements for amendments to development plans per Section 27-546.14, which states the following:

   Section 27-546.14 Amendments to Development Plan

   (a) Primary amendments.

   (1) All primary amendments of approved Development Plans shall be made in

accordance with the provisions for initial approval of the Plan.

(2) Primary amendments are any changes to the boundary of the approved Development Plan.

(b) Secondary amendments.

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

Comment: The applicant has submitted a request to amend the Cafritz Property at Riverdale Park Town Center Development Plan (Development Plan) dated July 12, 2012. The Development Plan amended the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* by expanding the boundary and creating standards and guidelines for the M-U-TC zoned portion of the Cafritz Property. The proposed amendments to the Development Plan have been requested by the applicant, Calvert Tract LLC, in order to create a town center on 35.71 acres of land 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 amendments do not propose to change the Mixed Use–Town Center (M-U-TC) Zone boundary; therefore, the request meets the definition of a secondary amendment per Section 27-546.14(b)(1), above.

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

Comment: The application has been submitted by Calvert Tract LLC, the owner of the property, and as indicated by the signature on the application, represented by Calvin Cafritz.

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

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

Comment: The application has been submitted appropriately by the applicant/owner which is listed as:

Calvert Tract, LLC
1828 L Street, N.W., Suite 703
Washington, DC 20036

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

Comment: The property has a street address of 6667 Baltimore Avenue, Riverdale, Maryland, 20737. The property is located within the Town of Riverdale Park (±35 acres), the City of College Park (±2 acres), and Election District 19.

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

Comment: The applicant provided one statement enumerating each of the requested changes on April 1, 2013 with the original application, and additional amendments on April 17, 2013 and April 30, 2013. Those requests are included below in the discussion of each of the amendments.

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

Comment: The Limited Liability Corporation is owned by Calvin Cafritz who has signed the application.

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

Comment: The correspondent is listed in the application as:

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

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

Comment: The applicant has submitted a statement of justification for each of the requested amendments, which are included in the findings below.

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

Comment: The proposed secondary amendments are as described in the enumerated statement of the requests, as referenced above. Once a final decision has been made regarding the requested secondary amendments, the amendments will be incorporated into the Development Plan.

(H) A signed certificate stating that the applicant, on or before the date

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

Comment: Included in the secondary amendment application is a Certificate of Mailing certifying that Lawrence N. Taub, Esquire, sent by certified mail, a copy of the application for the originally submitted amendments and all accompanying documents to each of the municipalities listed below on April 2, 2013:

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

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

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

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

Comment: A fee of $30.00 was paid for each public notice sign posted to advertise the public hearing, in conjunction with the companion detailed site plan (DSP) and special permit (SP) application.

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

Comment: The Planning Board will review the application for the proposed secondary amendments and the draft Development Plan on May 23, 2013 at a regularly scheduled public hearing.

2. Section 27-546.14(b)(6) of the Zoning Ordinance references Planning Board procedures for a requested secondary amendment. The procedure is the same as a conceptual site plan, but limited to Section 27-276(a)(1), (3), (4), (5), (6); Section 27-276(c)(1), (2); and Section 27-276(d). The following is extracted from the Zoning Ordinance, but the term [*Secondary Amendment*] is added for the reader's clarity.

Section 27-276 Planning Board Procedures

(a) General

(1) Prior to approval of any preliminary plan of subdivision or Detailed Site Plan, or the issuance of any grading, building, or use and occupancy permit, for the development or use of any land for which a Conceptual Site Plan [*Secondary Amendment*] **is required, the applicant shall obtain approval of a Conceptual Site Plan** [*Secondary Amendment*] **from the Planning Board.**

Comment: The application for the DSP/SP is predicated on approval of the proposed secondary amendments. If the secondary amendments are not approved or are approved only in part, the DSP/SP will include conditions that require the site plan to be modified to adhere to the original standards within the Development Plan.

(3) The Planning Board shall give due consideration to all comments received from other agencies.

Comment: Notification letters and copies of the secondary amendments were transmitted to several Prince George's County and State of Maryland agencies for review and comment prior to the public hearing. A list of agencies to which the application and draft Development Plan were referred and a summary of referral comments is located in the Referral Section of this report.

(4) The Planning Board shall only consider the Plan at a regularly scheduled meeting after a duly advertised public hearing.

Comment: Public hearing notice signs were posted within the M-U-TC Zone boundary on April 23, 2013, as evidenced by the sign posting affidavit.

(5) The Planning Board shall approve, approve with modification, or disapprove the Conceptual Site Plan [*Secondary Amendment*]**, and shall state its reasons for the action.**

Comment: The application for the secondary amendments will be presented to the Planning Board for a decision of approval, approval with modification, or disapproval on May 23, 2013.

(6) The Planning Board's decision shall be embodied in a resolution adopted at a regularly scheduled public meeting, a copy of which shall be sent to all persons of record (in the Conceptual Site Plan [*Secondary Amendment*] **approval process) and the District Council.**

Comment: The Planning Board's decision on the application will be embodied in a resolution that will be adopted at a regularly scheduled public meeting. A copy of the resolution will be sent to all persons of record and the District Council.

(c) Time limits for action

(1) The Planning Board shall take action on the Conceptual Site Plan [*Secondary Amendment*] **within seventy (70) days of its submittal. The month of August and the period between and inclusive of December 20 and January 3 shall not be included in calculating this seventy (70) day period.**

Comment: The secondary amendment application was accepted on April 1, 2013 and will be reviewed on May 23, 2013, which is 53 days from the acceptance date.

(2) If no action is taken within seventy (70) days, the Conceptual Site Plan shall be deemed to have been approved. The applicant may (in writing) waive the seventy (70) day requirement to provide for some longer specified review period.

Comment: The Planning Board's 70-day limit to take action on this secondary amendment application is being complied with in the review of this application.

(d) Notification of applicant

(1) If a Conceptual Site Plan [*Secondary Amendment*] **is not approved, the Planning Board shall notify the applicant (in writing), stating what changes are required for approval.**

Comment: If the application is not approved, the Planning Board will notify the applicant of their action on the secondary amendment application and will provide the applicant with a list of changes required for approval after the public hearing. In reviewing this section of the Zoning Ordinance, the Prince George's County Code references District Council procedures, Section 27-280.

Section 27-280 Appeal of the Planning Board's Decision

(a) The Planning Board's decision on a Conceptual Site Plan or amendment of the Development District Standards for an approved Development District Overlay Zone may be appealed to the District Council upon petition by any person of record. The petition shall specify the error which is claimed to have been committed by the Planning Board and shall also specify those portions of the record relied upon to support the error alleged. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice.

(b) The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) calendar days after receiving this notice, the Planning Board shall transmit to the District Council a copy of the Conceptual Site Plan, all written evidence and materials submitted for consideration by the Planning Board,

a transcript of the public hearing on the Plan, and any additional information or explanatory material deemed appropriate.

(c) The District Council shall schedule a public hearing on the appeal or review.

(d) Within sixty (60) days after the close of the Council's hearing, the Council shall affirm, reverse, or modify the decision of the Planning Board, or return the Conceptual Site Plan to the Planning Board to take further testimony or reconsider its decision. Where the Council approves a Conceptual Site Plan, it shall make the same findings which are required to be made by the Planning Board. If the Council fails to act within the specified time, the Planning Board's decision is automatically affirmed.

(e) The Council shall give its decision in writing, stating the reasons for its action. Copies of the decision shall be sent to the all persons of record, and the Planning Board.

Comment: This section of the Zoning Ordinance outlines the procedure for review by the District Council if a person of record appeals the Planning Board's decision on the application, or if the District Council votes to review the decision within 30 days after the Planning Board's decision.

Requests for Secondary Amendments

3. The applicant submitted the following requests for secondary amendments to the Cafritz Property at Riverdale Park Town Center Development Plan on **April 1, 2013.** The following is the applicant's justification statement for each secondary amendment, followed by staff's comment in response to each request.

a. **On April 1, 2013—Laurence Taub, on behalf of the applicant, submitted the following:**

"This request for Secondary Amendments to a Development Plan is set forth in, and legally permitted by, Section 27-546.14 of the Prince George's County Zoning Ordinance, and is in connection with, and part of, the Detailed Site Plan and Special Permit applications for development of the property known as the Cafritz Property at Riverdale Park, being application numbers DSP-13009 and SP-130002."

Comment: The applicant accurately describes the secondary amendments as being companion with the detailed site plan (DSP) and the special permit (SP) applications. However, the secondary amendment application is an independent case file.

