



PGCPB No. 12-02

File No. SP-110004

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed SP-110004, Town Center Market requesting a special permit for a liquor store (sale of beer and wine) in the M-U-TC Zone 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 January 5, 2012, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The 0.65-acre subject property is located at the southeast corner of Lafayette Avenue and Queensbury Road in Riverdale Park, Maryland. It is the combination of three lots, Lots 1, 2, and 4. The site is improved with a 9,630-square-foot building, currently undergoing renovation. A 26-space parking lot is located to the rear and side of the building along Queensbury Road. When renovations to the building are complete, the applicant proposes to relocate their food and beverage store (Dumm's Corner Market) from its present location, just to the south at the intersection of Lafayette Avenue and Riverdale Road. In addition to the relocated store, future space for two additional retail uses is proposed.
- B. **History:** The January 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* classified the property in the Mixed-Use Town Center (M-U-TC) Zone. The building on the site has been largely vacant since the previous occupant, a credit union, relocated more than a decade ago.
- C. **Master Plan Recommendation:** The 2002 *Prince George's County Approved General Plan* places the site within the Developed Tier. The vision for the Developed Tier is a network of sustainable transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The vision for centers is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. This application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

The 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* classified the property in the M-U-TC Zone. The M-U-TC Zone:

- provides for a mix of commercial and limited residential uses which establish a safe, vibrant, 24-hour environment; designed to promote appropriate redevelopment of, and the preservation and adaptive reuse of selected buildings in older commercial areas;
- establishes a flexible regulatory framework, based on community input, to encourage compatible development and redevelopment;

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- mandates approval of a development plan at the time of zoning approval, that includes minimum and maximum development standards and guidelines, in both written and graphic form, to guide and promote local revitalization efforts; and
- provides for legally existing buildings to be expanded or altered, and existing uses for which valid permits have been issued to be considered permitted uses, and eliminating nonconforming building and use regulations for the same.

This application conforms to the mixed-use town center land use recommendations of the 2004 Town of Riverdale Park Development Plan by establishing a larger, more visible market in the town center. The renovated building and use will add vibrancy sorely needed in this location.

D. **Request:** The special permit revision application is required in this instance because the application involves the sale of alcohol (beer and wine) at the proposed food and beverage store. The Zoning Ordinance requires a special permit for a "liquor store" in the M-U-TC Zone, which has been interpreted to include the sale of beer and wine. In addition to the sale of beer and wine, the market will also carry an expanded selection of convenience items and foods including hot dogs, nachos, coffee, and soft serve ice cream. The site plan shows extensive landscaping and streetscape improvements including a brick patio along Lafayette Avenue.

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

- North— Across Queensbury Road is the Riverdale MARC Rail Station in the M-U-TC Zone.
- South— Commercial properties, including Dumm's Corner Market and Dumm's Pizza and Subs in the M-U-TC Zone.
- East— Single-family residences in the One-Family Detached Residential (R-55) Zone.
- West— Across Lafayette Avenue are the CSX/MARC railroad tracks in the M-U-TC Zone.

The subject property is within the town center and historic core of Riverdale Park, found on the east and west sides of the railroad tracks, south of East-West Highway. Many of the surrounding commercial buildings in the town center are vacant or underutilized, including the building on the subject property.

F. **Special Permit Findings:** Section 27-239.02(a)(6)(B) of the Zoning Ordinance states that "The Planning Board may grant a special permit in the M-U-TC Zone if it finds that the site plan is in conformance with the approved Town Center Development Plan and its guidelines and any specific criteria for the particular use. In the event a special permit is approved by the Planning Board, the approval is conditional upon the issuance of a building or use and occupancy permit by the Department of Environmental Resources (DER), Permits and Review Division."

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The 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* sets forth guidelines for all development in the town center. The design standards replace requirements that are set forth in the Zoning Ordinance and the *Prince George's County Landscape Manual*. These standards set requirements for site, building, and public space design, including build-to lines, fencing, buffers, landscaping, parking, streetscape, building height, massing and openings, signage, lighting, stormwater management, parks, and plazas. Development that increases existing gross floor area (GFA) by 15 percent or 7,500 square feet, whichever is smaller, shall subject the site to full review for compliance with the design standards. Lesser changes to the site, and additions to single-family residential dwellings, shall not subject the entire site to review for compliance, only the portion impacted by the improvement. The applicant is not proposing new GFA in this instance, but is making substantial renovations both to the interior and exterior of the building.

The Riverdale Park Mixed-Use Town Center Design Review Committee ("M-UTC Committee"), the local entity charged with assessing compliance with the plan, reviewed the proposal and found the proposal to meet the development guidelines in the plan. The committee recommended approval with the following conditions, which have also been endorsed by the mayor and town council of Riverdale Park:

1. Shade trees removed from the site shall be replaced on a caliper-per-caliper basis on-site or nearby.
2. A minimum of three additional appropriate-sized trees shall be placed along Queensbury Road in front of the parking lot (on private property on/in the town right-of-way).
3. The surface finish on the Lafayette and parking lot sides (and accents on Queensbury Road) shall be traditional stucco.

