

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Secondary Amendment Application No. SA-130001-03 for Cafritz Property at Riverdale Park Town Center Development Plan, requesting to amend the Table of Uses to permit a food hall use in the 2012 *Cafritz Property at Riverdale Park Town Center Development Plan* (Development Plan), in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on February 10, 2022, the Prince George's County Planning Board finds:

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

Section 27-546.14 Amendments to Development Plan

(a) Primary amendments.

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

(b) Secondary amendments.

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

The applicant has submitted a request to amend the previous development plan, which is proposed to be modified by amending the Table of Uses for the M-U-TC-zoned portion of the Cafritz property, to allow food halls as a use permitted by right. The proposed amendment to the previous development plan has been requested by the applicant, CT Building 4 LLC, in order to amend the Table of Uses on the property located approximately 1,400 feet north of the intersection of US 1 (Baltimore Avenue) and MD 410 (East-West Highway) on the east side of Baltimore Avenue. This amendment does not propose to change the M-U-TC Zone boundary, nor does it propose any exterior improvements of any kind; therefore, the request meets the definition of a secondary amendment, per Section 27-546.14(b)(1), above.

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

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

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

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

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

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

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

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

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

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

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

The property is owned by CT Building 4 LLC, a limited liability company managed by Calvin Cafritz who has signed the application and is empowered to act for the corporation.

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

The correspondent is listed in the application as:

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

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

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

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

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

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

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

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

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

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

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

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

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

- (6) The District Council may, by Resolution, initiate a secondary amendment to an approved Development Plan, including, but not limited to:**

- (A) An amendment proposal to repeal any requirement within the M-U-TC Development Plan, for an M-U-TC Zone within one-half mile of an existing Metro station, for review of development applications by a M-U-TC Design Review Committee; or**

- (B) An amendment proposal to incorporate a requirement within the M-U-TC Development Plan, for an M-U-TC Zone within one-half mile of an existing Metro station, to authorize, by motion, an election to review by the District Council as to any proposal for development within the respective M-U-TC Zone Development Plan.**

This requirement is understood by the applicant.

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

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

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

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

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

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

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

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

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

(2) To promote reinvestment in, and the appropriate redevelopment of, older commercial areas, to create attractive and distinctive community centers for shopping, socializing, entertaining, living, and to promote economic vitality.

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

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

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

(4) To ensure a mix of compatible uses which compliments (sic) concentrations of retail and service uses, including institutional uses, encourages pedestrian activity, and promotes shared parking.

A food hall will offer a collection of eating and drinking establishments under a single roof, which will provide a range of compatible dining options to residents and patrons of Riverdale Park. Such an establishment will promote walkability as a

community landmark and gathering place. It will also promote the use of shared parking and pedestrian activity.

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

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

- (6) **To establish a flexible regulatory framework, based upon community input, to encourage compatible development and redevelopment, including shared parking facilities that will enhance the Town Center.**

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

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

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

- (C) **The original intent of the Development Plan element or mandatory requirement being amended is still fulfilled with the approval of the requested secondary amendment.**

The purpose of the modifications to the previous development plan, through the approval of the proposed secondary amendment is consistent with the intent of the original development plan that amended the Town of Riverdale Park M-U-TC Zone Development Plan. This application only seeks to amend the Table of Uses to allow a food hall in the M-U-TC Zone, as a use permitted by-right. The goal of the previous development plan is "To create a human-scale town center through attractive development that creates a sense of place and supports commercial and residential vitality." (*County Council of Prince George's County, Maryland, sitting as the District Council, Zoning Ordinance*

No. 11-2012, July 12, 2012, Revised December 4, 2014, per SA-130001-01, Cafritz Property at Riverdale Park, Based on Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan, January 2004, p. iii.). The addition of a food hall as a permitted use will enhance the overall intent of the previous development plan by allowing a creative and attractive space for patrons to access a variety of dining options under one roof. Such an offering further underscores the intent of the previous development plan by promoting walkability from the surrounding community and serving as a landmark in the area, thus promoting the commercial and residential vitality.

2. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Community Planning Division**—The Planning Board reviewed and adopts a memorandum dated January 11, 2022 (Sams to Hurlbutt), incorporated herein by reference, in which Community Planning Division staff found that, pursuant to Sections 27-546.14(b)(8)(A), 27-546.14(b)(8)(B), and 27-546.14(b)(8)(C), pertaining to approval of a secondary amendment in an M-U-TC Zone, the requested secondary amendment is in compliance with the requirements for approval of a development plan, is in conformance with the purposes of the M-U-TC Zone, and the original intent of the development plan is fulfilled. The addition of a food hall as a permitted use is found to conform to the goal of the Cafritz M-U-TC Development Plan, which is “To create a human-scale town center through attractive development that creates a sense of place and supports commercial and residential vitality.”
 - b. **Prince George’s County Police Department**—The Police Department did not offer comments on the subject application.
 - c. **Prince George’s County Health Department**—The Health Department did not offer comments on the subject application.
 - d. **Town of Riverdale Park**—The Town of Riverdale Park did not offer comments on the subject application.
 - e. **Town of University Park**—The Town of University Park did not offer comments on the subject application.
 - f. **City of College Park**—The City of College Park did not offer comments on the subject application.
 - g. **City of Hyattsville**—The City of Hyattsville did not offer comments on the subject application.
 - h. **Town of Edmonston**—The Town of Edmonston did not offer comments on the subject application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the above-noted application, with no conditions.

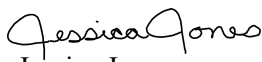
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 10, 2022, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of February, 2022.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:TS:rpg


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 2/8/22