"The following sections of the code as reference to the pertinent sections governing approval of the Secondary Amendments:

"Section 27-546.14 (b) (7) of the Zoning Ordinance states that a Secondary Amendment may be approved by the Planning Board if the Board 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 Secondary Amendment to the Development Plan for the M-U-TC Zone requires the following applicable findings of the original approval relating to the Development Plan, as set forth in Section 27-198.05(a)(1) 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) 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

"The purposes of the M-U-TC zone are set forth in Section 27-546.09 (a) of the Zoning Ordinance, as follows:

"(1) To create with the community a development framework that can capitalize on the existing fabric of the County's older commercial/mixed-use centers and corridors.

"(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) To preserve and promote those distinctive physical characteristics that are identified by the community as essential to the community's identity, including building character, special landmarks, small parks and other gathering places, and wide sidewalks."

"The following secondary amendments are requested **[in bold below]**:"

Pursuant to the applicant's request for secondary amendment dated April 1, 2013:

"1. Amendments to the residential and commercial street configurations, as shown on Map 3 within the Addendum to the Town of Riverdale Park Mixed-Use Town Center Zone Development Plan, entitled 'Cafritz Property at Riverdale Park' ('Development Plan Addendum'). Amendments to these street configurations are requested as follows:

"A. Both the residential and commercial street configurations are proposed to have an additional 5-foot bike lane (for a total of 2 5-foot bike lanes). Condition No. 3.e. of the zoning approval for this property (Zoning Amendment No. A10018, as set forth in Zoning Ordinance No. 11-2012, hereinafter referred to as the 'Cafritz Zoning Amendment'), as follows: '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.'

"B. For both the residential and commercial street configurations, the parallel parking width is proposed to be adjusted from 8 feet to a range of 7-8 feet; and the tree zone is proposed to be adjusted from 5 feet to a range of 5-6 feet, to accommodate larger plantings."

Applicant's Justification:

"(1) A, B & C —[sic] These proposed amendments, proposing to add an additional bike lane, to reduce the parallel parking width along both residential and commercial streets, and to increase the tree zones along the same streets, all implement prior recommendations of the Town of Riverdale Park and the Riverdale Park M-U-TC Committee. The sum total of these recommendations will promote a more bicycle- friendly environment for the subject property, as well as narrower streets and better landscaped sidewalk areas, all of which will promote a more pedestrian-friendly environment. These amendments would help to 'create attractive and distinctive community centers for shopping, socializing, entertaining, living, and to promote economic vitality': and will also 'ensure a mix of compatible uses which compliments (sic) concentrations of retail and service uses..., encourages pedestrian activity, and promotes shared parking'; and will 'provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment.' These amendments are consistent with the findings of the Prince George's District Council in its decision to rezone the subject property to the M-U-TC zone, and they are also consistent with the criteria for approval of an M-U-TC zone, stating that the Town Center Development Plan 'will provide a flexible regulatory environment that will support redevelopment and development interests in the area'..."

Comment: The applicant requests three revisions to the two street configurations as shown on Map 3 of the revised Cafritz Property Design Standards and Guidelines (July 12, 2012) and the Development Plan (Sheets 5 and 6) to include an additional five-foot-wide bike lane on the residential and commercial street configurations. This additional bike lane is specifically intended along either Van

Buren Street or Woodberry Street to accommodate east-west bicycle movement through the site as specified in Condition 3e of the approval of Primary Amendment A-10018, as set forth in Zoning Ordinance No. 11-2012 (hereinafter referred to as the Cafritz Primary Amendment). The flexibility in the condition anticipated the possible movement of the CSX crossing. The DSP demonstrates the proposal for the bike lanes on both sides of Woodberry Street, while none are shown on Van Buren Street. This proposal is not consistent with the recommendation of staff, based on the new bridge location to the south of Woodberry Street, as Van Buren Street is the preferred location for bike lanes.

The second requested change to the street configurations would reduce the parallel parking area width from eight feet to a range of seven to eight feet and the third proposes to increase the tree zone from five feet to a range of five to six feet to accommodate larger planting spaces to encourage greater canopy growth.

Both of these changes are positive improvements that will help facilitate non-motorized connectivity and ensure a more robust and viable tree canopy. Staff agrees that a minimum of five to six feet width for the tree zone is appropriate, and also recommends a minimum length of eight feet for the planting pit. Further, the spacing of street trees should be approximately 30 feet on center, not 40 feet on center as shown on the plan. Regarding the amendment to the parallel parking area, the trails coordinator explained that the narrowing of the parking area will likely contribute to increased conflicts with bicyclists, where bike lanes are proposed directly adjacent to parking. The conflict arises when the car doors are opened into the line of bike traffic. Therefore, staff supports the amendment to narrow the parking spaces only where bike lanes are not adjacent.

Pursuant to the applicant's request for secondary amendment dated April 1, 2013:

"2. Amendments to the 'Proposed Roadbed and Streetscape Dimensions', as set forth in Table 3 of the Development Plan Addendum, as follows:

"A. At Location 1, Van Buren Street at Village Square, the Width of Roadbed is proposed to be adjusted from a range of 65-75 feet with two 8-foot parking lanes, to a range of 65-85 feet, with two 7 to 8-foot parking lanes; and the Distance from Centerline to Building is proposed to be adjusted from a range of 50-60 feet to a range of 51 to 71 feet.

"B. At Location 2, Van Buren Street at Residential and Hotel, the Width of Roadbed is proposed to be adjusted by changing the parking lane dimension from 8-feet, to a range of 7 to 8-feet (the Width of Roadbed otherwise remains the same); and Distance from Centerline to Building is proposed to be adjusted from a range of 40-45 feet to a range of 39-51 feet.

"C. At Location 3, 45th Street, the Width of Roadbed is proposed to be adjusted by changing the parking lane dimension from 8-feet to a range of 7 to 8-feet (the Width of Roadbed otherwise will remain the same). The Streetscape Dimension is proposed to be adjusted from a

range of 12 to 15 feet to a range of 12 feet to 20 feet, which is consistent with the streetscape dimensions noted at Location 1 on Table 3, 'Van Buren Street at Village Square'; Location 2 on Table 3, 'Van Buren Street at Residential and Hotel'; and at Location 4 on Table 3, 'Woodberry Street at Commercial Uses';, to provide for adequate landscape and pedestrian zones. As a result of the above-described adjustments to the Streetscape Dimension for this street, the Distance from Centerline to Building is also proposed to be adjusted from a range of 30 to 35 feet, to a range of 29 to 40 feet.

"D. At Location 4, Woodberry Street @ Commercial Uses, in the Width of Roadbed column, add one additional bike lane with a width of 5-feet (for a total of two 5-foot wide bike lanes), and adjust the 8-foot parking lane dimension to a range of 7-feet to 8-feet. As a result of the additional bike and parking lane, the Distance from Centerline to Building will be adjusted from a range of 29-39 feet, to a range of 27-45 feet. And

"E. At Location 5,Woodberry Street @ Residential Uses, in the Width of Roadbed column, add one additional bike lane with a width of 5-feet (for a total of two 5-foot wide bike lanes), and adjust the 8-foot parking lane dimension to two 7-foot to 8-foot parking lanes. As a result of the additional bike and parking lanes, the Distance from Centerline to Building will be adjusted from a range of 32-44 feet, to a range of 37-50 feet.

"F. At Location 6, 46th Street, the Width of Roadbed is proposed to be adjusted by changing the parking lane dimension from 8-feet to a range of 7 to 8-feet (the Width of Roadbed otherwise remains the same). The Streetscape Dimension for this street is proposed to be adjusted from a range of 12 to 15 feet to a range of 12 to 20 feet (for the same consistency as described in 2.C.. above) feet, to provide for adequate landscape and pedestrian zones. Similarly, the Distance from Centerline to Building is also proposed to be adjusted from a range of 30 to 35 feet, to a range of 29 to 40 feet.

"G. At Location 8, Rhode Island Avenue, will be one-way (Development Plan Addendum assumed this to be two-way), thus requiring an adjustment to the Width of Roadbed from a range of 20-24 feet plus two 8-foot parking lanes, to a range of 14¬18 feet, plus one 7 to 8-foot parking lane; an adjustment of the Drive Lane Dimensions from a range of 10-12 feet to a range of 14-18 feet; and an adjustment of the Distance from Centerline to Building, from the range of 33-45 feet, to a range of 36-51 feet.

"H. At Location 9, Maryland Avenue, Drive Lanes are proposed to be adjusted from 9-10 feet to 9-13 feet. As a result, the Width of Roadbed would adjust from a range of 18-20 feet, to a range of 18-26 feet. The streetscape on this street is proposed to be increased from a range of 10-25 feet to a range of 10- 40 feet. The Distance

from Centerline to Building is proposed to be increased from a range of 19 feet to 35 feet, to a range of 19 feet to 53 feet. These increased dimensions are for the purpose of providing additional landscape buffer areas between the multifamily building on Maryland Avenue and the CSX rail line, as well as to provide additional space for a bioretention area.

"I. A new street, 47th Street, is proposed, with the same characteristics on this Table as Rhode Island Avenue (as proposed to be amended, see Amendment 2.C. above), but to include two parking lanes of 7-8 feet each."