These three conditions have been addressed on the site plan.

- G. **Parking Requirements:** The *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* contains parking standards which differ from those contained in the Zoning Ordinance, having both a maximum (80 percent) and minimum (50 percent) number of parking spaces based on what is required by Section 11. The applicant has mistakenly calculated that 22 spaces are required, based on a 50 percent reduction of 44 spaces. This is incorrect on several counts. First, the applicant has calculated ten parking spaces for the first 3,000 square feet of retail GFA, where 20 is the correct number ( $3,000/150 = 20$ ). The applicant then applies the 50 percent reduction to the total number ( $44/2 = 22$ ), double counting the reduction. Secondly, because there are three potential tenants in the building, parking must be calculated for each use separately, not in the aggregate:

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Use	Schedule	GFA	Spaces
Food & Beverage Store	1 space per 150 sq. ft. GFA for first 3,000 +1 space per 200 sq. ft. for remaining GFA (3,256-375 sq. ft. for storage/utility)	3,000 +2,881	20 15
Future Retail #1	Same, with 20% reduction for joint parking per Section 27-572	1,687	9
Future Retail #2	Same, with 20% reduction for joint parking per Section 27-572	1,687	9
<b>Total</b>			<b>53</b>

The 50 percent reduction should be taken from 53 spaces, for a total of 27 spaces required. Parking shall be redesigned to show the five parking spaces and 15-foot-wide drive aisle in the center of the lot as seven compact spaces. In addition, the parking along the south property line should be extended to the property line and wheel stops used rather than the curb shown. By doing so, the interior drive aisles between the rows of spaces will be 22 feet rather than the 19 feet shown on the plan.

**H. Further Planning Board Findings and Comments from Other Entities:**

1. **Permit Review**—The Commission asked whether the signs for the business were reviewed and approved by the M-UTC Committee, and the Commission has received an approved sign package from the committee dated December 13, 2011, which shows signage in accordance with the design guidelines contained in the plan.
2. **Subdivision Review**—The property is known as Lots 1, 2, and 4 located on Tax Map 42 in Grid D-3, and is 0.65 acre. All of Lots 1, 2, and 4 were originally subdivided in 1930, Plat Book A@42. Pursuant to Section 24-107(c)(7) of the Subdivision Regulations, Lot 2 was divided by deed prior to January 1, 1982 (Liber 4116, Folio 87 and Liber 4303, Folio 379). The deed division of Lot 2 was a legal division of property. Both the northern and southern halves of Lot 2 are being included in the site to make up all of Lot 2, whereas previously approved permits only included the northern half of Lot 2 (Permit 14478-2007-U).

The boundary of the property, as reflected on the site plans, is not inconsistent with the 1930 deed reflected above. For clarity purposes, the eastern property boundary of Lot 2 should be revised to show the correct bearings and distances. The eastern property boundary of Lot 1 should be removed so that only the perimeter bearings and distances of the site are shown.

The property is improved with 9,630 square feet of commercial space. All structures are to remain and no new structures are being proposed. The applicant has submitted a special permit to allow a food and beverage store within the Riverdale Park Mixed-Use Town Center Zone Development Plan.

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Pursuant to Section 24-111 of the Subdivision Regulations, the application is exempt from the requirement of filing a preliminary plan of subdivision because no gross floor area is proposed. Special Permit SP-110004 is in substantial conformance with the plat, if the above comments have been addressed. There are no other subdivision issues at this time.

3. **Urban Design**—The Planning Board notes the irregularities in the parking lot design, in Section G of this resolution.
4. **Riverdale Park Mixed-Use Town Center Design Review Committee (“M-UTC Committee”)**—On May 10, 2011, the M-UTC Committee reviewed the application for the use and voted unanimously to approve the application with three conditions, as previously discussed. These conditions have been fulfilled as shown on the site plan. On October 5, 2011, the applicant submitted a sign package for committee review, which was approved December 13, 2011.
5. **Town of Riverdale Park**—The mayor and town council of Riverdale Park strongly support the 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, subject to the following conditions:

1. The site plan shall be revised to remove bearings and distances other than those along the periphery of the subject property.
2. The parking lot design shall be revised to be consistent with Section G of this report to create a total number of 27 spaces.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey, Squire and Hewlett voting in favor of the motion at its regular meeting held on Thursday, January 5, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of January 2012.

Patricia Colihan Barney  
Executive Director



By Jessica Jones  
Planning Board Administrator

PCB:JJ:TL:arj

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPFC Legal Department

Date 1/11/12