Applicant's Justification:

"(2) The proposed amendments to the 'Proposed Roadbed and Streetscape Dimensions' are also an implementation of the prior recommendations of the Town of Riverdale Park and the Riverdale Park M-U-TC Committee. These proposed amendments are also consistent with the findings of the District Council in its rezoning of the subject property of these applications, and they are simply an implementation of the 'flexible regulatory environment that will support redevelopment and development interests in the area'. The net effect of these requested amendments will result in the creation of an urban, pedestrian-friendly and bicycle-friendly environment that will 'create attractive and distinctive community centers for shopping, socializing, entertaining, living and to promote economic vitality;' 'provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment;' provide for a 'flexible regulatory framework, based upon community input, to encourage compatible development and redevelopment...that will enhance the Town Center;' and will '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."

Comment: Nine revisions to the "Proposed Roadbed and Streetscape Dimensions" from Table 3 on page 4 of the revised Cafritz Property Design Standards and Guidelines (July 12, 2012) are proposed:

A. Change the roadbed width for Location 1, Van Buren Street at Village Square, from 75 feet with two eight-foot parking lanes to a range of 65–85 feet with two seven- to eight-foot parking lanes, and change the distance from centerline to building from a range of 50–60 feet to a range of 51–71 feet.

B. Change the parking lane width for Location 2, Van Buren Street at Residential and Hotel (future), from eight feet to a range of 7–8 feet, and the distance from centerline to building from a range of 40–45 feet to a range of 39–51 feet.

Comment: While the reduction to the parking lane dimensions is a positive step toward widening of the tree zone planting areas, the applicant's change to the width of Van Buren Street does not include the two five-foot-wide bike lanes.

The roadbed is recommended to be changed to include bike lanes on both sides of the road.

Staff agrees with this amendment only if there is a dedication of an additional five feet between the building and the centerline for bicycle lanes along Van Buren Street that will, at a minimum, span the distance between Baltimore Avenue (US 1) and the Rhode Island Avenue Trolley Trail.

C. At Location 3, 45th Street, the width of roadbed is proposed to be adjusted by changing the parking lane dimension from eight feet to a range of 7–8 feet (the width of roadbed otherwise will remain the same). The streetscape dimension is proposed to be adjusted from a range of 12–15 feet to a range of 12–20 feet, which is consistent with the streetscape dimensions noted at Location 1 on Table 3, "Van Buren Street at Village Square"; Location 2 on Table 3, "Van Buren Street at Residential and Hotel;" and Location 4 on Table 3, "Woodberry Street at Commercial Uses;" to provide for adequate landscape and pedestrian zones. As a result of the above-described adjustments to the streetscape dimension for this street, the distance from centerline to building is also proposed to be adjusted from a range of 30–35 feet, to a range of 29–40 feet.

Comment: These revisions are supportable with the condition that additional landscaping be provided along the east side of Building 2A because the changes would reduce the width of the street/parallel parking lane and increase the area for pedestrian and landscape amenities. Staff agrees with this amendment subject to a condition proposed in the Recommendation Section below.

D. At Location 4, Woodberry Street at Commercial Uses, in the Width of Roadbed column, add one additional bike lane with a width of five feet (for a total of two five-foot-wide bike lanes), and adjust the eight-foot parking lane dimension to a range of 7–8 feet. As a result of the additional bike and parking lane, the distance from centerline to building will be adjusted from a range of 29–39 feet, to a range of 27–45 feet.

Comment: The additional width of street for bicycle lanes is not necessary because the connection from southbound Baltimore Avenue (US 1) onto Woodberry should not allow a left turn (as recommended by the Transportation Planning Section) and bikes can share the road with other vehicles. It appears that the DSP is proposing 32 feet of width for drive lanes and five-foot-wide bike lanes on both sides of the street. This made sense when the previous CSX bridge location was an extension of Woodberry, but since the crossing is no longer proposed there, it makes sense to narrow Woodberry as follows:

(1) The section of Woodberry from the Baltimore Avenue (US 1) right-of-way to the first parking compound entrance on the north side of the street should be narrowed from 32 feet of paving for a one-way drive lane to 16 feet. This will channel the traffic going north on Baltimore Avenue (US 1), reduce the width of the pedestrian crossing of Woodberry, and expand the greenway

entrance feature.

(2) The section of Woodberry extending east from the first parking compound entrance on the north side of the street should be 26 feet in width for drive lanes to eliminate the five-foot-wide bike lane on the south side of Woodberry by introducing a minimum five-foot-wide planting area along the north side of the parking compound on Lot 2. This 26-foot width should extend to include the intersection of 46th Street, as this is the street furthest east that will accommodate commercial traffic and the majority of truck traffic serving the grocery store and other commercial uses in the development.

E. At Location 5,Woodberry Street at Residential Uses, in the Width of Roadbed column, add one additional bike lane with a width of five feet (for a total of two five-foot-wide bike lanes), and adjust the eight-foot parking lane dimension to two seven- to eight-foot parking lanes. As a result of the additional bike and parking lanes, the distance from centerline to building will be adjusted from a range of 32–44 feet, to a range of 37–50 feet.

Comment: The addition of bicycle lanes is not necessary because the connection from Baltimore Avenue (US 1) should not allow a left onto Woodberry Street (as recommended) and bikes can share the road with the vehicles. This amendment is not supported by staff. Further, the narrowing of Woodberry is recommended as follows:

(1) The section of Woodberry extending from the east side of 46th Street to the terminus of Woodberry should be reduced to 22 feet in width for drive lanes.

(2) The bike lane should be eliminated and share-the-road markings in the pavement should be provided.

F. At Location 6, 46th Street, the width of roadbed is proposed to be adjusted by changing the parking lane dimension from eight feet to a range of 7–8 feet (the width of roadbed otherwise remains the same). The streetscape dimension for this street is proposed to be adjusted from a range of 12–15 feet to a range of 12–20 feet (for the same consistency as described in 2C above), to provide for adequate landscape and pedestrian zones. Similarly, the distance from centerline to building is also proposed to be adjusted from a range of 30–35 feet, to a range of 29–40 feet.

Comment: These revisions are supportable because the changes would reduce the width of the street/parallel parking lane and increase the area for pedestrian and landscape amenities. Staff supports this amendment.

G. At Location 8, Rhode Island Avenue will be one-way (Development Plan Addendum assumed this to be two-way), thus requiring an adjustment to the width of roadbed from a range of 20–24 feet plus two eight-foot

parking lanes, to a range of 14–18 feet plus one seven- to eight-foot parking lane; an adjustment of the drive lane dimensions from a range of 10–12 feet to a range of 14–18 feet; and an adjustment of the distance from centerline to building from a range of 33–45 feet to a range of 36–51 feet.

Comment: The direct connection from Baltimore Avenue (US 1) to the proposed CSX bridge crossing should be a two-way roadway to facilitate connectivity and minimize potential adverse traffic impacts to the streets in the residential neighborhoods. The drive lane dimension should remain in a range from 10–12 feet. Bike lanes are not needed along Rhode Island Avenue because the trolley trail parallels Rhode Island Avenue and this is the preferred route for bicyclists. Staff does not support this amendment.

H. At Location 9, Maryland Avenue, drive lanes are proposed to be adjusted from 9–10 feet to 9–13 feet. As a result, the width of roadbed would adjust from a range of 18–20 feet to a range of 18–26 feet. The streetscape on this street is proposed to be increased from a range of 10-25 feet to a range of 10– 40 feet. The distance from centerline to building is proposed to be increased from a range of 19–35 feet to a range of 19–53 feet. These increased dimensions are for the purpose of providing additional landscape buffer areas between the multifamily building on Maryland Avenue and the CSX rail line, as well as to provide additional space for a bioretention area.

Comment: The DSP shows Maryland Avenue as a 50-foot-wide right-of-way with 26 feet of pavement. Staff supports this amendment.

I. A new street, 47th Street, is proposed with the same characteristics on this table as Rhode Island Avenue (as proposed to be amended, see Amendment 2C above), but to include two parking lanes of 7–8 feet each.

Comment: The applicant's justification statement for this secondary amendment request is unclear in that it refers to "Amendment 2C above," which is a proposed amendment to 45th Street, not Rhode Island Avenue. The DSP/SP proposes a one-way, northbound, 15-foot-wide drive lane with parallel parking on both sides of the street. Staff recommends that the parallel parking proposed along the east side of the street be eliminated and the parking lane be converted into a continuous planting bed for street trees planted 30 feet on center in front of multifamily Buildings 7, 8, and 8A. This will provide additional enhancements to the streetscape and will serve as a transition zone from the townhouse blocks across 47th Street.

Pursuant to the applicant's request for secondary amendment dated April 1, 2013:

3. Amendments to Table 1, "Building Recommendations", to allow 1-3 story buildings at Locations 6a and 6b, as opposed to the 2-3 stories recommended.

Applicant's Justification:

"The one-story building proposed on Location 6a is a result of the limitations of commercial space for the subject property stemming from the trip cap established through the Applicant's Traffic Impact Study. This building is not located within the commercial core of the subject property, which is Locations 6b, 6c and 6d, and is located furthest away from Van Buren Street, the featured urban street that runs through the approximate center of the subject property. The building upon this location, however, will feature a two-story 'roof' over the sidewalk, which will be supported by articulated masonry piers, reminiscent of markets in older cities, and this will serve to mitigate the one-story height of this building.

"While the majority of buildings at Location 6b will be two-story buildings, the single one-story building at this location will be mitigated by featuring the tall clock tower, as required by Condition No. 7 of the Zoning Amendment that rezoned the subject property to the M-U-TC zone (A-I 0018).

"There are two other points to support the Secondary Amendments for Locations 6a and 6b: (A) Table 1 is entitled **'Building Recommendations' —** it is not stated as, a requirement; and (B) regardless of the proposed one-story height of both of the buildings as described, all of the 'Attributes' of Locations 6a and 6b, as expressly noted upon Table 1, will still apply in all respects.

"These proposed amendments are part of the 'flexible regulatory environment that will support redevelopment and development interests in the area...'.While one-story in height, these well-designed buildings will still help to 'create attractive and distinctive community centers for shopping, socializing, entertaining, living, and to promote economic vitality;', 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;' to 'provide a mix of commercial and residential uses which establish a safe and vibrant twenty- four hour environment'; and to 'preserve and promote those distinctive physical characteristics that are identified by the community as essential to the community's identity, including building character, special landmarks, small parks and other gathering places, and wide sidewalks."

Comment: The applicant requests amendments to Table 1 on page 1 of the revised Cafritz Property Design Standards and Guidelines (July 12, 2012) to reduce the required building height to one- to three stories at locations 6a and 6b instead of the two- to three-story buildings previously approved by Table 1.

The applicant proposes a one-story building on Lot 1, one- to two-story buildings on Lot 2 (Locations 6a and b), and a multi-story landmark clock tower feature in Block 6b. The clock tower helps to mitigate the reduction in height on Lot 2. The landmark feature is in response to a condition of approval of the Cafritz Primary Amendment intended to help create a true community gateway (see Condition 7 of Zoning Ordinance No. 11-2012). However, Condition 11n added language to the revised Development Plan that discourages single-story buildings and requires a minimum height of at least 20 feet when they are provided.

Staff notes that the applicant's amendment request should be clarified to reflect the actual DSP/SP proposal. The applicant's request should be to change the two-

to three-story building height to one to two stories, not one to three stories, because the plans propose only one- to two-story buildings. Building 1 is less than 20 feet in height on the western side. In any event, Building 1 should be increased in height so that the entirety of the building is in conformance with the Development Plan standard for a minimum 20-foot-tall building.

The appearance of Building 1 as viewed from Baltimore Avenue (US 1) needs further enhancement in the form of additional windows, doors, roof elements, etc. The standing seam metal roof should wrap around the building to the western elevation and the roof shingles proposed on the arcade of the south elevation should be upgraded to a standing seam roof or slate. An outdoor patio for dining should be considered on the western side of the building.

Pursuant to the applicant's request for secondary amendment dated April 1, 2013:

4. Amendments to "Building Placement and Streetscape", Standards Nos. 1 and 2, as follows:

A. The building at Location 6d will occupy 30% of the net lot area, less than the standard of 50%.

B. The facade of the structure at Location 6a occupies 45% of the build-to line for the Woodberry Street frontage, less than the standard of 66%.

C. The façade of the structure at Location 6d occupies 45% of the build-to line for the Van Buren Street frontage, less than the standard of 66%.

Applicant's Justification:

"The size, configuration and relationship between the building and parking lot for the building proposed upon Location 6a has been a subject of discussion, and has been anticipated, since the rezoning of the subject property. The necessity of adequate parking to serve the building upon this location, along with the relationship of the building to the parking lot, will result in a smaller amount of frontage that will be occupied by the façade of the building upon this location. This reduced facade, however, will be mitigated by adequate landscaping with walls and vegetation to screen parked cars, and to provide an edge to pedestrians along the sidewalks in front of this building. Additionally, the monument, clock tower and landscaping as set forth in Condition No. 7, as well as the buffer area along the Route 1 frontage as set forth in Condition No. 13, both from the District Council Rezoning Approval of the subject property (A-10018), and all located within the vicinity of the building upon Location 6a, will also serve to mitigate the requested reduction in the facade for this building.

"The reduced façade, as noted above, is part of the 'flexible regulatory environment that will support redevelopment and development interest in the area...'; will help 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;' will 'provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment;' and will help to '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."

Comment: Three revisions to Standards 1 and 2 of the Building Placement and Streetscape standards on pages 5 and 6 of the revised Cafritz Property Design Standards and Guidelines (July 12, 2012) are proposed:

A. Change the minimum net lot coverage for the building at Location 6d (Building 3) from 50 percent to 30 percent.

Comment: The applicant argues that "The size, configuration and relationship between the building and parking lot for the building proposed upon Location 6d [Building 3] has been a subject of discussion, and has been anticipated, since the rezoning of the subject property." This raises the question as to why the revised Cafritz Property Design Standards and Guidelines did not initially account for this configuration and relationship. While it is unfortunate that the revised guidelines did not address this issue in 2012, staff finds that this requested secondary amendment is supportable because the proposed surface parking area will be well-screened and landscaped, if an additional three- to four-foot-high wall is proposed along the parking edge adjacent to the greenway entrance feature. Several open space areas further mitigate the potential negative impacts of the surface parking area sharing the same lot as Building 3.

B. Change the building façade requirement at the build-to line for the building at Location 6a (Building 1) from 66 percent to 45 percent along the Woodberry Street frontage.

Comment: Staff supports the amendment to reduce the requirement for building frontage because the greenway entrance feature accounts for the majority of the frontage deviation.

C. Change the building façade requirement at the build-to line for the building at Location 6d (Building 3) from 66 percent to 45 percent along the Van Buren Street frontage.

Comment: Staff supports the amendment to reduce the requirement for building frontage because the greenway entrance feature accounts for the majority of the frontage deviation.

Pursuant to the applicant's request for secondary amendment dated April 1, 2013:

5. Amendment to "Landscaping", Standard No. 1, to allow less than the Standard of ten percent tree coverage of the gross site area.

Applicant's Justification:

"Under the Section entitled 'Landscaping', Standard No. 1 establishes a standard of ten percent tree coverage of the gross site area, though it does also state that 'In lieu of meeting this standard, the applicant may plant street trees in conformance with the streetscape standards either on the property or within the abutting right-of-way.' The

applicant has submitted a separate request for a variation from the tree canopy coverage requirements as set forth within Subtitle 25 of the Zoning Ordinance to address this issue. Within the Statement of Justification for that variation, it was stated that 10% of the subject property would require tree canopy coverage of 168,490 square feet; the tree canopy coverage that can be provided is 126,714 square feet, or 7.3%. The type of urban, mixed-use, pedestrian-friendly and bicycle-friendly community that was intended by the District Council approval of the rezoning of this property to the M-U-TC zone (A-10018) will result in approximately 77,000 square feet of paving, significantly more than the canopy deficit of 41,776 square feet. , and it will just not be possible to maintain a full ten percent tree coverage.

"This Secondary Amendment is consistent with the 'flexible regulatory environment that will support redevelopment and development interests in the area...'; 'will help 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;' and 'will preserve and promote those distinctive and 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."

> **Comment:** The applicant requests an amendment to Standard 1 of the Landscaping section on page 12 of the revised Cafritz Property Design Standards and Guidelines (July 12, 2012) to allow for less than the required ten percent tree coverage of the gross site area.
>
> Staff understands that, subsequent to the request for this amendment, the applicant's design team has further evaluated the proposed site design and is now confident the project will obtain minimum tree canopy coverage in excess of ten percent. Therefore, this secondary amendment is no longer necessary. Staff would not recommend approval of this request in any event due to the need for street trees, shade, and local microclimate improvements in urban environments such as that proposed on the DSP.

Pursuant to the applicant's request for secondary amendment dated April 1, 2013:

6. Amendment to "Parks and Plazas", Standard No. 2, to allow less than the Standard of one 2½ – 3 inch caliper shade tree, or one 2 – 2½ inch caliper ornamental tree, to be planted per 500 square feet of area.

Applicant's Justification:

"Standard No. 2 under the Section entitled 'Parks and Plazas' establishes a standard of planting one 2 1/2 to 3 inch caliper shade tree or one 2 to 2 1/4 inch caliper ornamental tree per 500 square feet of area. This will not be possible to achieve. It should be noted that the subject property will include approximately 77,000 square feet of paving alone. Additionally, areas required for stormwater management cannot be planted with this tree density. The quantity of trees necessary to meet this requirement would result in an area more representative of a forested area than a livable urban development, which will, of course, also include unpaved areas of open space for active and passive recreational purposes; trees planted at this density in such areas would defeat this recreational purpose. The subject property is proposed to include 576 trees, or approximately one tree

per 2,690 square feet. It should also be noted that the M-U-TC standard requiring 13-foot sidewalks with 40-foot tree spacing (with which the applicant will comply), will result in one tree for every 520 square feet, obviously less than required by the standard at issue.

"This Secondary Amendment is also consistent with the 'flexible regulatory environment that will support redevelopment and development interests in the area...'; 'will help 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;' and 'will preserve and promote those distinctive and 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,"

Comment: The applicant requests an amendment to Standard 2 of the Parks and Plazas section on page 19 of the revised Cafritz Property Design Standards and Guidelines (July 12, 2012) to allow for less than the standard of one 2.5- to 3-inch caliper shade tree, or one 2- to 2.5-inch caliper ornamental tree to be planted per every 500 square feet of area.

The applicant's submitted justification statement seems to suggest that the design team has applied this criterion to the full Cafritz Property when it is intended to be applied solely to plazas and parks that may be provided on-site. The applicant should reevaluate this standard based on calculations oriented to the proposed plazas, parks, and open spaces on the subject property to determine if this secondary amendment request is still necessary. Staff does not support the amendment.

4. The applicant submitted the following requests for secondary amendments to the Cafritz Property at Riverdale Park Town Center Development Plan on **April 17, 2013.** The following is the applicant's justification statement for each secondary amendment, followed by staff's comment in response to each request.

"This request for additional Secondary Amendments to a Development Plan is requested and will be justified under the same Sections of the Zoning Ordinance as set forth within the original Statement of Justification for Secondary Amendments previously submitted for the above-referenced Detailed Site Plan and Special Permit applications.

"The additional requested Secondary Amendments, and their justifications, are as follows:

"**1. The original zoning approval in this case (A-10018) included a proposal for 109 townhouses upon the subject property. The above-referenced Detailed Site Plan and Special Permit applications now include 126 townhomes. The additional townhomes as proposed provide increased residential density upon the subject property, which is in conformance with the purposes of the M-U-TC zone, as well as the original intent of the Development Plan - to establish a dense, urban, pedestrian-friendly, and bicycle-friendly mixed-use community. This proposed Secondary Amendment is also 'in conformance with the purposes and other requirements of the M-U-TC Zone', since it will help to 'create attractive and distinctive community centers for shopping, socializing, entertaining, living, and to promote**

economic vitality...;' will add to the 'mix of compatible uses which compliments (sic) concentrations of retail and service uses, including institutional uses, encourages pedestrian activity, and promotes shared parking...;' and will help to 'provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment...'. It should be noted that the additional townhomes were created, at least in part, on land that was Formerly planned for surface parking lots, and the reduction of the surface parking lots by creating additional density is entirely consistent with the purposes and intent of the M-U-TC zone, and the Development Plan at issue."

Comment: Staff agrees with the applicant's proposal to increase the number of townhouses; however, the seven townhouses proposed as Lots 1–7 along Woodberry Street should be deleted or relocated for the reasons stated in the staff report regarding Preliminary Plan 4-13002. Staff supports an increase from 109 to 126 townhouses if the seven townhouse units are relocated, and supports an amendment from 109 to 119 if the units are deleted. The area should be utilized for a playground, because there is a need for outdoor recreation per Subtitle 24 of the County Code, relating to Mandatory Dedication Requirements.

Pursuant to the applicant's request for secondary amendment dated April 17, 2013:

"2. Within the Section of the Development Plan entitled 'Landscaping and Pedestrian Amenity Zone' on page 17 of the Development Plan, it states, in pertinent part:

"I. A minimum eight-foot wide landscaping/pedestrian amenity strip shall be installed along U.S. 1 between the sidewalk edge and the proposed face-of-curb. This strip should be enlarged to include the area between the existing curb and the proposed curb....Adherence to this standard would result in the elimination of a number of specimen trees along the Route 1 frontage of the subject property. This area is part of the proposed buffer that is required to be created as a condition of the zoning of this property. The Town of University Park, in particular, has indicated a great desire to retain as many specimen trees and other large trees as possible within this area, to increase the effectiveness of the buffer. The applicant has, alternatively, proposed a somewhat serpentine route through this area for the proposed sidewalk and bike lane, to help preserve more of the trees in this area. For the above-stated reasons, the requested Secondary Amendment is 'in conformance with the purposes of the M-U-TC Zone'; and 'is in conformance with the purposes and other requirements of the M-U-TC Zone,' in that it will help to 'create attractive and distinctive community centers for shopping, socializing, entertaining, living and to promote economic vitality'; '...encourages pedestrian activity...'; and will help to 'preserve and promote those distinctive physical characteristics that are identified by the community as essential to the community's identity, including building character, special landmarks, small parks and other gathering places, and wide sidewalks."

Comment: The issue raised in this request is dependent on the recommendation of the Maryland State Highway Administration (SHA) and the final determination of the preliminary plan review, which is scheduled to be heard on May 16, 2013 before the Planning Board.

Pursuant to the applicant's request for secondary amendment dated April 17, 2013:

"3. Within the Development Plan, under the heading of 'Architecture', Standard No. 8 on page 14 states, 'Ground level residential units adjacent to the primary street sidewalk should each have a separate entrance onto the sidewalk.' The multifamily buildings upon the subject property are each proposed to have one large entrance, without individual entrances for each ground level residential unit. It should initially be noted that this standard uses the word 'should', not the word 'shall', thus indicating that this standard is not mandatory. Nonetheless, even should it be determined that a Secondary Amendment is required for a deviation from this standard, the applicant submits that such an amendment is justified. Since the multifamily buildings are only a part of an entire mixed-use community, which includes a significant number of commercial buildings and pedestrian areas, activation of the streets along which the multifamily buildings front is not critical, since residents of these buildings will clearly be walking or biking to other portions of the subject property or beyond. Within the context of the entire subject property, therefore, the lack of separate entrances into the ground level residential units will not detract from the mixed-use nature of the entire subject property, and the multifamily buildings will still be 'in conformance with the purposes of the M-U-TC Zone'; will still be an integral part of the 'attractive and distinctive community centers for shopping, socializing, entertaining, living, and to promote economic vitality'; will 'provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment'; and will be 'compatible development and redevelopment, including shared parking facilities that will enhance the Town Center."

Comment: Staff finds that the above requirement is not mandatory, as the use of "should" is not a mandatory term. Thus, an amendment to this standard is not required.

Pursuant to the applicant's request for secondary amendment dated April 17, 2013:

"**4. With regard to the standard of 'Building Placement and Streetscape', the building proposed to be located at Location 6a will not occupy the stated standard minimum of fifty percent (50%) of the net lot area for that lot, but will instead occupy 25.7 percent. The basis for this requested Amendment is that the lot upon which this building is located includes a large portion of the front buffer area, which, of course, is intended to be landscaped and not include any structures. Within that context, this requested amendment is 'in conformance with the purposes of the M-U-TC Zone'; still fulfills the 'original intent of the Development Plan element or mandatory requirement being amended'; will still 'support redevelopment and development interests in the area and protect the character of the older**

mixed-use center'; will 'create attractive and distinctive community centers for shopping, socializing, entertaining, living, and to promote economic vitality'; will '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'; and will '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."

Comment: Staff supports the *corrected* amendment to reduce the minimum lot coverage because a large portion of the lot contains the gateway entrance feature which has always been part of the concept for the development of the property since the Primary Amendment.

Pursuant to the applicant's request for secondary amendment dated April 17, 2013:

"5. The Secondary Amendment request previously submitted with regard to lot coverage for the building located at Location 6d ('Building Placement and Streetscape', Standards Nos. 1 and 2) is incorrect; the building proposed at this location will occupy 22 percent of the net lot area, not 30 percent, as originally indicated. As with the requested Secondary Amendment for the lot coverage of the building to be located at Location 6a, this lot will also include a large portion of the front buffer area, and this requested Secondary Amendment is thus justified in the same manner, and to the same extent, as was discussed above regarding the building at Location 6a."

Comment: Even with the reduced lot coverage at 22 percent, staff supports the *corrected* request with the condition that three- to four-foot-high walls are proposed along the parking edges along the greenway entrance feature.

5. The applicant submitted the following requests for secondary amendments to the Cafritz Property at Riverdale Park Town Center Development Plan on **April 30, 2013.** The following is the applicant's justification statement for each secondary amendment, followed by staff's comment in response to each request.

"1. An amendment is requested to Standard No. 1 for "Parking and Loading Design", which states that "Lots with more than two rows of parking spaces shall include curbed islands for trees. Parking shall be provided behind, beside or under the building or in a nearby common lot." The parking for Building 3 upon Location 6d will technically be located within the front yard of that building, and will be extremely well-buffered along the Route 1 frontage, and will be screened and buffered along the Van Buren Street frontage as well."

Applicant's Justification:

"1. Within the Section of the Development Plan entitled "Parking and Loading Design", Standard No. 1 states, "1. Lots with more than two rows of parking spaces shall include curbed islands for trees. Parking shall be provided behind, beside or under the building, or in a nearby

common lot." The parking for Building 3 at Location 6d shows parking to be located in what is technically the front yard of that building. The lot upon which this building and parking lot is located is a "Through Lot", as defined in Section 27-107.1 of the Zoning Ordinance, since it fronts on three (3) or more streets (Route 1, Van Buren Street and 45`h Street), and as such, all yards abutting streets are construed to be "front yards". In this case, however, the parking lot is separated from Route 1 by a minimum 90-foot wooded and landscaped buffer yard, and a portion of the parking lot fronting on Van Buren Street will be separated from that street by the Ice House archeological feature in the northwest corner of that lot, along with a fence and trellis along the Van Buren Street frontage. A Secondary Amendment from this Development Standard is justified, given that the landscaping and buffer surrounding this parking lot is "in conformance with the purposes and other requirements of the M-U-TC Zone"; and is allowable as part of the "flexible regulatory environment that will support redevelopment and development interests in the area..."; will help "to create attractive and distinctive community centers for shopping ,socializing, entertaining, living and to promote economic vitality"; will "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"; will "provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment"; and will "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."

Comment: The applicant's justification is slightly incorrect in describing Parcel 1 as a through lot. The property has frontage on Baltimore Avenue (US 1) and Van Buren Street. It is actually a corner lot. However, with that correction, the standard within the Development Plan actually relates to the amount of interior parking lot landscaping. It is intended to reduce the heat island effect and to provide a comfortable amount of shade within the parking compound. The alternative shown on the detailed site plan/special permit provides three linear landscaped islands within the parking compound. Although not arranged specifically in accordance with the language of the plan for surface parking compounds, it does provide for internal green area that is comparable to the requirement. The plans should be changed to add shade trees within the parking lot to maximize the amount of shade. The staff has analyzed this and there is additional room available for approximately 12-14 shade trees. Staff recommends that the DSP/SP be revised to include those shade trees within the parking compound area.

Pursuant to the applicant's request for secondary amendment dated April 30, 2013:

"2. An amendment is requested to Standard No. 7 for "Architecture", to allow certain ground level residential units to be less than a minimum of three feet above grade. This amendment is requested to allow for certain specific site grading, construction and accessibility issues."

Applicant's Justification:

"2. Within the Section of the Development Plan entitled "Architecture," Standard No.7 states, "Ground level residential units shall be a minimum of three feet above grade." While this standard will be met in most residential locations upon the subject property, there are certain locations where site specific grading and construction limitations, and/or accessibility factors, will not allow this standard to be met. This may occur, for example, where the elevation of the rear of a residential structure is lower than the front elevation of that structure. A Secondary Amendment to provide flexibility with regard to this particular standard will allow "conformance with the purposes and other requirements of the M-U-TC Zone"; will help to "provide a flexible regulatory environment that will support the redevelopment and development interests in the area..."; will "provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment"; and will help 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."

Comment: The applicant provides an example where strict conformance with this standard would not allow the construction of a residential unit in which the structure's finished floor elevation is three feet above grade in the front but less than three feet in the rear. However, it should be noted that the front could not be built over the three-foot minimum level without steps and /or ramps at the front of the unit. This requirement seems to be speaking to ground-level multifamily units, in that they may be less than three feet above the grade outside of the building. The multifamily units and the townhouse units are proposed to be on slab, which is poured at the level of the grade. It doesn't make sense to require that there be retaining walls and foundations that are raised up to three feet above the grade level along the street, because it would make conformance with Americans with Disabilities Act (ADA) requirements difficult if not impossible. Further, the cost of raising each townhouse above grade to a minimum of three feet is a cost that may not justify the end. In lieu of this, staff recommends that another alternative be investigated to separate units from the streetscape in ways other than change in grade. Staff agrees with the proposed amendment.

Pursuant to the applicant's request for secondary amendment dated April 30, 2013:

"3. An amendment is requested to Standard No. 1 for "Noise Mitigation," to allow certain HVAC units to not necessarily be surrounded on all sides by a wall. The HVAC units for the townhomes are proposed to be located in the rear of those units along the alleys, and the HVAC units that serve the multifamily buildings will be located upon the roof, which will be surrounded by parapets, and should not, in any of those cases, pose a particular noise problem."

Applicant's Justification:

"3. Within the Section of the Development Plan entitled "Noise Mitigation," Standard No. I states, "HVAC units shall be surrounded on all sides by a wall to buffer adjacent uses from the noise created. The use of `quiet-rated' HVAC systems is encouraged." While it is unlikely that all, or even any, HVAC units serving townhomes will be surrounded on all sides by a wall, those units will be located within the alleys in the rear of the townhomes, a typical location for such units in many townhome developments. A wall surrounding such units would not only be difficult and quite possibly unsightly, but would also be unlikely to significantly reduce any of the noise created by these units. It is important to note, however, that the HVAC units created today, and likely to be so in the future, are quieter than has been the case in the past, and any such noise is unlikely to create a significant noise problem for adjacent uses. HVAC units on the roof of multifamily buildings will generally be surrounded by a parapet, and being located upon the roof, will be unlikely to generate a significant noise problem for adjacent uses. For these reasons, a waiver of this Development Standard through this Secondary Amendment will be "in conformance with the purposes and other requirements of the M-U-TC Zone"; will "provide a flexible regulatory environment that will support redevelopment and development interests in the area..."; will help to "provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment"; and will help to "encourage compatible development and redevelopment, including shared parking facilities that will enhance the town center."

Comment: Staff recommends that all of the HVAC units associated with the townhouses, commercial space and multifamily units, for the reasons stated above, be exempt from this requirement**.**

Pursuant to the applicant's request for secondary amendment dated April 30, 2013:

"4. Amendments are requested to Standard Nos. 5 and 9 for "Signage," to allow internally lit signage for commercial uses upon the subject property, without requiring separate justification for such lighting. Internally lit signs are a customary industry standard for local and national retailers, and will be quite appropriate given the scale and intensity of commercial uses upon the subject property."

Applicant's Justification:

"4. Within the Section of the Development Plan entitled "Signage," Standard No. 5states "Unique neon signs, internally lit signs, and signs with moving parts or blinking lights may only be approved for creative value that enhances the town center in areas outside of the historic core"; and Standard No. 9 states, "Signage shall be lit externally, so that the light does not exceed the area of the sign or spill onto the building facade." Internally lit signs are generally part of a corporate branding package that is almost uniformly used by many local and national retailers. Externally lit signs tend to be utilized for smaller scale commercial areas, which is not in keeping with the character of the proposed commercial area upon the subject property. Each such internally lit sign should not be required to have to meet the standard of proving a "creative value that enhances the town center in areas outside of the historic core", but should be generally accepted as part of today's retail custom and culture. Such internal lighting will "not exceed the area of the sign or spill onto the building facade." Given the size, location and scale of the retail uses proposed upon the subject property, the Secondary Amendments that would allow a waiver of these Development Standards will be "in conformance with the purposes and other requirements of the M-U-TC Zone;", will help to "provide a flexible regulatory environment that will support redevelopment and development interests in the area...," will help to "create attractive and distinctive community centers for shopping, socializing, entertaining, living and to promote economic vitality," will help 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"; will help to "provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment"; and will help "to encourage compatible development and redevelopment, including shared parking facilities that will enhance the town center."

Comment: The applicant has not provided information on types of signage at this time other than the signage proposed for Lot 3, for the grocery tenant. In that case, the internally lit signage is proposed as channel letters placed on the face of the building and either in front of or behind glass panels along Baltimore Avenue (US 1) and Van Buren Street. In the absence of details concerning the design of proposed signs other than those for the grocery store, staff recommends approval of the use of internally-lit channel letters only for Lot 3 and only for the grocery store tenant as shown on the architectural package within the DSP/SP set of plans.

Pursuant to the applicant's request for secondary amendment dated April 30, 2013:

"5. Amendments are requested to Standard Nos. 1 and 2 for "Building Openings", which require "Commercial facades at ground level facing a street" to be "visually permeable" so that "pedestrians may view the interior and those inside the building may view the street. This is to be achieved through a minimum of sixty percent (60%) of the ground floor facade being

constructed of transparent material (glass)." The transparent material is to be located along the facade "in the area between 21/2 to 9 feet in height." While these standards will be met along the Van Buren Street frontage of Building No. 4, the programmatic requirements of this building would make these standards inappropriate along the 45th Street and Woodberry Street frontages of this building."

Applicant's Justification:

"5. Within the Section of the Development Plan entitled "Building Openings", Standard No. 1 states, "Commercial facades at ground level facing a street shall be visually permeable (clear glass windows, doors, etc.) in such a way that pedestrians may view the interior and those inside the building may view the street. This is to be achieved through a minimum of sixty percent (60%) of the ground floor facade being constructed of transparent material (glass)." Standard No. 2 in that same Section states, "Transparent material shall be primarily located across the length of the facade in the area between 2% [sic] to 9 feet in height." These standards are not proposed to be met upon all portions of Building No. 4 within Locations 6a-c upon the subject property. This particular building fronts on Van Buren Street, 46t" Street and Woodberry Street, and these Development Standards will, in fact, be satisfied upon the Van Buren Street frontage of this building. The front of this building is, in fact, oriented toward Van Buren Street, and these Development Standards will be satisfied upon that frontage. The programmatic requirements of this building, however, will include uses that are not generally conducive to the requirements of these Development Standards (accessory offices, storage, etc.), and while the building frontages along 46th" Street and Woodberry Street will be architecturally treated in an attractive manner, transparent material will not be utilized as set forth in these Development Standards. As such, the waiver of these Development Standards as requested through these Secondary Amendments will be "in conformance with the purposes and other requirements of the M-U-TC Zone"; will "provide a flexible regulatory environment that will support redevelopment and development interests in the area...; will "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"; will "provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment"; and will "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."

Comment: Staff agrees with the applicant's request for relief in this case because it is the intent of the standards discussed above to primarily ensure that the main street of the development adhere to this requirement. Van Buren Street is the main street, and 45th Street is the secondary commercial corridor within the development. As a tertiary street that acts as a transition area between the commercial and the residential development, 46th Street also serves as a route for trucks exiting the development. It makes sense to require visually-permeable façades along the main commercial corridor, and perhaps 45th Street, but to allow some relief from these requirements along 46th Street and Woodberry Street for

the reasons stated by the applicant. However, prior to the signature approval of the DSP/SP, the architectural plans and/or an exhibit will be needed as evidence that the architecture does meet the 60 percent requirement for Van Buren Street and 45th Street. Further, because of the treatment of Building 4 along 46th Street at the first floor level, staff recommends that this requirement be required of the second floor of the building so that the concept of "eyes on the street" can be maintained at that level.

Pursuant to the applicant's request for secondary amendment dated April 30, 2013:

"6. An amendment is requested to Standard No. 11 for "Building Openings", for Building No. 5 at Locations 7a-b. While this standard, requiring that walls facing public streets have "windows that occupy at least forty Percent (40%) of wall area", will be met for the retail uses at the corner of 46th Street and Van Buren Street, as well as the retail uses at the corner of 46th Street and Woodberry Street, this standard would be inappropriate for the rest of the building frontage, which will be occupied by a parking structure. Nonetheless, the frontage along the parking structure will have a very attractive architectural treatment."

Applicant's Justification:

"6. Within the Section of the Development Plan entitled "Building Openings," Standard No. 11 states, "Walls facing public streets shall have windows that occupy at least forty percent (40%) of the wall area." Building No. 5 is a mixed-use building that will include multifamily residential dwelling units, along with retail uses and a parking structure, and is to be located with frontages on Van Buren Street, 46t" Street, Woodberry Street, and the Hiker-Biker Trail. While this Development Standard will be met for the ground floor retail uses at the corner of Van Buren and 46t" Street, as well as at the corner of Woodberry and 46th Street, the rest of the building frontage will be occupied by the parking structure, and it would be incongruous to have windows located along this structure. While the ground level of the parking structure within this building is not proposed to include windows that will occupy forty percent (40%) of the wall area, it will have an attractive architectural facade, and the waiver of this Development Standard through this Secondary Amendment is justified, given that the building design will be "in conformance with the purposes and other requirements of the M-U-TC Zone; is consistent with providing "a flexible regulatory environment that will support redevelopment and development interests in the area...; will help to "create attractive and distinctive community centers for shopping, socializing, entertaining, living and to promote economic vitality"; will help 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"; will help to "provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment;" and will help "to encourage compatible development and redevelopment, including shared parking facilities that will enhance the town center."

Comment: The applicant is concerned that the requirement should not apply to a parking garage façade and the other façades other than two corners of Building 5. This seems reasonable and staff doubts that the requirement was meant to require 40 percent of the façade of a parking garage to be windows. However, prior to signature approval of the DSP/SP, the architectural plans and/or an exhibit will be needed as evidence that the architecture does meet the 40 percent requirement for certain façades other than parking garage, or any other façade than corners of 46th and Van Buren, and 46th and Woodberry Streets.

Pursuant to the applicant's request for secondary amendment dated April 30, 2013:

"7. An amendment is requested to Standard No. 11 for "Parking and Loading Design", for the building to be located at the intersection of Van Buren Street and 46th Street. This parking garage will not have retail uses along its perimeter, since they would be inappropriate at this location, but the garage will be attractively designed, with greenery and architectural embellishment, and will be safe and well lit."

Applicant's Justification:

"7. Within the Section of the Development Plan entitled "Parking and Loading Design", Standard No. 11 states that "Structured parking facing a public street shall be considered a building (conforming to applicable standards) and be designed to visually screen cars. Greenery and architectural embellishment are encouraged. All structured parking shall be safe and well lit." The structured parking to be located at the intersection of Van Buren and 46`x' Streets is not proposed to have any retail on the ground level separating it from the interior of the garage. This is simply not a good location for retail uses, but the exterior of the garage will be attractively designed with greenery and architectural embellishment, and will also be safe and well lit. For this reason, we submit that this proposed Secondary Amendment is justified, given that it "is in conformance with the purposes and other requirements of the M-U-TC Zone"; is consistent with a "flexible regulatory environment that will support redevelopment and development interests in the area..."; will help to "create attractive and distinctive community centers for shopping, socializing, entertaining, living and to promote economic vitality"; will help to "ensure a mix of compatible uses which compliments (sic) concentrations of retail and service uses... encourages pedestrian activity and promotes shared parking"; and will help to "encourage compatible development and redevelopment, including shared parking facilities that will enhance the town center."

Comment: The requirement states that parking garages along a street shall "be designed to visually screen cars." An effort has been made to do this; however, staff recommends that the green screen along 46th Street be removed and that the structure be upgraded to address the exterior finish of the building in such a way that it is in keeping with the design principles of the overall development.

Applicant's Conclusion

"The applicant submits that for the reasons stated herein, as well as in the Statement of Justification for the originally requested Secondary Amendments in these cases, all of the requested secondary amendments: (1) are in compliance with the requirements for the approval of a Development Plan; (2) are in conformance with the purposes of the M-U-TC zone; and (3) fulfill the original intent of the Development Plan element or mandatory requirement being amended with the approval of each such requested Secondary Amendment. For these reasons, the applicant herein respectfully submits that the above-described Secondary Amendments are justified, and requests that they be approved. The applicant also seeks to clarify and confirm that the Special Permit application (SP-130002) applies to not only the uses proposed upon the subject property for which a Special Permit is required as set forth in the Table of Uses within the Development Plan (e.g., dwelling units in a building without commercial uses on the first floor, and apartment housing for the elderly) , but also to the entire Detailed Site Plan/Special Permit Plan for which the various Secondary Amendments have been requested."

6. The Zoning Ordinance states the following:

Section 27-546.14(b)(7)

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

(A) The requested secondary amendment is in compliance with the requirements for the approval of a Development Plan;

Comment: The approval of secondary amendments to the Development Plan requires compliance with the original approval of the Development Plan, as set forth in Section 27-198.05(a)(1) 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;

Comment: See the discussion below under Section 27-546.14(b)(7)(B) and note that the M-U-TC requirements are established by the Development Plan.

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.

Comment: Staff finds that the secondary amendments, with the qualifications and conditions enumerated above, are consistent with the requirements of the Development Plan as was determined in the original rezoning of the property in the Primary Amendment. These secondary amendments are needed to bring the plan into conformance with the provisions of the Primary Amendment, the concept plan approved as part of the amendment, and its conditions of approval,

the review of the preliminary plan in accordance with Subtitle 24, and finally, to fine-tune the design features of the site. The changes to the Development Plan will continue to provide a regulatory framework to be used by the community to protect the existing community characteristics of the Town of Riverdale Park's Town Center and the new commercial core of the M-U-TC as proposed on the Cafritz property. The Development Plan Development Standards and Guidelines adopted in the plan are intended to be flexible, and to be broadly interpreted to promote local revitalization efforts.

(B) The requested secondary amendment is in conformance with the purposes of the M-U-TC Zone;

Comment: Staff finds that the secondary amendments are in conformance with the purposes of the M-U-TC Zone for a number of reasons as stated below:

The secondary amendments, with the qualifications and conditions in the Recommendation Section of this technical staff report, continue to provide a development framework that can capitalize on the existing fabric of the county's older commercial/mixed-use centers and corridors by promoting a valuable opportunity for reinvestment through the creation of an attractive and distinctive community. These secondary amendments are minor in nature and will positively contribute the realization of the center for shopping, socializing, entertaining, living, and to promote economic vitality. These secondary amendments will not detract from the sense of history of the larger community and will have no impact on the older historic portion of the Town Center which is not impacted by this Development Plan. The secondary amendments do not detract from the intent of the Development Plan to ensure a mix of compatible and complementary uses, and to create a concentration of retail, service, and institutional uses, that encourages pedestrian activity, and promotes shared parking and a vibrant 24-hour environment. The Development Plan continues to be a flexible regulatory framework based upon community input that encourages compatible development and redevelopment. Further, the secondary amendments have no impact on the previous finding in the review of the original Development Plan that it will preserve and promote those distinctive physical characteristics that are considered by the community to be essential to its identity, including building character, special landmarks, small parks and other gathering places, and wide sidewalks.

(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.

Comment: The purpose of the modifications to the Development Plan through the approval of the proposed secondary amendments is consistent with the intent of the Cafritz Property at Riverdale Park, Town of Riverdale Park, Mixed-Use Town Center Development Plan, dated July 12, 2012, that amended the 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan.* Staff supports the amendment with several qualifications and conditions, and requests additional information for some requests. Additionally, Section 27-546.13 of the Zoning Ordinance states the following:

(a)(2) The Development Plan shall consider the evolution of development regulations and the existing development character and create more

appropriate standards and development guidelines that will encourage investment that supports the purposes of the zone.

These secondary amendments are a result of the evolution of the overall project as it moves through the development review process in response to market forces, engineering necessities and regulations of Subtitles 24, 25 and 27 of the County Code. These regulations influence the design proposal and change its form from the original conceptual plans that were reviewed as part of the Primary Amendment. The language above recognizes that the Development Plan will evolve in this process and that it needs to be a flexible regulatory tool. Most of the secondary amendments (those supported by staff) are minor and do not change the plan greatly from the original concept plans.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and recommends that the Planning Board take the following actions in regard to the proposed Secondary Amendments listed below:

A. Approve the amendment to street configurations subject to showing two bike lanes within Van Buren Street spanning the distance between Baltimore Avenue (US 1) and the Rhode Island Avenue Trolley Trail.

B. Approve the amendment to reduce the parallel parking width to a minimum of seven feet (from a minimum of eight feet) when parking is not directly adjacent to a bike lane; when adjacent to a bike lane, a minimum of eight feet is required, throughout the site.

C. Approve the amendment to tree zone area to widen planting strips to a minimum of five feet in width and a minimum length of tree pit of eight feet in length. Street trees shall be planted approximately 30 feet on center throughout the site, where feasible.

D. Amendments to "Proposed Roadbed and Streetscape Dimension" as set forth in Table 3, as proposed by the applicant, notwithstanding the amendments of A, B, and C above, as follows:

1. Approve the amendment to Location 1, Van Buren Street at Village Square, width of roadbed 65–85 feet, distance from centerline 51–72 feet, subject to Condition 1 below.

2. Approve the amendment to Location 2, Van Buren Street at Residential, distance from centerline 51–72 feet, subject to Condition 1 below.

3. Approve the amendment to Location 3, 45th Street, distance from centerline– 29–40 feet, streetscape dimension 12–20 feet, subject to Condition 2 below.

4. Disapprove the amendment to Location 4, Woodberry Street at Commercial Uses.

5. Disapprove the amendment to Location 5, Woodberry Street at Residential Uses.

6. Approve the amendment to Location 6, 46th Street, distance from centerline– 29–40 feet, streetscape dimension 12–20 feet.

7. Disapprove the amendment to Location 8, Rhode Island Avenue.

8. Approve the amendment to Location 9, Maryland Avenue, width of roadbed 18–26 feet, drive lane dimensions 9–13 feet, distance from centerline 19–53 feet, streetscape dimension 10–40 feet.

9. Approve the amendment to 47th Street, width of roadbed 14–18 feet with one- to seven-foot-wide parking lane, drive lane dimensions 14–18 feet, distance from centerline 36–51 feet, streetscape dimension 15–25 feet subject to Condition 3 below.

E. Approve the Amendment to Table 1, Building Recommendations, to allow a one-story building for Buildings 1, 2A, and 2B subject to Condition 4 below.

F. Approve the Amendments to Building Placement and Streetscape Standards 1 and 2 for Parcel C (minimum net lot coverage), Parcel A (building façade requirement at the build-to-line along Woodberry Street), and Parcel C (building façade requirement at the build-to-line along Van Buren Street), subject to Condition 5 below.

G. Disapprove the Amendment to Landscaping Standard 1 to allow less than 10 percent tree canopy coverage.

H. Disapprove the Amendment to Parks and Plazas Standard 2.

I. Approve the Amendment to Development Plan to increase the number of townhouses proposed, from 109 to 119 or 126, in accordance with Condition 6 below.

J. Discuss the amendment to Landscaping and Pedestrian Amenity Zone for the purpose of substituting the eight-foot-wide landscaping/pedestrian strip between the standard sidewalk and the curb, with a serpentine sidewalk and bike path to increase the likelihood of tree preservation.

K. Approve the amendment to Parking and Loading Design for interior parking lot landscaping on Parcel C, subject to Condition 7 below.

L. Approve the amendment to Architecture Standard 7 to allow ground-level residential units to be less than a minimum of three feet above grade, subject to Condition 8 below.

M. Approve the amendment to Noise Mitigation to allow HVAC to not be required to be enclosed by a wall or fence.

N. Approve the amendment to Signage to allow for the use of internally-lit channel letters on Building 3.

O. Approve the amendment to Building Openings Standards 1 and 2 for a reduction of the minimum 60 percent of the ground floor to be transparent for Building 4 along 46th Street and Woodberry Street frontages, subject to Condition 9 below.

P. Approve the amendment to Building Openings Standard 11 for a reduction of the minimum 40 percent of the façade to be windows for Building 5 for the building frontage, except the corners of 46th and Van Buren Streets and 46th and Woodberry Streets street frontages, subject to Condition 9 below.

Q. Disapprove the amendment to Parking and Loading Design Standard 11 for Building 5 to allow the parking garage to use a green screen to screen the parking.

The above amendments are subject to the following conditions:

1. The plans shall be revised to provide two five-foot-wide bike lanes within Van Buren Street.

2. Additional landscaping shall be provided along the streetscape on the east side of Building 2A in the form of either foundation plantings or street trees.

3. The parallel parking spaces shown on the detailed site plan/special permit along the east side of 47th Street shall be eliminated in front of multifamily Buildings 7, 8, and 8A, and a seven-foot-wide continuous planting bed shall be provided with street trees planted 30 feet on center.

4. Building 1 shall be increased in height to a minimum of 20 feet. The west elevation shall be enhanced with windows, door(s), and roof elements, or the standing seam metal roof on the south elevation shall wrap. The roof of the towering element on the south elevation shall be a standing seam roof.

5. For the three- to four-foot-high walls proposed along the parking edge on Lots 1, 2, and 3 where the edge is adjacent to the greenway entrance feature, details and specifications shall be provided for review and approval by the Urban Design Section.

6. Delete or relocate Lots 1–7 along Woodberry Street and create a play area within this space.

7. The surface parking lot located on Lot 3 is allowed to provide interior parking lot landscaping in accordance with the DSP/SP layout, if 12 to 14 additional shade trees are added to the compound to provide the maximum number of trees for which there is room without conflicting with light poles or bio-retention areas.

8. Investigate way to provide separation for the townhouse unit from the streetscape through landscaping, fencing, walls if feasible.

9. Prior to signature approval of the detailed site plan/special permit:

    a. The architectural plans and/or an exhibit shall be provided for Building 4 to demonstrate that the ground floor façade is at least sixty percent transparent material (glass) along Van Buren Street and 45th Street.

    b. The architectural plans and/or an exhibit shall be provided for Building 4 to demonstrate that the second floor along 46th Street is a least 60 percent transparent.

    c. The architectural plans and/or an exhibit shall be provided for Building 5 to demonstrate that windows will occupy at least forty percent of wall area for façades other than a parking garage, and façade other than the corners of 46th and Van Buren, and 46th and Woodberry Streets.

10. The green screen along the 46th Street parking garage shall be removed and the structure shall be upgraded to address the exterior finish of the building in such a way that it is in keeping with the design principles for exterior finish compatible with the overall development.